

Date: April 26, 2017
To: Accessible Transportation Division
From: Margo D. Moore
Subject: **LIFT Paratransit Service Suspension Policy**

TriMet's LIFT program provides paratransit service to eligible individuals as required by Title II of the Americans with Disabilities Act (ADA). Individuals who are eligible for ADA paratransit service are unable to independently use fixed-route service because of mental and/or physical disabilities. LIFT is committed to providing safe and reliable service to all customers.

The ADA permits service refusal or suspension of paratransit service to individuals who engage in violent, seriously disruptive, or illegal conduct, or who pose significant risk to others. Some disabilities may be associated with involuntary behaviors, either verbal or physical, which present potential or actual risk to the individual, other paratransit customers, LIFT personnel, or the public. Under the ADA, TriMet is required to consider whether reasonable modification to its policies, practices, or procedures could enable such individuals to safely use paratransit service, and make such modifications when applicable and possible.

The LIFT program has the responsibility to evaluate the facts of each service situation and to attempt to balance the obligation to provide paratransit service with the equal obligation to provide safe and secure service to all paratransit customers. The ADA's standard of violent, seriously disruptive or illegal conduct, or conduct that poses a significant risk to others, will guide all service refusal or suspension determinations.

Refusal of service

LIFT operators may refuse service to an individual on a specific occasion at the point of service if the individual's conduct is violent, seriously disruptive or illegal, or poses a significant risk to others.

Conduct resulting in immediate service suspension

Immediate suspension of service may occur when a customer's conduct;

- inflicts serious harm on the customer, LIFT employee or others,
- results in serious damage to TriMet property,
- creates an immediate actual risk to safety, or
- constitutes an illegal activity

Conduct that may lead to suspension includes but is not limited to the following:

No Shows: A demonstrated pattern of no-shows (late cancellations of unneeded rides or rider is not present or ready to board when a LIFT vehicle arrives) is seriously disruptive to LIFT service.

Within a 30-day period, three or more no-shows, OR no-shows which are 10% of completed trips (whichever is greater), will be grounds for service suspension. Only no-shows and late cancellations that are within the customer's control will be counted toward the policy.

Cancellations made less than sixty-one (61) minutes in advance of the pick-up time, a cancellation at the door, or not being present or ready to leave within five minutes after the vehicle operator comes to the door (within the pick-up window) are all considered "no-shows."

If a customer is a no-show on a ride starting from their home, they must call LIFT to cancel any other scheduled rides no longer needed that day to avoid receiving additional no-shows.

Disruption of LIFT Service: A demonstrated pattern of behavior that disrupts LIFT service and prevents safe movement of the LIFT vehicle will result in a suspension of service. Disruptive behavior includes but is not limited to: failure to remain seated while a paratransit vehicle is in motion, failure to wear a seatbelt, refusing to board or deboard the vehicle in a timely manner.

Non Payment of Fare: Failure to present the required fare when boarding a LIFT vehicle is in violation of TriMet's fare ordinance. A demonstrated pattern of fare non-payment is considered grounds for service suspension.

Suspension of service

Service suspensions for a pattern of behavior are imposed for a specified length of time, only after the customer has been previously warned. The suspension will begin on a specific date, after the customer has been informed in writing of the pending suspension and the basis for it, and has had an opportunity to present information relevant to the pending suspension.

Customers are encouraged to contact LIFT as soon as possible after receiving a warning letter. Typically, suspensions for a pattern of behavior will involve **first and second warning letters, followed by a notice of suspension. First Suspensions will last for 7 calendar days. Subsequent suspensions will last 14-30 days if there have been prior suspensions.**

First Suspension	7 days
Second Suspension	14 days
Third Suspension or More	30 days

Right to request review and appeal of suspensions

Upon receiving notice of suspension, a customer has the right to appeal the suspension. This document outlines the steps for requesting an appeal and the basic procedure governing the appeal process.

To request an appeal you must contact the LIFT Service Quality Administrator. Your call, letter or fax must be received no later than 15 days following the date of the Notice of Suspension, which contains the exact date by which the appeal must be received.

By phone: 503-962-5438
503-962-8058 (TTY text telephone only)

By fax: 503-962-8250

By mail: TriMet LIFT Program
Attn: Service Quality Administrator
2800 NW Nela St
Portland, OR 97210

Once a timely appeal request has been received, LIFT staff will request information for an administrative review. The administrative review is an opportunity for the customer and/or the customer's representative to bring forward additional information relevant to the proposed suspension. When the administrative review is completed, LIFT staff shall promptly advise customer regarding the resolution. In most cases the administrative review is conducted by telephone.

Following the administrative review, the customer has a right to request an appeal hearing; or an appeal without hearing, within 10 calendar days following the resolution of the administrative review.

Customers will be granted a stay of suspension while a “no show” suspension appeal is pending. For conduct other than “no shows,” a customer may request a stay of suspension. TriMet will evaluate such requests based on specific facts of the suspension and notify customer of the decision. No stay of suspension will be granted when the suspension is for conduct that poses an immediate, actual, or potential risk to the safety of the customer, the operator, or others.

More detailed information regarding the LIFT appeal process will be found in the LIFT Paratransit Appeal Procedure. This document will be provided to customers requesting an appeal. It is also available by calling LIFT Administration at 503-962-8200, or from TriMet’s website, *trimet.org*.