



LIFT Operations Procedures	
Title: Service Suspension and Appeals Procedure	ATP 205.01
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1.0 Background

TriMet’s LIFT complementary paratransit program provides transportation service to eligible individuals as required by Title II of the American’s with Disabilities Act (ADA). The ADA [49CFR 37.5 App. D) permits service refusal or suspension of paratransit service to individuals who engage in violent, seriously disruptive, illegal conduct, or who pose significant risk to others. TriMet LIFT has the responsibility to evaluate the facts of each service disruption 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 passengers.

2.0 Purpose

The policy herein defines TriMet LIFT’s administrative process for sanctioning service suspensions on TriMet LIFT riders and the procedures for riders to appeal implemented sanctions. In some cases, specific situations will initiate another policy to supersede this one.

3.0 Procedures

Service suspensions are imposed under two conditions for a specified length of time. In the first condition, the passenger will have a pattern of disrupting service (for example, repeated no shows, removing seat belt, non-payment of fare, or other unsafe conduct) and will have been previously warned in writing. Typically, suspensions for a pattern of behavior will involve a previous warning letter followed by a Notice of Suspension letter when subsequent events occur. The passenger will be informed of the start date, the basis for it, and will have an opportunity to present mitigating information relevant to the pending suspension before the service suspension is scheduled to begin.

In the second condition, the passenger may have exhibited conduct that resulted in immediate cancelation of the existing ride and/or subsequent rides for a specified period of time. In these situations, the passenger or the care provider will be verbally contacted within the next business day to inform the passenger or care provider that the passenger met the criteria of immediate service cancelation which will be followed by a specified period of service suspension.

Suspension duration:

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

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, not present or ready to board when LIFT vehicle arrives) is seriously disruptive to LIFT service. Refer to the No Show Policy.



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Disruption of LIFT Service: Defined in the LIFT Disruptive Behavior/Direct Threat Policy.

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. Refer to the LIFT Fare Enforcement policy.

Unattended LIFT Passenger: When there is no one to receive a designated “unattended passenger” at the requested drop off time and location, a serious disruption in LIFT service occurs. Refer to the LIFT Unattended Passenger Policy.

Right to request Administrative Review of suspensions

Upon receiving the Notice of Suspension letter, a passenger has the right to an Administrative Review of the suspension. The following outlines the steps for requesting an Administrative Review and the basic procedure governing the appeal process.

To request an Administrative Review 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 letter, which contains the exact date by which the Administrative Review 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 Administrative Review request is received, LIFT staff will request information for the review. The Administrative Review is an opportunity for the passenger and/or the passenger's representative to provide additional information relevant to the proposed suspension. When the Administrative Review is completed, LIFT staff shall promptly advise passenger regarding the resolution. In most cases, the Administrative Review is conducted by telephone and will be followed up by written correspondence within 10 days with a final resolution.

Right to request appeal of suspensions

If the passenger is not satisfied with the outcome of the Administrative Review, the passenger has a right to request an appeal hearing; or an appeal without hearing, within 10 calendar days following the resolution of the Administrative Review.

Passengers will be granted a stay-of-suspension while a “no show” suspension appeal is pending. When the suspension is for conduct other than “no shows,” a passenger may request a stay-of-suspension.



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TriMet will evaluate such requests for a stay-of-suspension based on the facts of the suspension and notify passenger of the decision. No stay-of-suspension will be granted when the suspension is for conduct that posed an immediate, actual, or potential risk to the safety of the passenger, the operator, or others.

Requesting an Appeal

The Appellant shall make the appeal in writing via letter (fax or email??) or verbally via telephone.

TriMet must receive the request for appeal not later than the 10th calendar day after the date that the Appellant receives the Administrative Review's written resolution. For purposes of this requirement, TriMet assumes that the Appellant will have received the decision not later than three calendar days after the date the decision was mailed to Appellant's address of record. TriMet mails all written resolutions via regular U.S. first-class mail, unless the Appellant requests otherwise.

The 10-day appeal period begins to run on the third calendar day after the date the decision was mailed. For example, if the decision was mailed on June 1, the 10-day appeal period begins to run on June 4, and expires on June 14.

The Appellant shall timely mail a request for appeal to:

TriMet LIFT Program
Attn: LIFT Appeals
2800 NW Nela Street
Portland, OR 97210

or;

The Appellant shall timely fax a request for appeal to (503) 962-8250

or;

The Appellant shall timely email a request for appeal to LIFTServiceAppeals@trimet.org

or;

The Appellant may timely call and leave a message requesting an appeal to:

LIFT Service Suspension Appeals at 503-962-5438.

If a request or notice for appeal is received, LIFT staff shall: (1) promptly advise the Appeal Panel of a timely request for an appeal; (2) if the Appellant requests a hearing, coordinate a hearing date, time, and location with the Appellant and the Appeal Panel, and notify the parties in writing; and (3) reserve

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sufficient time for the hearing. If necessary, LIFT staff shall arrange for the Appellant to receive LIFT transportation to and from the place of hearing at no charge.

Appeal with Hearing

Prior to Hearing

Appellant may request copies of documents relating to the decision being appealed. The Appeal Panel or its designee shall promptly consider and decide all requests for documents. The Appeal Panel shall timely provide all requested documents or items to the Appellant that are relevant and non-privileged.

Appellant may request the appearance of other individuals who have knowledge of information relevant to the decision being appealed. The Appeal Panel or its designee shall promptly consider and decide all requests for the appearance of witnesses, considering the witness’s relevance to the decision being appealed or the likelihood that the witness will assist the Appeal Panel in deciding the appeal. The Appeal Panel does not have subpoena power to order the appearance of witnesses.

Appellants may submit not later than three days before the appeal hearing, including the date of the hearing, written arguments, evidence, and any other information the Appellant wishes the Appeal Panel to consider before the hearing. The Appeal Panel may consider written arguments, evidence, and any other information presented for good cause shown by the Appellant, for the first time at the hearing.

At Hearing

The Appellant may represent themselves at hearing, or may be represented by an attorney, paralegal or legal assistance, caseworker, care provider, or other person designated by the Appellant to present the Appellant’s case.

The parties may present documents and offer other oral, written or recorded information to support their respective positions or to respond to each other’s positions. TriMet shall present its position first, then the Appellant may present. As required or appropriate, the parties shall be permitted to present additional documents.

The Appeal Panel may for good cause continue a hearing or permit the post-hearing submission of additional evidence, information and arguments. If a continuance or post-hearing submission is permitted, the Appeal Panel shall promptly advise the parties of the date, time and location of the continued hearing or the date by which the post-hearing submission must be received by the Appeal Panel.

The hearing will be electronically recorded.

Appeal without Hearing



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If the individual declines an in-person appeal hearing, LIFT staff shall inform the Appellant of the date by which the Appellant must submit to TriMet any written materials the Appellant wishes the Appeal Panel to consider in determining the Appellant's appeal. Extensions of this date may be allowed for good cause.

Following the submission date, the Appeal Panel shall review the Appellant's file and written submissions, if any, and decide the matter.

Evidentiary Burden and Standard

TriMet shall have the burden of demonstration that the Appellant's suspension of paratransit service was appropriately determined. This burden must be satisfied by a preponderance of all the evidence submitted in connection with the appeal or otherwise in the Appellant's record. The standard of admissibility for evidence and information presented in connection with an appeal shall be whether the evidence or information is of the type that a reasonable person would rely upon in making decisions about their personal affairs. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

Decision and Notification of Decision

The Appeal Panel may uphold or overturn the suspension determination or, modify the suspension determination.

The Appeal Panel shall notify the individual of its decision and the reasons for its decision in writing, not later than 15 days after the date of the appeal hearing, including the date of the hearing. Or, if the individual declined a hearing, the Appeals Panel shall notify the individual of its decision and the reasons for its decision in writing not later than 15 days after the date the Appeals Panel reviewed and considered the matter.

If no decision is made on an appeal of suspension determination within 15 days of the date of the appeal hearing, or within 15 days of the date of the Appeals' Panel consideration without the attendance of the Appellant, or within 15 days of the receipt of requested additional documents and information, the Appellant will be eligible for LIFT service beginning the 16th day, until and unless a decision otherwise is rendered by the Appeals Panel. TriMet shall immediately inform the individual that he/she is presumptively eligible for LIFT service first by telephone and then follow up with a written communication to the individual's last known address of record.

This document will be provided to passengers requesting an appeal. It is also available by calling LIFT Administration at 503-962-8200, or from TriMet's website, *trimet.org*.

4.0 Definitions

None



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5.0 References

LIFT No-Show Policy

LIFT Disruptive Behavior/Direct Threat Policy

LIFT Fare Enforcement Policy

LIFT Unattended Passenger Policy

6.0 End