

## Transit Ban

<b>Effective Date</b>	May 13, 2020
<b>Approving Authority</b>	Director, Transit & Fleet
<b>Procedure Owner</b>	Manager, Transit Operations & Training

### PURPOSE & SCOPE

#### Purpose

- 1 This procedure outlines the steps to be followed for the issuance of a ban notice prohibiting a person from being on or using Regina transit property and transit vehicles, including paratransit.
- 2 The purpose of issuing a ban notice and prohibiting a person from using or being on transit property and transit vehicles for a certain length of time is to ensure:
  - (a) the safety and security of the public, transit users, and City employees,
  - (b) compliance with *The Regina Transit System Bylaw*, No.4173 (“Transit Bylaw”),
  - (c) that the public, transit users, and City employees are free from interference and harassment, and
  - (d) that the operation of the transit system is carried out effectively and efficiently.
- 3 *The Trespass to Property Act*, Chapter T-20.2 of The Statutes of Saskatchewan, 2009, (“Act”) authorizes the City to ban trespassers from all transit property.
- 4 The common law of common carriers authorizes the City of Regina to ban people who engage in prohibited conduct from being on transit vehicles.

#### Scope

- 5 This procedure applies to the City of Regina Transit & Fleet department.

### PROCEDURAL CONTENT

#### Definitions

- 6 The following definitions apply to this procedure:
  - 6.1 Ban notice means a ban notice issued by a Transportation Services Officer (TSO) or Integrated Transportation Services management to ban a person from being on transit

property and transit vehicles for a certain length of time.

- 6.2 City means the municipal corporation of the City of Regina, or the area contained within the boundaries of the City of Regina, as the context requires.
- 6.3 Non-revenue vehicle means any vehicle owned or operated by the City for the use of the Transit & Fleet department employees and not licenced or intended for use transporting fare-paying passengers. The term non-revenue vehicle includes but is not limited to supervisor or TSO vehicles, and maintenance vehicles.
- 6.4 Regina Transit means the transit system, including paratransit owned and operated by the City to transport fare-paying customers on a fixed schedule or charter basis.
- 6.5 Transit platform means any portion of transit property owned or operated by the City or operated by contracted paratransit employees for the use of passengers boarding or alighting from transit vehicles.
- 6.6 Transit property means any premises owned or operated by the City for the use of public transit and includes but is not limited to a transit platform, transit station, and transit parking lots.
- 6.7 Transit station means any building or structure owned or operated by the City for public transit.
- 6.8 Transit vehicle means any vehicle owned or operated by the City for the use of public transit to carry fare-paying customers and includes any bus or other vehicle used for that purpose.
- 6.9 TSO means a Transportation Service Officer in the Transit & Fleet department responsible for the supervision and overseeing of transit operations including but not limited to employees, property, vehicles and customers.
- 6.10 Integrated Transportation Services management means a manager or coordinator in the Integrated Transportation Services Branch responsible for the supervision of paratransit operations and contracted services.

## **Transit Bylaw**

- 7 The Transit Bylaw identifies serious offences and their respective penalties:

<b>Section</b>	<b>Transit Bylaw Offence</b>	<b>Penalty</b>
4(a)	No unauthorized person shall operate or attempt to operate or interfere in any manner with the operation of a bus of Regina Transit System.	\$100
4(b)	No person shall enter a bus of Regina Transit System having in his possession any object or thing likely to inconvenience or injure any passengers or damage any equipment of a bus.	\$100
4(c)	No person shall commit any act on a bus likely to incommode or injure any passengers or damage anything on the bus.	\$100

4(d)	No person shall interfere with or damage any operating or other equipment of the Regina Transit System of the City of Regina.	\$100
4(e)	No person shall smoke or keep alight any substance, or use or have in his possession any other thing or object emitting any smoke or vapor, or make or cause any fire in or on any bus.	\$100
4(f)	No person shall put or place any portion of his body, especially his feet, arms or head, outside of any window of a bus whether the bus is in motion or stationery, and no person shall at any time protrude outside the window of any bus any object of thing.	\$100

**City of Regina Respectful Workplace Policy, Respectful Customer Conduct Policy and Violence Policy**

8 Members of the public who attend the City’s premises, including transit property, ride on transit vehicles, or who interact with City employees in the course of their duties, are subject to the City’s Respectful Workplace Policy, Respectful Customer Conduct Policy and Violence Policy. These policies apply to the treatment of City employees, such as transit employees, contracted paratransit employees and other transit personnel, in the course of their duties.

**Criminal Code Offences**

9 Criminal acts under the *Criminal Code* of Canada may include but are not limited to:

- (a) theft,
- (b) possession of narcotics or alcohol,
- (c) possession of stolen property,
- (d) property damage,
- (e) mischief,
- (f) assaults,
- (g) sexual offences,
- (h) fighting, and
- (i) offences under the Transit Bylaw.

**Safety**

10 Safety is the first concern for all City employees. TSOs and Integrated Transportation Services management must keep in mind their safety and that of other employees and customers when responding to and interacting with people when dealing with ban notices.

- 11 A ban notice should not be issued or enforced where there is a foreseeable risk of harm or danger as a result of the ban due to weather, distance to travel, time of day or another hazard.
- 12 Alternative methods for a person being issued a ban notice may include calling a taxi, the Regina Police Service, Mobile Crisis or as a last resort using Regina Transit or paratransit.
- 13 Non-revenue vehicles will not be used at any time to transport someone issued a ban notice.

### **Criteria for Issuing a Ban Notice**

- 14 A person may be issued a ban notice where they engage in behaviour or conduct which:
  - (a) may include the commission of an offence according to the Transit Bylaw or the *Criminal Code*,
  - (b) poses a risk to the health, safety and/or security of the public, transit users, and the City's employees,
  - (c) causes damage to transit property or transit vehicles,
  - (d) hinders, interferes with, or obstructs Regina Transit's ability to carry out the delivery of its services to transit users and the public in a safe, healthy, efficient and effective manner, or
  - (e) breaches the City's Respectful Workplace Policy, Respectful Customer Conduct Policy or Violence Policy.
- 15 Before prohibiting someone from being on transit property or a transit vehicle, TSOs or Integrated Transportation Services management must consider whether the issuance of a ban notice is appropriate. The priority for issuing a ban notice is to maintain the health, safety and comfort of transit customers. Before issuing a ban notice, TSOs or Integrated Transportation Services management will consider factors relevant to the affected person's circumstances, including the affected person's age, financial circumstances, understanding of English, ability to communicate, homelessness, etc. Any ban issued should be whatever is minimally necessary to accomplish the goal.
- 16 A ban notice may be subject to several conditions outlining the following:
  - (a) whether it applies to all transit property and transit vehicles or only to a specified portion thereof,
  - (b) what time of day/night it applies,
  - (c) what day(s) of the week it applies,
  - (d) whether any exceptions will be made,
  - (e) travel to attend a school or work commitments,

- (f) travel to attend business, medical, family, or other necessary appointments, or
- (g) other exceptions where required in the circumstances.

### **Term of a Ban Notice**

- 17 A 24-hour ban may be imposed on anyone who engages in isolated conduct deemed to constitute a minor public nuisance or an offence other than a serious bylaw offence under the Transit Bylaw.
- 18 A 30-day (one month) ban may be imposed on anyone who causes a significant delay to the delivery of Regina Transit services or causes a health or safety concern to transit users, City employees, or the public, conduct deemed to constitute a serious bylaw offence or an offence under the *Criminal Code* or violates the City's Respectful Workplace Policy, Respectful Customer Conduct Policy or Violence Policy.
- 19 A 90-day (three month) ban may be imposed on anyone who has already been issued a 30-day (one month) ban notice within the last 12 months or who engages in conduct which constitutes a serious bylaw offence, or an offence under the *Criminal Code*, or which violates the City's Respectful Workplace Policy, Respectful Customer Conduct Policy or Violence Policy.
- 20 A 180-day (six month) ban may be imposed on anyone who has already been issued a 90-day (three month) ban notice within the last 12 months or who engages in conduct which constitutes a serious bylaw offence or an offence under the *Criminal Code*, or which violates the City's Respectful Workplace Policy, Respectful Customer Conduct Policy or Violence Policy.
- 21 A one or more year ban may be imposed on anyone who has already been issued a 180-day (six months) ban notice within the last 12 months or who engages in conduct which constitutes a serious bylaw offence or an offence under the *Criminal Code*, or which violates the City's Respectful Workplace Policy, Respectful Customer Conduct Policy or Violence Policy, or who is convicted of an indictable offence under the *Criminal Code* involving an assault or use of force against a transit user, the public, or City employee, or who causes damage to transit property or transit vehicles in the sum of greater than \$10,000.00, may be banned for a period of up to one year or more, depending on the circumstances.
- 22 A ban for an undefined period of time can occur if the reason for the ban can be corrected through treatment. Once verification has been received that treatment has occurred, the ban will be immediately lifted.
- 23 In the case of paratransit, travel conditions may be placed on a customer in lieu of a ban, such as the requirement to travel with an attendant.

### **Arrest made under the Act**

- 24 Anyone who refuses to leave transit property after having been issued with a ban notice or who fails to comply with the terms and conditions of a ban notice may be charged with an offence under section 3(1) of the Act.

## Review of Notices/Right of Appeal

- 25 The Manager of Transit Operations & Training or the Manager of Integrated Transportation Services (the “Manager”) shall review all ban notices and may, upon further investigation, vary the conditions of the ban notice. Where any change to the ban notice is made, the Manager will notify the person affected of those changes by personal service or by registered mail.
- 26 A person who is issued a ban notice has the right to appeal the ban notice and any conditions therein. Appeals must be made in writing to the Manager and must be submitted within 14 days from the date the person received the ban notice or the letter from the Manager varying the conditions of the original ban notice. The person seeking the appeal must provide reasons for the appeal and must say what outcome they are requesting. The Manager will provide the person affected with a decision (the “Manager’s Appeal Decision”) by personal service or by registered mail.

## Further Appeal to the Director of Regina Transit

- 27 Should the person affected wish to appeal the Manager’s Appeal Decision, they must do so in writing to the Director of Regina Transit (the “Director”) within 21 days from the date that person received the Manager’s Appeal Decision. The person appealing must provide reasons for the appeal and must say what outcome they are requesting. The person affected may request an oral hearing and assistance through a legal representative or agent. The Director will provide the person affected with the Director’s appeal decision (the “Director’s Appeal Decision”) by personal service or by registered mail. The Director’s Appeal Decision is final.

## Appeal of a Ban Notice of One or More Years

- 28 In addition to the initial appeals, any person who has been issued a ban notice one year in length or longer, may contact the Manager in writing and request that the ban notice be varied or revoked based on a change of the person’s circumstances after eight months. The Manager will provide the person affected with a decision by personal service or by registered mail. The Manager’s decision may be appealed to the Director following the appeal procedure set out for an appeal made to the Director, as outlined above.

## Related Forms

- 29 The following materials relate to this policy:
  - (a) **Ban Notice.** This is the form filled out by the TSO or Integrated Transportation Services management, noting the particulars of why, when, for how long and what the ban will be. It also contains information for the person receiving the ban to appeal the ban. The form is to be filled out, signed by the banned person if possible, and then copied, scanned or photographed for record-keeping. The original form will go to the banned person. For any ban more than 24 hours/same day, the record of the document will be forwarded to the Manager for approval. An approved copy will be placed in an accessible location for the TSOs or Integrated Transportation Services management and provided to the Regina Police Service for their records.

- (b) **Ban Alert.** This is a notice that can be prepared and posted for other TSOs or Integrated Transportation Services branch and contracted staff and transit employees. The ban alert provides information identifying the person banned, reasons and exceptions. It will have specific instructions for operators or other staff on how to approach and deal with the person.

**Reference Materials**

30 The following materials apply to this procedure:

- (a) *The Trespass to Property Act,*
- (b) *Criminal Code of Canada,*
- (c) *The Regina Transit System Bylaw, No.4173,*
- (d) City of Regina Respectful Workplace Policy,
- (e) City of Regina Respectful Customer Conduct Policy, and
- (f) City of Regina Violence Policy

<b>Date Approved</b>	May 13, 2020
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