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| Section<br><b>REVENUE SERVICES</b> | SUBJECT<br><b>PASSENGER CODE OF CONDUCT AND<br/>ADMINISTRATIVE SUSPENSION HEARING AND<br/>APPEAL PROCESS POLICY AND PROCEDURE</b> |
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**I. PURPOSE**

In accordance with 70 ILCS 3615/3A.09 and 70 ILCS 3616/2.40, this Passenger Code of Conduct and Administrative Suspension Hearing and Appeal Process Policy and Procedure (“policy”) establishes the conditions under which the conduct of a Pace passenger may result in suspension of that passengers’ riding privileges and/or confiscation of that passenger’s fare media and the accompanying administrative suspension hearing and appeal processes.

**II. APPLICABILITY**

This policy applies to all Pace passengers and individuals on Pace vehicles and at Pace facilities.

**III. DEFINITIONS**

- A. Demographic information: includes but is not limited to age, race, ethnicity, gender, and housing status as that term is defined under Section 10 of the Bill of Rights for the Homeless Act.
- B. Fare media: includes any ticket, pass, or card accepted by Pace.
- C. Pace facilities: includes Pace vehicles, transportation centers, park-n-rides, kiss-n-rides, and transfer facilities.
- D. Passenger: a Pace passenger, customer, patron, and/or individual using Pace facilities.
- E. Public indecency: includes but is not limited to an act of sexual penetration or sexual conduct or lewd exposure of the body. Breast feeding of an infant is not public indecency.
- F. Weapon: includes but is not limited to axes, blackjacks, bludgeons, clubs, dirks, explosive devices, firearms, guns, hatchets, knives, metal knuckles, sandbags, sand-clubs, slingshots, stilettos, stun guns, and tasers.

**IV. EXPULSION**

Pace may expel anyone who violates this policy from Pace facilities.

**V. SUSPENSION OF RIDING PRIVILEGES AND CONFISCATION OF FARE MEDIA**

Violations of this policy may result in immediate expulsion, confiscation of fare media, suspension of riding privileges, and/or criminal charges.

A. Pace may suspend an individual's riding privileges and/or confiscate an individual's fare media if:

1. the individual's conduct places transit employees or transit passengers in reasonable apprehension of a threat to their safety or the safety of others, including assault and battery, as those terms are defined under Sections 12-1 and 12-3 of the Criminal Code of 2012;
2. the individual's conduct places transit employees or transit passengers in reasonable apprehension of a threat of a criminal sexual assault, as that term is defined under Section 11-1.20 of the Criminal Code of 2012; and/or
3. if the individual engages in an act of public indecency.

B. Notice of Pace's suspension of riding privileges and/or confiscation of fare media.

1. Pace shall provide written notice to an individual regarding the suspension of the individual's riding privileges and/or confiscation of fare media by personal service or by mailing a copy of the notice by certified mail, return receipt requested, and first-class mail to the person's current address, or by emailing a copy of the notice to an email address on file, if available. If the individual is known to be detained in jail, service will be made as provided under Section 2-203.2 of the Code of Civil Procedure.
2. Pace's written notice shall inform the individual about the following:
  - a. the nature of the suspension of suspension of the individual's riding privileges and/or confiscation of fare media;
  - b. the individual's rights and available remedies to contest or appeal the suspension of riding privileges or confiscation of fare media and to apply for reinstatement of riding privileges; and

- c. the procedures for adjudicating whether a suspension or confiscation is warranted and for applying for reinstatement of riding privileges, including the time and location of any hearing.
- C. Pace's process to determine whether a suspension of riding privileges or confiscation of fare media is warranted and the length of the suspension shall be concluded within 30 business days after the individual receives notice of the suspension and/or confiscation.
- D. An individual whose riding privileges have been suspended and/or whose fare media has been confiscated is entitled to two appeals after Pace's finding to suspend the individual's riding privileges and/or confiscate the individual's fare media.
- E. Notwithstanding any other provision of this Section, no individual will be denied the ability to contest or appeal a suspension of riding privileges and/or confiscation of fare media, or to attend a hearing to determine whether a suspension or confiscation was warranted, because the individual was detained in a jail.

**VI. ADMINISTRATIVE HEARING PROCESS FOR SUSPENSION OF RIDING PRIVILEGES AND/OR CONFISCATION OF FARE MEDIA**

- A. Pace's Executive Director ("ED") is the designated Pace official who shall oversee the administrative hearing process and decide whether suspension of riding privileges and/or confiscation of fare media is warranted and the length of the suspension. The ED may delegate these responsibilities to another Pace employee ("hearing official"). The hearing official will contact any alleged victims and/or relevant witnesses to request their participation in advance of the hearing. The individual whose riding privileges were suspended and/or whose fare media was revoked may bring legal counsel to the hearing. Counsel for Pace counsel may participate in the hearing, as necessary. Pace shall retain a court reporter to transcribe each hearing.
- B. Pace will determine whether the administrative hearing will be conducted in person, by telephone, or virtually.
- C. The individual whose riding privileges were suspended and/or whose fare media was revoked, their counsel, alleged victims of the violation and related parties, including witnesses who were present, may attend this hearing in person, by telephone, or virtually.
- D. The individual whose riding privileges were suspended and/or whose fare media was revoked and related parties, including legal counsel, may attend this hearing in person, by telephone, or virtually.

- E. Pace will present its evidence supporting the need for suspension of riding privileges and/or the confiscation of fare media.
- F. The individual whose riding privileges were suspended and/or whose fare media was revoked or their legal counsel will have the opportunity to make an oral and/or written presentation and offer documents, including affidavits, in response to Pace's evidence.
- G. The alleged victims of the violation and related parties, including witnesses who were present, may make an oral and/or written presentation and offer documents, including affidavits, in response to Pace's evidence.
- H. Pace's hearing official will make a finding on the suspension of riding privileges and/or confiscation of fare media.
- I. If the hearing official determines that suspension of riding privileges and/or confiscation of fare media is warranted, the hearing official will provide the individual with a written notice of the findings. This notice will outline the steps necessary to appeal the suspension of riding privileges and/or confiscation of fare media.
- J. If the hearing official determines that suspension of riding privileges and/or confiscation of fare media confiscation/suspension is warranted, Pace will reimburse the individual for the value of unexpended credit or unexpired passes as of the date of the suspension of riding privileges and/or confiscation of fare media.

## VII. APPEAL PROCESS

- A. Appeals will proceed as follows:
  - 1. If the hearing official determines that suspension of riding privileges and/or confiscation of fare media is warranted and the individual whose riding privileges were suspended and/or whose fare media was confiscated wishes to appeal the decision, that individual must send an appeal request in writing to Pace by emailing [riderappeals@pacebus.com](mailto:riderappeals@pacebus.com) or by U.S. mail addressed to:

Rider Appeals  
c/o Lindsey Umek  
550 W. Algonquin Road  
Arlington Heights, IL 60005
  - 2. Pace's ED will designate an official to oversee the appeal ("appeal official"). The appeal official will be a different person than the hearing official.

3. The appeal official will review the evidence and hearing transcripts to determine whether the suspension of riding privileges and/or confiscation of fare media should be upheld. The individual whose riding privileges were suspended and/or whose fare media was confiscated will receive written notice of the decision of the appeal official. If suspension of the individual's riding privileges and/or confiscation of fare media is upheld, the individual will be informed of the right to appeal by taking action to have the decision reviewed by the Circuit Court of Cook County, and if upheld by the Circuit Court, appeal to the Illinois Appellate Court.

#### **VIII. REINSTATEMENT PROCESS**

- A. A suspended rider may petition Pace to reinstate their riding privileges one calendar year after Pace's suspension finding if the length of the suspension is more than one year.

#### **IX. REPORTING OF SUSPENSIONS OF RIDING PRIVILEGES OR CONFISCATION OF FARE MEDIA**

- A. Pace shall collect, report, and make publicly available in a quarterly timeframe the following information:
  1. The number and demographic information of people subject to suspension of riding privileges or confiscation of fare media
  2. The conduct leading to the suspension or confiscation.
  3. The location and description of the location where the conduct occurred (e.g., the transit station or transit line, date, and time of day).
  4. A citation to the statutory authority for which the accused person was arrested or charged.
  5. The amount, if any, remaining on the fare media.
  6. The length of the confiscation and/or suspension.

#### **X. AMENDMENT**

Pace may amend this policy at any time, for any or no reason, and with or without prior notice.

#### **XI. QUESTIONS**

Questions concerning this policy should be directed to Pace's Executive Director.

**XII. EFFECTIVE DATE**

This policy will be in effect beginning on the date on which it is signed by Pace's Executive Director.

  
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Melinda J. Metzger, Executive Director

March 28, 2024  
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Date