



Safety and Operations Committee

Board Action Item III-A

Banning Policy



Board Document

OVERVIEW			
PRESENTATION NAME	Banning Policy	DOCUMENT NO.	300022
ACTION OR INFORMATION	Action		
STRATEGIC TRANSFORMATION PLAN GOAL	Service excellence;		
RESOLUTION	Yes		
EXECUTIVE OWNER			
EXECUTIVE TEAM OWNER	Dwyer, Brian P.;		
ORGANIZATION	Operations		
DOCUMENT INITIATOR	Milan Perazich		
OTHER INFORMATION			
COMMITTEE	Safety and Operations Committee	COMMITTEE DATE	3/27/2025
PURPOSE/KEY HIGHLIGHTS	<p>In alignment with Metro's Strategic Transformation Plan (STP), staff will provide the Board an update on the Metro Transit Police Department's (MTPD) proposed banning policy.</p> <p>The purpose of the banning policy is to prohibit any persons committing the following crimes from entering or using WMATA's system, facilities, or property for defined periods of time:</p> <ol style="list-style-type: none"> 1. Sex Crimes (includes indecent exposure and lewd conduct); 2. Assaults of any kind on WMATA employees or WMATA contractors while working; and possibly 3. Assaults of any kind on customers 		



Board Document

DISCUSSION	<p>The following are key discussion points related to the proposed banning policy:</p> <ul style="list-style-type: none">• The banning policy will help MTPD increase safety and security in the WMATA system.• The banning policy would be incorporated into WMATA's Tariff.• MTPD currently bans passengers up to 24 hours whenever their conduct violates WMATA's Tariff, including for abusive, unacceptable or unsafe conduct.• The proposed policy allows for appeals of any banning period longer than 24 hours. An appeals officer shall issue a written decision within 15 days of receipt of the appeal. The appeals officer's decision is binding and not subject to further review by any court.• Currently, persons who commit sex crimes and assaults in the WMATA system often receive little jail time and return to the WMATA system and commit more crimes against WMATA employees, contractors and customers.• DC, MD, and VA have passed laws increasing jail time and fines by 50% for certain assaults against transit employees. Each jurisdiction has also passed, or are considering passing, legislation to ban persons who assault public transit operators.
INTERESTED PARTIES	No interested parties
RECOMMENDATION/NEXT STEPS	MTPD seeks Board approval to implement the proposed banning policy.
FUNDING IMPACT	None

Banning Policy

Safety and Operations Committee



Purpose and Scope





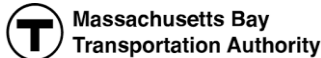

MTPD and its officers use multiple strategies and resources to keep the WMATA system safe and to combat crime. The additional tool of banning persons from the WMATA system when they commit certain types of crimes would provide MTPD with another safety and security tool.

The purpose of the banning policy is to prohibit any persons committing the following three categories of crimes from entering or using WMATA's system, facilities, or property for defined periods of time:

1. Sex crimes (including indecent exposure and lewd conduct);
2. Assaults of any kind on WMATA employees or WMATA contractors while working; and
3. Assaults of any kind on customers

Banning Policies of Peer Transit Agencies

Transit Agencies

	 Metro LA Metro	 Metropolitan Transportation Authority		 BART	 Massachusetts Bay Transportation Authority	 marta
Date of implementation	2023	N/A	2024	2013	N/A	2013
Scope of Policy	Criminal offenses including public conduct ordinances	MTA does not have an administrative banning policy	Low level offenses incl. alcohol consumption, public urination, smoking and littering	Violent crime, sexual assaults, distribution of narcotics	MBTA does not have an administrative banning policy	Criminal offenses including public conduct ordinances
Banning periods	30 days, 60 days, and 90 days	As determined by Court	One year from point of notification	<ul style="list-style-type: none"> • 1st time within year-- 30 day • 2nd time within year-- 60 day • 3rd and subsequent time within year—180 days. 	As determined by Court	Based on the offense, violators can be suspended for 14 days, 60 days, 365 days. If you violate the suspension, you receive an additional 30 days. If you receive three citations within 90 days, receive 365 suspension. Fourth within 90 days earns you a lifetime ban
Appeals	Yes, may submit within 3 days of receipt to Transit Court, a department of the LA Metro that collects payments and processes appeals for Transit and Parking violation issued by LA Metro, to be heard by a hearing officer		Yes, by requesting and appearing at scheduled hearing with Office of Administrative Review, an external administrative adjudicatory agency for Philadelphia	Yes, can request within ten days to Exclusionary Administrator.		Yes. Have up to 30 days to request an appeal to a MARTA hearing officer, who is an attorney hired by the Board to hear the appeal, before the suspension goes into effect
General Information	Can receive exclusion for three warnings within 12 months or committing a crime. They have a penalty schedule. LA Metro created its policy administratively	Banning from MTA may be ordered as a result of conviction of criminal offense	A person who receives four violations and/or does not pay the fines will receive a notice from a Transit Officer of the SEPTA system ban	GM appoints Exclusionary Admin for Appeals, which can be any BART employee. State law enacted to allow agency to create policy.		Passengers can pay a fine in lieu of suspension. MARTA created its policy administratively.



Banning Would Help Keep Repeat Offenders Off The System

2024 Sexual Assaults/Indecent Exposures

- 76 total Sexual-Related crimes
- 61 were committed by repeat offenders
- 9 offenders committed 3 or more offenses
- Top offender committed 6 acts
- Offenders may have also committed acts in previous years

2024 Employee Assaults

- 227 employee assaults, including Aggravated Assault, Simple Assault and Threats
- Four repeat offenders
- The 227 employees included contactors, Station Managers, and Bus Operators

Legislation

Virginia and Maryland have enacted, or are considering, legislation that bans people who assault transit operators; DC enacted a statute providing enhanced penalties for assault on WMATA operators and rail employees

- *Code of Virginia, § 18.2-57(F)*



- Provides enhanced penalties for assaults on public transit operators, including banning for not less than six months

- *Maryland House Bill 1144*



- Provides progressive banning penalties for assaults and bodily injury on public transit operators

- *DC Code § 22-3751.01*



- Provides enhanced criminal penalties for anyone who commits a crime of violence on Metro operators and rail station employees while on duty

Banning Policy

If any person is arrested for a sex offense, or an assault on a WMATA employee or WMATA contractor while working, or upon a WMATA customer, that person will receive a banning citation and be prohibited (“banned”) from entering or using the WMATA system, facilities, or property.

The length of the ban would be determined by the person’s prior arrests for either sex crimes or employee/contractor/customer assaults as follows:

- **45 days for a first offense;**
- **90 days for a second offense;**
- **365 days for a third offense.**

Implementing the Banning Policy

- The banning policy would be incorporated into WMATA's Tariff
- MTPD currently bans passengers up to 24 hours for abusive, unacceptable, or unsafe conduct
- The banning policy allows for appeals of any banning period longer than 24 hours
- DC, MD, and VA have passed laws increasing penalties for certain assaults against transit employees. Each jurisdiction has also passed, or is considering passing, legislation to ban persons who assault public transit operators
- The banning policy will help MTPD increase safety and security in the WMATA system

Recommendation

Staff recommends that the Board of Directors adopt the banning policy

SUBJECT: APPROVAL OF BANNING POLICY

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, Under Section 60 of the WMATA Compact, the Board of Directors has the sole and exclusive jurisdiction over transit service provided by the Washington Metropolitan Area Transit Authority; and

WHEREAS, The safety and security of the Metro system for our customers, employees, and contractors is a priority for WMATA; and

WHEREAS, The Metropolitan Transit Police Department ("MTPD") uses multiple resources to keep the system safe and combat crime; and

WHEREAS, The additional tool of banning persons from the Metro system when they commit certain crimes would provide MTPD with another safety and security tool; and

WHEREAS, Staff recommends that the Board adopt a banning policy, to take effect on June 2, 2025, or such later date as the Chief of the Metropolitan Transit Police Department determines that all necessary training and administrative processes are in place, to be included in the passenger conduct section of the WMATA Tariff, along with updates and clarifications of certain terms in that section, all as shown in Attachment A;

NOW, THEREFORE, be it

RESOLVED, That the Board of Directors adopts the banning policy, to take effect on June 2, 2025, or such later date as the Chief of the Metropolitan Transit Police Department determines that all necessary training and administrative processes are in place, and updates and clarifications of certain terms in the passenger conduct section of the WMATA Tariff, as shown in Attachment A, to enhance the safety and security of Metro's customers, employees, and contractors; and be it further

RESOLVED, That staff is directed to amend the Washington Metropolitan Area Transit Authority Tariff, Chapter 2 (Ridership Rules and Regulations), Section IV (Passenger Conduct) to implement the passenger banning policy and updates and clarifications of certain terms adopted in this Resolution; and be it finally

RESOLVED, That this Resolution shall be effective 30 days after adoption in accordance with Compact Section 8(b).

Reviewed as to form and legal sufficiency,

/s/
Patricia Y. Lee
Executive Vice President, Chief Legal Officer,
and General Counsel

WMATA File Structure No.:
9.12.9 Tariff (WMATA Fare Structure)

PROPOSED

ATTACHMENT A

IV. PASSENGER CONDUCT

1. Enforcement of Jurisdictional Laws

Metro shall apply and enforce the criminal codes including public decency and lewdness/obscenity laws within the multi-jurisdictional transit region on Metro property in compliance with the law of the jurisdiction where the criminal violation occurred.

2. Unacceptable and Prohibited Conduct

Unacceptable conduct is any conduct that a reasonable person would believe is disturbing the peace or quiet enjoyment of other Metro passengers. Jurisdictional codes³ in the District of Columbia, Maryland, and Virginia make it unlawful for a person to refuse to leave a bus or rail transit car when ordered to do so by the bus or train operator or authorized agent. To this end, Metro reserves the right to refuse to transport a person or persons exhibiting unacceptable or prohibited conduct while on Metro property.

The following conduct is prohibited on all Metro property:

- a. Failure to pay established fare;
- b. Failure to wear shoes or other footwear;
- c. Failure to wear a mask or other face covering or personal protective equipment (PPE) in accordance with law if and when applicable;
- d. To vend, sell, or attempt to sell any item, thing, or device;
- e. Expectoration (spitting) in or upon any part of any Metro employee or contractor, station, rail car, bus, or vehicle;
- f. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, or using any electronic smoking device, within the paid area of any Metro station, at Metro-owned or Metro-controlled bus stops or bus bays, or within any Metro rail car, bus, or vehicle;

³ DC Code § 35-253 (2019); PG County, MD Code Sec. 20A-103 (1986); Montgomery Co., MD Code Sec. 54A-3 (1987); Alexandria, Va. Code §13-1-37(e) (1997); Fairfax Co. Va. Code Ann., § 85-1-6 (1985); Arlington Co Code Art. IV. §14.2-80(B) (2024).

- g. Obstructing the vision of the operator;
- h. Boarding any bus through the rear exit door, unless directed by a Metro employee or contractor or if rear-door collection devices are on the bus;
- i. Eating or consuming food or drink in or upon the paid area of the Metro stations, or aboard any rail car, bus, or vehicle;
- j. Discarding litter or trash in or upon any Metro rail station, rail car, bus, or vehicle;
- k. Playing any device or instrument except when the device is connected to an earphone which limits the sound to the individual user;
- l. Displaying signs or placards that are more than 18" x 18" or are affixed to a pole, or that overtly communicate a personal or political position, but passengers shall be permitted to carry signs in a manner which does not interfere with movement, safety, entry, exit, or convenience of other passengers;
- m. Abusive behavior;
- n. Assaulting or criminally threatening a Metro employee or a Metro contractor while working, or a Metro customer; and
- o. Any conduct or action that constitutes a crime or offense under any statutory authority in Maryland, the District of Columbia, or the Commonwealth of Virginia, or their political subdivisions.

3. Abusive Behavior

Abusive behavior is any action that physically or verbally attacks, harms, endangers or injures any person, including oneself, or causes willful damage to property of Metro; property of a passenger; or property of a Metro employee or Metro contractor. Any person exhibiting abusive behavior will be subject to ejection and banning from the Metro system, facilities, or property. Legal action may be taken.

4. Bans of 24 Hours or Less

MTPD may ban a person who violates the passenger conduct rules by issuing such person an order to immediately exit Metro's system, facilities, or property. This order may be issued orally or in writing and is effective for up to 24 hours. Bans of 24 hours or less cannot be appealed or reviewed.

If a person refuses to exit Metro's system, facilities, or property immediately and remain off Metro's system, facilities, or property after being banned, they are subject to arrest for criminal trespass.

5. Bans for More Than 24 Hours

A person who, while in or on Metro's system, facilities, or property: (a) engages in obscene, lewd, or lascivious behavior; indecent exposure; or in any sex-related crime, under any law, statute, ordinance, or regulation in Maryland, the District of Columbia, or the Commonwealth of Virginia, or their political subdivisions; or (2) assaults, batters, attempts to assault or batter, or criminally threatens any Metro employee or Metro contractor while working, or a Metro customer, may be banned from Metro's system, facilities, or property for more than 24 hours. Banning occurs when an MTPD officer issues a citation banning such person from entering or using the Metro system, facilities, or property. The banning period starts immediately upon a person being issued a banning citation. If any person refuses to leave Metro's system, facilities, or property immediately upon being issued a banning citation, or, if a person enters Metro's system, facilities, or property after being banned, they are subject to arrest for criminal trespass.

The citations shall set forth the reason for the ban, its length, the date of issuance, and notice that violating the ban will result in arrest for criminal trespass. The citation shall inform the person of their right to appeal the citation. The appeal process is described on the back of the citation.

A person receiving a banning citation shall be banned for:

- 45 days for a 1st offense
- 90 days for a 2nd offense
- 365 days for a 3rd offense

in a rolling 12-month period. For the purposes of Section IV of this Tariff, the term "days" refers to calendar days. Thus, weekends and holidays are included as countable days for the purposes of Section IV. A rolling 12-month period means 365 days from the first day of banning.

A person who is banned may also be issued a conditional exception from the ban, which

may allow their use of the Metro system, facilities, or property only under certain conditions. Juvenile passengers, for example, could receive a conditional exception from the ban when accompanied by a parent or guardian.

Where the conduct that resulted in the ban also violates any law, statute, ordinance, or regulation in Maryland, the District of Columbia, or the Commonwealth of Virginia, or their political subdivisions, the violator may be prosecuted by the appropriate authority, in addition to any law enforcement remedies available to Metro. Metro retains its discretion to ban for reasons or circumstances other than those set forth in this Section 5.

6. Appeals of Bans for More than 24 Hours

a. A citation may be appealed by written request sent to WMATA by registered or certified mail, overnight delivery, or hand-delivery, within 5 calendar days of the issuance of such citation.

b. Upon receipt of a timely appeal, WMATA shall assign the appeal to an appeals officer appointed by the General Counsel or their designee. The standard of review is the preponderance of the evidence. The appeals officer shall issue a written decision as provided in subsection 6(c) below and there shall be no in-person hearing.

c. Within 15 days of receipt of an appeal, the appeals officer shall render a written decision on the appeal. If the ban is upheld, the period an individual is banned during the pendency of the appeal shall be counted toward the length of the ban.

d. The decision of the appeals officer is the final and binding determination of the appeal and is not subject to judicial review nor the processes of any court.

e. If no appeal is requested within 5 calendar days of the issuance of a citation, the ban is final. The 5-calendar day appeal period when a person is banned shall be counted toward the length of any ban that is appealed and sustained.

f. When a person is banned, entry on Metro's system, facilities, or property is forbidden. Any entry on Metro's system, facilities, or property during the ban period will subject the person to arrest and prosecution for criminal trespass under the laws, statutes, ordinances, or regulations of Maryland, the District of Columbia, the Commonwealth of Virginia, or of any of their political subdivisions. Violation of the ban is grounds for issuance of an additional banning citation, which will be a progressive offense (e.g., second or third banning offense as the case may be) under Section 5 above.

7. Fare Forfeiture

Whether the ban is upheld or reversed on appeal, an individual who is banned from Metro is not entitled to any refund of unused fare media that may expire during the time of their ban.

8. No Limitations or Conflicts with Federal, State, or Local Law

This Section does not limit or conflict with any federal, state, or local law or ordinance, or prevent any law enforcement agency or entity from taking any lawful action against any person in or on Metro's system, facilities, or property.

PROPOSED