

Trespass Policy of Butler Transit Authority

I. Purpose

The Butler Transit Authority (“BTA”) has adopted this trespass policy (the “Policy”) in an effort to enhance the safety and security of its property and facilities within Butler County. The purpose of the Policy is to provide a written procedure for banning persons who have engaged in activities that threaten the health, safety or right to peaceful enjoyment of BTA’s properties and services.

II. Definitions

- A. Police Department: Any police department having jurisdiction over any properties that are owned or leased by BTA.
- B. Trespass: For the purpose of this Policy, BTA considers trespass to be actions defined below in addition to any definition of trespass as described in 18 Pa. Stat. and Cons. Stat. Ann. § 3503.
- C. Trespasser: A person who has been banned from entering BTA Property in accordance with the Policy or who has performed one of the acts defined by the Pennsylvania Crimes Code as set forth in Section A.
- D. BTA Property: The properties owned and maintained by BTA. BTA Property is private property. BTA Property includes, but is not limited to BTA properties, facilities, bus shelters, stops, vehicles, and the common areas and parking lots within the properties owned by BTA.

III. Procedure

- A. Authorized Persons. Entrance to BTA Property is restricted to BTA patrons, authorized visitors, and guests during BTA hours of operation, as well as authorized BTA staff, representative agents, contractors, employees and representatives of BTA’s subcontractor, and law enforcement officials carrying out official BTA or law enforcement business as necessary to protect the interests of BTA.
- B. Persons Subject to Trespass. Any person who has engaged in activities that threaten the health, safety and right to peaceful enjoyment of Authorized Persons may be prohibited from entering all BTA Property. Examples of persons who may be banned from BTA Property include, but are not limited to, the following:
 - 1. A person who engages in a verbal or physical confrontation with any Authorized Person while on BTA Property.
 - 2. A person who engages in any drug-related criminal activity on or off the property or vehicles.

3. A person who engages in any criminal activity on BTA Property or vehicles that threatens the health, safety and right to peaceful enjoyment of Authorized Persons.
4. A person who engages in criminal activity on BTA Property or vehicles in which a deadly weapon or dangerous instrument was used, or threatened to be used, or any activity that resulted in physical injury to any person.
5. A person who damages, destroys, vandalizes, defaces, or otherwise reduces the value of the real and/or personal property of BTA, its employees, representatives, agents, visitors and guests, subcontractors, any law enforcement official, or other member of the public.
6. A person who commits a public nuisance, and other disorderly, lewd or lascivious conduct on BTA property.
7. A person who loiters, or otherwise fails to have any legal business, on BTA property.
8. A person who causes significant littering on BTA property.
9. A person who is not authorized to enter BTA property during non-business hours.
10. A person who commits any action that is defined as trespass under the Pennsylvania Crimes Code while on BTA Property.

C. Trespass Determination. Any individual engaging in prohibited conduct as set forth in Section III (B), above, may be banned from entering BTA Property or utilizing BTA services.

1. The person being banned may be notified orally or in writing by BTA's staff or agent.
2. The determination to ban an individual pursuant to this Policy shall be made by either the BTA Executive Director or BTA's subcontractor.
3. Following BTA's determination to ban a person from BTA Property, a BTA Trespass Letter ("the Trespass Letter") will be completed in triplicate by BTA's staff or agent. BTA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespasser. Once the Trespass letter has been delivered, the same shall be distributed to BTA staff and police having jurisdiction over the location of the incident leading to the determination.

In the event that the name/address of the Trespasser is unknown, the Trespass Letter will be issued with a description of the Trespasser, and a photo obtained from on-board surveillance shall be attached to the Trespass Letter kept on file. Any Trespass Letter served upon an unnamed individual shall also have attached a statement by the BTA or MV employee or representative who personally served the Trespass Letter upon the Trespasser.

A photograph of the Trespasser (if available) may be maintained by BTA. The Trespass Letter shall serve as notice that the Trespasser shall not enter any BTA Property and that he/she may appeal BTA's determination in accordance with Section IV below.

- a. In the event that the Trespasser is a juvenile, BTA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespasser's parent or legal guardian.
- b. BTA staff or agent shall make a reasonable effort to include the following information in the Trespass Letter:
 - (1) the full name and address of the Trespasser, if known;
 - (2) the date the Trespass Letter is delivered to the Trespasser;
 - (3) the property or location at which the incident occurred;
 - (4) the signature of the BTA employee or designee issuing the determination to ban the individual;
 - (5) the date, time and place the person was encountered for the offense;
 - (6) the reason(s) for banning; and
 - (7) a description of the individual with as much detail as is available at the time.
4. The names of all Trespassers or banned persons will be placed on BTA's Trespass/Banned List which shall be updated quarterly or as often as determined by the Executive Director. The Trespass/Banned List shall be distributed to: 1) the Police Department, 2) BTA property personnel and 3) BTA operations staff/agents.
5. In the event a Trespasser is observed on any BTA Property by BTA staff or agent, he/she should contact the Police Department for assistance.

IV. **Appeal Process**

Upon addition to the BTA Trespass List, the Trespasser and/or an interested resident may request a hearing to remove the Trespasser from the BTA Trespass List.

- A. A request for an appeal of BTA's determination must be submitted to the Executive Director within five (5) days following issuance of the Trespass Letter. BTA will provide the party with the date, time and place of the hearing within a reasonable amount of time. Should the grieving party fail to appear at the hearing, the determination of BTA shall be final.

- B. The Hearing Officer shall be the BTA Executive Director, who will review each appeal and conduct a hearing. The aggrieved party may bring a representative and/or relevant witnesses to the hearing.
- C. The Executive Director will make a final determination which will be provided to the aggrieved party in writing.
 - 1. If it is the determination of the Executive Director to remove the Trespasser from the Trespass List, the Executive Director may remove him/her from the Trespass List immediately or for a probationary period of one (1) year.

V. **Removal from Ban List**

Persons listed on the Trespass/Ban List may not be removed by anyone except in consultation with, and upon direct approval from, the BTA Executive Director.

