

**Los Angeles County
Metropolitan Transportation Authority
Office of the Inspector General**

**Bus Operator Safety and
Compliance Checks for the Period
October to December 2011**

*The majority of bus operators are performing their duties at a high level.
However, rule violations were noted during approximately 10 percent of the rides
in areas related to ADA Compliance and Safety.*



Metro

**Los Angeles County
Metropolitan Transportation Authority**

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DATE: April 13, 2012

TO: Chief Executive Officer

FROM: 
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Deputy Inspector General for Audits

**SUBJECT: Draft Report: Bus Operator Safety and Compliance Checks for the Period
October to December 2011 (Report No. 12-AUD-13)**

The subject draft report is enclosed for your review.

The Office of the Inspector General implemented an undercover “ride along” program to monitor bus operations. This program is intended to supplement any action that Metro might undertake to monitor and confirm bus operator compliance with safety and customer service policies, such as the prohibition on use of cell phones while driving, calling out stops if the automated system is not in use, and various Americans with Disability Act (ADA) compliance matters.

This report summarizes our observations of bus operations during October through December 2011. During the period, we completed 147 observations of Metro bus operators. Overall, we found that most operators performed their duties in accordance with Metro policies and rules. We found rule violations in 14 of the 147 observations made and issued written notifications for 8 violations. Based on the results of our review, Management should emphasize compliance with rules related to:

- offering assistance to patrons with special needs,
- securing wheelchairs,
- notifying BOC when wheelchair customer is denied boarding,
- wearing a seat belt when operating a bus,
- refraining from eating or drinking while operating a bus, and
- refraining from using personal cell phone while operating a Metro vehicle.

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INTRODUCTION

The Office of the Inspector General (OIG) implemented an undercover “ride along” program to monitor bus operator performance to assist Metro in improving the efficiency and effectiveness of operations. This program is intended to supplement any action that Metro might undertake to monitor and confirm bus operator compliance with safety and customer service policies, such as the prohibition on use of cell phones while driving, calling out stops if the automated system is not in use, and various Americans with Disabilities Act (ADA) compliance matters. The OIG Audit and Investigation Units jointly performed this review. This report summarizes our observations of bus operator performance during the period October to December 2011.

As part of this monitoring program, OIG observers issue written notifications¹ to bus operators who commit significant violations. These violations include actions such as using personal cell phones, not wearing a seat belt, and not following certain ADA policies such as wheelchair securement. The immediate notification of the violations observed provides information to operators and management in a timely manner which is in accordance with union policy and gives management the ability to take further action, if deemed necessary.

Since the inception of the “ride along” program, we have issued eight previous reports. Two of these reports covered contract bus operations. Each quarterly report had a different focus for selecting the operators to be observed, such as Metro bus lines with the greatest number of complaints, bus operators who received the most complaints, and bus lines that received the most ADA complaints.

OBJECTIVES AND SCOPE OF REVIEW

The objective of our review was to determine whether bus operators were complying with safety and customer service policies as well as various ADA compliance laws and regulations.

For this quarter, we focused on lines that received the most complaints. We obtained a report² that showed the number of complaints by line for the period of March to August 2011. Based on this report, we selected 12 bus lines for observation. During the period of October to December 2011, we completed 147 observations of Metro bus operators. During the observations, we used a checklist to evaluate operator performance.

¹ The OIG modified the TOS Initial Report Forms by crossing out “TOS” and adding “OIG” on the forms. One copy of the form is given to the operator and another copy is sent to the applicable division manager.

² Report prepared by the Customer Relations Department.

The audit portion of this review followed Government Auditing Standards. However, Government Auditing Standards were not always followed in other portions of the review because of the nature of the observations, which included inspections conducted by OIG investigators.

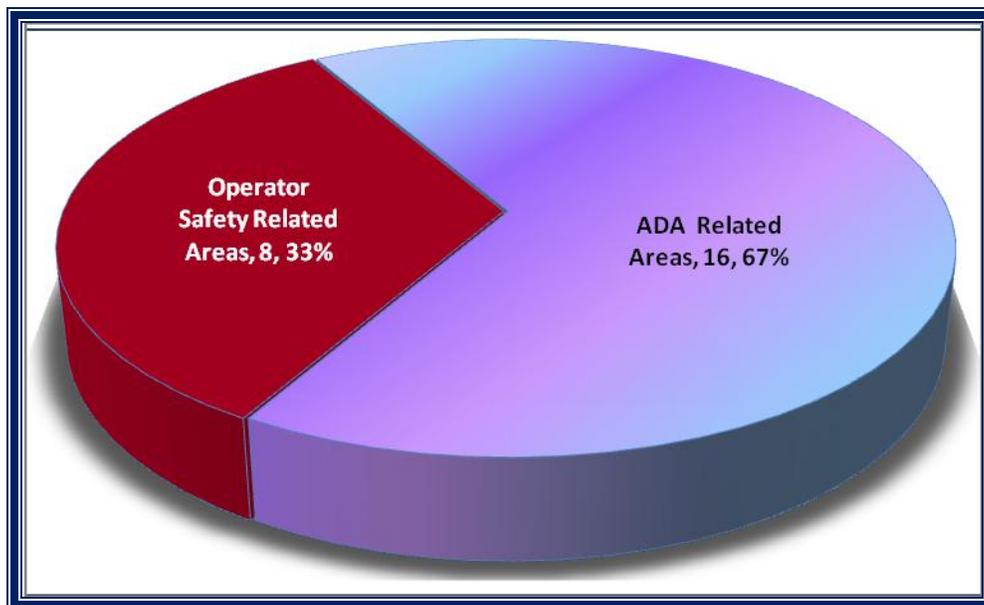
BACKGROUND

The Operator’s Rulebook and Standard Operating Procedures (SOP) contains policies and procedures governing Metro bus operations. The rules and SOPs in the manual are based on the principles of safety and customer service, and the premise that every individual who boards a bus deserves a high standard of care and deserves to be treated with respect and dignity. The manual covers areas such as vehicle operations, operator’s code of conduct, customer relations, and fare collection.

RESULTS OF REVIEW

Our observations of bus operator performance showed that the majority of operators complied with Metro policies and rules. Of the 147 observations made by the OIG observers, no violations were found during 133 (90%) observations. However, violations were found during 14 (10%) observations and 8 written notifications³ were issued. We observed 24 violations (some observations had multiple violations). The 24 violations were in the areas of ADA (16) and safety (8); see chart below.

Chart 1: Violations by Category

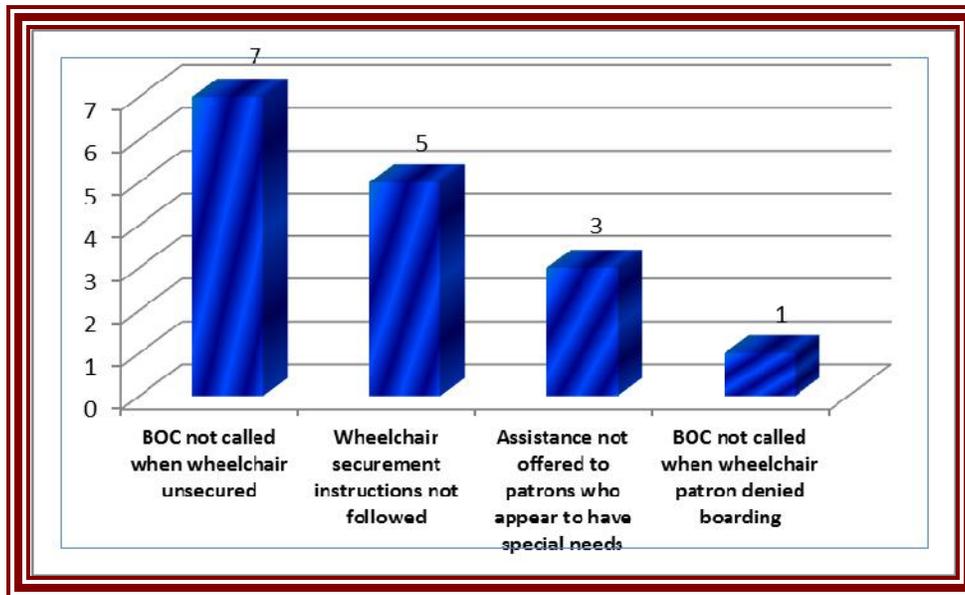


³ One notification had two violations.

A. ADA Related Areas

We noted 16 ADA related violations as shown in the chart below:

Chart 2: Violations Related to ADA Areas



1. BOC not Called when Wheelchair Unsecured

Eighteen of 22 wheelchair customers who boarded the bus declined to be secured. However, in 7 of the 18 instances, the operator did not notify Bus Operations Control (BOC). Section 7.110 of the Operator’s Rulebook states: “In the event a customer in a wheelchair refuses to be secured, Operators may not refuse to transport the customer; however, notify BOC of the customer’s refusal to be secured at the time the wheelchair boarding is reported.”

2. Wheelchair Securement Instructions not Followed

During our observations, 22 wheelchair patrons boarded Metro buses. In three instances, the bus operator did not rise from his seat and move to the securement area as required by policy. In addition, 2 of the three bus operators did not inform the customer that his/her wheelchair would be secured. Operations General Notice OPS# 11-070 states: “When boarding a customer using a wheelchair, the Operator is required to:

- Rise from the operator’s seat,
- Move to the securement area,
- Request that customers who may be seated in the designated wheelchair securement area move to another seat, and

- Lift the seat and prepare the area for wheelchair securement.”

Operations General Notice OPS# 11-070 was revised on October 14, 2011, to state:

When the customer has boarded and is in the securement area, the Operator must: Announce in a clear, distinct voice, “*With your permission*, I am going to secure your wheelchair.”...If the customer is a regular rider who has previously made it known that he/she does not wish to be secured, the operator is to continue to ask the customer each and every time they board the bus in a clear, distinct voice, “*Do you still want to ride unsecured?*”

3. Assistance not Offered to Patrons Who Appear to Have Special Needs

We observed 3 instances where bus operators did not offer to assist patrons who appeared to have special needs. Section 7.02 of the Operator’s Rulebook states: “Operators are required to ask customers who may appear to have special needs...if they need help with boarding, alighting, reaching the securement area or a seat, using the securement devices, etc. The offer of assistance must include, at a minimum, the words; do you need help with...?”

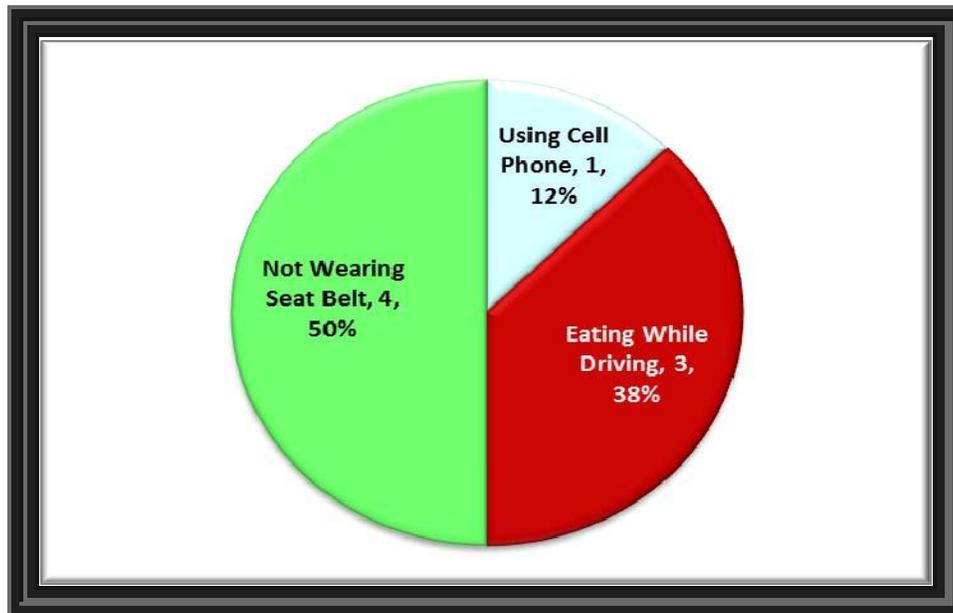
4. BOC not Called when Wheelchair Customer Denied Boarding

During our observations, two wheelchair patrons were denied boarding. In both instances, the bus was at full capacity and did not have space to accommodate the wheelchair. In accordance with Metro policy, both wheelchair customers were advised as of the reason they could not board. However, on one of these instances, the BOC was not notified as required by Metro policy. Section 7.15 of the Operator’s Rulebook states: “If for any reason, a customer defined in this book as a person with a disability is unable to board, Operators must (in the presence of the customer, before departing location) notify BOC.”

B. Operator Safety Areas

We noted eight violations in the area of safety. The violations included not wearing seat belts, eating while driving, and using a cell phone, as shown in the chart on the next page:

Chart 3: Violations Related to Operator Safety Areas



1. Not Wearing Seat Belt

We observed 4 bus operators not wearing their seat belts while operating Metro buses. We provided the 4 operators with a written notification of this violation. Section 2.39 of the Operator’s Rulebook states: “The use of seat belts and shoulder belts (if equipped) is mandatory when operating any Metro vehicle.” Usage of seat belts helps to protect the operator from serious injury or death in case of an accident. One manager advised that operator would be interviewed and appropriate action would be taken. Another manager stated that bus operator would be counseled.

2. Eating While Operating Bus

We observed 3 operators eating while operating a Metro bus. Section 4:14 of the Operator’s Rulebook states: “Operators must not consume food and/or beverages at any time while operating any Metro vehicle or while riding as a passenger, whether vehicle is in or out of service.” Eating while driving a bus could distract the operator and increase the risk of injuries or accidents. The 3 bus operators received written notification of this violation. Two managers advised that discipline was issued.

3. Using Cell Phone While Driving

We observed one bus operator using a cell phone while operating a bus. Section 1.25 of the Operator’s Rulebook states: “All electronic devices must be off and not visible when operating any Metro bus. In addition, Section 23125(a) of the California Vehicle Code

states: “A person may not drive a school bus or transit vehicle...while using a wireless telephone.” The operator received written notification of this violation. Management later advised that there was a formal hearing and operator was disciplined.

CONCLUSION

The review found that the majority of Metro bus operators are performing their duties at a high level and take pride in providing the best customer service to bus patrons. However, we found 24 rule violations in approximately 10 percent of the observations made during this quarterly period.

Our analysis previous OIG reports show that the number of violations has increased since the 1st quarter of 2011 (see Attachment B). The increase in the 3rd quarter is primarily due to review of contract bus operations which has historically had more violations and the increase in 4th quarter is partially due to implementation of new Metro wheelchair protocol. To ensure that operator performance stays at a high level, Management should continue to stress the importance of adhering to all policies and procedures. Based on the results of our review, Management should emphasize compliance with rules related to:

- offering assistance to patrons with special needs,
- securing wheelchairs,
- notifying BOC when wheelchair customer is denied boarding,
- wearing a seat belt when operating a bus,
- refraining from eating or drinking while operating a bus, and
- refraining from using personal cell phone while operating a Metro vehicle.

We issued written notifications on 8 of the 24 violations. For the remaining incidents, we provided Division Transportation Managers with a list of violations and operators so that management can take any action deemed necessary to preclude violations in the future and improve service.

Summary of Violations Observed October to December 2011

| Observation Areas | Instances Observed |
|--|--------------------|
| ADA Related Areas | |
| Operator did not rise from seat and move to securement area | 3 |
| Operator did not ask to secure wheelchair patron | 2 |
| Wheelchair patron not secured, BOC not called | 7 |
| Wheelchair patron denied boarding, BOC not called | 1 |
| Stops not announced when AVA not in use | 0 |
| Assistance not offered to patron who appears to have special needs | 3 |
| Operator Safety Areas | |
| Using personal cell phone while driving bus | 1 |
| Driving unsafely | 0 |
| Eating while driving | 3 |
| Not wearing seat belt | 4 |
| Not obeying Traffic Laws | 0 |
| Operator Discourtesy | <u>0</u> |
| TOTAL | <u><u>24</u></u> |

2011 Quarterly Summary of Violations Observed

| Observation Areas | Instances Observed | | | |
|--|----------------------------|----------------------------|-----------------------------|----------------------------|
| | 1 st Quarter | 2 nd Quarter | 3 rd Quarter* | 4 th Quarter |
| ADA Related Areas | | | | |
| Operator did not rise from seat and move to securement area | ** | ** | ** | 3 |
| Operator did not ask to secure wheelchair patron | 0 | 0 | 1 | 2 |
| Wheelchair patron not secured, BOC not called | 0 | 2 | 1 | 7 |
| Wheelchair patron denied boarding, BOC not called | 0 | 0 | 0 | 1 |
| Wheelchair patron passed up | 0 | 0 | 0 | 0 |
| Stops not announced when AVA not in use | 2 | 2 | 14 | 0 |
| Assistance not offered to patron who appears to have special needs | 0 | 3 | 0 | 3 |
| Operator Safety Areas | | | | |
| Using personal cell phone while driving bus | 0 | 0 | 0 | 1 |
| Driving unsafely | 0 | 0 | 0 | 0 |
| Eating or drinking while driving | 0 | 1 | 0 | 3 |
| Not wearing seat belt | 1 | 2 | 2 | 4 |
| Not obeying Traffic Laws | 0 | 0 | 1 | 0 |
| Operator Discourtesy | 0 | 0 | 0 | 0 |
| Bus Uniforms | | | | |
| Bus Operator was not wearing approved uniform | <u>0</u> | <u>0</u> | <u>1</u> | <u>0</u> |
| Total Violations Observed | | | | |
| | <u>3</u> | <u>10</u> | <u>20</u> | <u>24</u> |
| Number of Observations Made | | | | |
| | 112 | 128 | 105 | 147 |
| Number of Observations with Violations *** | | | | |
| | <u>3</u> | <u>10</u> | <u>19</u> | <u>14</u> |
| Percentage of Observations with Violations | | | | |
| | <u>3%</u> | <u>8%</u> | <u>18%</u> | <u>10%</u> |

* Review of contract bus operators

** Criteria was not in effect at beginning of our review period.

*** For the 3rd and 4th quarters, multiple violations were observed on some of the observations.

Note: The increase for the 3rd quarter is primarily due to review of contract bus operations, which has historically had more violations, and the increase in 4th quarter is partially due to implementation of new Metro wheelchair protocol.

Final Report Distribution

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