

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

**Bus Operator Safety and
Compliance Checks for the Period
April to June 2012**

*The majority of bus operators are performing their duties at a high level.
However, rule violations were noted during approximately 8 percent of the rides
in areas related to ADA Compliance and Safety.*

Report No. 13-AUD-01

August 30, 2012





Metro

**Los Angeles County
Metropolitan Transportation Authority**

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DATE: August 30, 2012

TO: Chief Executive Officer

FROM:

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Deputy Inspector General for Audits

SUBJECT: Report on Bus Operator Safety and Compliance Checks for the Period April to June 2012 (Report No. 13-AUD-01)

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 compliance matters.

This report summarizes our observations of bus operations for the period April to June 2012. During the period, we completed 153 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 12 of the 153 observations made; one observation had more than one violation. We observed a total of 13 violations and issued 10 written notifications to operators. For all of the written notifications, management provided us with feedback on corrective action taken.

On August 23, 2012, we provided Metro management with a draft report for their review.

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INTRODUCTION

In October 2009, 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 April to June 2012.

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 ten previous quarterly reports. Two of these reports covered contract bus operations. Each 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 customer complaints received by Metro during the period September 2011 through February 2012. We analyzed a report² that showed customer complaints by bus line for this time period. Based on this report, we selected 14 bus lines for observation. During the period April to June 2012, we completed 153 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 a copy is sent to the applicable division manager.

² Report prepared by the Customer Relations Department.

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This review is not an audit; therefore, Government Auditing Standards are not applicable.

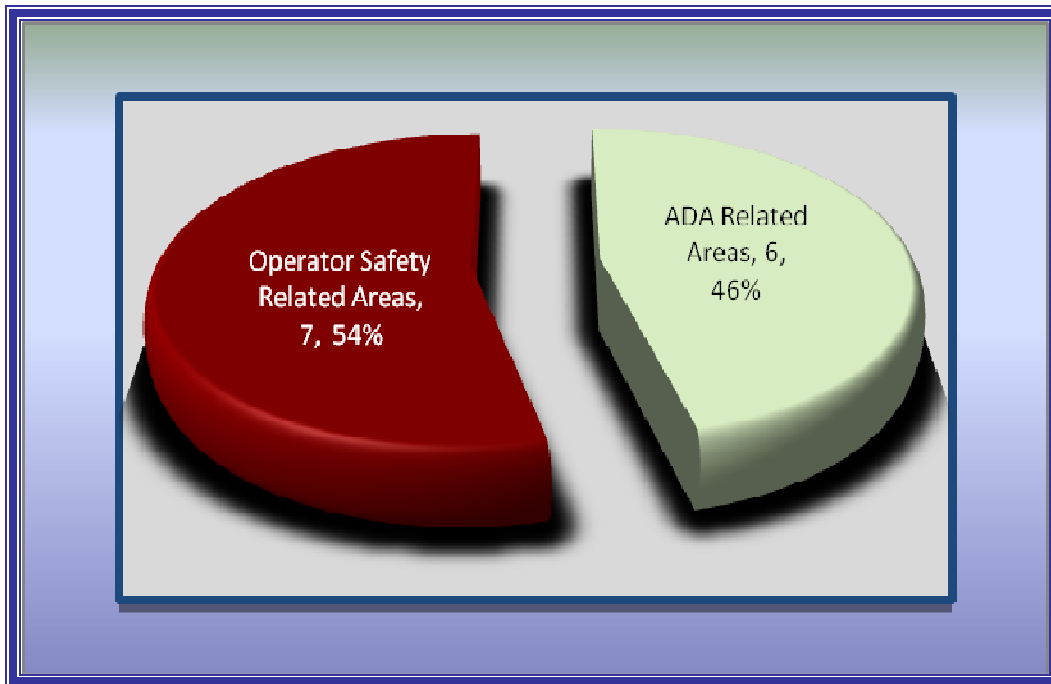
BACKGROUND

The Operator’s Rulebook and Standard Operating Procedures (SOP) contains policies and procedures governing Metro bus operator performance. 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 153 observations made by OIG observers, no violations were found during 141 (92%) observations. However, 13 violations were found during 12 (8%) of the observations (one observation noted two violations). A total of 10 written notifications were issued. The 13 violations observed were in the areas of ADA (6) and safety (7); see chart below.

Chart 1: Violations by Category



A. ADA Related Areas

We observed six ADA related violations:

- two instances where Bus Operations Control (BOC) was not notified when a wheelchair patron declined to be secured, and
- four instances where bus operator did not fully adhere to Metro’s wheelchair securement policy.

1. BOC not Called when Wheelchair Unsecured

Twenty-nine wheelchair customers boarded Metro buses during our observations. Of this total, 25 wheelchair customers declined securement. However, in two of these instances, one operator³ did not notify BOC that the wheelchair customer declined securement. Section 7.110 of the Operator’s Rulebook and Standard Operating Procedures 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.” Management advised the OIG that the operator was counseled regarding compliance with OPS Notice 11 and Section 7 of the Operator’s Rulebook and Standard Operating Procedures Manual.

Additional ADA Related Matter Concerning Notification of BOC

During a recent separate investigation of a complaint from a wheelchair patron, we reviewed three Metro Bus Incident Reports. In each complaint, the patron alleged that the bus operator passed her up. Review of these incidents by Operations management determined that the operators had reasons for declining boarding of the patron such as the ramp is broken or the bus is full. However, in each instance the operator did not adhere to Section 7:15 of the Operator’s Rulebook and Standard Operating Procedures which states:

“To be in compliance, every Operator shall provide customers with disabilities equal access to Metro services as it is available to all customers...If for any reason, a customer...with a disability is unable to board, Operators must (in the presence of the customer before departing the location) notify BOC...of

- Customer’s location,
- Customer’s destination,

³ The same bus operator was observed twice for not adhering to the policy; the two violations were noted during two separate undercover bus rides.

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- Reason the customer could not be accommodated, and
- Number of persons traveling with the customer.”

It is important that operators adhere to the rules for notifying BOC when wheelchairs are not secured and when patrons with disabilities are unable to board the bus. This notification documents such incidents and ensures that patrons with disabilities who are unable to board are not stranded.

2. Wheelchair Securement Instructions not Followed

During the 29 observations when a wheelchair customer boarded the Metro bus, we observed four bus operators who did not fully adhere to Metro’s wheelchair securement policy. Specifically, the bus operator did not rise from his/her seat and move to the securement area as required by policy. 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.”

We provided each of the four operators with a written notification of this violation. Management advised us that the following actions were taken:

- Two operators received training and were verbally warned for violating requirements in OPS # 11-070.
- The third operator received counseling and retraining on OPS # 11-070.
- The fourth operator was issued a Trans-19 (Major ADA Rule Violation).

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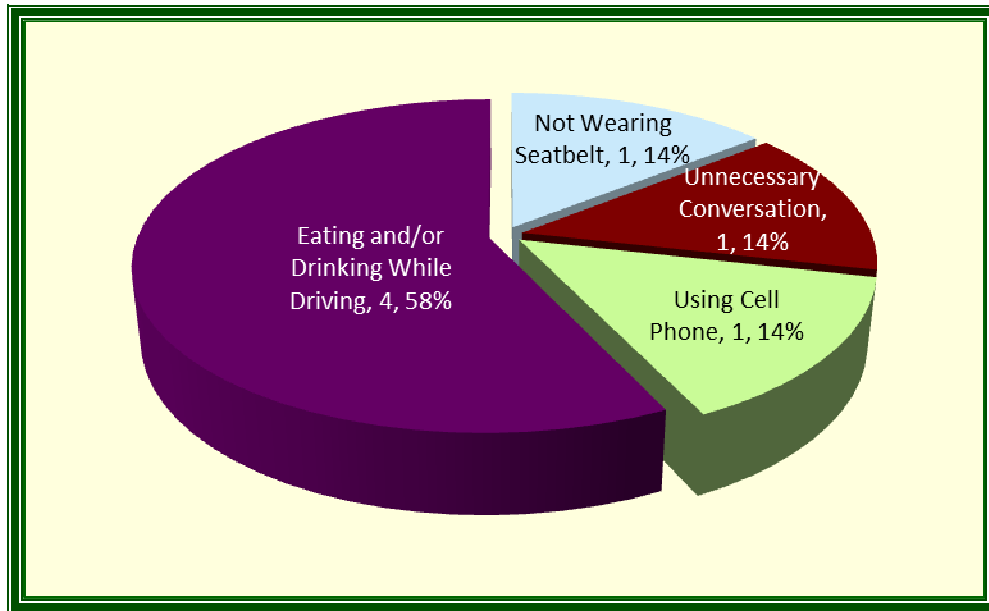
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B. Operator Safety Related Areas

We observed seven violations related to safety areas. The violations included eating and/or drinking while driving, using a personal cell phone, not wearing seatbelt while operating the bus, and unnecessary conversation with patron while the bus is in service:

Chart 3: Violations Related to Operator Safety Areas



1. Eating While Operating Bus

We observed 4 operators eating and/or drinking while operating a Metro bus, and provided each operator with a written notification of the violation. All 4 operators were drinking a beverage of some type and one was also snacking on food from a small bag. 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 the vehicle is in or out of service." Eating or drinking while driving a bus could distract the operator and increase the risk of injuries or accidents. Management advised us that all four operators were charged with a major violation, counseled, and given training.

2. Not Wearing Seatbelt

We observed a bus operator who did not wear his seat belt while operating a Metro bus, and provided the operator with a written notification of this violation. Section 2.39 of the Operator's Rulebook states: "The use of seatbelts 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. Upon receiving the written OIG notification, the Transportation Manager advised that this violation was noted in the operator’s file.

3. Unnecessary Conversation while Operating Bus

We observed a bus operator conducting unnecessary conversation with a patron while operating the bus. We provided the operator with a written notification of this violation. The operator was unnecessarily conversing with a patron about non-Metro business matters during the entire observation period (over 30 minutes) while the bus was in service. The patron was leaning against the back and to the side of operator’s seat while talking to the operator. Unnecessary conversation with patrons is prohibited by Metro operator rules because it could distract the operator from driving safely and performing his/her important duties of operating the bus and providing service to patrons.

The Operator’s Rulebook states:

- Section 3.24: “When operating any Metro vehicle, Operators must devote full attention to driving and traffic conditions. DO NOT engage in any unnecessary conversation while operating the bus.”
- Section 7.05: “Avoid all unnecessary conversation while the bus is in motion. Questions should be answered briefly and politely, without diverting attention from the road.”
- Section 1.22: “Operators must make their safety and that of the customers the highest priority at all times. Safety must never be sacrificed for schedule adherence or customer convenience.”

Management advised the OIG that operator was charged with a minor rule violation for unsafe operation and was assessed a caution.

4. Using Personal Cell Phone

We observed a bus operator using his personal cell phone when the bus was in service with passengers aboard. We provided the operator with a written notification for this violation. Specifically, at a bus stop the operator exited the bus and made a call using his personal cell phone. Although the call was short, the bus was full of passengers at the time and operator left bus engine running and unattended contrary to policy. The operator’s inappropriate behavior delayed the bus and put the passengers on the unattended bus at risk such as someone driving off with the bus or movement of the bus without an operator at the wheel.

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The Operator's Rulebook states:

- Section 1.25: "All electronic devices must be off and not visible when operating any Metro vehicle...Such devices may be used during layovers; however, Operators must use common sense and good judgment to avoid conflict with customers."
- Section 2.119: "Any Metro vehicle left unattended at any location will be secured as follows:
 - Gear shift selector in neutral
 - Wheels curbed (if applicable)
 - Parking brake set
 - Engine off "

The Transportation Manager interviewed the bus operator. The operator stated that at the layover location, he spoke with his daughter about a lunch date. When he resumed his bus route, the operator got off the bus (at Pico Boulevard and La Brea Avenue) and called his daughter back to cancel the lunch appointment. The Division Transportation Manager stated that the operator did not use common sense in this apparent non-emergency situation. The Division Manager advised the OIG that the operator was counseled and given a verbal warning for violation of rules 1.25 and 2.119. Also the incident was entered into the operator's record for management review.

CONCLUSION

During the quarter, we completed 153 observations of Metro bus operators. We 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. 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:

- calling BOC when wheelchairs are not secured,
- calling BOC when patrons with disabilities are unable to board the bus,
- wearing seat belt when operating bus,
- refraining from eating or drinking while operating bus,
- refraining from unnecessary conversation with patrons, and
- not using personal cell phone while bus is in service.

Summary of Violations Observed April to June 2012

Observation Areas	Instances Observed
ADA Related Areas	
Operator did not rise from seat and move to securement area	4
Wheelchair patron not secured, BOC not called	2
Operator Safety Areas	
Eating or drinking while driving bus	4
Not wearing seat belt	1
Unnecessary conversation while bus in service	1
Using personal cell phone while bus in service	<u>1</u>
TOTAL	<u>13</u>

Summary of Observation Results For the Last Four Quarters

Observation Areas	Instances Observed			
	Jul to Sep 2011 (A, B)	Oct to Dec 2011 (B)	Jan to Mar 2012 (B)	Apr to Jun 2012 (B)
ADA Related Areas				
Operator did not rise from seat and move to securement area	(C)	3	1	4
Operator did not ask to secure wheelchair patron	1	2	1	0
Wheelchair patron not secured, BOC not called	1	7	3	2
Wheelchair patron denied boarding, BOC not called	0	1	0	0
Wheelchair patron passed up	0	0	0	0
Stops not announced when AVA not in use	14	0	0	0
Assistance not offered to patron who appears to have special needs	0	3	0	0
Operator Safety Areas				
Using personal cell phone while driving bus	0	1	0	1
Unnecessary conversation	0	0	0	1
Eating or drinking while driving	0	3	1	4
Not wearing seat belt	2	4	3	1
Not obeying traffic laws	1	0	1	0
Operator Discourtesy	0	0	0	0
Bus Uniforms				
Bus Operator was not wearing approved uniform	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Violations Observed	<u>20</u>	<u>24</u>	<u>10</u>	<u>13</u>
Number of Observations Made	105	147	157	153
Number of Observations with Violations	<u>19</u>	<u>14</u>	<u>9</u>	<u>12</u>
Percentage of Observations with Violations	<u>18%</u>	<u>10%</u>	<u>6%</u>	<u>8%</u>

- (A) Review of contract bus operators
 (B) Multiple violations were noted during some of the observations.
 (C) Criteria was not in effect at beginning of our review period.

Final Report Distribution

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