

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

**Bus Safety and Compliance Checks
October to December 2009**

During undercover bus safety and compliance checks, we found that most bus operators complied with Metro policies and rules. However, rule violations were noted during approximately 20 percent of the rides.

Report No. 10-AUD-07

February 24, 2010



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DATE: February 24, 2010

TO: Board of Directors
Chief Executive Officer

FROM: 
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Deputy Inspector General – Audit

SUBJECT: Bus Safety and Compliance Checks 10-AUD-07

INTRODUCTION

The Office of the Inspector General (OIG) has implemented an undercover “ride along” program to monitor bus operations, as part of our mandate to uncover fraud, waste, and abuse, as well as, to assist Metro improve 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 Disability Act (ADA) compliance matters. The OIG Audit and Investigation Units jointly performed this review. This report summarizes our observations of bus operations during October through December 2009.

OBJECTIVES AND SCOPE OF REVIEW

The objective of our review was to determine whether bus operators were complying 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 ADA compliance matters.

We selected 12 bus lines operated by 7 divisions to make operator performance checks; these lines had higher than average numbers of customer complaints during FY 2009 (see Attachment A). We completed 205 observations on 164 operators during the period October through December 2009.

Government Auditing Standards were not always followed because of the nature of the observations, which included inspections conducted by OIG investigations staff.

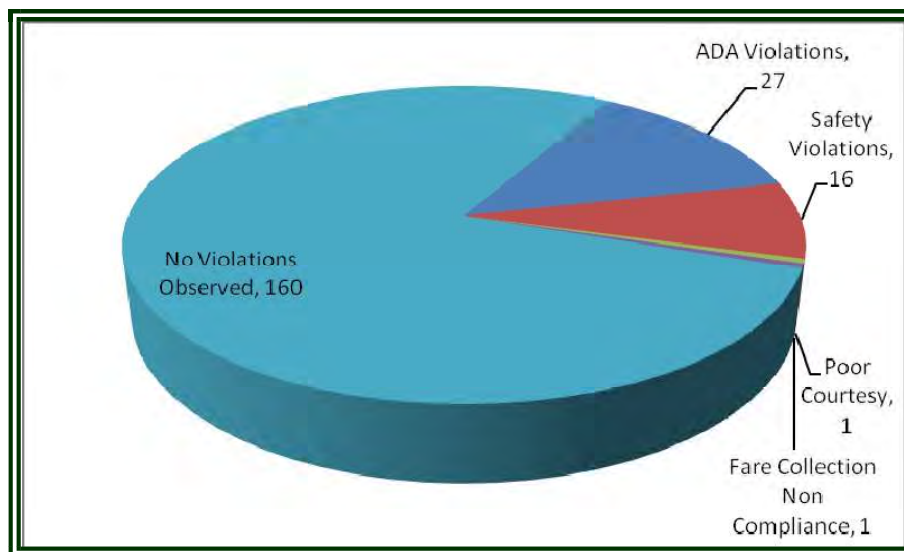
BACKGROUND

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 fares.

RESULTS OF REVIEW

Our safety and compliance checks showed that in most instances bus operators complied with Metro policies and rules. During 160 of the 205 observations, we found no violations. However, rule violations were found during 45 of the observations (see Attachment B for summary of violations observed). Of the 45 violations, 27 related to ADA areas, 16 concerned safety areas, one dealt with courtesy, and one related to fare collection.

Chart 1 – Results of us Observations



In four of the above instances, we felt that the violation was serious and warranted immediate management attention. Two of these instances dealt with operator use of cell phones while operating a bus, another instance concerned operator discourtesy to customers, and the remaining instance involved an operator who refused cash fares from patrons. For these four instances, we issued separate reports to the applicable managers so that appropriate and timely corrective action can be taken.

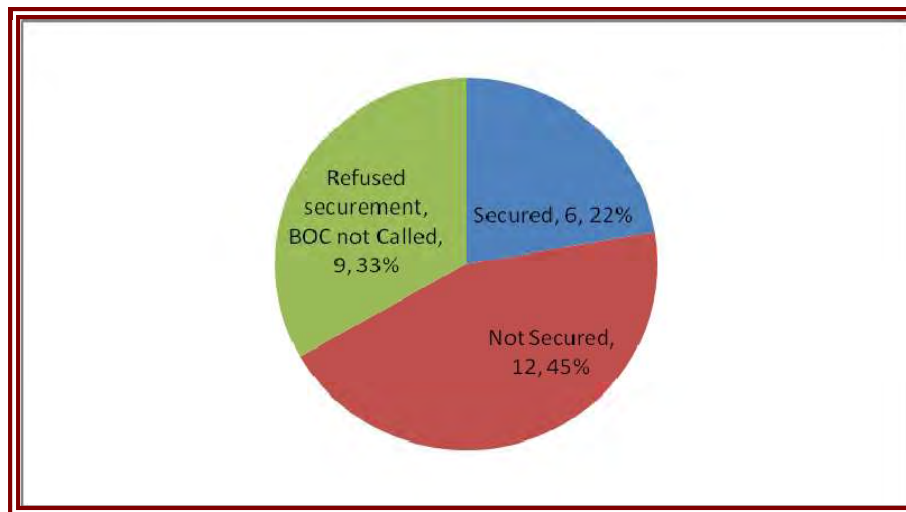
We did not observe any instances where patrons in wheelchairs were denied boarding or were passed up.

1. Wheelchair Securement

During 27 safety and compliance checks, patrons in wheelchairs boarded the bus. For these instances, we observed that:

- 6 wheelchairs were secured (5 times by the operator and once by a person who accompanied the wheelchair patron).
- 12 wheelchairs were not secured, and the operator did not ask the patrons whether they needed assistance in securing their devices. Section 7.110 of the Operator's Rulebook states: "An Operator shall secure each wheelchair in the bus... Operators are required to ask every boarding customer who uses a wheelchair whether they need assistance in reaching the securement area or using securement devices."
- 9 patrons declined to have their wheelchairs secured. However, the operators did not call Bus Operation Control (BOC) as required. 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."

Chart 2 - Observations Related to Wheelchair Securement



2. Driving Unsafely

We observed that five operators did not drive safely, such as driving too fast or not having two hands on the steering wheel while driving. Section 3.100 of the Operator's Rulebook states: "Operators are required to operate [vehicle] using the proper defensive driving techniques outlined in the Defensive Driving Course and are to operate any Metro vehicle under control at all times."

3. Eating or Drinking While Driving

We observed that five operators were eating or drinking (such as cookies, juice, and water) while operating the 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."

4. Not Wearing Seat Belt

We observed that four operators did not wear seat belts while operating the bus. Using seat belts helps prevent serious injury to the operator in event of an accident or sudden stop. Section 2.39 of the Operator's Rulebook requires: "The use of seatbelts and shoulder belts (if equipped) is mandatory when operating any Metro vehicle..."

5. Using Cell Phone

Section 1.25 (Electronic Devices) of the Operator's Rulebook states: "All electronic devices must be off and not visible when operating any Metro vehicle." 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."

We observed that two operators used their personal cell phones while operating the bus.

- One operator used her cell phone for approximately 17 minutes. During this period, the operator drove the bus carrying passengers. At one stop, after several patrons boarded the bus, the operator briefly disembarked the bus while continuing to use the cell phone. When the operator returned to the bus, she stood by the driver's seat and later sat in the driver seat while continuing the conversation, which delayed departure of the bus. We reported this incident to management. In responding to our report, the Transportation Manager stated: "I have scheduled a disciplinary hearing to address the violation and will apprise you of the outcome."
- Another operator used his cell phone on three separate occasions, which lasted about 3 to 4 minutes each, while the bus was in motion. We reported this incident to management. In responding to our report, the Assistant Transportation Manager

stated: “I have interviewed [the] operator...on his usage of the cell phone. The operator has written an explanation of his cell phone usage and I have reprimanded him for his actions.”

6. Calling Out Stops

On six bus rides, we observed that the Automatic Voice Annunciation (AVA) systems on five buses were not on or not working (bus numbers 7596, 9256, 9268, 9428, and 9431). During these rides, five operators did not make announcements, and one operator called stops occasionally. Section 7.03 of the Operator’s rulebook states: “In the event that the Automatic Voice Annunciation system is not operational, make announcements in a clear, distinct voice.”

7. Operator Courtesy

The Operator’s Rulebook, Section 7.21, states that “Operators are required to treat all customers, in a consistent, courteous, respectful, and professional manner at all times. When dealing with customers be conscious of actions and words used when requesting compliance. Be selective of the words used and the tone with which they are spoken. Neither should be offensive nor sarcastic.”

We observed one operator who acted in a discourteous manner to the patrons and the public. We rode a crowded bus which had passengers standing in the aisle. When the bus came to a stop, some passengers wanted get off the bus, but none of them disembarked. When the doors closed and the bus started to move, some of the passengers shouted at the operator to stop. About this time the Operator yelled, “shut up” and “why didn’t you get off when the door opened?” The Operator appeared to be very agitated and raised his right hand while looking into the rear view mirror. About 40 minutes later, the Operator leaned to his left, looked out the window and yelled several times at a motorist, in an agitated voice, for the motorist to stay to the left.

We reported these incidents to management. In responding to our report, the Assistant Transportation Manager stated: “I spoke to [the] operator regarding the non-compliance report I received, the operator was apologetic and stated he was a little stressed out that day. I spoke to the operator regarding good customer service and the importance of treating all of the public in a courteous manner. I will be sending the operator to the World Class customer training as soon as there is an available class.”

8. Fare Collection

Section 8.102 of the Operator's Rulebook states that: "Operators are required to account for all customers as they board and must make a reasonable attempt to collect the proper fare. They are required to enforce the fare policy equally and fairly with each customer."

During a bus ride on December 2, 2009, we observed that the bus operator refused to accept cash fares from patrons entering the bus. When patrons attempted to put cash in the fare box, the operator placed his right hand over the fare box and waved the patrons onto the bus. This conduct lasted the entire 1 hour 8 minute period of our observation. We reported this incident to management. The Division Transportation Manager told us that the alleged violation is serious, and he will:

- determine whether the fare box was operational that day,
- review the video tape that the OIG provided with the report, and
- take other appropriate action.

The Division Transportation Manager subsequently advised us that the fare box equipment appears to have been operational on December 2, 2009.

OTHER RELATED REVIEW

Metro hired a consultant¹ to conduct bus operator performance assessments to observe operator behavior including passenger relations, ADA procedures, and safety. The consultant's assessments generally covered more areas than the OIG review.

The consultant made 258 observations during September and November 2009. The consultant's report noted some violations that were similar those we observed such as:

- No AVA or did not call out bus stop
- Using cellular phone
- Violated food/drink prohibition
- Not wearing seat belts
- Traffic signals
- Poor courtesy

¹ Metro has a contract with Mobility Advancement Group to perform bus operator assessments from September to November 2009. Metro also has a second contract with the contractor to perform assessments from December 1, 2009 to November 30, 2010.

CONCLUSION

We found that most operators performed their duties in accordance with Metro policies and rules, in some instances in a commendable manner.

- An operator was exceptionally courteous to patrons, e.g., congenial, helpful, and greeting and thanking riders (Line 81, badge 16507).
- An operator went out of his way to be courteous and helpful to riders, e.g., helped lady with bags board the bus (Line 81, badge 22394).
- An operator showed good skills to avoid an accident when a car suddenly cut in front of the bus (Line 704, badge 24767).

However, we found rule violations in approximately 20% of the observations made. Based on the results of our review, Operations management needs to emphasize compliance with rules related to:

- wheelchair securement,
- announcing stops,
- prohibiting use of electronic devices when operating vehicle,
- wearing seat belts, and
- not eating or drinking while driving.

We issued separate reports on four of the incidents. For the remaining incidents, we are providing 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.

Bus Divisions and Lines Reviewed

<u>Division</u>	<u>Bus Line</u>	<u>FY 2009 Total Complaints</u>	<u>FY 2009 ADA Complaints</u>
1	460	134	3
3	81	131	8
3	780	122	10
5	204	141	6
5	754	100	11
7	14	113	2
7	704	155	8
10	4	227	14
10	720	344	12
15	761	120	4
18	444	120	2
18	550	163	5

Summary of Violations Observed

Observation Areas	Instances Observed
ADA Related Areas	
Wheelchair not secured	12
Patron declined wheelchair securement, but BOC not called	9
Wheelchair patron denied boarding	0
Wheel chair patron passed-up	0
Stops not announced when AVA not in use	6
Operator Safety Areas	
Using personal cell phone while driving bus	2
Driving unsafely	5
Eating or drinking while driving	5
Not wearing seat belt	4
Customer Relations	
Discourteous to patrons	1
Fare Collection	
Operator refused cash fares from patrons	<u>1</u>
TOTAL	<u><u>45</u></u>

Final Report Distribution

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