

**Metro**Los Angeles County
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metro.net**EXECUTIVE MANAGEMENT COMMITTEE
MARCH 19, 2015****SUBJECT: CONTINUE TERMS OF GADDY SETTLEMENT****ACTION: APPROVE CONTINUATION OF SETTLEMENT TERMS****RECOMMENDATION**

Direct Chief Executive Officer to continue to fulfill the changes decreed in the 2011 Gaddy Settlement Order requiring Metro to meet or exceed the minimum requirements of the Americans with Disabilities Act (ADA) beyond the expiration date of the Order.

ISSUE

On August 4, 2011 Metro agreed to be bound to a Settlement Order as a result of a lawsuit filed by wheelchair patron Cathy Gaddy and five other wheelchair plaintiffs alleging that Metro failed to meet the requirements of the Americans with Disabilities Act. The Settlement Order included far reaching provisions that significantly improved our compliance with the ADA and expanded ADA service above and beyond the minimum provisions of the legislation. The implementation of the Gaddy Settlement Order has been a major success resulting in record breaking ridership among persons with disabilities and receiving recognition from the Federal Transit Administration (FTA) that Metro is now a national model of ADA compliance. Approval of the recommendation will ensure that Metro continues to fulfill the intent of the Gaddy Settlement Order and maintains a high level of service for persons with disabilities.

BACKGROUND

In 2009, dissatisfaction with the level of service provided to persons with disabilities resulted in lawsuits led by Cathy Gaddy and five other wheelchair patrons. The cases were settled and Metro agreed to significant injunctive relief designed to improve service for persons with disabilities. Metro was ordered to create a new ADA department, implement policy changes, institute improvements to training, perform better equipment maintenance and tracking procedures, make enhancements to the Mystery Rider program, redesign the complaint handling process and hold annual peer reviews on ADA compliance.

In 2016, the last of the Settlement Order requirements will sunset, however ridership by persons with disabilities continues to grow. Metro now carries more than 100,000 persons using wheelchairs every month on the bus and rail system, which accounts for 0.27 percent of systemwide monthly boardings (referencing December 2014 monthly boardings). Metro experiences the most wheelchair boardings of any transit agency in the nation.

DISCUSSION

The Gaddy Settlement Order includes 26 specific requirements that Metro has fully implemented since the Settlement Order in 2011. By adopting this recommendation the Board would be requiring staff to maintain full ADA compliance and to go above and beyond the minimum requirements of the Federal law in specific areas. In some areas the decree has become obsolete. Minor changes will be necessary as technology and equipment changes, and in some areas the Settlement terms could actually be improved.

Expanded Peer Reviews

As an example, specific provisions of the Settlement Order designed to ensure safe and reliable operation of the lifts are no longer necessary. The Settlement Order also required Metro to seek a peer review of ADA compliance from the Orange County Transit Authority or the Metropolitan Transit Authority in San Diego each year. Metro will continue the program but extend it to include other peer agencies to obtain a wider perspective on approaches to serving passengers with disabilities.

Exploring Investments in New Technology

One of the provisions of the Settlement Order requires Metro to pull and review video recordings from each bus trip where an ADA complaint is filed by a patron. The video typically shows that Metro operators did follow ADA procedures allowing claims to be denied. The existing video storage technology employed by Metro is in keeping with the current industry standard, but does not align with a California state provision allowing claims to be filed up to six months after an incident is alleged to have happened. This means the video recording may not be available for verification of the event. New technology allows for longer storage times however six months of bus on-board storage remains a significant challenge. Offloading all video remotely and storing it externally is another option, but also poses other challenges. Staff will continue to investigate the availability and cost of such systems, as new technologies become available, with the goal of providing complete six month coverage in the future, thereby further reducing the likelihood of costly lawsuits and claims.

Enhanced Training Efforts

The enhanced operator training that was developed and delivered to meet the terms of the Gaddy Settlement Order has been very successful in reducing the number of ADA complaints from passengers and improving compliance. Prior to the enhanced training Metro averaged about 70 ADA complaints per month. Since the enhanced training was introduced the number of complaints has been reduced to about 30 per month. The

enhanced training will remain part of the curriculum for new operators and in future years incumbent operators will be given a performance test and evaluation to keep their wheelchair service skills sharp.

Reward and Mystery Rider Programs

The Gaddy Settlement Order required Metro to create incentive programs to reward operators for providing good service to patrons with disabilities. These programs, which include a special recognition, pin and commendation letters will also continue and be expanded. The Mystery Rider program operated by Metro was required to be enhanced by the Settlement Order. The changes made to the program have improved it, and made it more statistically sound and provided better reporting mechanisms. It has been one of the major successes of the Settlement Order and continuation will support our goal of ensuring quality service.

DETERMINATION OF SAFETY IMPACT

Compliance with the ADA ensures the safety of our patrons with disabilities. Many of the enhancements that go above and beyond the ADA such as the tactile pathways are designed to further improve the safety of patrons with disabilities who are using our services and facilities. Failing to comply with the provisions of the Gaddy Settlement Order could result in a less safe environment for our patrons with disabilities.

FINANCIAL IMPACT

Continuing to provide a high level of service to patrons with disabilities will have a long term beneficial impact on Metro and minimize the potential for future lawsuits. Making our fixed route system attractive to persons with disabilities will minimize the requirement to provide paratransit service which can cost ten times more than the cost of providing a trip on the Metro fixed route system. In terms of investments in technology, making historical video footage from bus cameras available for up to six months would be very expensive using current technology. Staff will continue to investigate options as new technology becomes available to seek a cost effective solution.

ALTERNATIVES CONSIDERED

Metro is committed to meeting the transportation needs of persons with disabilities. The alternative of not formally maintaining the Settlement Order would risk reducing the level of service being provided and would not be consistent with our vision.

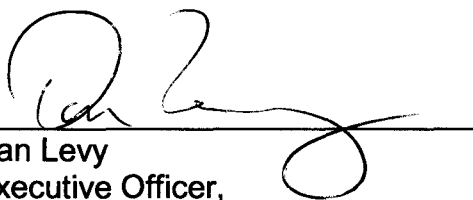
NEXT STEPS

Metro will transition seamlessly from operating under the Gaddy Settlement Order to operating without the Court order. Adjustments will be made based on technology equipment or administrative changes but the overall service level to patrons with disabilities will not change.

ATTACHMENTS

- A. List of 26 Gaddy Settlement Requirements
- B. Memo re: Triennial Audit

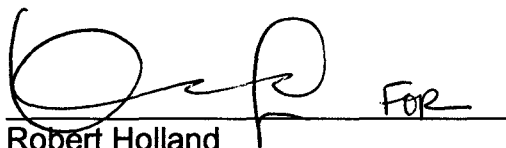
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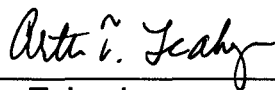
Dan Levy
Executive Officer,
Civil Rights Compliance Programs



Dave Edwards
Chief Information Officer



Robert Holland
Interim Chief Operations Officer



Arthur T. Leahy
Chief Executive Officer

Summary of Gaddy Settlement Order Terms		
a.	Metro shall create a direct reporting structure for the head of the ADA Compliance unit to report directly to the office of the CEO.	Completed & Continuing
b.	Metro shall expand its present ADA Compliance unit to adequately address ADA issues.	Completed & Continuing
c.	Metro shall create an ADA Compliance sign-off policy to require all departments making changes that could impact accessibility to gain approval.	Completed & Continuing
d.	Metro shall ensure that the ADA Compliance Unit has a seat on committees or projects where accessibility could be reasonably impacted.	Completed & Continuing
e.	Metro shall ensure that the ADA Compliance Unit is promptly informed of pertinent information involving ADA related matters.	Completed & Continuing
f.	In the fifth month after the effective date the ADA Compliance Unit shall gather and quantify data from the Mystery Ride Program to establish a baseline of certain ADA related performance areas.	Completed
g.	A Peer Review Committee from Orange or San Diego County transit agencies shall provide independent oversight by yearly planned reviews to ensure the ADA Compliance Unit meets or exceeds its established policies, practices and goals.	Completed & extended to include participation from other agencies
h.	Metro shall ensure that all ADA related customer complaints are promptly referred to the ADA Compliance Unit for proper handling.	Completed & Continuing
i.	The ADA Compliance Unit shall identify problem areas recommend changes necessary to bring the MTA system into compliance based customer complaints.	Completed
j.	Metro shall develop an ADA customer compliant reporting system that ensures all relevant departments receive monthly, quality and yearly reports on the performance of each division.	Completed & Continuing
k.	Metro shall develop a process that ties customer complaints to employee training and discipline policy.	Completed & Continuing
l.	Metro shall continue its present Mystery Ride Program to provide an internal monitoring systems that independently tests the service provided though the use of undercover monitors.	Completed & Continuing
m.	Metro shall develop a quarterly reporting policy for Mystery Ride Program reports.	Completed & Continuing
n.	Metro shall develop opportunities for recognition of drivers who have 100 performance on key accessibility measures.	Completed & being extended
o.	The ADA Compliance Unit shall timely ask Division Managers to pull the bus Digital Video Recording whenever an ADA category complaint is reported through any sources.	Completed & Continuing
p.	Metro shall require bus operators to call Bus Operations Control to report non functioning lifts, ramps, securements systems or lap and seat belts immediately upon failure and take the bus out of service unless it is less than 2 hours from the end of its day.	Completed & Continuing
q.	Within 12 months of the effective date Metro shall replace all missing or damaged bus stop signs with new signage.	Completed & Continuing
r.	Metro shall post car cards in the securement area of all buses stating that Metro recommends wheelchairs be secured.	Completed & Continuing

s.	Metro will train and require bus operators to automatically rise from their seats and secure wheeled mobility devices and recommend lap belt and shoulder harness for safety, however Metro is not required to secure a mobility device if the patron affirmatively refuses securement.	Completed & continuing with revisions based on new securement systems
t.	Operations Central Training shall work with the ADA Compliance Unit to identify and procure 5 different types of mobility devices for hands on securement training at each MTA Division.	Completed & continuing
u.	Metro shall develop a hands on training module for all operations personnel.	Completed & Continuing to update as needed
v.	Metro shall update the Operators Vehicle Condition Report (OCVR) to include pre-trip functional assessment of the securement system.	Completed & Continuing to update as needed
w	Every bus operator shall certify all accessibility equipment meets the minimum requirements prior to leaving the yard for the morning pull out by signing the OVCR.	Completed & Continuing
x	All reports to Bus Operations Control of failure of ADA lift and securement devices shall be provided to the ADA Compliance Unit.	Completed & Continuing
y	Metro shall add an updated pre-trip inspection policy and an updated (OCVR) to ADA bus operations training curriculum	Completed & Continuing
z	Any vehicle that is claimed to have faulty accessibility equipment in the field will be examined by Metro's maintenance department and if the equipment is not found fault shall notify the ADA Compliance Unit.	Completed & Continuing

TO: Federal Transit Administration (FTA) – Region IX
Los Angeles Metropolitan Office
FTA Office of Civil Rights

FROM: Milligan & Company, LLC

SUBJECT: Fiscal Year 2014 Triennial Review (TR)
Los Angeles County Metropolitan Transportation Authority (LACMTA)
Recipient ID: 5566
Americans with Disability Act (ADA)
Enhanced Review Module (ERM)

DATE: October 8, 2014

CC: John Bodnar, TR Program Manager

Executive Summary

This ADA ERM was conducted in conjunction with the FY2014 Triennial Review of LACMTA. One trigger was identified during the pre-assessment review and discussed at the scoping meeting on May 15, 2014, which resulted in the recommendation for an ERM in the ADA area to focus on Accessibility Equipment Maintenance, Reliability, and Use. The onsite review and site visit to LACMTA occurred September 9-19, 2014.

The ADA ERM resulted in no deficiencies or recommendations.

Summary of Results

ERM Scope and Background

The scope of the ADA ERM was to address the following concerns:

- In 2013, Jose Calderon and the Disability Rights Center of Los Angeles, CA, began litigation in U.S. District Court against LACMTA, alleging bus operators discriminated against Mr. Calderon by refusing to clear priority seating on buses, thereby preventing him access to transportation. FTA requested that an ADA ERM be performed as a part of LACMTA's FY14 Triennial Review to verify how LACMTA is meeting its ADA obligations to provide priority seating areas on buses, boarding and priority seating training, lift and ramp operation, and lift and ramp maintenance on its fixed route bus service, in accordance with the requirements contained in Subpart G of 49 CFR Part 37 and other related requirements contained in 49 CFR Parts 27, 37 and 38.
- An investigative report conducted by local media in 2009 found that LACMTA fixed-route bus drivers were routinely passing by wheelchair users waiting for the bus.

ERM Procedures

In preparation for this ERM, review team members first examined LACMTA's documents provided and responses to questions asked as a part of the Grantee Information Request (GIR). The enhanced review included "covert" and "overt" elements.

Elements of the "covert" process included the following, performed during the week of September 8, 2014:

- Using a wheelchair to board, team members assessed the compliance of LACMTA bus operators and its contractors' bus operators with LACMTA boarding procedures and Department of Transportation (DOT) ADA priority seating requirements, without announcing their presence or providing LACMTA information about which routes were being observed.
- While on vehicles or at bus stops, reviewers also observed boardings by persons using wheelchairs or walkers. Sites and routes for observation were identified that reflect high ridership, frequent headways, long spans of service, points of interest for persons using wheelchairs, geographic diversity, routes appearing repeatedly in complaints furnished by LACMTA, and most efficient use of available resources.

Elements of the "overt" process included the following, performed during the week of September 15, 2014:

- Reviewers interviewed LACMTA and operations contractor staff to obtain updates to information provided as a part of the GIR and to gain an understanding of the ADA-related policies and practices used in implementing and managing the agency's fixed route bus service.
- To determine if LACMTA's policies, practices, and training meet DOT ADA regulatory standards for accessibility equipment maintenance, reliability, and use, and the extent to which these procedures are being uniformly and consistently applied and monitored, team members reviewed current transportation, training, facilities, and maintenance policies, procedures, and practices with regard to service to riders with disabilities.
- During two early morning pull-outs at LACMTA bus divisions (garages), one at Division 9 and one at Division 10, the entire review team verified the usability of accessibility equipment on buses and observed bus operators' compliance with agency pull-out inspection requirements.
- Reviewers also inspected LACMTA's newest buses and observed operator training.
- The team assessed ramp and lift maintenance; priority seating policies and practices; oversight of in-house and contracted service; training program content and materials; and the content and handling of, and response to ADA-related complaints.

ERM Results

1. Calderon Litigation

Calderon v. LACMTA was originally filed February 25, 2013, with an amended First Complaint filed March 1, 2013. In the filing, Mr. Calderon, who uses a wheelchair, charged LACMTA with failure to comply with “regulations that mandate bus drivers to ask the non-disabled individuals to move in order to allow individuals with disabilities to occupy designated priority seating areas and wheelchair securement locations....” In his amended complaint, Mr. Calderon stated that in 2012, he had filed nine complaints about being denied access to Route 603, a contracted route, and one complaint regarding Route 91, which LACMTA operates directly.

Reviewers conducted four test boardings using a wheelchair and conducted two observations on Route 603, at times using boarding sites named by Mr. Calderon. Using a wheelchair, reviewers also conducted one test boarding on Route 91. In all five instances, reviewers were able to board and ride, at times using boarding sites Mr. Calderon had listed. In addition, during both observations of Route 603, persons using wheelchairs successfully boarded the vehicle. In all seven events, reviewers observed that operators cleared wheelchair areas whenever necessary, and fully complied with LACMTA boarding, exiting, and priority seating requirements.

To ascertain the current status of this litigation, the review team interviewed the principal deputy county counsel for Los Angeles County. The deputy county counsel advised that this case was settled on August 14, 2013. The settlement agreement included revisions to be made to the LACMTA complaint procedures, to which LACMTA agreed to make changes. These revisions have since been implemented. In this agreement, LACMTA also affirmatively asserts that it provides wheelchair users and other persons with disabilities, including the plaintiff, access to its service and further asserts that its transportation services and facilities meet applicable federal accessibility requirements.

2. Service Provision

LACMTA provides over one million fixed route bus trips per weekday using a fleet of 2,328 agency-owned vehicles based at 11 divisions, and through contractors based at three facilities. LACMTA operates 152 bus routes directly and 18 bus routes using contractors. With average monthly bus boardings by persons using wheelchairs approaching 90,000, LACMTA posts the highest recorded ridership by wheelchair users in the nation.

Lift/Ramp Maintenance

Lift/ramp use and maintenance data for the sample month of June 2014¹ provides a snapshot of the LACMTA bus service:

¹Sources: LACMTA Service Planning data; *LACMTA Wheelchair Boarding and Pass-Up Counts Per Line (June 2014)*; *LACMTA Bus/Rail Complaint Summary FY 2014*; individual complaint review. Table C includes one double-counted failure, which skews totals by one (1); this data was obtained from *LACMTA ADA Bus Equipment Failure Report (June 2014)*.

A. Bus ridership: boardings and wheelchair boardings, June 2014

Total bus boardings	27,956,197
Total bus boardings by wheelchair users	85,965
Wheelchair boards as percentage of bus ridership	0.3%

B. Wheelchair pass-ups reported by operators as required, June 2014

Total wheelchair pass-ups reported by operators	2,231
Total wheelchair pass-ups reported which were due to mechanical failure (lift/ramp)	29 ²
Percentage of total reported pass-ups attributed to mechanical failure	1.3%

C. Bus ADA Equipment Failures, June 2014

Bus ADA Equipment Failures	
Total bus equipment failures	1,864
Total ADA bus equipment failures	122
Percentage of total bus equipment failures attributed to ADA bus equipment failures	6.5%
Lift/ramp failures	119
Securement equipment failures	3

Ramp/Lift Failures by Bus Type	
Ramp-equipped (low-floor) failures	94
Total ramp-equipped vehicles in fleet	2,146 (95.4% of fleet)
Failures per vehicle type (ramp-equipped)	One per 23 vehicles
Lift-equipped (high floor) failures	26
Total lift-equipped vehicles in fleet	104 (4.6% of fleet)
Failures per vehicle type (lift-equipped)	One per 4 vehicles

D. Customer complaint reports, June 2014

Total complaints received	1,270
Total LACMTA bus complaints	1,120
Total ADA-related complaints	50
ADA-related complaints as percentage of all complaints	3.9%
Total ADA-related bus pass-up complaints	21 ³
ADA bus pass-up complaints as percentage of all complaints	1.7%
Total ADA bus pass-up complaints reporting priority seating failure	0
Total ADA bus pass-up complaints reporting mechanical (ramp/lift) failure	3

² The remaining 2,202 pass-ups were due to the vehicle at capacity and/or the wheel chair areas already occupied.

³ Investigation of the remaining 18 complaints revealed various reasons for the pass-ups: vehicle at capacity, wheel chair areas already occupied, vehicle was not a designated stop (mid-block), customer wished to board at stop posted as discontinued (now part of a construction zone), vehicle was in motion, therefore the operator could not stop; vehicle was out of service; vehicle was a training vehicle and could not board passengers; etc.

As of August 2014, all LACMTA buses, including vehicles operated by contractors, were ramp-equipped (low-floor).

Priority Seating Requirements

Reviewers examined LACMTA's in-house and contracted bus service. LACMTA appears to provide the required priority seating areas in its fixed route buses, and to make priority seating announcements. Reviewers noted the following:

- **Policies:** Vehicle operators are required to request, but not require, that riders vacate priority seating when it is needed by a person with a disability. In addition, LACMTA requires that whenever possible, operators fold up seats in wheelchair areas before opening front doors and board wheelchair users first. See **3. Training** below.
- **Vehicles:** LACMTA buses contain two priority areas to accommodate wheelchairs, as well as seniors and persons with disabilities who are ambulatory. These are located at the front of the bus, and identified by signage and special seat coverings. Additionally, the most recent LACMTA bus purchase includes three areas for wheelchairs identified by special floor covering and seat fabrics. The new LACMTA buses also feature separate areas for walkers, and padded boards and passive wheelchair restraint systems for those wishing to ride facing the rear.
- **Signage:** To accommodate as many bus riders using wheelchairs as possible, LACMTA has also revised its priority seating signage after consultation with the disability community. Installation of new wall and window decals which differentiate between areas reserved for wheelchairs, and areas set aside for seniors and persons with disabilities who do not use wheelchairs, was almost complete at the time of the review.
- **Publicizing priority seating policies:** All LACMTA buses are required to display a poster at the front of the bus which solicits rider cooperation when a customer using a wheelchair is boarding. The poster states: "Reserved seats are for seniors and people with disabilities; please move if requested." Also, periodically, a customer brochure carrying the same message is distributed on buses and handed out to customers.

Oversight of Compliance with Requirements

Compliance is tracked through an undercover rider program, staff observation, data review, complaint monitoring that includes video review, soliciting community input regarding service usability, and periodic customer surveys. Reviewers noted the following:

LACMTA's Mystery Rider Program (MRP) provides insights into operator compliance with priority seating requirements. Established in 2009, the MRP is operated by an independent contractor trained by LACMTA. The reviewers examined MRP monitoring forms and reports. Reviewers noted that the monitoring program covers priority seating as part of boarding procedures and other ADA-related transportation issues such as stop announcements. Question 3.8 on the MRP form asks, "*Did Operator ask non-disabled or non-senior riders to move for a person with a disability or a senior from the priority seating area?*" In a review of the assessment performed for the fourth quarter of fiscal year 2014, the MRP reports driver

compliance with LACMTA wheelchair securement requirements reached 96.2 percent (407 of 423 reports). This report category includes priority seating requirements.

LACMTA has made priority seating requirements part of its wheelchair securement procedure. LACMTA requires operators to rise from the driver’s seat, request (as needed) that persons sitting in priority seats and any fold-down seats over the securement area vacate these seats when a person using a wheelchair needs to use them, prepare the securement area by lifting seats and equipment, and then open the door and proceed to board the customer. Operators are trained that if those seated in wheelchair areas cannot or do not wish to vacate priority seating, the operator should not force them to move. Instead, LACMA’s General Management policy “Providing Transportation Services to Individuals with Disabilities” (“Gen54”) states: “...customers using wheelchairs will not be boarded when non-elderly or non-disabled customers refuse an Operator's request to vacate the wheelchair securement area. In the event the Operator is unable to clear the wheelchair securement area, the Operator will explain to the customer using a wheelchair that he or she was unsuccessful in clearing the wheelchair securement space and will inform the customer when the next bus is scheduled to arrive.”

LACMTA’s Civil Rights Compliance Manager stated that in eight to ten percent of MRP trips, a walker in the securement position precludes boarding by someone using a wheelchair. For this reason, new buses provide a special walker position. The reviewers were advised that at no time have mystery riders ever observed circumstances where a pass-up occurred when there was a wheelchair pocket available and space on the bus was sufficient to board a customer in a wheelchair.

Observations

To assess bus operators’ compliance with LACMTA boarding procedures and DOT ADA priority seating requirements, the review team attempted a total of 31 bus boardings using a wheelchair and conducted a total of 19 additional observations on foot at bus stops and on board vehicles. These boardings and observations were unannounced. Reviewers observed that all operators complied with LACMTA boarding, exiting and priority seating requirements. Results were as follows; no deficiencies were found.

Priority Seating Observations				
	Attempted	Successful	Percentage of successful boardings-	Percentage of compliance with LACMTA procedures
Boardings using wheelchair	31	31	100%	100%
Observed wheelchair boardings while on vehicle or at bus stop	19	19	100%	100%
Totals	50	50		

In addition, based on the review of data provided, individual complaints, and vehicle inspections, LACMTA does not appear to place vehicles with inoperable accessibility equipment into service. See 4. Vehicles, Vehicle Maintenance, and Maintenance of Accessible Features below.

Recommendations

No recommendations were made in regard to LACMTA's implementation of the DOT ADA regulatory requirements for service provision.

3. Training

LACMTA's operator training program and materials address the DOT ADA regulatory requirements regarding training to proficiency, appropriateness to assigned duties, and respectful treatment of individuals with disabilities. Reviewers observed that LACMTA has committed agency resources, and staff and consultant time to develop intensive, hands-on ADA training programs and materials for operators, staff and managers.

With regard to bus operations, LACMTA instructional programs include an ongoing ADA training module that is part of the New Driver Training (Basic) program, as well as ten-hour, one-day review (refresher) training for all 4,500+ bus operators which focuses on improved customer service and enhancing wheelchair boarding, securement and alighting skills. A two-day training module for more than 100 transit operations supervisors provided instruction on how to deliver bus operator ADA training using the "Bus Operator Rulebook" and "Standard Operating Procedures," along with hands-on training in a variety of wheelchair and securement system types.

LACMTA trains its bus operators and supervisory personnel with the aid of two training fleets. This permits two simultaneous classes of 12. The training fleets include all bus models currently in revenue service. Vehicles are low-floor and feature all variations in securement equipment. In addition to vehicles, each training fleet includes seven different types of mobility devices. After completing classroom courses in LACMTA's ADA rules and procedures, students must undergo hands-on practice and demonstrate proficiency in wheelchair navigation and wheelchair securement. This part of the training is supported by extensive instructional materials, presentations and handbooks developed by LACMTA, that show and discuss how to secure various mobility devices and how to identify and handle difficult-to-secure units.

Concerning training in priority seating procedures, the Standard Operating Procedures (SOPs) that underlie all LACMTA training require bus operators to "ask customers occupying seats in the wheelchair securement area to vacate these seats when customers with wheelchairs need them and every time a person with a disability boards. Operators should respectfully request, but not insist on compliance." (SOP 7.110, *Accessible Equipment*)

With regard to training operators for contracted bus service, LACMTA incorporates "Gen54" into contracts with service contractors. LACMTA trains its contractor supervisors and trainers. These individuals are then responsible for providing the same ADA policies, procedures and training to their bus operators using LACMTA programs and materials. The review team interviewed trainers at three contractor facilities and inspected instructional materials to confirm that their training uses LACMTA content and materials. LACMTA Contract Services managers verify contractors' training records.

Observations

During operator training, reviewers witnessed drivers practicing the request that seats to be vacated. The LACMTA “Mobility Devices Reference Guide for Bus Operators” pocket guide reminds operators, “Ask customers to vacate securement area.” A decal listing the same information for quick reference has been installed in the bus operator seat area in all new and existing buses. Finally, the ten-hour refresher class for all bus operators and supervisors mentioned earlier includes a review of all procedures related to accessibility for customers using wheelchairs, including requesting priority seats be vacated.

Recommendations

No recommendations were made in regard to LACMTA’s implementation of the requirements for Training.

4. Vehicles, Vehicle Maintenance, and Maintenance of Accessible Features

As previously stated, in August 2014 the LACMTA bus fleet, including vehicles used in contracted service, became 100 percent ramp-equipped. Future bus purchases specify low-floor vehicles exclusively. With this changeover, LACMTA maintenance and transportation managers cite the reliability and other advantages in terms of ADA maintenance issues that ramp-equipped vehicles offer. The service benefits of low-floor vehicles are equally obvious, in that ramps can be readily deployed and stowed manually by operators in the event of mechanical failure. LACMTA’s M3 maintenance management system documents and tracks vehicle use and maintenance. In addition to detailed daily reporting, follow-up, and analysis, the M3 system enables maintenance managers to investigate complaints and track daily vehicle fault reports in order to issue weekly ADA Bus Equipment Failure Reports to the ADA compliance unit.

Observations

Reviewers visited two LACMTA divisions and all three contracted bus service facilities to inspect vehicle maintenance records and assess the nature, scope and timeliness of maintenance of ramps and other accessibility equipment. Maintenance managers provided reviewers with samples of the data used to identify, diagnose, and resolve systemic usage and equipment issues generated from the M3 maintenance system discussed above.

To assess timeliness of periodic maintenance and inspections, as part of the Triennial Review the reviewers scrutinized bus maintenance records for the past year covering one percent of LACMTA’s fleet, and three buses of each contractor’s fleet. Reviewing a total of 177 LACMTA bus maintenance occurrences, reviewers found only one late inspection. The inspection was performed 50 miles beyond the required interval. Overall, the sample demonstrated that LACMTA’s inspections are performed 99.4 percent on time. Review of contractor maintenance records showed the following: MV Transportation, Inc., 91 percent on time; Veolia Transportation, 100 percent; Southland Transit, Inc., 100 percent. With regard to the ERM, the following observations were made:

- **Pre-trip inspection policy:** LACMTA requires that bus drivers sign an Operator’s Vehicle Condition Report card (OVCR) to document that they have tested and operated accessibility equipment such as ramps and kneelers before pulling out of the yard. Reviewers observed and documented LACMTA operators using OVCRs during pre-checks before morning vehicle pull-outs.

Frequency of equipment failure: Reviewers inspected maintenance records for the past three years for directly operated and contracted service to identify lift/ramp failures in service and incidents when a vehicle was not put in service because a lift or ramp failure was found during pre-trip inspection. For the sample month of June 2014, a total of 1,864 bus equipment failures were recorded for the entire LACMTA bus fleet. Of these, lift and ramp failures represented 6.4 percent or 119. Reviewers also examined a monthly ADA bus equipment failure analysis prepared by the ADA compliance unit based on data provided weekly by Maintenance. After September 2014, the first month in which LACMTA has used low-floor buses exclusively, managers said they expect the total number of ADA equipment failures to remain at or near the same level, due to the greater reliability of low-floor buses. LACMTA managers have found ramps to be more dependable and less susceptible to equipment failure. Data cited earlier in this report shows the much lower ADA equipment failure rate for low-floor vehicles; one ramp problem reported per 23 ramp-equipped vehicles, as opposed to one lift problem per four lift-equipped vehicles.

- Timeliness of repair: LACMTA’s goal continues to be to repair malfunctioning lifts or ramps within 24 hours. Review of maintenance records showed that, with rare exception, this standard is met.
- Equipment assessments during two morning pull-outs: Observations of morning pull-outs were performed between 4:30 and 6:30 a.m. Reviewers conducted a total of 69 observations of randomly selected vehicles and operators at two divisions—approximately one out of five buses overall, and three out of five buses pulling out then. The reviewers assessed *compliance*: (whether operators are complying with agency requirements for pre-trip inspections of accessibility equipment), and *functionality* (whether the accessibility equipment is usable when the vehicle pulls out). Operators were observed to comply with the requirement to pre-check specific equipment 100 percent of the time. Usability of accessibility equipment on vehicles was also at 100 percent, in that no vehicle was observed to leave either yard with malfunctioning ADA equipment. Below is a summary of the observations:

Pull-out Observations					
	Division 9		Division 10		Total vehicles checked
	# vehicles checked	Percentage compliant	# vehicles checked	Percentage compliant	
Functionality of equipment: Accessibility features working	15*	100%	21	100%	36
Operator compliance: Required ADA elements checked pre-board	15	100%	18	100%	33
TOTALS	30	100%	39	100%	69

**After failing to stow, one bus ramp was repaired on the spot by a mechanic and showed no defects during the review team's inspection. Nonetheless, Maintenance flagged the vehicle for follow-up ramp inspection that night and, if necessary, repair. While conducting observations, reviewers also noted a bus (which had not been randomly selected for observation) being pulled for repair due to a malfunctioning fold-down seat in a wheelchair area (LACMTA requires that folding seats be raised to check usability and cleanliness of securements and to test stop request buttons on the bottoms of the seats).*

- Ramp and kneeler deployment: LACMTA requires ramp and kneeler deployment as part of the documented daily pre-trip inspection. Maintenance managers were able to document that ramp failures while vehicles are in service are infrequent. Records showed that failure to stow is often the issue listed. In the past, LACMTA used portable lifts in the event of a malfunction in service. With a fleet that is completely ramp-equipped, portable lifts are no longer necessary. Malfunctioning ramps can be operated manually, without stranding riders who are aboard or awaiting the bus. Managers stated that should an in-service ramp failure occur, the agency's policy is to dispatch a mechanic immediately. If the mechanic cannot resolve the problem on-site, a spare vehicle is dispatched and the problem bus is removed from service for inspection and repair. LACMTA maintains sufficient accessible spare vehicles on hand to enable the divisions and its contractors to respond in the required timely fashion.

In addition to daily pre-trip inspections and priority handling for accessibility equipment repairs, each division conducts its own ongoing ADA audits where buses undergo a separate inspection to verify that accessibility features such as ramps, securement straps, audiovisual stop announcement system, external alarms, stop request signal at wheelchair area, and priority seating decals are in place and usable. Depending on the number of vehicles to be inspected, these audits occur at four- to six-week intervals. In addition, based on mandatory operator reports of bus defects or mechanical difficulties, Maintenance generates weekly ADA compliance reports showing if and how each item was resolved. The ADA Compliance unit then uses this data to generate a monthly ADA Bus Equipment Failure Report. These reports analyze ADA equipment failures throughout the fleet by type of failure, outcome, and whether the bus involved was ramp- or lift-equipped.

LACMTA develops its bus specifications using a multidisciplinary team including planning, transportation, ADA, safety, and maintenance managers. As part of the Triennial Review, one bus of each type and year was inspected for compliance with DOT ADA requirements, including new buses not yet in revenue service. Recent or in-progress bus, rail, and light rail specifications were also reviewed. Based upon the newly added LACMTA bus accessibility features were previously discussed under the Service Provision, Priority Seating Requirements section, LACMTA vehicle accessibility appears to meet or exceed the regulatory requirements.

Recommendations

No recommendations were made in regard to LACMTA's implementation of the requirements for maintenance of vehicle accessibility features.

5. Contracted Service

LACMTA's Contract Services is responsible for ensuring that contractors: provide bus service that is uniform with and indistinguishable from service directly operated by LACMTA; comply with LACMTA policies and procedures, including ADA policies; and use the same training and instructional materials. Contracted Services were of interest in conducting this ERM because the plaintiff in the *Calderon Litigation* alleged difficulties with Route 603, a contracted bus route. The results of reviewers' attempts to board and ride Route 603 are discussed earlier under section 1. Calderon Litigation.

Contract Services implements performance standards and monitors and tracks results, which are reported monthly to the LACMTA Board. Computer software and electronic data enable close monitoring of daily and weekly service and maintenance activities and early identification and tracking of vehicle or maintenance issues of potential concern. Transportation, maintenance, and service quality reports are compiled and reviewed daily, weekly, and monthly. This enables LACMTA to follow up with contractors promptly. In the event that liquidated damages are to be imposed, documentation is available to support this action.

One contract manager is assigned to each contractor and is responsible for overseeing provider's service in the field and at the garage, through ongoing service and maintenance data scrutiny. Contract Services regularly evaluates contractor provision of fixed route service using Mystery Riders, overt and covert on-board staff observations, and route monitoring done in the field using non-revenue vehicles. In addition, Contract Services' managers review surveillance footage and audio recordings of random and major events taken from Smart Drive, an incident-based surveillance system installed on all vehicles. A majority of Contract Services vehicles are also equipped with digital video recorders (DVR) which permit viewing of random and major events. In addition to the data collected using field observation, video technology, and the automated vehicle locator system, the department also relies on complaint review. When policy or procedure violations are observed, corrective action is taken. This can range from counseling to issuance of a written warning, or a request for discipline of a specified severity (including removing the operator from LACMTA service).

Contract Services' managers also perform monthly and quarterly pull-out evaluations measuring pre-trip inspections, ADA equipment checks, timely departure, and other components; and annual contract compliance audits. With LACMTA's Quality Assurance Department, quarterly environmental compliance inspections, monthly fleet cleanliness inspections, and monthly simulated California Highway Patrol (CHP) terminal inspections which evaluate the mechanical condition and maintenance record of ten percent of the fleet in accordance with CHP standards are conducted.

Observations

Reviewers examined the various forms that LACMTA's Contract Services uses to record monitoring of contractor compliance with service, training, and ADA requirements. In addition, in reviewing complaints, reviewers also observed that during the past fiscal year, contract bus routes generated less than 10 of LACMTA's ADA-related complaints.

Recommendations

No recommendations were made in regard to LACMTA's policies, procedures and practices concerning performance, maintenance or oversight of contracted fixed route bus service.

6. Customer Complaints

In 2013, LACMTA introduced a new Customer Complaint Analysis and Tracking System (CCATS) for complaints tracking and management. CCATS enables the Civil Rights Department to receive, investigate, resolve, and monitor ADA-related complaints more expeditiously and comprehensively.

LACMTA’s ADA-related bus complaints average about 60 per month. Data indicate that the number and frequency of complaints regarding bus pass-ups attributed to mechanical (ramp/lift) failure, or operator failure to vacate priority seating, appears to be low. For example, in the sample month of June 2014, three ADA complaints concerned pass-ups due to bus ramp/lift failure; reviewers found no complaints citing pass-ups due to lack of priority seating.

Observations

The following observations were made:

- Investigation and follow-up appears comprehensive and thorough; for example, documentation shows that staff routinely views internal and external video recordings (DVR). Documentation shows that the Civil Rights, Transportation, and Maintenance Departments work collaboratively to research issues and take corrective action.
- Corrective actions; discipline: Documentation shows that when operators do not comply with priority seating requirements or other mandatory ADA procedures, corrective action is taken when appropriate. Operators are interviewed and then may be counseled, written up, retrained, or even terminated. Review of complaint records showed two terminations in the past year.
- Timeliness: The review team found that a majority of these complaints were closed in seven to ten days or less. Whenever requested, written replies were provided.

Reviewers also noted that the ADA portion of LACMTA’s website offers customers several ways to file comments, and that as of August 2014, all ADA-related complaints were responded to in writing.

CCATS data shows that LACMTA customers filed almost 17,000 complaints in Fiscal Year 2014. ADA-related complaints of all kinds represented 4.7 percent of this total:

Total complaints	16,946
Bus	14,941
Non ADA-related	14,170 (94.8%)
ADA-related	771 (5.2%)
Rail	2,005
Non ADA-related	1,987 (99.1%)
ADA-related	18 (5.2%)
Total ADA-related complaints	789 (4.7%)

LACMTA management stated that the agency uses complaints as a diagnostic tool. Complaints are scanned daily by Customer Relations, Transportation, Maintenance, and ADA Compliance. Complaint data is included in the monthly reports provided to the LACMTA Board. Staff stated that complaints are retained indefinitely.

Recommendations

No recommendations were made in regards to LACMTA’s implementation of due process to address ADA-related complaints.

ERM Participants

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