

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

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**Bus Operator Safety and  
Compliance Checks  
January to March 2010**

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*Overall, the majority of Bus Operators are complying with Metro Policies.  
However, rule violations were noted during approximately 25 percent of the rides  
primarily in areas related to safety and ADA requirements.*

**Report No. 11-AUD-01**

**August 20, 2010**



**Bus Operator Safety and Compliance Checks, January to March 2010**  
**Report No. 11-AUD-01**

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**Los Angeles County  
Metropolitan Transportation Authority**

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**DATE:** August 20, 2010

**TO:** Board of Directors  
Chief Executive Officer

**FROM:** *Jack Shigetomi*  
Jack Shigetomi  
Deputy Inspector General – Audit

**SUBJECT: Bus Operator Safety and Compliance Checks for the Period January to March 2010, Report No. 11-AUD-01**

## **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 January through March 2010.

## **OBJECTIVE 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.

During January through March 2010, we observed the performance of 74 bus operators; 25 of these operators had been identified as having the most customer complaints,<sup>1</sup> and 49

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<sup>1</sup> The Customer Relations Department provided us with a report from the Passenger Comment Management System for July 2009 through September 2009, which showed operators who had received the most complaints during the period.

other operators were randomly selected. We made a total of 121 bus operator observations (64 were for operators that had a high number of complaints and 57 were for operators selected randomly).

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

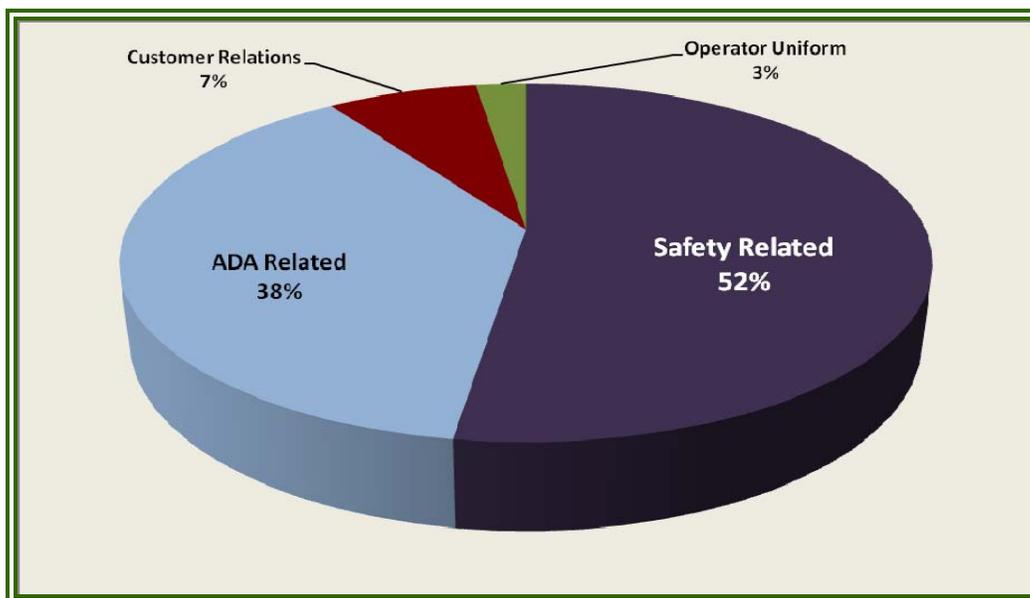
## **BACKGROUND**

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 observations showed that in most instances bus operators complied with Metro policies and rules. During January through March 2010, we made 121 observations of bus operator performance; 91 observations had no violations and 30 observations had 42 violations (see Attachment B for summary of violations observed). During seven observations, multiple violations were noted. Of the 42 violations noted, 16 related to ADA areas, 22 related to safety areas, 3 dealt with customer relations, and 1 related to operator uniform.

**Chart 1 – Breakdown of Violations**



In one of the above instances, we felt that the violation was serious and warranted immediate management attention. This incident dealt with operator discourtesy and lack of good judgment while operating the bus. For this one instance, we issued a separate report to the applicable manager so that appropriate and timely corrective action can be taken.

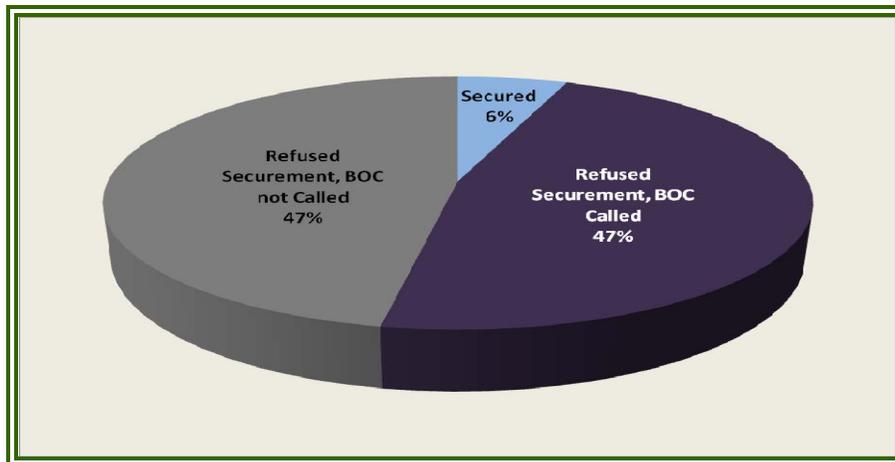
We did not observe any instances where patrons in wheelchairs were passed up. However, there were two instances where wheel chair patrons were denied boarding. In one instance, the bus lift/ramp did not work, in the other situation the bus was full and there were already two wheel chair patrons on board. In both cases, the bus operator provided the patron with a reason for the denial, but BOC was not notified. Section 7.15 of the Operator’s Rulebook states: “If, for any reason...a person with a disability is unable to board, operators must (in the presence of the customer, before departing location) notify BOC....”

**1. Wheelchair Securement**

During 17 safety and compliance checks, patrons in wheelchairs boarded the bus. For these instances, we observed that:

- 1 wheelchair was secured.
- 16 wheelchair patrons declined to have their wheel chair secured. In all 16 instances, the bus operators asked the customers if they wanted to be secured. However, in 8 of the instances, 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 three 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. Disobeying Traffic Signals**

We observed one bus operator who ran a red light. Section 3.118 of the Operator’s Rulebook states: “When approaching an intersection, operators must be operating under control so that a safe stop can be made before entering the crosswalk, passing the limit line, or entering the intersection, should the signal change to red.”

**4. Eating or Drinking while Driving**

We observed that three operators were eating or drinking (such as chips, 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.”

**5. Not Wearing Seat Belt**

During 14 observations, we found that operators were not wearing a seat belt. Some of the operators were observed multiple times violating the seat belt usage requirement. For example, on three different occasions we observed that an operator did not wear a seat belt. 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 states: “The use of seatbelts and shoulder belts (if equipped) is mandatory when operating any Metro vehicle...”

**6. 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 one operator used his personal cell phone while operating the bus.

## **7. Calling Out Stops**

On six bus rides, we observed that the Automatic Voice Annunciation (AVA) system was not on or not working (bus numbers: 6566, 6592, 7174, 8024, and 8028). During five of these rides, the operator did not make announcements. 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."

## **8. Customer Relations**

The Operator's Rulebook states:

- Section 7.21: "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."
- Section 2.20: "Ensure that the impending departure has been announced prior to departing from any station."
- Section 7.00: "Operators must use good judgment (protect self and customers first, then property, when necessary, take steps to deescalate and control situations) when dealing with customers."

During a bus observation, we noted two incidents where the operator did not use good judgment and acted in a discourteous manner to the patrons and the public.

- On February 4, 2010, at approximately 9:43 a.m., a child exited the rear bus door alone near the intersection of Mission Road and Marengo Street. The rear door closed as the mother was about to exit. The mother placed her hand on the closed door, turned and looked towards the operator, shouted, and waved her arms. While the bus was still stopped, the child's mother and several passengers shouted at the operator to open the doors. The passengers told the operator that the child was outside and the mother was still in the bus. The operator said "no" and pulled away from the bus stop. As the bus was moving, the mother and passengers continued to yell at the operator to stop the bus. The child's mother exited the bus at the next bus stop. Operators must be aware of customer activity, and must use good judgment to safeguard passengers in emergency situations. When the passengers yelled at operator to stop, the operator should have allowed the separated mother to alight at the next safest location (allowed by Rule 7.108). In this situation, the child could have been kidnapped, injured, or lost.

- Later at approximately 9:51 a.m., four females and a child left their seats and stood near the front door of the bus. When the bus reached the bus stop at a USC Medical facility west of the intersection of Soto Street and Charlotte Street, the bus coasted past the bus stop. The four standing passengers yelled at the operator to stop the bus and let them off. The operator yelled back at the passengers that they did not pull the stop request cord. While arguing with the passengers, the Operator went around an island in the middle of the street and returned to the bus stop. One of the female passengers told the operator that she was going to report her. The operator, in a defiant voice told her not to forget to also say that she did not ring the bell to indicate a stop request. In our opinion, the operator might have had reasons not to have stopped; however, the Operator’s actions and tone was unnecessarily disrespectful to the passengers. In addition, her behavior could impact negatively on those patrons who witnessed the incident, and thereby hinder Metro’s efforts to project a positive image.

On March 3, 2010, we reported the above incidents to the division transportation manager so that he could take any appropriate actions to prevent future incidents and improve customer service.

### **9. Bus Operator Uniform**

We observed a bus operator who did not have his badge number showing on the right sleeve of the uniform he was wearing. Section 6.11 of the Operator’s Rulebook states: “Metro authorized shoulder patches with embroidered badge numbers shall be worn on the right sleeve of all uniform shirts, sweaters, and jackets.”

## **OTHER RELATED REVIEW**

Metro hired a consultant<sup>2</sup> 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 369 observations during December 2009 and January 2010. The consultant’s report noted some violations that were similar to 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

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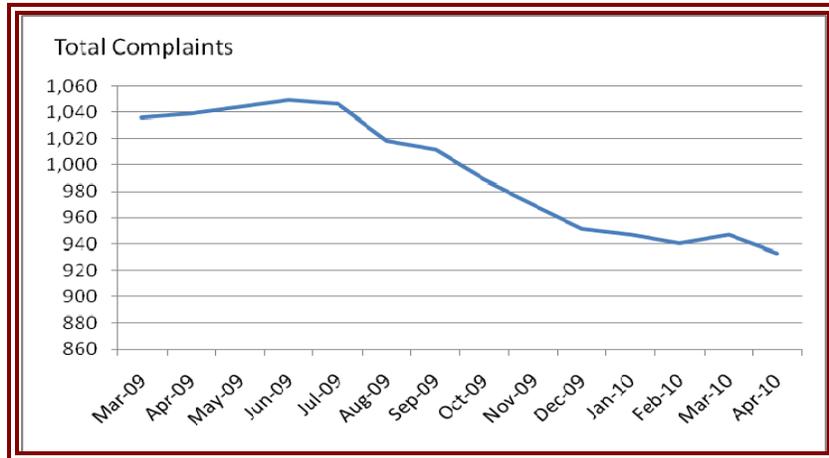
<sup>2</sup> Metro has a contract with Mobility Advancement Group to perform bus operator assessments from December 1, 2009 to November 30, 2010.

- Traffic signals
- Poor courtesy

## **ADDITIONAL ACTIONS COULD REDUCE RULE VIOLATIONS**

Our review of Metro’s Customer Complaint Report for April 2010 found the total number of complaints has decreased by about 10 percent from an average of 1,046 in July 2009 to 933 in April 2010.

**Chart 3 – Total Complaints 12 Month Moving Average**



The decrease in complaints could be attributed to efforts taken by Operations management, the bus operator performance assessments being made by the consultant firm, and the OIG’s undercover ride along program. Although these programs provide some oversight of bus operator performance, they cover only a small fraction of Metro operators. We believe that additional steps should be taken to further reduce and deter operator violations.

- The Metro operator’s badge number is on the right hand sleeve of the uniform. The badge number is small, difficult to read, and most patrons are unaware of the badge number. While riding a Foothill Transit bus, we noted that this agency shows the operator’s badge number on the sign board inside the bus. Increased visibility of the operator’s badge number and/or name might serve to increase courtesy and deter rule violations because there is a greater chance that a customer could identify the operator and complain if the employee does not provide good service.
- The current cameras (DVR) on Metro buses do not show a good view of the operator while the operator is seated and driving the bus. It is difficult to observe the operator using a cell phone (especially when holding it in his/her left hand), driving with one

hand, eating, drinking, or doing other actions contrary to the rule book. Observations made by the OIG and consultant firm since September 2009 have found 64 operators using cell phones. Better camera surveillance would deter the use of personal cell phones or other rule violations. Metro staff might be able to adjust the camera for a wider view or different angle, or initiate other action.

During a visit to the Operations Central Instruction on June 8, 2010, we were informed that Metro is installing SmartDrive Cameras on all buses to supplement the current camera system (DVR). SmartDrive Camera constantly records audio, video, and speed. The inward facing camera lens captures a view of the interior of the bus: front to rear, and a wide angle view of the driver area from driver window to the front door. The outward facing lens captures a view of the activities in the front of the bus. It appears that the new camera system would improve the overall capability of video surveillance.

## **CONCLUSION**

We found that most operators performed their duties in accordance with Metro policies and rules. However, we found rule violations in approximately 25% 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 a separate report on one 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.

## **RECOMMENDATIONS**

We recommend that Metro Operations Management:

1. Consider taking steps to make the bus operator's badge number more visible to the public, such as displaying the badge on the sign board inside the bus, or larger badge number on uniform.
  
2. Use the SmartDrive Camera system to supplement surveillance of operator performance to ensure that Metro requirements in the Operator's Rulebook are followed such as prohibiting use of personal cell phones and eating and drinking while driving.

## **MANAGEMENT COMMENTS**

Metro management opted not to implement the recommendations in the report. Metro's response to the draft report stated management does not take the rule violations noted in the audit report lightly and is continuously working to reduce the number of infractions through efforts to change the behavior of a small group of operators who challenge the requirements of the Operator Rulebook. Continuous education is provided to the operators via Manager General Notices, Operator training/retraining, bulletin boards, safety television, and rap sessions. Progressive discipline is applied immediately if a rule violation is witnessed by a Transit Operations Supervisor or if a complaint is corroborated by witnesses or video tape from the TVX system. By creating an atmosphere of zero tolerance for rule infractions, the number of operators willing to challenge the requirements of the rule book resulting in progressive discipline will continue to decline. (See Attachment B for the full text of management comments.)

We believe that management has taken positive steps to reduce operator rule violations. Nevertheless, in the vast majority of time, only patrons are on the bus to observe operator performance. The intent of our recommendation is to facilitate patron input of operator performance and enhance video monitoring; thereby changing the behavior of the small group of operators who challenge the Rulebook requirements.

## Summary of Violations Observed

Observation Areas	Instances Observed
<b>ADA Related Areas</b>	
Patron declined wheelchair securement, but BOC not called	8
Wheel chair patron denied boarding, BOC not called	2
Wheel chair patron passed-up	0
Stops not announced when AVA not in use	5
Patron appeared to have special needs, no assistance offered	1
<b>Operator Safety Areas</b>	
Using personal cell phone while driving bus	1
Driving unsafely	3
Eating or drinking while driving	3
Not wearing seat belt	14
Not obeying traffic laws	1
<b>Customer Relations</b>	
Discourteous to patrons	3
<b>Operator Uniforms</b>	
Bus Operator Number not shown on right sleeve.	1
<b>TOTAL</b>	<u>42</u>

## Copy of Management Response to Draft Report



**Metro**

### Interoffice Memo

<b>Date</b>	August 3, 2010
<b>To</b>	Karen Gorman Acting Inspector General
<b>Through</b>	Arthur T. Leahy Chief Executive Officer <i>[Signature]</i>
<b>From</b>	Lonnie Mitchell Chief Operations Officer <i>[Signature]</i>
<b>Subject</b>	Response to OIG Draft Report on Bus Operator Safety and Compliance Checks for the Period January to March 2010, Report No. 11-AUD-01

We have reviewed the results of the subject report and offer responses to the recommendations as shown below.

**Recommendation 1.** *Consider steps to make the bus operator's badge number more visible to the public, such as displaying the badge on the sign board inside the bus, larger badge number on uniforms.*

Management does not concur with this recommendation since the bus operator badge numbers are visible to the public. To maintain improvement in key areas, we continue to focus on changing operator behaviors to ensure compliance with all operating rules. If a customer has a concern about a particular operator but does not have a badge number, the operator can be identified by means such as bus number, line number, time, and direction of trip.

**Recommendation 2.** *Use the SmartDrive Camera system to supplement surveillance of operator performance to ensure that Metro requirements in the Operator's Rulebook are followed such as prohibiting use of personal cell phones and eating and drinking while driving.*

Management does not concur with this recommendation. The SmartDrive system cannot be used to supplement the surveillance of operator performance because the camera system does not continuously record audio or video. The system records 15-second intervals of data in a loop, continuously replacing the prior 15 seconds of tape until a trigger causes the retention of data. A trigger occurs due to gravitational force or "g-force", excessive speed, shock, or manual operation. A trigger results in a 30 second event which is a recording of 15 seconds before and 15 seconds after the trigger.

Metro has another camera system, TVX, which has the capacity to continuously record operator performance and other activity as suggested in the audit recommendation. This system is operational as long as the bus engine is not turned off. Depending on the model of the system, tape recordings are held for 3 to 10 days. After the specified period of time, the prior recording is replaced with new data unless a request is received to download the contents of the system hard drive. If no request is made, recordings are not kept. Due to the sheer volume of data obtained from continuous recording, it is nearly impossible to review film from hundreds of buses each

## Copy of Management Response to Draft Report

day to identify inappropriate operator behaviors. The costs of reviewing and storing hundreds of hours of data would greatly outweigh the benefits. However, information from the TVX system is utilized when a need is identified.

Even though we do not concur with the audit recommendations, Management does not take the rule violations noted in this draft audit report lightly and is continuously working to reduce the number of infractions through efforts to change the behavior of a small group of operators who challenge the requirements of the Operator Rulebook. Continuous education is provided to the operators via Manager General Notices, Operator training/retraining, bulletin boards, safety television, and rap sessions.

When the educational approach is not sufficient, progressive discipline is applied per Article 27, Section 2 of the UTU collective bargaining agreement. Progressive discipline is applied immediately if a rule violation is witnessed by a Transit Operations Supervisor (TOS) or if a complaint is corroborated by witnesses or video tape from the TVX system. By creating an atmosphere of zero tolerance for rule infractions, the number of operators willing to challenge the requirements of the rule book resulting in progressive discipline, up to and including termination, will continue to decline.

Should you have any questions, please feel free to call me.

## Final Report Distribution

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