



Board Report

File #: 2024-0274, File Type: Contract

Agenda Number:

REGULAR BOARD MEETING APRIL 25, 2024

SUBJECT: BUS OPERATOR RETROFIT BARRIERS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer, or their designee, approval authority for procurements to support the emergency condition due to the sudden, unexpected increased severity of assaults on operators, in accordance with Los Angeles County Metropolitan Transportation Authority's Acquisition Policy and Procedure Manual, Acquisition Procedures ACQ2, Chapter 11, Section 11.8 "Emergency Procurements," Public Utilities Code 130234 and Public Contracting Code 20233 (Attachment A), that cannot be met through normal procurement methods through December 31, 2024;

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

- B. ~~APPROVING a Life of Project (LOP) budget of \$3,000,000 for bus operator retrofit barriers for Metro's Bus fleet; and~~
- C. AUTHORIZING the Chief Executive Officer, or their designee, to negotiate and execute all necessary agreements for the bus operator retrofit barriers.

ISSUE

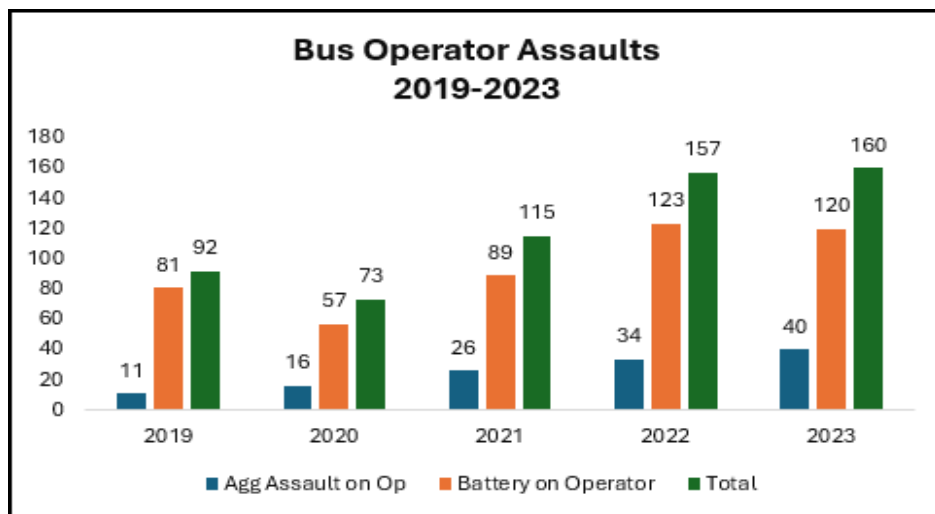
Bus operator assaults have increased nationwide, and Metro has experienced a similar trend. According to the National Transit Database (NTD), from 2008 to 2021, there was an average of 192 assaults that occurred each year in or on transit vehicles. Alarming, major assaults on transit workers, which the FTA defines as an event resulting in a fatality or injury requiring medical transport, nearly tripled between 2008 and 2021. Although Metro has retrofitted all buses with operator shields that minimize the severity of the assaults, assailants can still reach around the shields and physically assault the operator because the shields are not completely enclosed. Despite current efforts to eliminate bus operator assaults through strategies such as de-escalation training and dedicated bus

riding teams, assaults against operators behind the barriers have become increasingly egregious and violent. With the identification of a prototype to fully enclose the shield, Board approval for the use of emergency procurement is required to accelerate installation of the barriers to protect the health and safety of our bus operators.

BACKGROUND

On the Metro bus system, aggravated assaults on bus operators increased by a factor of 4 between 2019 and 2023, and battery on bus operators was 50 percent higher during the same period (see Table 1). This recent trend is extremely alarming and must be addressed immediately. Data analysis revealed that over 90 percent of incidents since 2023 occurred due to the assailant being able to access the operator despite the use of the current bus operator compartment barriers because of the smaller design and cutout area in current barriers. The current design was incorporated into the barrier configuration, given concerns over glare from the polycarbonate material impacting the operator's line of sight.

Table 1



The primary methods for attacks on operators have consistently been physical assaults with hands or spitting, with assailants exploiting the current opening of the barriers to commit the act.

Implemented Strategies to Prevent Operator Assaults

Metro has been proactive in our efforts in the research of best practices and analysis of data to implement safety strategies to protect our employees. In collaboration with our Employee Assault Mitigation Task Force, Metro has been implementing prevention strategies to reduce the risk of safety incidents and create a safer environment for all Metro employees to safely perform their jobs:

- Metro buses have on-board cameras and DVR;
- Metro buses have operator barriers fleet-wide (March 2020);

- Metro buses have emergency buttons;
- Clear signage is posted about punishment for assaults on operators (“Let’s Respect Operators...injuring an operator is punishable by up to 3 years in prison or up to 10,000 fine, or both.”....Penal Code 243.3”);
- De-escalation training for operators;
- Metro has a “See something, say something” Campaign, and
- This fiscal year staff launched dedicated bus riding teams on select bus lines.

Retrofit Barrier Background

Beginning in July 2022, Metro staff began work on two prototype barriers that provided additional protection for bus operators. The prototypes were installed on limited buses in April 2023. Through an online survey, over 2,500 bus operators showed a preference for a barrier that would extend the protected area to the front windshield of the bus. However, bus operators noted a concern with reflections and glare observed in the polycarbonate material used on the prototypes. To address these concerns, Metro staff identified a Department of Transportation (DOT) approved tempered glass material with a special coating that significantly reduces reflections. The design of the prototype barriers was reviewed with the Joint Labor Management Safety Committee (JLMSC), along with the concerns raised by operators. Metro staff provided regular updates to the JLMSC on modifications to address the concerns raised by operators. JLMSC members were also invited to review the barriers in-person and provide recommendations for improvement. While an order was placed for the material last summer, a limited supply of glass material and related installation kits did not arrive until last week due to supply chain disruptions.

DISCUSSION

Metro has recently experienced an escalation in the type and severity of violent operator assaults over the last few months. These incidents have occurred with no prompting or warning and have created an environment of increased risk and trauma as assailants are resorting to the use of deadly weapons such as guns and knives. Within the past 30 days, two of the most egregious incidents occurred. On Wednesday, March 20, 2024, a bus was hijacked with the operator held at gunpoint. The bus crashed into multiple cars and eventually into the Ritz-Carlton Hotel in Downtown LA. On Saturday, April 13, 2024, an operator was stabbed in the chest despite the barrier being closed.

The sudden, unexpected increase in the violent nature of bus operator assaults has resulted in an emergency procurement condition, giving rise to the need to immediately procure supplies required to retrofit the current barriers with a fully enclosed tempered glass design to protect the health and safety of bus operators more fully.

With the receipt of the limited glass material and related installation kits last week, SMART-TD executive leadership, representing Metro bus operators, provided their approval of the prototype barrier on April 18, 2024, and requested Metro to execute the mass production immediately.

Following our current procurement policies and procedures, installation of the barriers on the fleet could take up to three years to complete. This emergency authorization will allow procurement of the glass material to install these new barriers in all of Metro’s 2,000+ buses in a matter of months - by

the end of December 2024. Once the glass is procured and delivered, the bus maintenance department will expedite the installation at a rate of 200-300 buses per month. Initial deployment of the new barriers will be on buses that operate on lines that have experienced the largest number of operator assaults within the past year. In addition, all new bus procurements will include specifications for a fully enclosed operator compartment.

DETERMINATION OF SAFETY IMPACT

Safety is of the utmost importance to Metro, and it is imperative that bus operators are protected from assaults that have been increasing nationwide. The safety of bus operators will be enhanced with the streamlined procurement of the supplies necessary for the installation of fully enclosed tempered glass protective barriers that provide a significantly higher level of protection than the current barriers. This action to authorize procurement in an expedited manner will help to ensure the safety and well-being of Metro's bus operators.

FINANCIAL IMPACT

Funding in the amount of \$5,824,456 (\$3,000,000 for parts and \$2,824,456 for labor) is included in the FY25 budget in multiple bus maintenance cost centers in account 50441 Parts - Revenue Vehicle in operating project 306002 - Operations Maintenance.

Impact to Budget

The current FY25 source of funds for this procurement includes Proposition C, Measure M, and Transportation Development Act. These funding sources are eligible for bus operations. The use of these funding sources maximizes the intent of funding allocations available utilizing approved funding guidelines and provisions.

EQUITY PLATFORM

This action ensures the safety of the Metro bus operators serving Los Angeles County. Bus operators face disproportionate safety risks as frontline staff. Their safety is necessary to ensure dependable public transportation for community members who rely on transit. This action helps protect our operators and maintain uninterrupted service.

Emergency procurements are exempt from SBE/DVBE/DBE contract goal review.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The expedited procurement of equipment and supplies for the installation of enhanced bus operator barriers supports Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system and will continue to ensure that Metro is able to provide clean, safe, and reliable transportation services for all Metro customers.

ALTERNATIVES CONSIDERED

The alternative is to not authorize the emergency procurement of equipment and supplies to install enhanced operator barriers. This approach is not recommended. Given this crisis situation, it is imperative that Metro retrofit all buses with fully enclosed barriers made out of tempered glass that will remove the ability for potential assailants to access the operator in the operating compartment and significantly reduce the glare from polycarbonate material used in the current barriers.

Several transit agencies are testing barriers offering full coverage. However, with this emergency procurement, expedited manufacturing, and installation schedule, Metro will be the first transit agency to implement fully enclosed barriers on its entire bus fleet to protect the health and safety of its bus operators.

NEXT STEPS

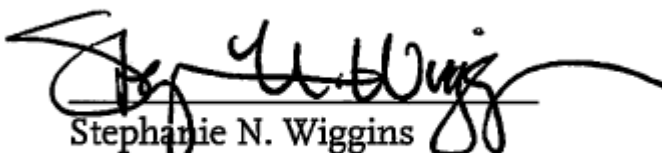
Upon approval, staff will initiate procurement of equipment and supplies to install enhanced operator barriers.

ATTACHMENTS

Attachment A - Emergency Procurement Authority

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Stephanie N. Wiggins
Chief Executive Officer

Attachment A
ACQ2 Chapter 11, section 11.8

11.8 Emergency Procurements

- A. In accordance with the Public Utilities Code 130234 and Public Contract Code 20233, the MTA may conduct a procurement on an emergency basis if the procurement is essential to an MTA requirement to deal with an existing emergency condition, as defined in the section below.
- B. Both PUC 130234 and PCC 20233, requires a two-thirds finding by the Board that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property and proceed to expend or enter into a contract without observance of the provisions of the applicable articles regarding contracts, bids, advertisement or notice.
- C. For purposes of an emergency procurement under this Chapter, an "emergency condition", is a situation (such as a flood, epidemic, riot, equipment failure, or any other reason declared by the Chief Executive Officer), which creates an immediate threat to the public health, welfare, or safety. The existence of an emergency condition creates an immediate need for supplies, services, or construction which cannot be met through normal procurement methods, and the lack of which would seriously threaten one (1) or more of the following:
 - 1. The health or safety of any person;
 - 2. The preservation or protection of property; or
 - 3. The continuation of necessary MTA functions.

Attachment A
Public Utilities Code 130234

130234.

In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or interruption of contracts essential to the provision of daily transit service or catastrophic failure of revenue-producing equipment or facilities, the commission may, by resolution passed by a two-thirds vote of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions in this article regarding contracts, bids, advertisement, or notice.

(Added by Stats. 1986, Ch. 195, Sec. 137.4.)

Attachment A
Public Contract Code 20233

20233.

In case of an emergency, the board may, by resolution passed by a vote of two-thirds of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, property, or the public welfare, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed to respond to the emergency without observance of the provisions requiring contracts, bids, or notice. If notice for bids to let contracts will not be given, the board shall also comply with Chapter 2.5 (commencing with Section 22050).

(Amended by Stats. 1994, Ch. 803, Sec. 2. Effective January 1, 1995.)



Bus Operator Retrofit Barriers

Metro Board Meeting
April 25, 2024

