



**Metro®**

*Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza  
3rd Floor Board Room*

**Agenda - Final**

**Thursday, March 16, 2023**

**12:30 PM**

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8231160# (English) or 4544724# (Español)

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**Operations, Safety, and Customer Experience  
Committee**

*Holly J. Mitchell, Chair*

*Tim Sandoval, Vice Chair*

*Lindsey Horvath*

*Paul Krekorian*

*Gloria Roberts (Interim), non-voting member*

*Stephanie Wiggins, Chief Executive Officer*

## **METROPOLITAN TRANSPORTATION AUTHORITY BOARD AGENDA RULES**

### **(ALSO APPLIES TO BOARD COMMITTEES)**

#### **PUBLIC INPUT**

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board must be submitted electronically using the tablets available in the Board Room lobby. Individuals requesting to speak will be allowed to speak for a total of three (3) minutes per meeting on agenda items in one minute increments per item. For individuals requiring translation service, time allowed will be doubled. The Board shall reserve the right to limit redundant or repetitive comment.

The public may also address the Board on non-agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for one (1) minute during this Public Comment period or at the discretion of the Chair. Speakers will be called according to the order in which their requests are submitted. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

Notwithstanding the foregoing, and in accordance with the Brown Act, this agenda does not provide an opportunity for members of the public to address the Board on any Consent Calendar agenda item that has already been considered by a Committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, and which has not been substantially changed since the Committee heard the item.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

**CONDUCT IN THE BOARD ROOM** - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

**REMOVAL FROM THE BOARD ROOM** - The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. Any other unlawful interference with the due and orderly course of said meeting.

#### **INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD**

Agendas for the Regular MTA Board meetings are prepared by the Board Clerk and are available prior to the meeting in the MTA Records Management Department and on the Internet. Every meeting of the MTA Board of Directors is recorded and is available at <https://www.metro.net> or on CD's and as MP3's for a nominal charge.

## DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

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**NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA**

### Live Public Comment Instructions:

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The Committee Meeting begins at 12:30 PM Pacific Time on March 16, 2023; you may join the call 5 minutes prior to the start of the meeting.

Dial-in: 888-251-2949 and enter  
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***Public comment will be taken as the Board takes up each item. To give public comment on an item, enter #2 (pound-two) when prompted. Please note that the live video feed lags about 30 seconds behind the actual meeting. There is no lag on the public comment dial-in line.***

### Instrucciones para comentarios publicos en vivo:

Los comentarios publicos en vivo se pueden dar por telefono o en persona.

La Reunion de la Junta comienza a las 12:30 AM, hora del Pacifico, el 16 de Marzo de 2023. Puedes unirte a la llamada 5 minutos antes del comienso de la junta.

Marque: 888-251-2949 y ingrese el codigo  
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### Written Public Comment Instruction:

Written public comments must be received by 5PM the day before the meeting. Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."  
Email: BoardClerk@metro.net  
Post Office Mail:  
Board Administration  
One Gateway Plaza  
MS: 99-3-1  
Los Angeles, CA 90012



## CALL TO ORDER

## ROLL CALL

APPROVE Consent Calendar Items: 26, 27, and 28.

Consent Calendar items are approved by one vote unless held by a Director for discussion and/or separate action.

## CONSENT CALENDAR

### 26. SUBJECT: PURCHASE OF OCS STINGER TRUCK

[2022-0631](#)

#### **RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award a firm-fixed-price contract, Contract No. OP92098000, to Nixon-Egli Equipment Company, for one (1) Overhead Catenary System (OCS) Stinger Truck for a firm fixed price of \$882,520.78, inclusive of sales tax, subject to resolution of any properly submitted protest(s) if any; and
- B. FINDING that there is only a single source of procurement for the item(s) set forth in Recommendation A above and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use, as defined under Public Utilities Code 130237.

**(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)**

**Attachments:**      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - DEOD Summary](#)

### 27. SUBJECT: METRO FREEWAY SERVICE PATROL

[2023-0014](#)

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute contract modifications for four current Freeway Service Patrol (FSP) contracts in an aggregate amount of \$4,645,000 thereby increasing the contract amounts from \$18,020,679 to \$22,665,679 and extending the periods of performance for the following contracts:

- Beat 24: T.G. Towing, Inc. Contract No. FSP2833200FSP1424, for \$710,000 for up to 5 months, increasing the total contract amount from \$4,696,302 to \$5,406,302;
- Beat 29: Platinum Tow & Transport, Inc. Contract No. FSP3470600B29, for \$495,000 for up to 5 months, increasing the total contract amount

from \$4,145,024 to \$4,640,024;

- Beat 42: Platinum Tow & Transport Contract No. FSP2842100FSP1442, for \$275,000 for up to 5 months, increasing the total contract amount from \$3,964,231 to \$4,239,231; and
- Beat 61: All City Towing Contract No. FSP5769100B61, for \$3,165,000 for up to 25 months, increasing the total contract amount from \$5,215,122 to \$8,380,122.

Attachments:      [Attachment A - Procurement Summary](#)  
[Attachment B - Contract Modification Summary](#)  
[Attachment C - Contract Modification Change Order Log](#)  
[Attachment D - FSP Beat Map](#)  
[Attachment E - DEOD Summary](#)

**28. SUBJECT: POWER SWEEPING SERVICES FOR ALL METRO FACILITIES**

[2023-0060](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 14 to Contract No. OP962800003367 with Nationwide Environmental Services, a Division of Joe's Sweeping Services, Inc., to provide power sweeping services for Metro's transit facilities in the amount of \$1,902,420, increasing the contract three-year base authority from \$6,841,346 to \$8,743,766 and extending the period of performance from June 01, 2023, through May 31, 2024.

Attachments:      [Attachment A - Procurement Summary](#)  
[Attachment B - Contract Modification/Change Order Log](#)  
[Attachment C - DEOD Summary](#)

**NON-CONSENT**

**29. SUBJECT: OPERATIONS EMPLOYEES OF THE MONTH**

[2023-0133](#)

**RECOMMENDATION**

RECOGNIZE Operations Employees of the Month.

Attachments:      [Presentation](#)

**30. SUBJECT: ORAL REPORT ON OPERATIONS AND SERVICE RESTORATION UPDATE**

[2023-0182](#)

**RECOMMENDATION**

RECEIVE oral report on Operations ridership, hiring, and service restoration.

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**22. SUBJECT: RIDERSHIP AND SECURITY TRENDS**

[2023-0167](#)

**RECOMMENDATION**

RECEIVE oral report on ridership and security trends.

(ALSO ON EXECUTIVE MANAGEMENT COMMITTEE)

**31. SUBJECT: MICROTRANSIT PILOT PROJECT - PART B**

[2023-0118](#)

**RECOMMENDATION**

AUTHORIZE:

- A. the Chief Executive Officer to execute Modification No. 10 to Contract No. PS46292001 with RideCo., Inc., for the MicroTransit Pilot Project, to extend the period of performance from April 1, 2023, through September 30, 2023, in an amount not to exceed \$8,292,453, increasing the Total Contract Value from \$35,131,602 to \$43,424,055; and
- B. an increase in the Contract Modification Authority (CMA) in the amount of \$829,245, or 10% of the total Contract Modification No. 10 value, increasing the total authorized CMA amount from \$100,000 to a new CMA amount of \$929,245 and execute individual Contract Modifications within the Board approved CMA.

**Attachments:**      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - Contract Modification Change Order Log](#)  
                                 [Attachment C - DEOD Summary](#)

**32. SUBJECT: MOBILE APPLICATION CONSOLIDATION MOTION  
RESPONSE**

[2023-0122](#)

**RECOMMENDATION**

RECEIVE oral report on Mobile Application Consolidated Motion.

**Attachments:**      [Presentation](#)

**33. SUBJECT: USE OF PUBLIC SAFETY DATA MOTION RESPONSE**

[2022-0487](#)

**RECOMMENDATIONS**

ADOPT:

- A. The Bias-Free Policing Policy (Attachment A); and
- B. The Public Safety Analytics Policy (Attachment B).

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Attachments:      [Attachment A - Bias Free Policing Policy](#)  
                              [Attachment B - Public Safety Analytics Policy](#)  
                              [Attachment C - Board Motion 45](#)  
                              [Attachment D - PSAC Recommendations](#)

**34. SUBJECT: METRO'S CUSTOMER CODE OF CONDUCT** [2022-0291](#)

**RECOMMENDATION**

APPROVE the revised Metro Customer Code of Conduct (Attachment A) effective June 1, 2023.

Attachments:      [Attachment B - Existing Code of Conduct](#)  
                              [Attachment C - PSAC Code of Conduct Recommendations](#)  
                              [Attachment D - Code of Conduct Transit Agencies Matrix](#)  
                              [Attachment E Redlined Existing Code of Conduct](#)  
                              [Attachment A - Proposed New Code of Conduct](#)  
                              [Attachment F - Code Comparison Table](#)

**35. SUBJECT: METRO TRANSIT SECURITY** [2022-0648](#)

**RECOMMENDATION:**

AUTHORIZE the Chief Executive Officer to amend the FY23 Budget to add 48 Metro Transit Security full-time equivalent (FTE) positions to include 44 Transit Security Officers, three Supervisors, and one Director, Transit Security (Captain).

Attachments:      [Attachment A - Bus Operator Assaults Data](#)  
                              [Attachment B - 2022 Bus Operator Survey Update](#)  
                              [Attachment C - PSAC Onboard Bus Safety Strategies](#)

**23. SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES** [2022-0868](#)

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to execute contract modifications to extend the current multi-agency transit law enforcement contracts annually for up to three additional years, through June 30, 2026, utilizing funds to be requested during future fiscal years' budget processes, contingent on compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and
- B. REPORTING back to the Board in April 2023 on the feasibility of establishing an in-house Metro Transit Police Department to support Metro's Public Safety Mission and Value Statements.

Attachments:      [Attachment A - Summary of Material Exceptions to Scope of S&T&C](#)

(ALSO ON EXECUTIVE MANAGEMENT COMMITTEE)

**SUBJECT:      GENERAL PUBLIC COMMENT**

[2023-0157](#)

RECEIVE General Public Comment

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN  
COMMITTEE'S SUBJECT MATTER JURISDICTION

**Adjournment**



## Board Report

File #: 2022-0631, File Type: Contract

Agenda Number: 26.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: PURCHASE OF OCS STINGER TRUCK**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award a firm-fixed-price contract, Contract No. OP92098000, to Nixon-Egli Equipment Company, for one (1) Overhead Catenary System (OCS) Stinger Truck for a firm fixed price of \$882,520.78, inclusive of sales tax, subject to resolution of any properly submitted protest(s) if any; and
- B. FINDING that there is only a single source of procurement for the item(s) set forth in Recommendation A above and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use, as defined under Public Utilities Code 130237.

**(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)**

#### **ISSUE**

The purchase of a new OCS Stinger truck is necessary for the OCS maintenance and State of Good Repair (SGR) renewal work on all Metro Light Rail Lines. This truck will replace an out-of-service, 30-year-old OCS Stinger Truck, which is beyond its useful life, and noncompliant with current emission control standards.

#### **BACKGROUND**

Metro Traction Power Department maintains over 200 miles of OCS wires for all Metro Light Rail Train Lines. Metro is responsible for ensuring that all systems are properly maintained for the safety, reliability, and longevity of capital assets. The OCS Stinger Truck is required to maintain and repair the system.

#### **DISCUSSION**

The OCS Stinger Truck is a critical piece of equipment that is used for a variety of tasks, such as

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lifting heavy copper wire rolls and pulling the OCS wires to achieve the required tension during the wire replacement activity. This truck will also support planned SGR OCS wire replacement projects, as well as perform emergency repairs in a timely manner to significantly reduce service interruptions and delays.

Metro staff researched Zero Emission (ZE) electric power drive trucks for purchase. The option to purchase a ZE electric power drive truck is very limited due to the truck not being readily available in the market. A new type of diesel engine is available that produces lower emissions, complies with the South Coast Air Quality Management District (SCAQMD) emission standard has improved efficiency in horsepower, and consumes less fuel.

A 2/3 vote of the board is required per Public Utilities Code 130237:

"Notwithstanding Section 130232, the commission may direct the purchase of any supply, equipment, or material without observance of any provision in this article regarding contracts, bids, advertisement, or notice upon a finding by two-thirds of all members of the commission that there is only a single source of procurement therefor and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use."

### **DETERMINATION OF SAFETY IMPACT**

Metro maintenance crews need to lift six to eight thousand pounds of OCS wire, and pull the wire to achieve proper tension during the wire replacement activities. Purchasing a new crane truck will allow for safe heavy lifting operations, with better productivity.

### **FINANCIAL IMPACT**

A total of \$882,520 is needed for this action. The budget is contained in Capital Project 205121 - FY23 Metro Green Line OCS Wire Replacement Project. The Life of Project (LOP) budget is \$41,766,242.00, which is within the project budget.

Since this is a multi-year contract, the Project Manager will be responsible for budgeting resources in future Fiscal Years.

#### **Impact to Budget**

The current source of funds for this action are Federal Section 5307, Proposition A/C, Measure R/M, and Transportation Development Act. Use of these funding sources currently maximizes funding allocations given approved funding provisions and guidelines.

### **EQUITY PLATFORM**

The Metro Light Rail Line runs through Equity Focus Communities and the award of this contract is critical for repairing and maintaining the OCS wire, to avoid interruption of train operations and major delays to our Metro riders.

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The Diversity and Economic Opportunity Department (DEOD) did not recommend an SBE or DVBE participation goal for this procurement due to limited suppliers and only one bid submitted for the Rail Bound Crane truck.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Metro Strategic Plan Goal #5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

The new OCS Stinger Truck will improve the performance of OCS maintenance work, rail emergency response work for OCS repair, and new OCS wire installation. Purchasing a new crane truck will improve heavy lifting operations and will increase safety, performance, and productivity. With this, Metro is exercising good public policy judgment and sound fiscal stewardship.

### **ALTERNATIVES CONSIDERED**

Staff considered not purchasing a new OCS Stinger Truck and performing an overhaul repair on the out-of-service, 30-year-old crane truck, however this is not recommended. The non-revenue department has performed an analysis for estimated cost of the overhaul option and determined that overhaul cost would be equivalent to purchasing a new truck due to limited spare parts, and new regulation compliance from SCAQMD and California DOT. It would not be fiscally responsible to repair the truck. Staff also considered using only the smaller existing crane truck which has significantly less capacity, but this will result in much lower than planned productivity.

### **NEXT STEPS**

Following the authorization and execution of the contract, the vendor will begin the manufacturing process and provide Metro with a production schedule to identify milestones to be consistent with the agreed schedule.

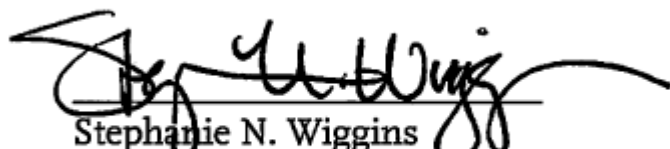
### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary

Prepared by: Kelvin Zan, Executive Officer, Operations Engineering, (213) 617-6264  
Errol Taylor, Deputy Chief Operations Officer, Maintenance and Engineering, (213) 922-3227  
Debra Avila, Deputy Chief Vendor/Contract Management (213) 418-3051

Reviewed by:  
Conan Cheung, Chief Operations Officer, (213) 418-3034





Stephanie N. Wiggins  
Chief Executive Officer

**PROCUREMENT SUMMARY****Overhead Catenary System (OCS) Stinger Crane Truck****CONTRACT NO. OP92028000**

1.	<b>Contract Number:</b> OP92028000	
2.	<b>Recommended Vendor:</b> Nixon-Egli Equipment Company	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input checked="" type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> December 16, 2022	
	<b>B. Advertised/Publicized:</b> N/A	
	<b>C. Pre-Proposal Conference:</b> N/A	
	<b>D. Proposals Due</b> January 13, 2023	
	<b>E. Pre-Qualification Completed:</b> N/A	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> January 12, 2023	
	<b>G. Protest Period End Date:</b> N/A	
5.	<b>Solicitations Picked up/Downloaded:</b> 1	<b>Bids/Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Kimberlyn Richardson	<b>Telephone Number:</b> 213-922-2085
7.	<b>Project Manager:</b> Kelvin Zan	<b>Telephone Number:</b> 213-617-6264

**A. Procurement Background**

This Board Action is to approve a single source Contract No. OP92028000 to Nixon-Egli Equipment Company for the purchase of a Overhead Catenary System (OCS) Stinger Crane Truck to be utilized in Metro Green Line Overhead Catenary System (OCS) wires replacement project and perform maintenance on the existing light rail OCS wire system.

A Request for Proposal (RFP) was issued in accordance with Metro's Acquisition Policy for single source procurements and the contract type is a firm fixed price. SBE and DVBE goals were not recommended due to the lack of subcontracting opportunities.

The proposal was received from Nixon-Egli Equipment Company on January 12, 2023.

**B. Evaluation of Proposal**

The proposal submitted was reviewed by staff from the Metro Operations Department and was deemed responsive and in full compliance with the technical requirements of the RFP.

Nixon-Egli's proposal was reviewed for technical approach, pricing, experience of proposed team members, and understanding of the work.

Metro staff engaged in discussions with Nixon-Egli to address questions and get clarification on the work plan and scope of work to ensure that it aligned with the OCS wire replacement project.

### **C. Cost Analysis**

The recommended price has been determined to be fair and reasonable based upon fact finding, an independent cost estimate (ICE), technical evaluation, additional justification and cost analysis conducted by staff.

The price variance of 11.5% from the ICE is reflective of the current global market conditions which have been heavily impacted by the COVID-19 pandemic. The market price of steel has fluctuated to almost double of what it was since the last procurement of heavy-duty trucks were purchased. A worldwide semiconductor supply shortage has stalled production within the automotive industry and drastically delayed the delivery timeline of vehicles. In addition, the global logistics landscape of moving goods is heavily burdened by a shortage of manpower combined with an increased cost of fuel driving up the freight cost for these units. The price increase is also due to supply chain issues and labor cost escalations.

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Agreed Amount</b>
Nixon-Egli Equipment Co.	\$882,520.78	\$791,240	\$882,520.78

### **D. Background on Recommended Contractor**

The recommended firm, Nixon-Egli Equipment Company has a service center in Ontario, CA and has been in business for over 65 years. Nixon-Egli Equipment Company has entered contracts with LADWP pertaining to Link -Belt Cranes, as well as the City of Los Angeles General Fleet Services with PB Loader Equipment, that provide trucks, flatbeds, service trucks, and hot asphalt patch truck.

**DEOD SUMMARY****PURCHASE OF RAIL BOUND CRANE TRUCK / OP92028****A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small/Disabled Veteran Business Enterprise (SBE/DVBE) participation goal for this sole source procurement due to lack of subcontracting opportunities. Nixon-Egli Equipment Company (Nixon-Egli) did not list any subcontractors. It is expected that Nixon-Egli will perform the services with its own workforce.

**B. Living Wage / Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.



## Board Report

File #: 2023-0014, File Type: Contract

Agenda Number: 27.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: METRO FREEWAY SERVICE PATROL**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute contract modifications for four current Freeway Service Patrol (FSP) contracts in an aggregate amount of \$4,645,000 thereby increasing the contract amounts from \$18,020,679 to \$22,665,679 and extending the periods of performance for the following contracts:

- Beat 24: T.G. Towing, Inc. Contract No. FSP2833200FSP1424, for \$710,000 for up to 5 months, increasing the total contract amount from \$4,696,302 to \$5,406,302;
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- Beat 42: Platinum Tow & Transport Contract No. FSP2842100FSP1442, for \$275,000 for up to 5 months, increasing the total contract amount from \$3,964,231 to \$4,239,231; and
- Beat 61: All City Towing Contract No. FSP5769100B61, for \$3,165,000 for up to 25 months, increasing the total contract amount from \$5,215,122 to \$8,380,122.

#### **ISSUE**

Three current FSP contracts require modifications to avoid a gap in service until new contracts can be awarded and mobilized to provide service. An additional existing FSP contract also requires modification to continue providing service utilizing high-cost heavy duty tow trucks which were underutilized during the pandemic due to reduced service levels.

#### **BACKGROUND**

The FSP program is managed in partnership with Metro, CHP and Caltrans serving motorists on all major freeways in Los Angeles County. Metro's FSP program is the largest of its kind in the nation and maintains the highest level of benefit to cost ratio of all 14 FSP programs within California.

The program utilizes a fleet of roving tow and service trucks designed to reduce traffic congestion by

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efficiently rendering disabled vehicles operational by changing out flat tires, providing a jump start, adding water to the radiator, taping leaking hoses, or by quickly towing those vehicles from the freeway to a designated safe location. These services are free to motorists. Quickly removal of motorists and their disabled vehicles from the freeway reduces the chances of further incidents caused by onlookers and impatient drivers. FSP helps save fuel and reduce air polluting emissions by reducing stop-and-go traffic through the provision of free services to motorists and operates seven days a week during peak commuting hours.

Metro contracts with independent tow service providers for Freeway Service Patrol Light Duty (FSPLD) tow service on general purpose lanes on all major freeways in Los Angeles County, 2 Freeway Service Patrol ExpressLanes (FSPEL) contracts on the (I-110 and I-10), and 2 Freeway Service Patrol Heavy Duty (FSPHD) contracts (I-710 and SR-91) to assist large commercial vehicles. (Attachment D) Each weekday, 138 tow and service trucks are deployed during peak commuting hours.

FSP light duty contracts are re-procured approximately every 4 years to replace aging vehicles, encourage competition by providing tow service contractors the opportunity to bid on new contracts, and allow new contracts to reset rates using current industry prices.

The annual benefit of the program is as follows:

- For individual beats, an annual Benefit to Cost Ratio of 9:1 - For every \$1 spent there is a \$9 benefit to motorists
- 300,000 motorist assists
- 5,175,845 hours motorists saved from sitting in traffic
- 8,897,277 gallons of fuel savings
- Approximately 78,296,040 kg of CO2 reductions
- The average motorist wait time for FSP service is 7 minutes (the average wait time for other roadside service is over 30 minutes)
- The Los Angeles County FSP program generates one-half of the cumulative benefits of the 14 FSP programs in the state.

## **DISCUSSION**

The recommendation requests funding to extend periods of performance for three FSPLD beats (24 (Santa Clarita SR14), 29 (Westlake US101), & 42 (Santa Clarita I5)) to avoid a gap in service provision while staff work to complete the solicitation, currently in progress, to replace the older light duty tow service contracts. Authorizing contract modifications will ensure seamless and efficient operation of the FSP program until contract awards have been completed. It will also provide funds to address increased operating costs such as increased insurance premiums, major maintenance expenses, fluctuating fuel prices, and to replenish funding to contracts that provide support to Caltrans construction projects through a Cooperative Agreement which reimburses Metro for FSP support. Upon completion of the solicitation process for FSPLD contracts, staff expects to return to

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the Board at the appropriate time for authorization to award the new contracts.

The recommendation will also increase funding and extend the period of performance for the Beat 61 FSPHD contract operating on the SR-91 freeway. Extending the contract for 25 months allows Metro to continue to most cost efficiently and effectively provide the service using the existing high-cost/long-life vehicles that were underutilized for 2 years during the pandemic due to service reductions. Heavy duty tow trucks cost upwards of \$750,000 and can operate effectively for over 1 million miles. In August 2022, the board authorized funding to extend the period of performance for the Beat 60 FSPHD contract operating on the I-710 freeway when presented with the same circumstances of underutilization and potentially higher costs if this contract expires and is replaced with a new contract.

### **DETERMINATION OF SAFETY IMPACT**

The FSP Program enhances safety on Los Angeles County freeways by assisting motorists with disabled vehicles, towing vehicles from freeway lanes to prevent secondary accidents and removing debris/obstacles from lanes that can be a hazard to motorists.

### **FINANCIAL IMPACT**

The amount of \$998,463 for the modifications is included in the FY23 budget in cost center 3352, Metro Freeway Service Patrol. Since some of the contracts requires a multi-year contract, the cost center manager will provide the required funding in future years.

#### **Impact to Budget**

The FSP program is funded through a combination of dedicated state funds, SB1 funding and Proposition C 25% sales tax revenues. These funds are not eligible for Metro Bus and Rail Operating and Capital expenses. Metro is also reimbursed for the services provided to support Caltrans construction projects.

### **EQUITY PLATFORM**

DEOD has implemented a two-phased Small Business Recruitment Strategy to increase the number of SBE/DVBE certified vendors specific to the towing industry and tow service providers. Through DEOD's Metro Connect Outreach Program, FSP's program management and Contract Administration staff have scheduled separate pre-solicitation outreach events targeting untapped SBE, DVBE, and DBE-eligible firms within specific North American Industry Classification System (NAICS) codes. In addition, FSP program management staff continue their outreach to the towing community and potential SBE/DVBE vendors to provide information on contracting opportunities in Metro's programs. These efforts include attending the largest towing convention on the west coast (sponsored by the California Tow Truck Association), contact local towing firms via phone or in person, and reach out to former FSP tow contractors.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The FSP Program aligns with Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The program mitigates congestion on all major freeways in Los Angeles County.

## **ALTERNATIVES CONSIDERED**

The Board may decide not to authorize the increase in contract modifications. This alternative is not recommended as it could adversely impact the level and quality of FSP service provided in Los Angeles County.

## **NEXT STEPS**

Upon Board approval, staff will execute the necessary contract modifications to assure efficient and seamless delivery of the FSP program. Staff will work on new procurements to address needs beyond FY23. Barring additional unforeseen impacts, staff will return to the Board at the appropriate time to secure approval for new contracts with services to commence in FY24.

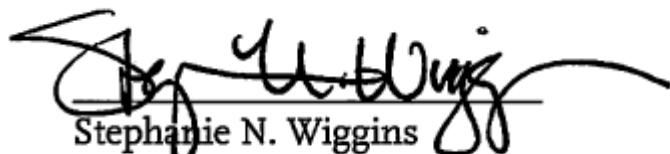
## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification Summary  
Attachment C - Contract Modification/Change Order Log  
Attachment D - FSP Beat Map  
Attachment E - DEOD Summary

Prepared by: John Takahashi, Senior Highway Operations Manager, (213) 418-3271  
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Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034





Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO FREEWAY SERVICE PATROL/VARIOUS BEATS

1.	<b>Contract Number:</b> Various, See Attachment B			
2.	<b>Contractor:</b> Various, See Attachment B			
3.	<b>Mod. Work Description:</b> General Redeployment Support, Caltrans Construction, Special Event Support, Service Coverage			
4.	<b>Contract Work Description:</b> Freeway Service Patrol			
5.	<b>The following data is current as of:</b> February 1, 2023			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>		<b>Contract Award Amount:</b>	Various, See Attachment B
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	Various, See Attachment C
	<b>Original Complete Date:</b>	Various	<b>Pending Modifications (including this action):</b>	Various, See Attachment C
	<b>Current Est. Complete Date:</b>	Various	<b>Current Contract Value (with this action):</b>	Various, See Attachment C
7.	<b>Contract Administrator:</b> DeValory Donahue		<b>Telephone Number:</b> (213) 922-4726	
8.	<b>Project Manager:</b> John Takahashi		<b>Telephone Number:</b> (213) 418-3271	

**A. Procurement Background**

This Board Action is to approve contract modifications for multiple firm-fixed unit rate contracts (see Attachment B-Contract Modification Summary) for towing services in support of the Metro Freeway Service Patrol (FSP) program.

The proposed increase for 4 FSP general purpose lanes and ExpressLane contracts in the amount of \$4,645,000 will allow required towing services for the FSP program to continue and extend the period of performance to support unanticipated events, redeployment, and support during freeway construction work, and service delivery until new contracts are established.

Attachment B - Contract Modification Summary shows the list of contracts that require an increase.

Attachment C - Contract Modification/Change Order Log shows that modifications have been issued to date and no contract modifications are currently in negotiations or pending.

**B. Cost Analysis**

All firms agreed to honor current hourly rates with no increase during the contract extensions. Therefore, the modifications are deemed fair and reasonable.

**ATTACHMENT B**  
**CONTRACT MODIFICATION SUMMARY**  
**METRO FREEWAY SERVICE PATROL**  
**TOWING SERVICES FOR GENERAL PURPOSE LANES**

<b>Beat</b>	<b>Contractor</b>	<b>Contract No.</b>	<b>Original Contract Value</b>	<b>Approved Increases</b>	<b>Current Contract Value</b>	<b>Requested Increase</b>	<b>Revised Contract Value</b>
24	T.G. Towing, Inc.	FSP2833200FSP1424	\$1,753,911.00	\$2,942,391.00	\$4,696,302.00	\$710,000.00	\$5,406,302.00
29	Platinum Tow & Transport, Inc.	FSP3470600B29	\$3,012,024.00	\$1,133,000.00	\$4,145,024.00	\$495,000.00	\$4,640,024.00
42	Platinum Tow & Transport, Inc.	FSP2842100FSP1442	\$1,765,665.00	\$2,198,566.00	\$3,964,231.00	\$275,000.00	\$4,239,231.00
61	All City Tow Service	FSP5769100B61	\$4,741,020.00	\$474,102.00	\$5,215,122.00	\$3,165,000.00	\$8,380,122.00
Totals				\$6,748,059.00	\$18,020,679.00	<b>\$4,645,000.00</b>	\$22,665,679.00

**ATTACHMENT C**

**CONTRACT MODIFICATION/CHANGE ORDER LOG**

**METRO FREEWAY SERVICE PATROL  
TOWING SERVICES FOR GENERAL PURPOSE LANES**

**CONTRACT No. FSP2833200FSP14-24**

**BEAT No. 24**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	5/26/2018	\$0.00
2	Period of Performance	Approved	8/28/2018	\$0.00
3	Period of Performance	Approved	12/21/2018	\$175,391.00
4	Add Funding and Period of Performance	Approved	5/23/2019	\$330,000.00
5	Period of Performance	Approved	8/30/2019	\$0.00
6	Period of Performance	Approved	9/27/2019	\$0.00
7	Period of Performance	Approved	10/31/2019	\$0.00
8	Period of Performance	Approved	11/27/2019	\$0.00
9	Add Funding and Period of Performance	Approved	12/20/2019	\$275,000.00
10	Service Reduction	Approved	4/6/2020	0.00
11	Add Funding and Period of Performance	Approved	5/12/2020	\$580,000.00
12	Add Funding and Period of Performance	Approved	11/9/2020	\$410,000.00
13	Add Funding and Period of Performance	Approved	7/1/2021	\$130,000.00
14	Add Funding and Period of Performance	Approved	2/9/2022	\$460,000.00
15	Service Increase	Approved	4/12/2022	0.00
16	Add Funding and Period of Performance	Approved	9/16/2022	\$582,000.00
17	Add Funding and Extend period of performance for up to five (5) months.	Pending	Pending	\$710,000.00
	<b>Modification Total:</b>			<b>\$3,652,391.00</b>
	<b>Original Contract:</b>			<b>\$1,753,911 .00</b>
	<b>Total:</b>			<b>\$5,406,302.00</b>

**CONTRACT No. FSP3470600B29****BEAT No. 29**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/24/2020	\$0.00
2	Period of Performance	Approved	4/27/2020	\$0.00
3	Service Reduction	Approved	7/2/2020	\$0.00
4	Add Funding and Period of Performance	Approved	11/17/2020	\$170,000.00
5	Add Funding and Period of Performance	Approved	7/1/2021	\$175,000.00
6	Add Funding and Period of Performance	Approved	3/3/2022	\$350,000.00
7	Service Increase	Approved	4/20/2022	\$0.00
8	Add Funding and Period of Performance	Approved	8/31/2022	438,000.00
9	Add Funding and Extend period of performance for up to five (5) months.	Pending	Pending	\$495,000.00
	<b>Modification Total:</b>			<b>\$1,628,000.00</b>
	<b>Original Contract:</b>			<b>\$3,012,024.00</b>
	<b>Total:</b>			<b>\$4,640,024.00</b>

**CONTRACT No. FSP2842100FSP14-42****BEAT No. 42**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	7/10/2018	\$0.00
2	Add Funding and Period of Performance	Approved	12/21/2018	\$175,566.00
3	Add Funding and Period of Performance	Approved	8/27/2019	\$585,000.00
4	Service Reduction	Approved	3/31/2020	\$0.00
5	Add Funding and Period of Performance	Approved	7/31/2020	\$100,000.00

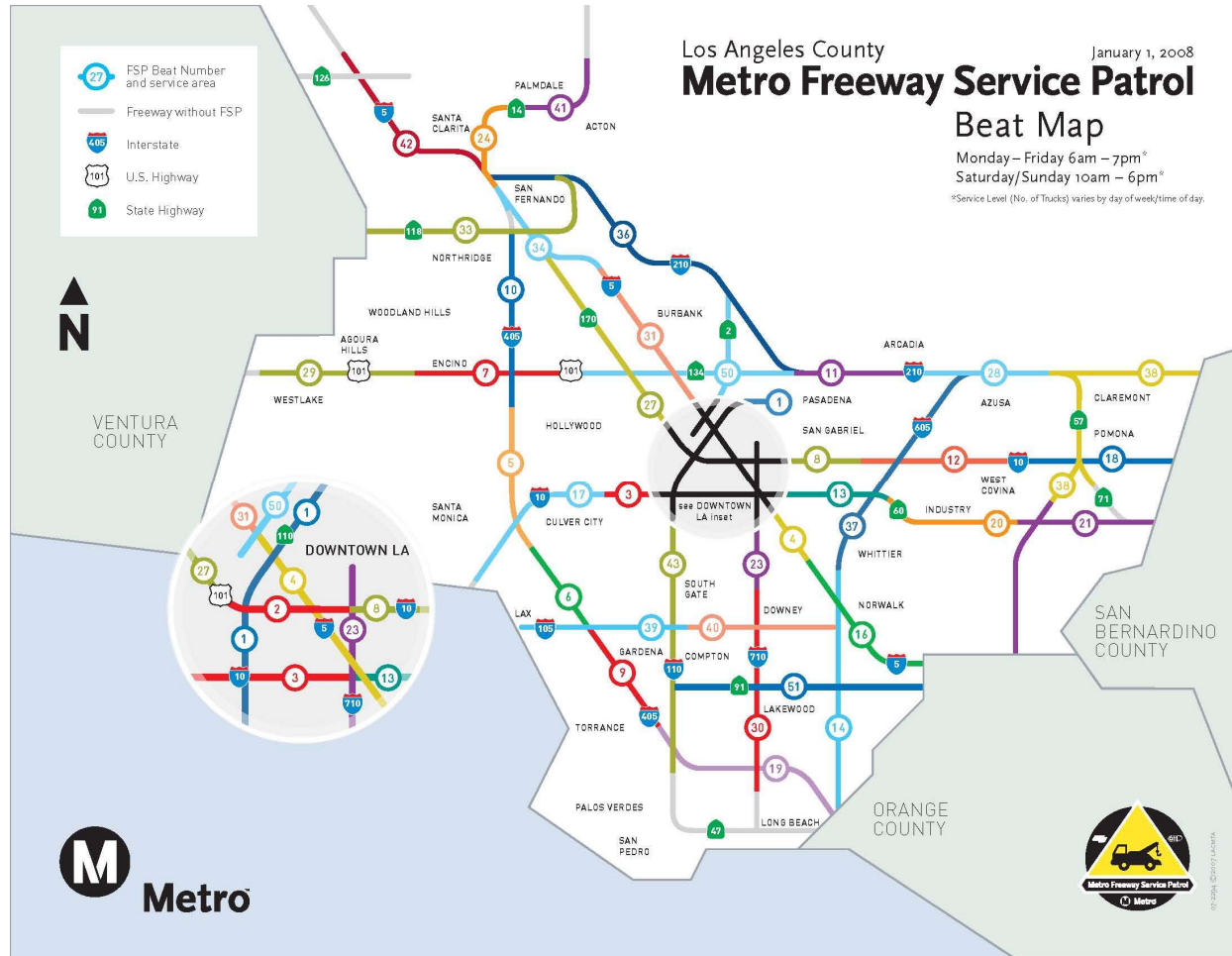
6	Add Funding and Period of Performance	Approved	11/17/2020	\$345,000.00
7	Add Funding and Period of Performance	Approved	7/1/2021	\$205,000.00
8	Add Funding and Period of Performance	Approved	3/3/2022	\$350,000.00
9	Service Increase	Approved	4/20/2022	\$0.00
10	Add Funding and Period of Performance	Approved	8/31/2022	\$438,000.00
11	Add Funding and Extend period of performance for up to five (5) months.	Pending	Pending	\$275,000.00
	<b>Modification Total:</b>			<b>\$2,473,566.00</b>
	<b>Original Contract:</b>			<b>\$1,765,665.00</b>
	<b>Total:</b>			<b>\$4,239,231.00</b>

**CONTRACT No. FSP5769100B61**

**BEAT No. 61**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Adjustment of Service Start Date	Approved	4/1/2017	\$0.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Period of Performance	Approved	3/2/2022	\$0.00
4	Service Increase	Approved	4/20/2022	\$0.00
5	Service Increase	Approved	4/26/2022	\$0.00
6	Add Funding	Approved	1/9/2023	\$474,102.00
7	Add Funding and Extend period of performance for up to five (5) months.	Pending	Pending	\$3,165,000.00
	<b>Modification Total:</b>			<b>\$3,639,102.00</b>
	<b>Original Contract:</b>			<b>\$4,741,020.00</b>
	<b>Total:</b>			<b>\$8,380,122.00</b>

## Attachment D





## DEOD SUMMARY

## METRO FREEWAY SERVICES PATROL/VARIOUS BEATS

**A. Small Business Participation (Modification)**

Of the four FSP contracts included in this modification, three of the Contractors made SBE commitments and one contractor made an SBE/DVBE commitment. The FSP Contractors T.G. Towing - Beat 24, and Platinum Tow & Transport - Beats 29 and 42, are SBE primes and are each meeting their 100% SBE commitment.

The FSP Contractor All City Tow Service (ACTS) - Beat 61, made a 7.00% SBE and 3.23% DVBE commitment and the current level of participation is 1.15% SBE and 0.88% DVBE, representing a shortfall of 5.85% and 2.35%, respectively. ACTS contends that the pandemic greatly impacted services and the utilization of its SBE/DVBE subcontractors. However, ACTS reported with service now reinstated to pre-pandemic levels and the increasing need for repairs and equipment, they expect to see incremental increases in the utilization of their SBE/DVBE subcontractors by the end of the 3<sup>rd</sup> quarter and will continue to search for new SBE/DVBE subcontractors to provide services to ACTS for the remainder of the contract.

Notwithstanding, Metro Project Managers and Contract Administrators will continue to meet bi-monthly with DEOD and the FSP Contractors in shortfall to monitor the Contractor's efforts to meet or exceed their SBE/DVBE commitments.

**Beat 24 – T.G. Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	T. G. Towing, Inc. (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 29 – Platinum Tow & Transport**

	SBE Contractor(s)	% Commitment	% Participation
1.	Platinum Tow & Transport (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 42 – Platinum Tow & Transport**

	SBE Contractor(s)	% Commitment	% Participation
1.	Platinum Tow & Transport (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 61 – All City Tow Service**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment, Inc.	7.00%	0.96%
2.	Hunter Tires, Inc.	Added	0.19%
	<b>Total</b>	<b>7.00%</b>	<b>1.15%</b>

	DVBE Subcontractor(s)	% Commitment	% Participation
1.	Arciero & Sons, Inc.	1.39%	0.00%
2.	Image Gear dba Reflective Stripe	0.55%	0.19%
3.	Oasis Fuels, Inc.	1.29%	0.69%
	<b>Total</b>	<b>3.23%</b>	<b>0.88%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$23.81 per hour (\$18.04 base + \$5.77 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.



## Board Report

**File #:** 2023-0060, **File Type:** Contract

**Agenda Number:** 28.

### **OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023**

**SUBJECT: POWER SWEEPING SERVICES FOR ALL METRO FACILITIES**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 14 to Contract No. OP962800003367 with Nationwide Environmental Services, a Division of Joe's Sweeping Services, Inc., to provide power sweeping services for Metro's transit facilities in the amount of \$1,902,420, increasing the contract three-year base authority from \$6,841,346 to \$8,743,766 and extending the period of performance from June 01, 2023, through May 31, 2024.

#### **ISSUE**

The existing power sweeping services contract three-year base term expires on May 31, 2023. While staff has been proactive in issuing two (2) new solicitations to replace the existing contract prior to its expiration, the first solicitation was canceled due to a lack of responsive and responsible bidders, and no bids were received in response to the second solicitation.

To ensure service continuity for delivering safe, quality, regularly scheduled and as-needed power sweeping services systemwide, the approval of Modification No. 14 is required to increase contract authority by \$1,902,420 and extend the period of performance through May 31, 2024. This action will also allow staff the time to reconcile the prior solicitation documents and prepare a systemwide cost effective solicitation package to be issued for competitive bidding with opportunities for small business participation.

#### **BACKGROUND**

On April 26, 2018, the Metro Board of Directors approved a three-year base, firm fixed unit rate Contract No. OP962800003367 with Nationwide Environmental Services, Inc., to provide power sweeping services for Metro transit facilities, effective June 1, 2018. Since then, the contractor has been providing satisfactory services. While services were adjusted during the COVID-19 pandemic and with sufficient authority remaining, staff has been able to extend the existing contract through May 2023.

Staff is continuously evaluating service levels and exploring opportunities to increase competition while expanding small business participation. In preparation for a new power sweeping services

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contract solicitation, two (2) outreach events were conducted on June 10 and November 10, 2021, respectively. Staff provided an overview of the upcoming procurement where Metro's service area has been split into two (2) geographical regions to attract bids from small businesses as primes.

On November 18, 2021, the new SBE prime set-aside solicitation was issued for the North and South regions representing Metro's service area. On December 22, 2021, two (2) bids were received, one (1) per region, however, they were deemed non-responsive and responsible, for not meeting Metro's SBE prime set-aside requirements, and the solicitation was cancelled on March 17, 2022. A follow up market survey was conducted to obtain feedback from the vendors on the planholders list including the bidder.

Based on the input received from the market survey, staff re-evaluated Metro's service area and restructured the scope of services splitting Metro's service area into three (3) geographical regions, to further enhance competition and small business participation. Two (2) additional outreach events were conducted on June 21 and June 22, 2022, respectively where staff provided an overview of the upcoming procurement for the newly restructured three (3) regional contracts. On September 9, 2022, a second SBE prime set-aside solicitation was issued for the three (3) regional contracts representing Metro's service area with a bid due date of October 10, 2022. Since no bids were received, staff followed up with another market survey where valuable information was provided regarding the current state of power sweeping services in the private sector.

Based on the feedback received from the market survey, staff learned that following the COVID-19 pandemic, the west coast power sweeping services private sector has experienced major changes where larger firms have acquired the smaller businesses, yet even the very few larger firms left are facing significant challenges with the long lead times for vehicle acquisition and other resources to meet the demand. As business practices continue to evolve and while Nationwide Environmental Services, Inc., owns the required number of environmentally compliant fleet of Compressed Natural Gas (CNG) sweepers, the approval of Modification No. 14 will ensure service continuity and allow the time to issue a new solicitation for competitive bidding with opportunities for small business participation. Staff is recommending increasing the existing contract authority by \$1,902,420 and extending the period of performance through May 31, 2024. This action is necessary to allow staff the time to reconcile the prior solicitation documents and prepare a systemwide cost effective solicitation package to be issued for competitive bidding with opportunities for small business participation.

## **DISCUSSION**

Under the existing contract, the contractor is required to provide regularly scheduled and as-needed power sweeping services systemwide throughout Metro's 110 bus and rail parking lots and structures as well as 41 Caltrans owned Park & Ride (P&R) lots. Lack of cleanliness and maintenance at Metro bus and rail facilities creates an unsafe and inaccessible environment, causing delays for patrons requiring the use of parking lots and structures throughout Metro facilities and Caltrans owned P&R lots to complete their trip. The contractor has been providing satisfactory services to ensure providing safe, clean and accessible parking facilities.

In an effort to explore available options to provide quality and cost-effective power sweeping services, staff conducted a study with an in-depth feasibility review and cost-benefit analysis of possible

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alternatives. Based on the evaluation conducted, the findings of the data analysis recommended to continue contracting out the power sweeping services, until such time the market has settled and issues associated with resources and long lead times for equipment along with inflated pricing are resolved.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure service continuity to provide on-going power sweeping services, improve Metro bus and rail facilities' overall appearance and cleanliness, and continue providing safe, quality, on-time, and reliable services system-wide.

### **FINANCIAL IMPACT**

For this contract, funding of \$350,045 for the remainder of FY23 is allocated under cost center 8370 - Facilities Contracted Maintenance Services, account 50308, Service Contract Maintenance, under various projects.

Since this is a multi-year contract, the cost center manager, Deputy Chief Operations Officer, Shared Mobility will be accountable for budgeting the cost in future years.

#### **Impact to Budget**

The current source of funds for this action are Fares, Proposition A/C, Measure R/M, and the Transportation Development Act. Use of these funding sources currently maximizes funding allocations given approved funding provisions and guidelines.

### **EQUITY PLATFORM**

Providing regularly scheduled and as-needed power sweeping services is critical for Metro's patrons. It ensures that Metro bus and rail facilities overall appearance and cleanliness are well maintained, especially for those with disabilities, older adults and others, while providing a safe, quality, accessible, and reliable environment to all of our patrons at parking lots and structures throughout Metro facilities and Caltrans owned P&R lots.

Metro customers, including those with Limited English Proficiency (LEP) can report cleanliness and maintenance issues through the Customer Relations numbers posted throughout the rail and bus system. Customers have the option of communicating with Metro through nine (9) different languages using translation service. Metro also ensures translated signage is posted for those reporting cleanliness and maintenance issues on the Metro system.

Under the existing contract, Nationwide Environmental Services Inc., made a commitment of 7.02% for SBE and 3.01% for DVBE. To-date, the current participation is 9.53% for SBE and 3.24% for DVBE, exceeding the commitment by 2.51% and 0.23%, respectively.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. Performing on-going frequency and as-needed power sweeping will ensure providing safe environment to our patrons, accessibility, and service reliability, and enhancing customers' overall experience.

### **ALTERNATIVES CONSIDERED**

The Board may elect not to approve this recommendation. This option is not recommended as it would result in a gap in service impacting Metro's system safety, cleanliness, operations and customer experience.

### **NEXT STEPS**

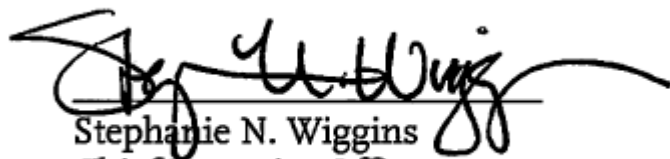
Upon approval by the Board, staff will execute Modification No. 14 to Contract No. OP962800003367 with Nationwide Environmental Services, to continue to provide power sweeping services throughout Metro bus and rail facilities and 41 Caltrans owned P&R lots.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared by: Lena Babayan, Executive Officer, Operations Administration (Interim), (213) 922-6765  
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Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by: Conan Cheung, Chief Operations Officer, Transit Operations,  
(213) 418-3034

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## POWER SWEEPING SERVICES/OP962800003367

1.	<b>Contract Number:</b> OP962800003367			
2.	<b>Contractor:</b> Nationwide Environmental Services			
3.	<b>Mod. Work Description:</b> Increase contract authority and extend period of performance			
4.	<b>Contract Work Description:</b> Provide power sweeping services at all Metro transit facilities including bus divisions, terminals, busways, railroad trackways, layover areas, rail divisions and train/bus stations park-and-ride			
5.	<b>The following data is current as of:</b> 2/7/23			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	4/26/18	<b>Contract Award Amount:</b>	\$ 5,314,860
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modification Approved:</b>	\$ 1,526,486
	<b>Original Complete Date:</b>	8/31/22	<b>Pending Modification (including this action):</b>	\$ 1,902,420
	<b>Current Est. Complete Date:</b>	5/31/24	<b>Current Contract Value (with this action):</b>	\$ 8,743,766
7.	<b>Contract Administrator:</b> Aielyn Dumaua		<b>Telephone Number:</b> (213) 922-7320	
8.	<b>Project Manager:</b> Maral Minasian		<b>Telephone Number:</b> (213) 922-6762	

**A. Procurement Background**

This Board Action is to approve Modification No. 14 to Contract No. OP962800003367 with Nationwide Environmental Services, a Division of Joe's Sweeping, Inc. (Nationwide) to continue to provide power sweeping services at all Metro transit facilities including bus divisions, terminals, busways, railroad trackways, layover areas, rail divisions, and train/bus stations park-and-ride.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm-fixed unit rate.

In April 2018, the Metro Board awarded a three-year contract to Nationwide to provide power sweeping services.

Refer to Attachment B – Contract Modification/Change Order Log.

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on price analysis and technical analysis. The fully burdened rates for the extended term are lower than current market rates for similar services. Therefore, the recommended increase in contract authority is in the best interest of Metro.

<b>Proposed Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
\$1,902,420	\$1,902,420	\$1,902,420



## CONTRACT MODIFICATION/CHANGE ORDER LOG

## POWER SWEEPING SERVICES/OP962800003367

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
1.	Increase contract authority and revise the Statement of Work and Schedule of Quantities and Prices to add Division 16 – LAX/Crenshaw Line Yard as a service location	3/28/19	\$ 52,000
2	Revise the Schedule of Quantities and Prices to adjust service frequency due to COVID-19	5/20/20	\$ 0
3	Revise the Statement of Work and Schedule of Quantities and Prices to update service locations	6/24/20	\$ 0
4	Revise the Statement of Work to update the submittal and reporting requirements	7/13/20	\$ 0
5	Revise the Schedule of Quantities and Prices to modify the frequency of service at various Caltrans Park and Ride Lots	10/16/20	\$ 0
6	Extend the period of performance by seven months	10/19/20	\$ 0
7	Extend the period of performance by three months	3/24/21	\$ 0
8	Revise the Statement of Work to remove Location 62 – Rail Communication from the List of Service Locations and adjust the Schedule of Quantities and Prices	5/31/21	\$ 0
9	Increase contract authority, revise agreed-upon fully burdened rates, and extend the period of performance by two months	11/15/21	\$ 250,000
10	Increase contract authority, revise agreed-upon fully burdened rates, and extend the period of performance by six months	4/30/22	\$ 229,486
11	Increase contract authority, revise agreed-upon fully burdened rates, and extend the period of performance by seven months	8/31/22	\$ 995,000
12	Add two K Line (Crenshaw/LAX) locations and corresponding service frequency	11/2/22	\$ 0
13	Extend the period of performance by two months	1/16/23	\$ 0
14	Increase contract authority, revise agreed-upon fully burdened rates, and extend the period of performance by twelve months	<b>Pending</b>	<b>\$ 1,902,420</b>
	<b>Modification Total:</b>		<b>\$ 3,428,906</b>
	<b>Original Contract:</b>	<b>4/26/18</b>	<b>\$ 5,314,860</b>
	<b>Total Contract Value:</b>		<b>\$ 8,743,766</b>

## DEOD SUMMARY

## POWER SWEEPING SERVICES OP962800003367

**A. Small Business Participation**

Nationwide Environmental Services div. of Joe's Sweeping, Inc. (NES) made a 7.02% Small Business Enterprise (SBE) and a 3.01% Disabled Veterans Business Enterprise (DVBE) commitment. Based on payments, the project is 100% complete and the current SBE participation is 9.53% and the DVBE participation is 3.24%, exceeding the commitments by 2.51% and 0.23%, respectively.

<b>Small Business Commitment</b>	<b>SBE 7.02% DVBE 3.01%</b>	<b>Small Business Participation</b>	<b>SBE 9.53% DVBE 3.24%</b>
----------------------------------	---------------------------------	-------------------------------------	---------------------------------

	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Islas Tires, Inc.	6.60%	8.29%
2.	Rose Equipment Repairs, Inc.	0.42%	1.24%
	<b>Total</b>	<b>7.02%</b>	<b>9.53%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Hunter Tires, Inc.	3.01%	3.24%
	<b>Total</b>	<b>3.01%</b>	<b>3.24%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

**C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.



## Board Report

**File #:** 2023-0133, **File Type:** Oral Report / Presentation

**Agenda Number:** 29.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: OPERATIONS EMPLOYEES OF THE MONTH**

#### RECOMMENDATION

RECOGNIZE Operations Employees of the Month.

#### Equity Platform

Employee of the Month (EOM) nominations to the Chief Operations Officer must be for frontline employees or field supervisors serving in a customer-facing role. Operations management is encouraged to nominate employees that have achieved excellence and/or gone above and beyond their assigned job role/functions and are diverse in both gender and ethnicity. In addition, a review of the location, job responsibilities, and seniority is considered when making final selections to ensure there is diverse representation among the various groups within the department. Operations also work with Logistics, Maintenance, and System Security & Law Enforcement who nominates employees once a quarter who work at our various Metro locations.

Prepared by: Diane Corral-Lopez, Executive Officer, Operations Admin (213) 922-7676

Reviewed by: Conan Cheung, Chief Operations Officer (213) 418-3034

A handwritten signature in black ink, appearing to read 'Stephanie N. Wiggins', written over a horizontal line.

Stephanie N. Wiggins  
Chief Executive Officer

**March 2023**  
**Transportation Employee of the Month**  
**&**  
**Maintenance Employee of the Quarter**

# Employee of the Month & Employee of the Quarter



## Operations

Bus Operator

**Lavetta**

**Hamilton**



**Division 2 – Downtown LA**

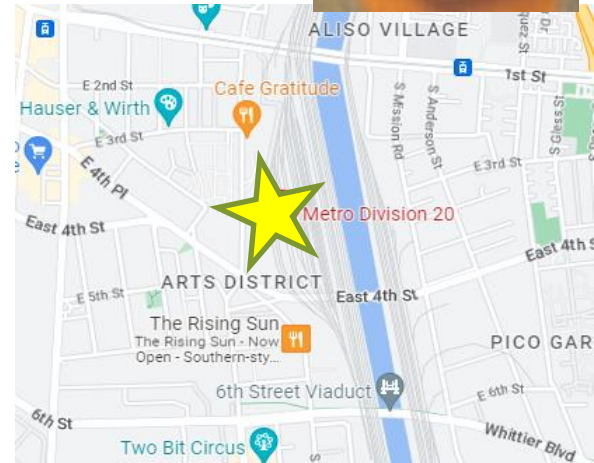
## Maintenance

Lead

Custodian

**Michelle**

**Jenkins**



**Division 20 – B/D Line Stations**



**Metro**



**Metro**

## Board Report

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**File #:** 2023-0182, **File Type:** Informational Report

**Agenda Number:** 30.

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**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE**  
**March 16, 2023**

**SUBJECT: ORAL REPORT ON OPERATIONS AND SERVICE RESTORATION UPDATE**  
**ACTION: ORAL REPORT**

**RECOMMENDATION**

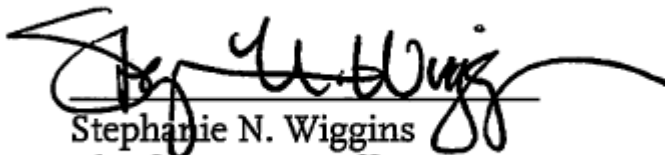
RECEIVE oral report on Operations ridership, hiring, and service restoration.

**EQUITY PLATFORM**

Operations collaborates with the Office of Equity and Race to identify and mitigate any concerns to ensure equitable outcomes relative to service.

Prepared by: Diane Corral-Lopez, Executive Officer, Operations Admin, (213) 922-7676

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



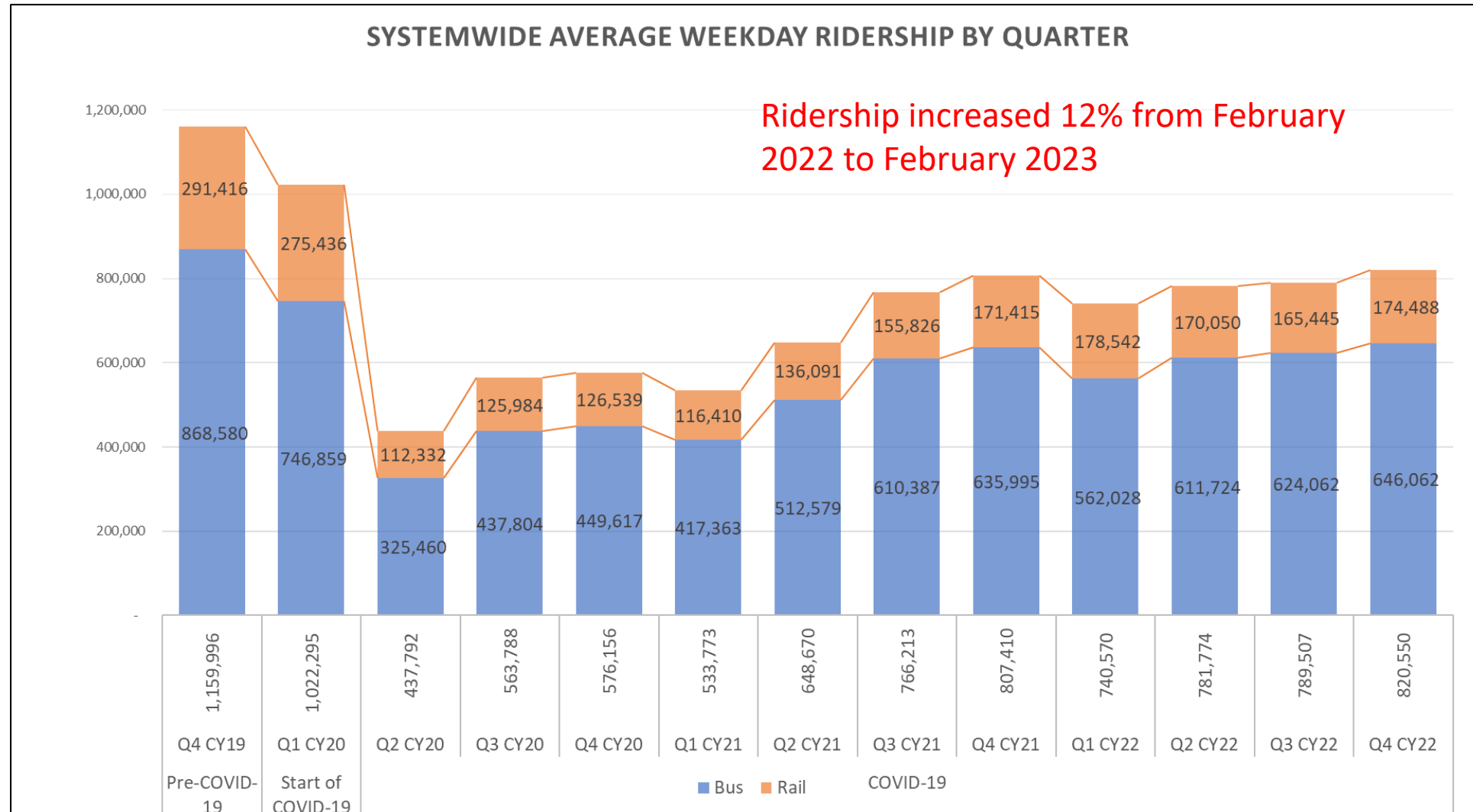
Stephanie N. Wiggins  
Chief Executive Officer



# **COO Monthly Report**

Operations, Safety & Customer Experience Committee Meeting  
March 16, 2023

# Ridership Update



## Ridership Analysis Relative to Equity Focused Communities (Metro 2022 EFC Map):

- Bus – Percent of all weekday bus activity occurring within Equity Focus Communities increased from 73% in Oct 2019 to 79.6% in January 2023 (bus stop data available month to month)
- Rail – Percent of all weekday rail activity occurring within Equity Focus Communities increased from 51.7% to 71.2% from FY19 to FY22 (rail station data available Fiscal Year level)



# Improved Reliability

- Metro fully restored scheduled bus service to 7 million revenue service hours (annualized), effective December 11, 2022. This will help our riders receive more frequent and reliable service.
- The changes improved frequencies on 55 weekday, 24 Saturday and 23 Sunday bus lines.
- Cancellation rates are now generally below pre-service change and from one year ago.

% Cancelled Service	Weekday	Saturday	Sunday
Pre- Dec 2022 Service Change 4 week Average	3.2%	3.9%	7.4%
One Year Ago WE 3/12/22	3.1%	5.3%	8.5%
Week Ending 3/11/23	2.5%	1.3%	5.2%
Week Ending 3/4/23	2.0%	2.0%	4.2%
Week Ending 2/25/23	3.4%	5.6%	5.4%
Week Ending 2/18/23	3.9%	2.7%	5.4%
Week Ending 2/11/23	2.8%	2.3%	5.2%
Week Ending 2/4/23	3.0%	1.8%	6.3%
Week Ending 1/28/23	3.8%	4.0%	8.1%
Week Ending 1/21/23	2.8%	2.7%	4.5%
Week Ending 1/14/23	5.8%	3.5%	7.7%
Week Ending 1/7/23	4.0%	2.4%	7.1%
Week Ending 12/31/22	4.0%	3.5%	9.7%
Week Ending 12/24/22	3.6%	2.6%	4.0%
Week Ending 12/17/22	5.7%	4.0%	13.7%

# February Top 10 Highest Service Cancellations by Line

## Directly Operated

Division	Line	Name	NextGen Tier	Feb 2023 Highest Ten Lines % Cancelled Trips since 2/1/23 to 2/28/23	Same Ten Lines % Cancelled Trips 2/1/22 to 2/28/22	% Trips on Average Exceeding Target Load Factor Feb 2023	Average Reported Pass Ups Per Day Feb 2023	% within EFC*	Area
5	754	Vermont Av Rapid	1	9.4%	29.6%	0.3%	1	98%	Hollywood - South LA
1, 7	20	Wilshire Bl.	1	8.2%	14.5%	0.0%	6	29%	Downtown – Westside
1	18	Whittier Bl, W. 6 <sup>th</sup> St.	1	8.1%	17.6%	0.4%	14	83%	Commerce – Wilshire/ Western
1	66	E. Olympic/ W. 8th St	1	7.4%	13.2%	0.7%	5	87%	East LA- Downtown- Wilshire
1	53	Central Av.	1	7.4%	17.2%	0.6%	9	82%	Downtown – South LA
1, 7	16	W. 3rd St	1	7.3%	14.1%	4.1%	26	38%	Downtown – Westside
2, 7	2	Sunset Alvarado	1	6.5%	15.3%	0.4%	15	48%	UCLA - USC
1, 3	45	Broadway	1	6.4%	17.2%	2.9%	19	87%	Northeast & South LA
5, 18	207	Western Av	1	6.4%	18.2%	0.2%	12	89%	Hollywood - South LA
8	240	Ventura Reseda	1	6.2%	20.0%	0.1%	3	8%	San Fernando Valley

## Contracted Services

Division	Line	Name	Next Gen Tier	% Cancelled Trips 2/01/23 to 2/28/23	Previous Year % Cancelled Trips 2/01/22 to 2/28/22	% Trips on Average Exceeding Target Load Factor Feb 2023	Average Reported Pass Ups Per Day Feb 2023	% within EFC	Area
98	603	San Fernando Rd - Rampart St - Hoover St	2	5.0%	7.5%	0.0%	0.0	73%	Glendale - Downtown LA
97	232	Sepulveda Bl - Pacific Coast Hwy	3	2.8%	17.4%	0.0%	0.0	29%	LAX - Long Beach
97	125	Rosecrans Av	3	2.5%	13.6%	0.0%	0.0	42%	El Segundo - Norwalk
95	266	Rosemead Bl	3	2.1%	4.8%	0.0%	0.0	30%	Sierra Madre - Lakewood
97	205	Wilmington Av - Vermont Av	3	2.1%	12.1%	0.0%	0.1	29%	Willowbrook - San Pedro

# Bus Operator Hiring Event

## Event Data

- Date: Saturday, February 25, 2023
- Location: El Camino College
- Candidates: 431 / Contingent Offers: 407
- Bus Operator Candidate Assessment Tests (BOCAT): 408 (407 pass / 1 fail)
- Interviews: 383 (363 pass/ 20 fail)
- Fingerprints: 222 fingerprints conducted and 185 scheduled to be fingerprinted
- Physicals: 222 physicals scheduled (185 pending fingerprint completion)
- Volunteers: 85 total



## Upcoming Hiring Event

- Tentative Date: Saturday, May 6, 2023
- Location: Pending



# Room to Work Initiative

## **Room to Work**

- Metro workforce development program focuses on the unhoused population
- Metro's partnership with Community-Based Organizations include:
  - Weingart: Hilda L. Solis Care First Village, Specialized Treatment for Optimized Programing (STOP), Long Term Offender Reentry Recovery (LTORR) and more community participation for subsequent cohort
  - Chrysalis, United Service Organizations, Volunteers of America Los Angeles [second cohort]
- Room to Work directly supports the agency's commitment to providing a clean transportation system to all riders by increasing part-time custodial staff

## **Graduation**

- Held at Los Angeles Trade Tech College on March 3, 2023
- 24 graduates from initial cohort
- 11 onboarded on March 6, 2023; remaining expected to be onboarded later this month
- Next cohort is expected to begin by early April 2023

## **Objectives**

- Provide equitable career pathways for disadvantaged or barriered individuals
- Support Operations in providing part-time custodial staff to assist with the cleanliness of the transit system



# OCI Update

## **Bus Operator Initial Training (10 Weeks)**

### Six (6) Weeks of OCI Training

- Commercial Driver's License (CDL) Certification
- Defensive Driving
- Customer Relations
- ADA Compliance

### Four (4) Weeks of Division Line Instruction

- Behind-the-wheel training
- "Splitting the headway"

## **Bus Operator Training Academy (BOTA)**

- Partnership with LA Valley College
- Pre-employment preparation
- Cohort of 19 graduated on February 28, 2023

## **Bienvenidos a Metro (BAM)**

- Fair Chance Initiative
- Bilingual instruction for Spanish speakers
- Translated course materials
- Partnership with LAUSD





Metro

Los Angeles County  
Metropolitan Transportation  
Authority  
One Gateway Plaza  
3rd Floor Board Room  
Los Angeles, CA

## Board Report

File #: 2023-0167, File Type: Oral Report / Presentation

Agenda Number: 22.

### EXECUTIVE MANAGEMENT COMMITTEE

MARCH 16, 2023

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE

MARCH 16, 2023

SUBJECT: RIDERSHIP AND SECURITY TRENDS

ACTION: ORAL REPORT

### RECOMMENDATION

RECEIVE oral report on ridership and security trends.

### Equity Platform

Operations collaborates with the Office of Equity and Race and System Security and Law Enforcement department to identify and mitigate any concerns to ensure equitable outcomes relative to service.

Prepared by: Diane Corral-Lopez, Executive Officer, Operations Admin (213) 922-7676

Reviewed by: Conan Cheung, Chief Operations Officer (213) 418-3034

A handwritten signature in black ink, appearing to read 'Steph N. Wiggins', written over a horizontal line.

Stephanie N. Wiggins  
Chief Executive Officer

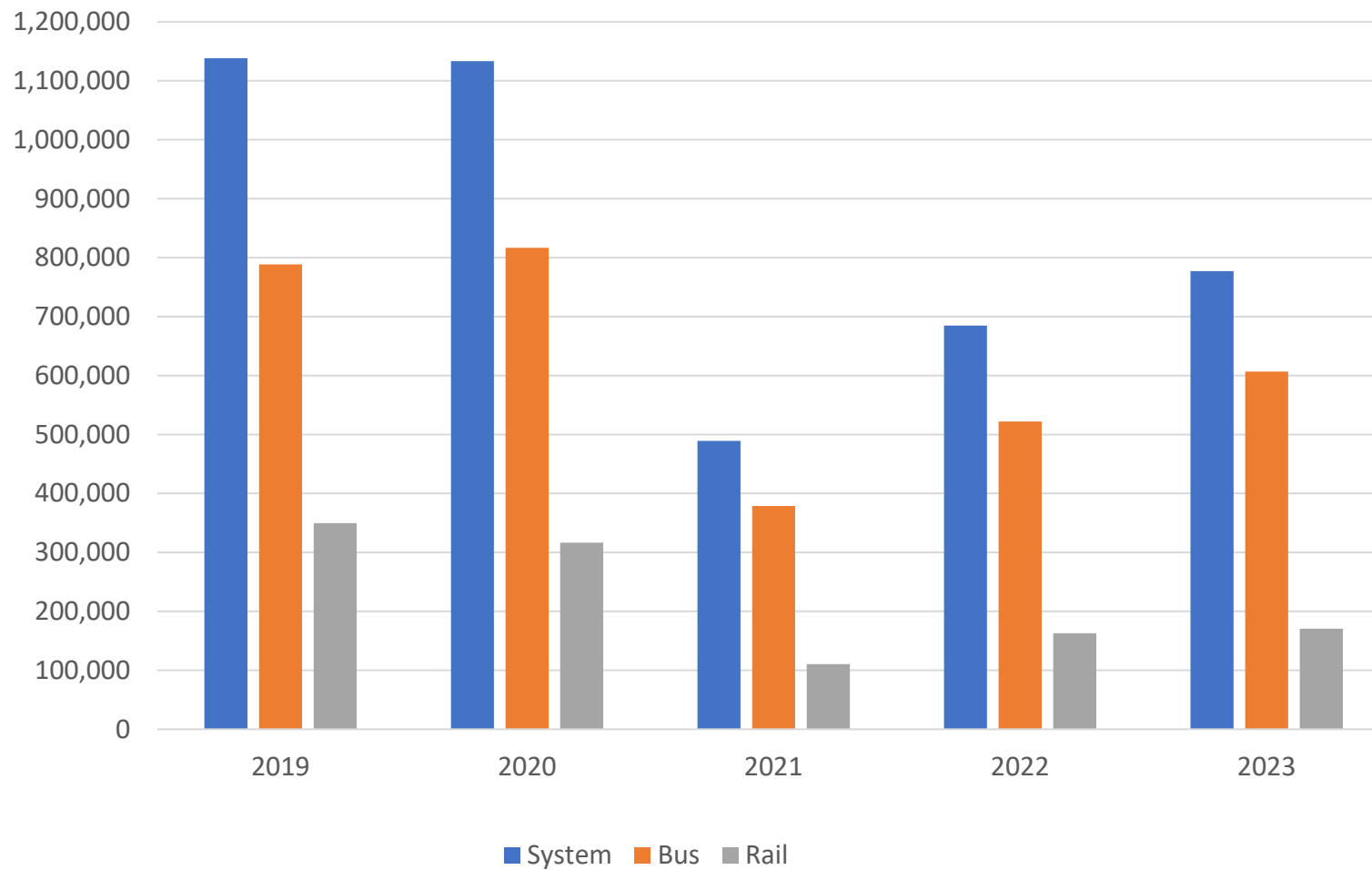


# **Ridership, Service and Crime Data – January 2023**

Operations, Safety & Customer Experience Committee Meeting  
March 16, 2023

# Ridership Systemwide Bus & Rail Weekday

January Average Weekday Ridership 2019 through 2023



Average Weekday Ridership	2019 January	2020 January	2021 January	2022 January	2023 January
System	1,138,190	1,133,235	489,059	684,740	777,212
Bus	788,618	816,652	378,630	521,971	606,659
Rail	349,572	316,583	110,429	162,769	170,553

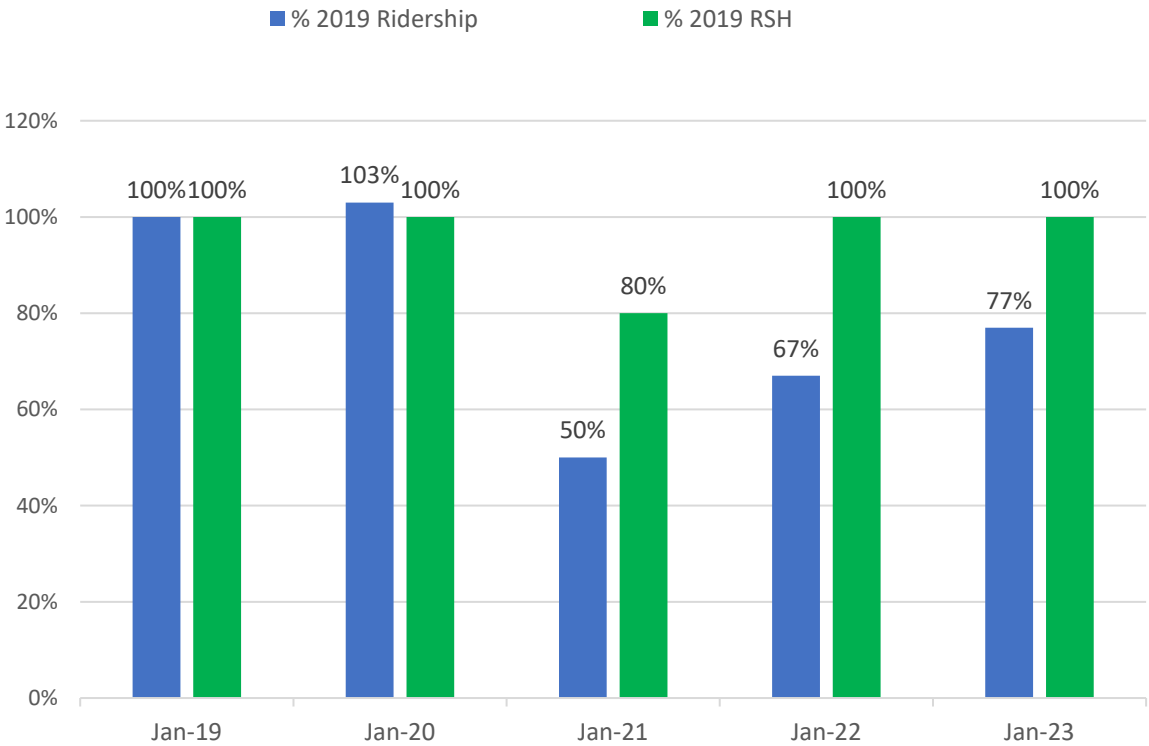
## Recovered Average Weekday Ridership ( Jan. 2019 vs Jan. 2023 )

- **System 68%**
- **Bus 77%**
- **Rail 49%**



# Bus Overall Ridership and Service Hours Data

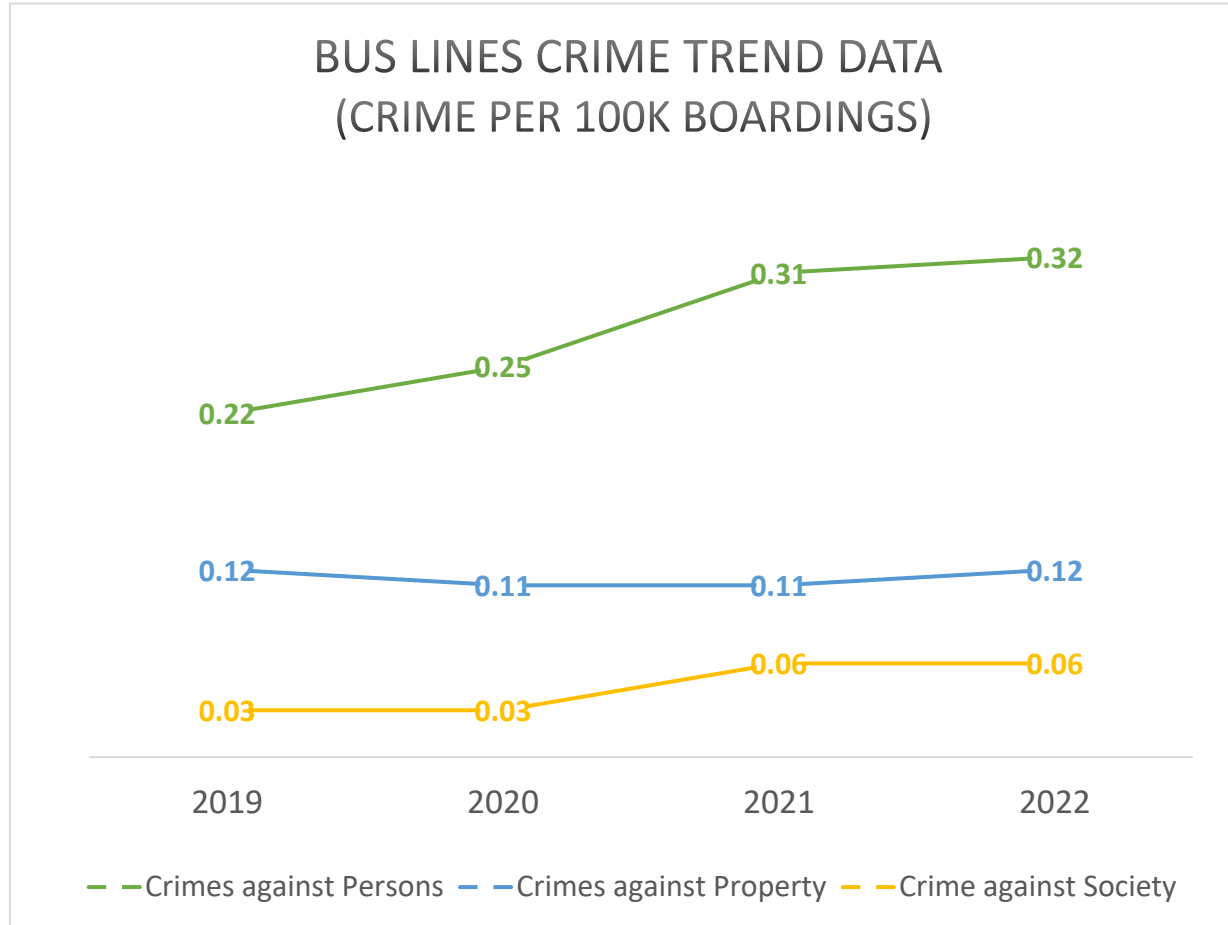
Bus Overall Ridership and Service Hours Data



Bus had full service available in January 2023 with ridership recovery at 77%.

Bus Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridershipis(Total Month))	21,263,765	21,987,685	10,541,528	14,290,983	16,469,953
Service (Hours/ weekday)	21,751	21,601	16,732	21,070	21,324

# Annual Crime Rate Trends - Bus System



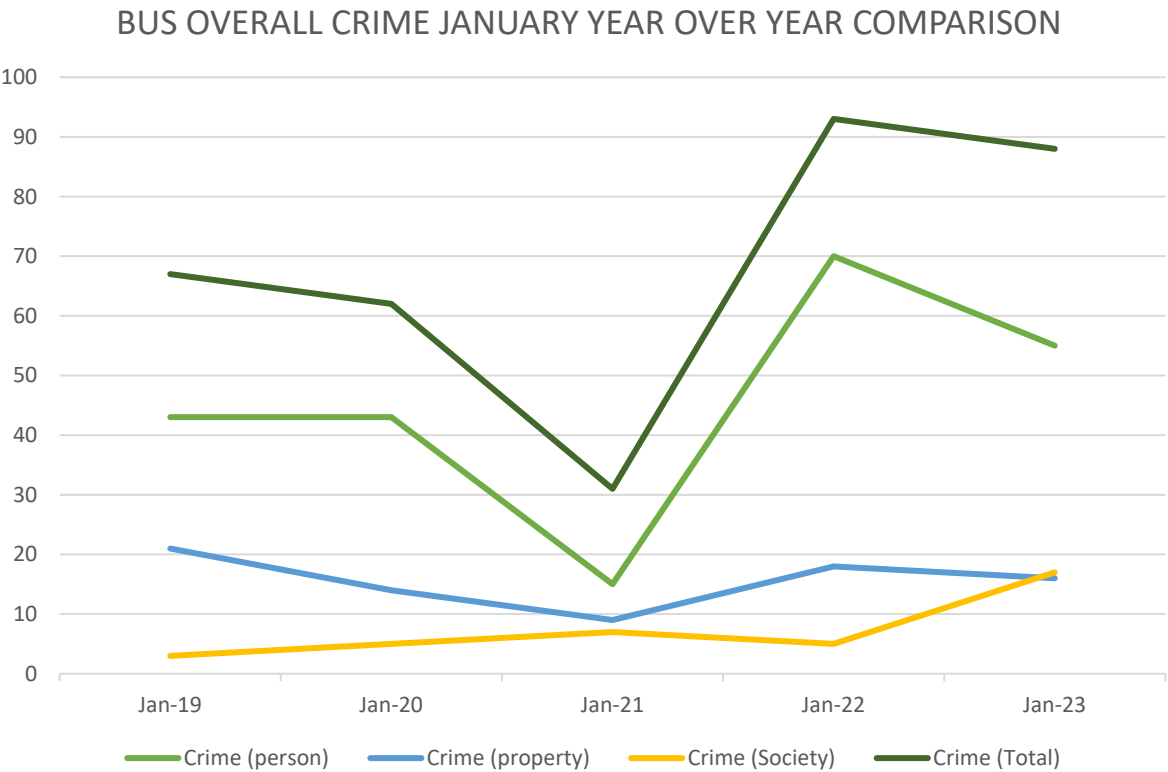
- The Bus System has maintained low levels of crime. The growth in overall crime rate per 100,000 boardings is due to the lower ridership in 2022 vs 2019.
- Crimes Against Persons and Crimes Against Property have been consistent over the last four years. Assaults and larceny make up the majority of crimes reported on the system.
- Crimes Against Society remained low over the four year period with 2021 and 2022.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# Bus System Crime Data Trends for January



Bus Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	67	62	31	93	88
Crime (person)	43	43	15	70	55
Crime (Property)	21	14	9	18	16
Crime (Society)	3	5	7	5	17

## Jan 2023 vs Jan 2022

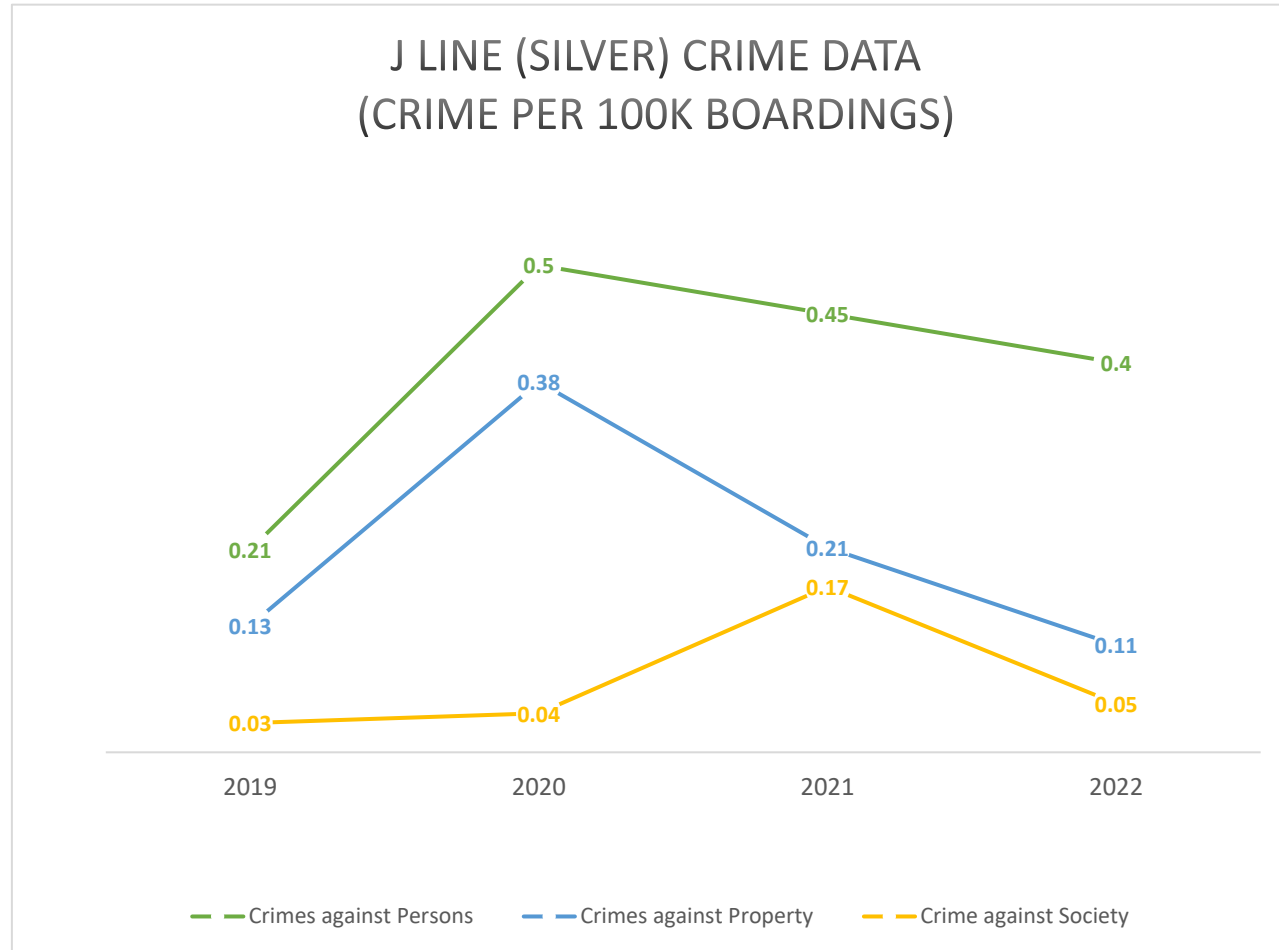
- 5% decrease (88 vs 93) in Total Crime on Bus due to decrease in “Person” Crimes (55 vs 70)
- 240% increase (17 vs 5) in “Society” Crimes on Bus due largely to drug violations.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).

# Annual Crime Rate Trend – J Line (Silver)



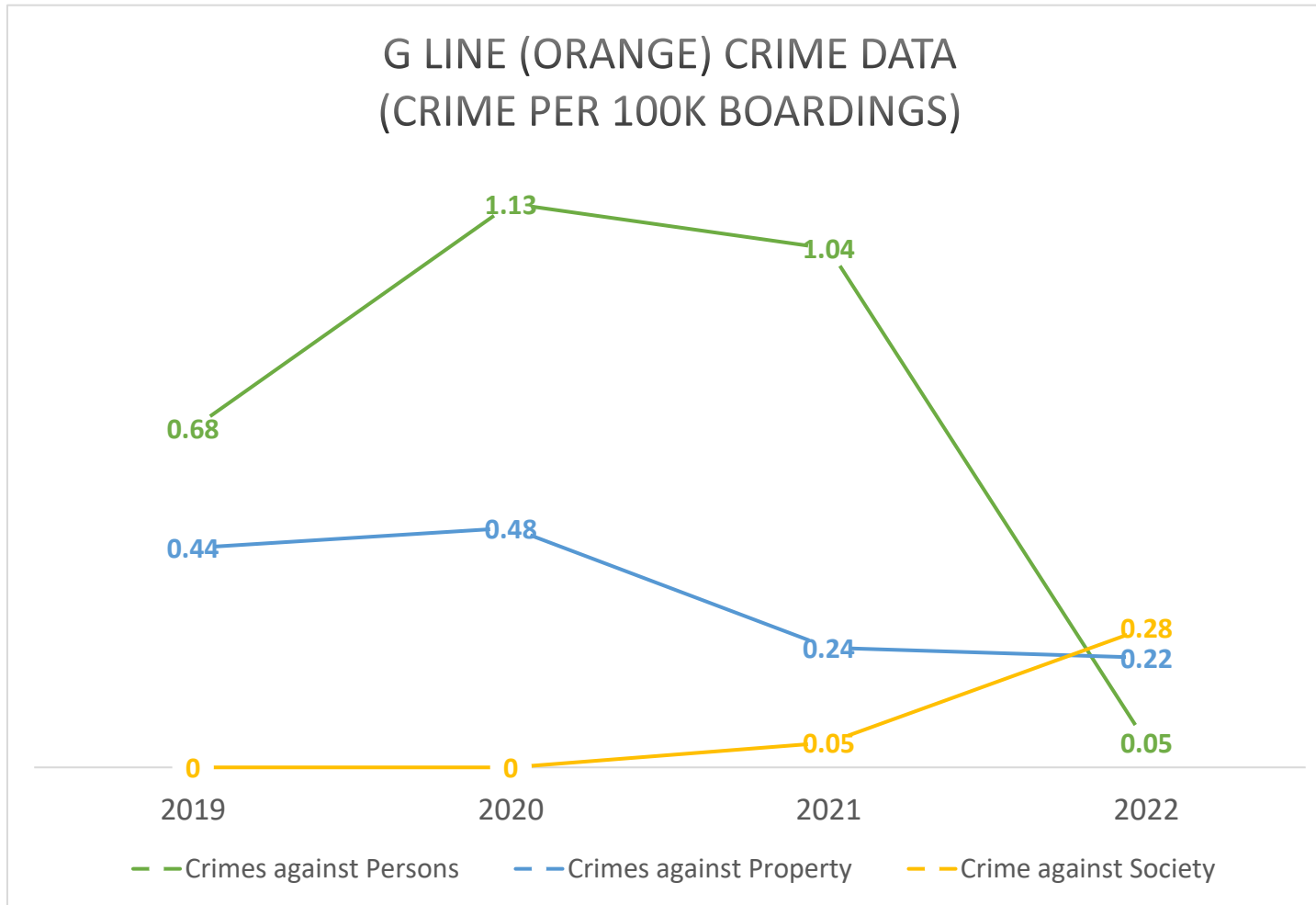
- The Silver line has maintained low levels of crime since 2019. The growth in overall crime rate per 100,000 boardings is due to the lower ridership in 2022 vs 2019.
- 2020 saw an increase in Crimes Against Persons (primarily aggravated assaults) and Crime Against Property (larceny incidents) but by 2022 crime incidents across all three categories had returned to pre-pandemic levels.
- Crimes Against Society have remained low over the four year period

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# Annual Crime Rate Data - G Line (Orange)



- Crimes Against Persons and Crimes Against Property increased between 2019 and 2020 as a result of higher reports of larceny and battery incidents.
- Crime on the line decreased gradually in 2021 but by 2022 was lower than pre-pandemic levels aside from Crimes Against Society due to trespassing incidents.

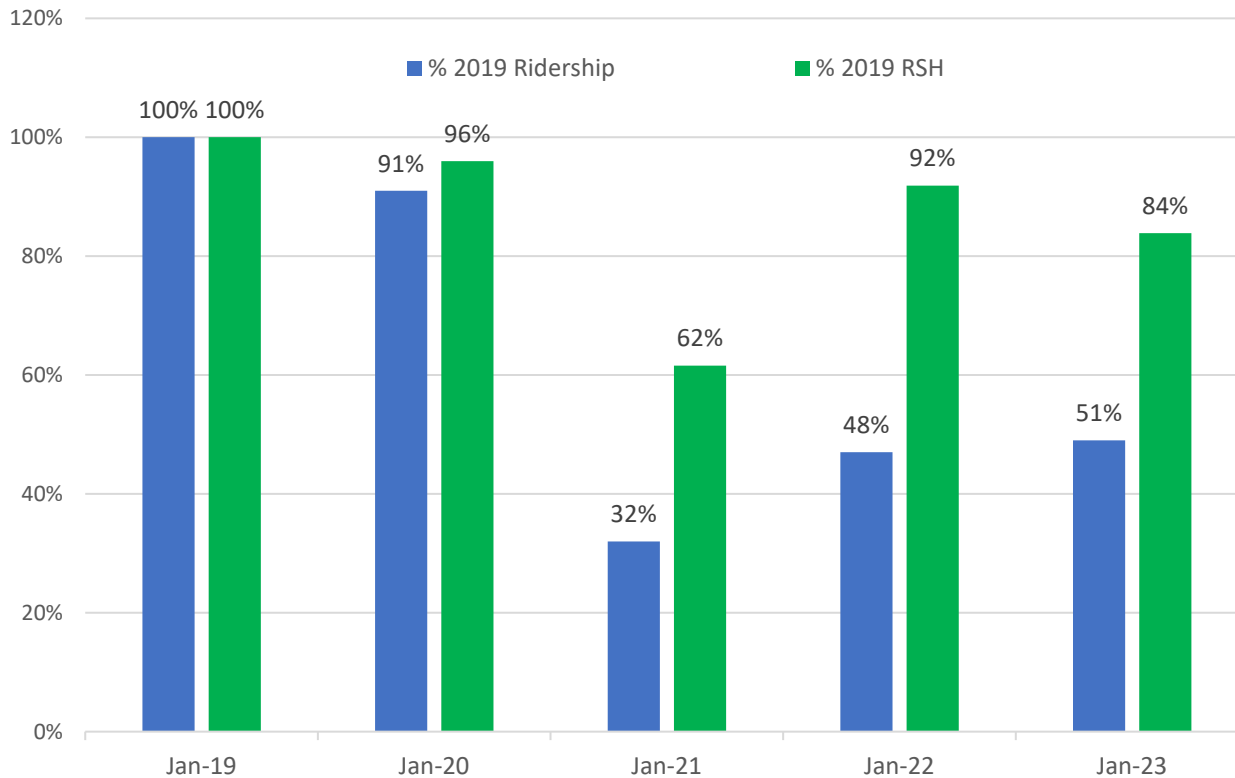
Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# Rail Overall Ridership and Service Hours Data

**Rail Overall Ridership and Service Hours Data**

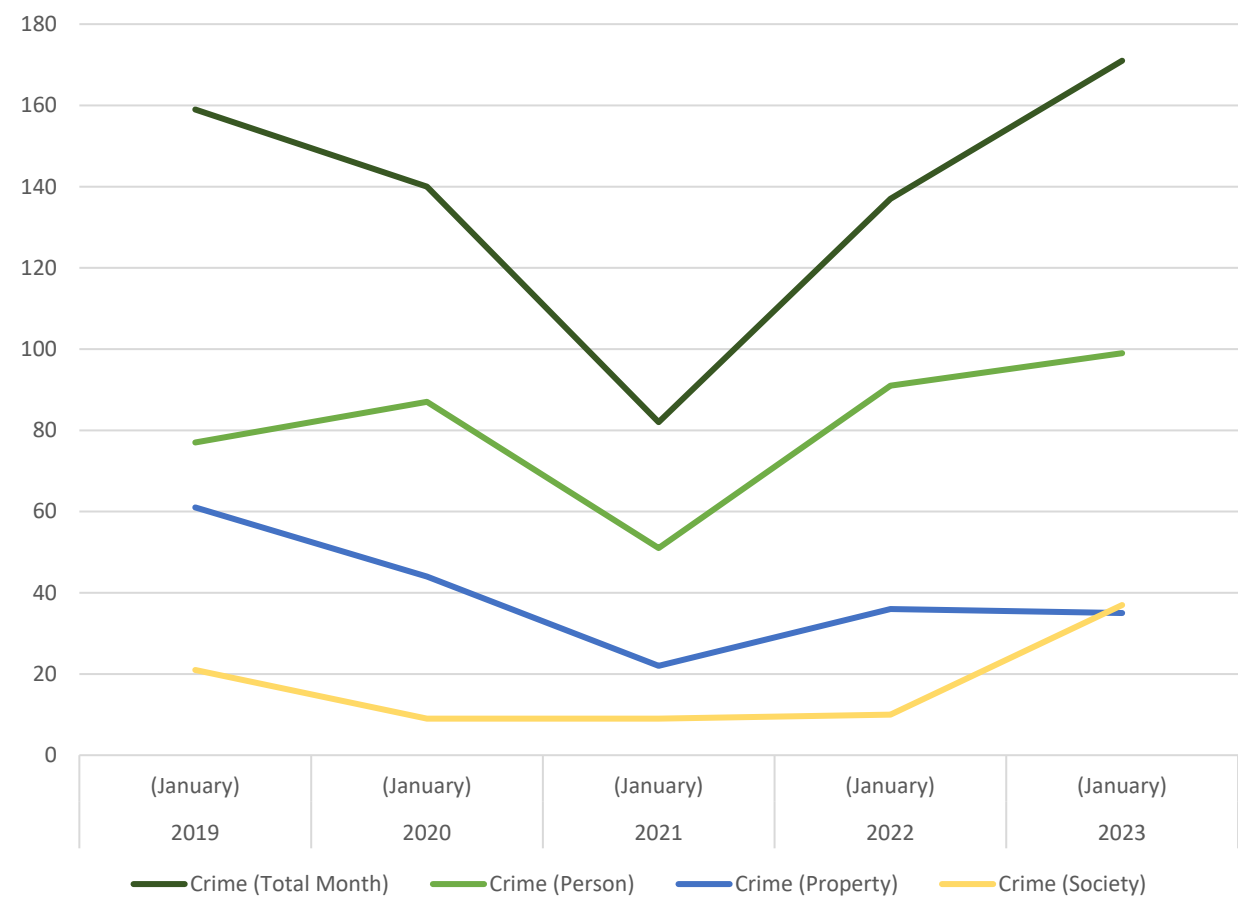


Rail Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	9,310,633	8,509,996	3,018,826	4,475,777	4,764,373
Service (Hours/weekday)	21,751	21,601	16,732	21,070	21,324

- Rail service levels remain reduced due labor shortage, change in commute habits, and low ridership recovery (51% overall).

# Rail System Crime Data Trends for January

Rail Overall Crime Rate



Rail Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	159	140	82	137	171
Crime (Person)	77	87	51	91	99
Crime (Property)	61	44	22	36	35
Crime (Society)	21	9	9	10	37

## Jan 2023 vs Jan 2022

- 25% increase (171 vs 137) in Total Crime on the Rail System
- 270% increase (37 vs 10) in “Society” Crimes on the Rail System due largely to drug violations

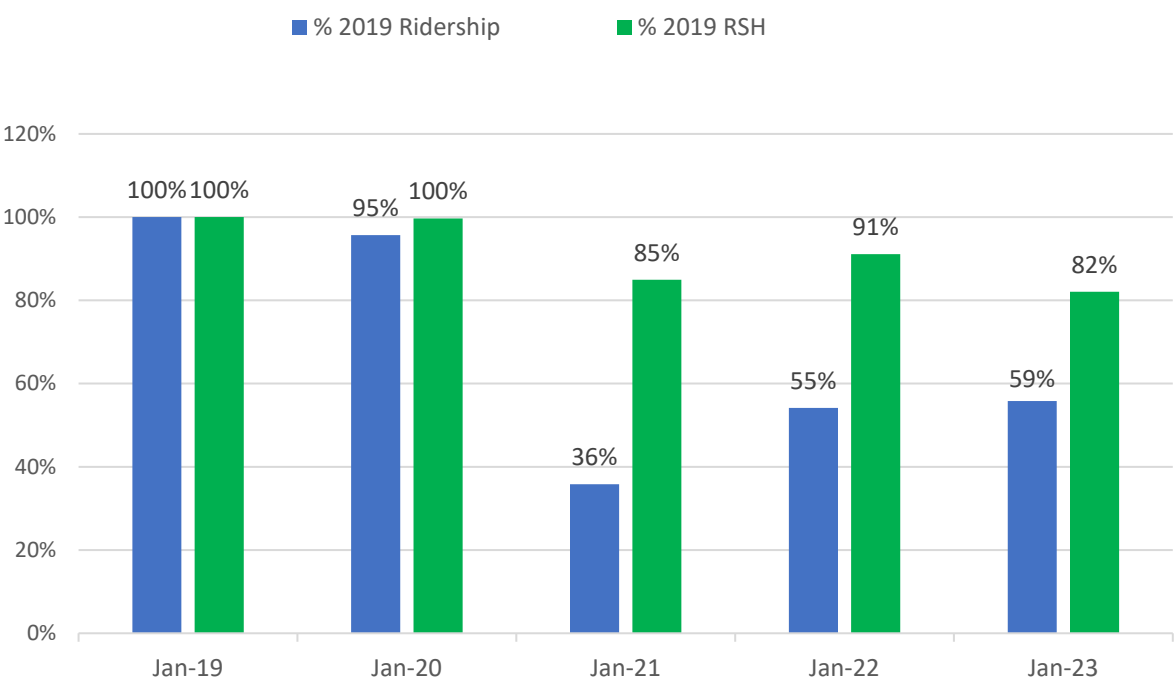
Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).

# B/D (Red/Purple) Lines Ridership and Service Hours Data

B/D (Red/Purple) Line Ridership and Service Hours Data



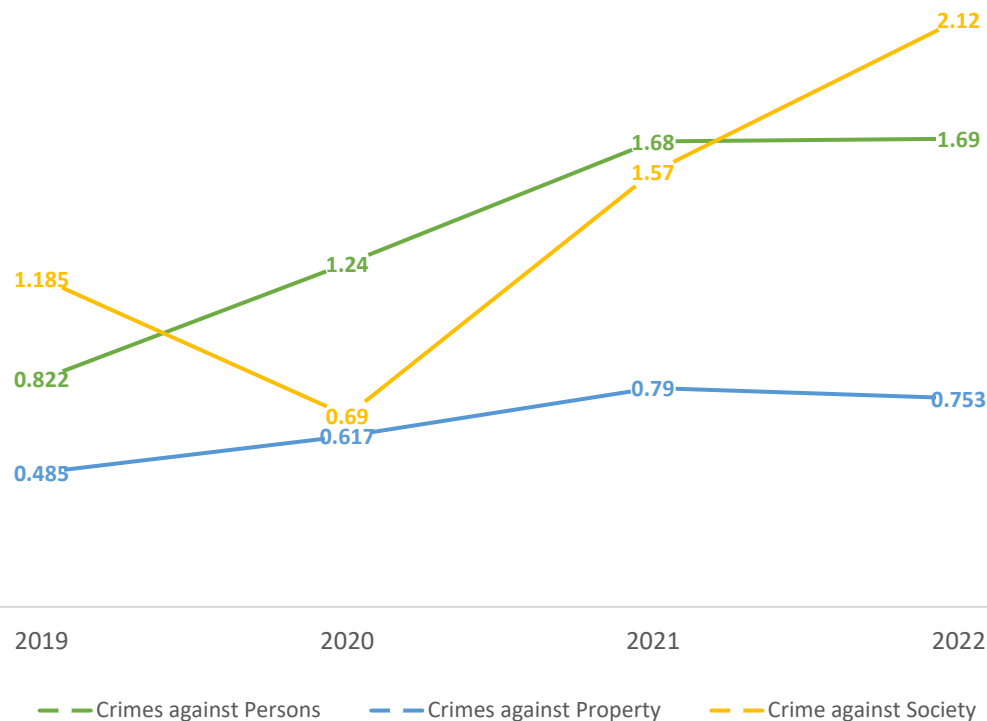
B /D Line (Blue/Red) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	3,746,866	3,541,528	1,350,373	2,052,814	2,221,754
Service (Hours/weekday)	180	179.4	152.9	164	147.7

- Service frequency was reduced in January 2023 to 15 minute all day.
- Ridership has recovered to 59 percent of pre-pandemic level.



# Annual Crime Rate Data— B Line (Red)

B LINE (RED) CRIME DATA  
(CRIMES PER 100K BOARDINGS)



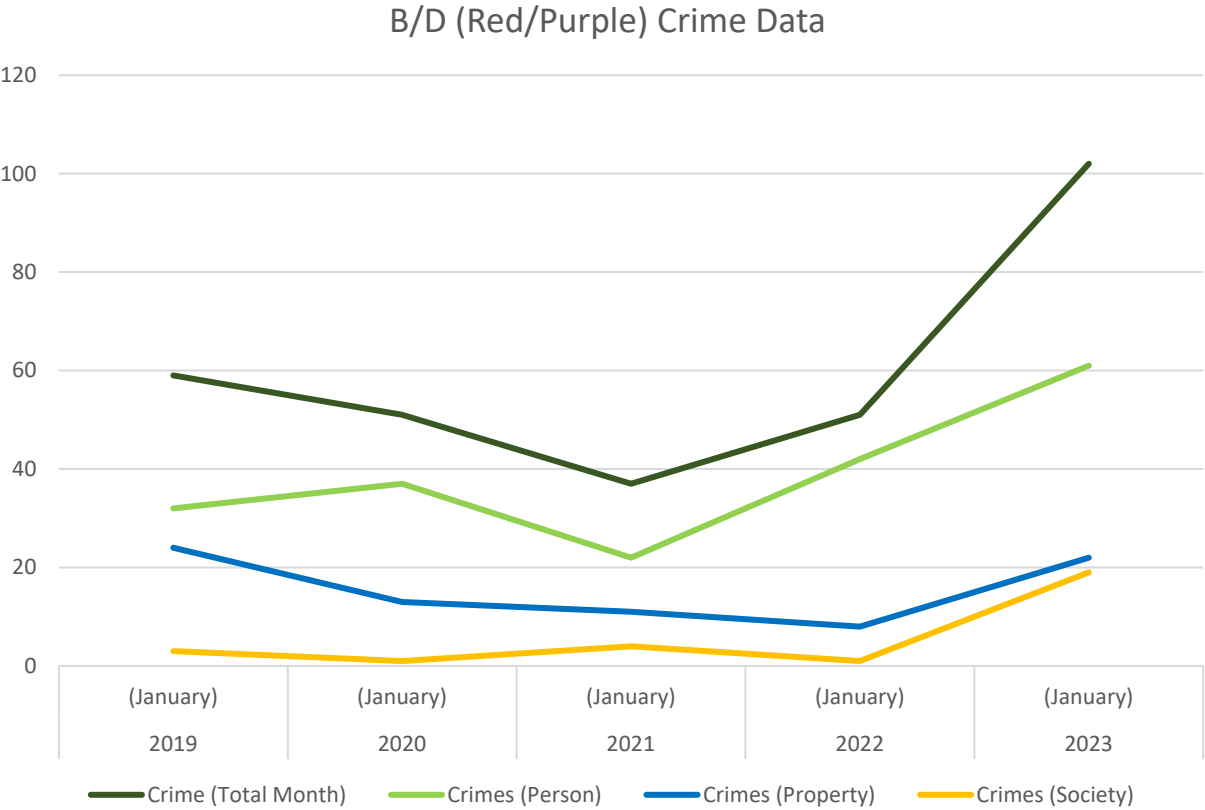
- The Red Line had a slight increase in Crimes Against Persons incidents in 2022. Incidents such as robbery, battery and aggravated assault have remained consistent since 2020.
- Crimes Against Property had a slight decrease in 2022, with a majority of the incidents being larceny.
- Crimes Against Society, which consisted of mostly narcotics and trespassing charges, had the largest increase in 2022.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# B/D (Red/Purple) Crime Data Trends for January



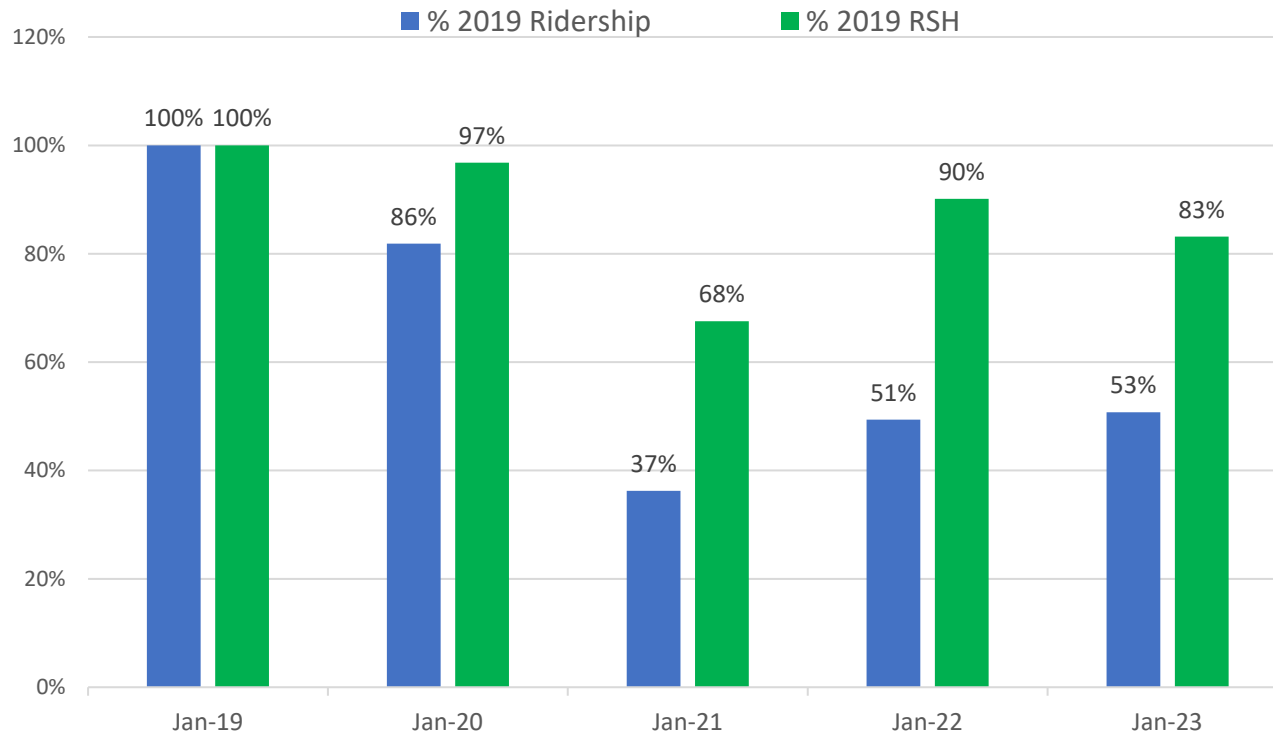
B /D Line (Blue/Red) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	59	51	37	51	102
Crimes (Person)	32	37	22	42	61
Crimes (Property)	24	13	11	8	22
Crimes (Society)	3	1	4	1	19

- B/D Line shows a significant spike in crime in January 2023 compared to previous Januarys, with the largest increase in “Society” crimes.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.  
Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).  
Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).

# Blue (A) Line Ridership and Service Hours Data

A Line (Blue) Ridership and Service Hours Data

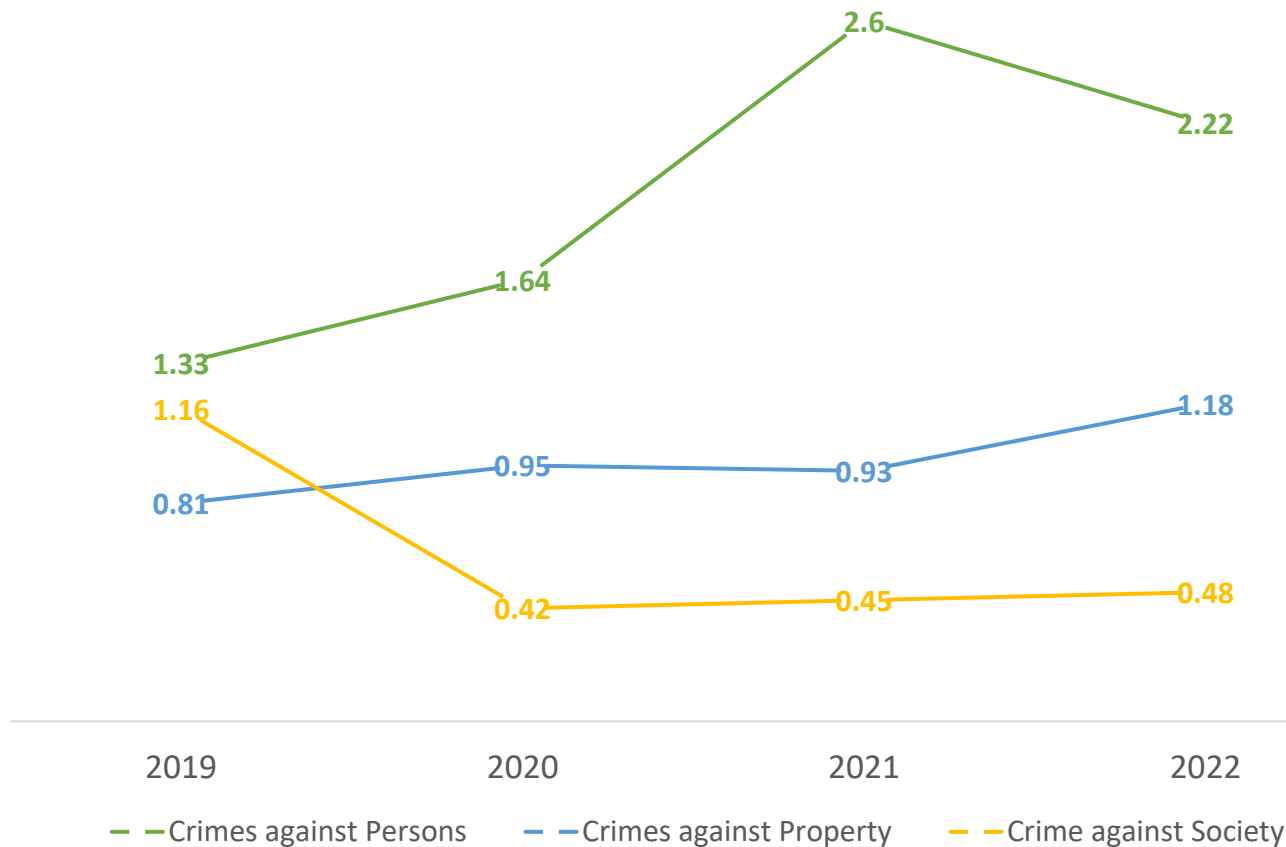


A Line (Blue) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	1,630,762	1,397,688	610,159	834,929	862,337
Service (Hours/weekday)	261.9	253.6	176.9	236.1	217.8

- Ridership has recovered to 53 percent of pre-pandemic levels.

# Annual Crime Rate Data – A Line (Blue)

A LINE (BLUE) CRIME DATA  
(CRIMES PER 100K BOARDINGS)



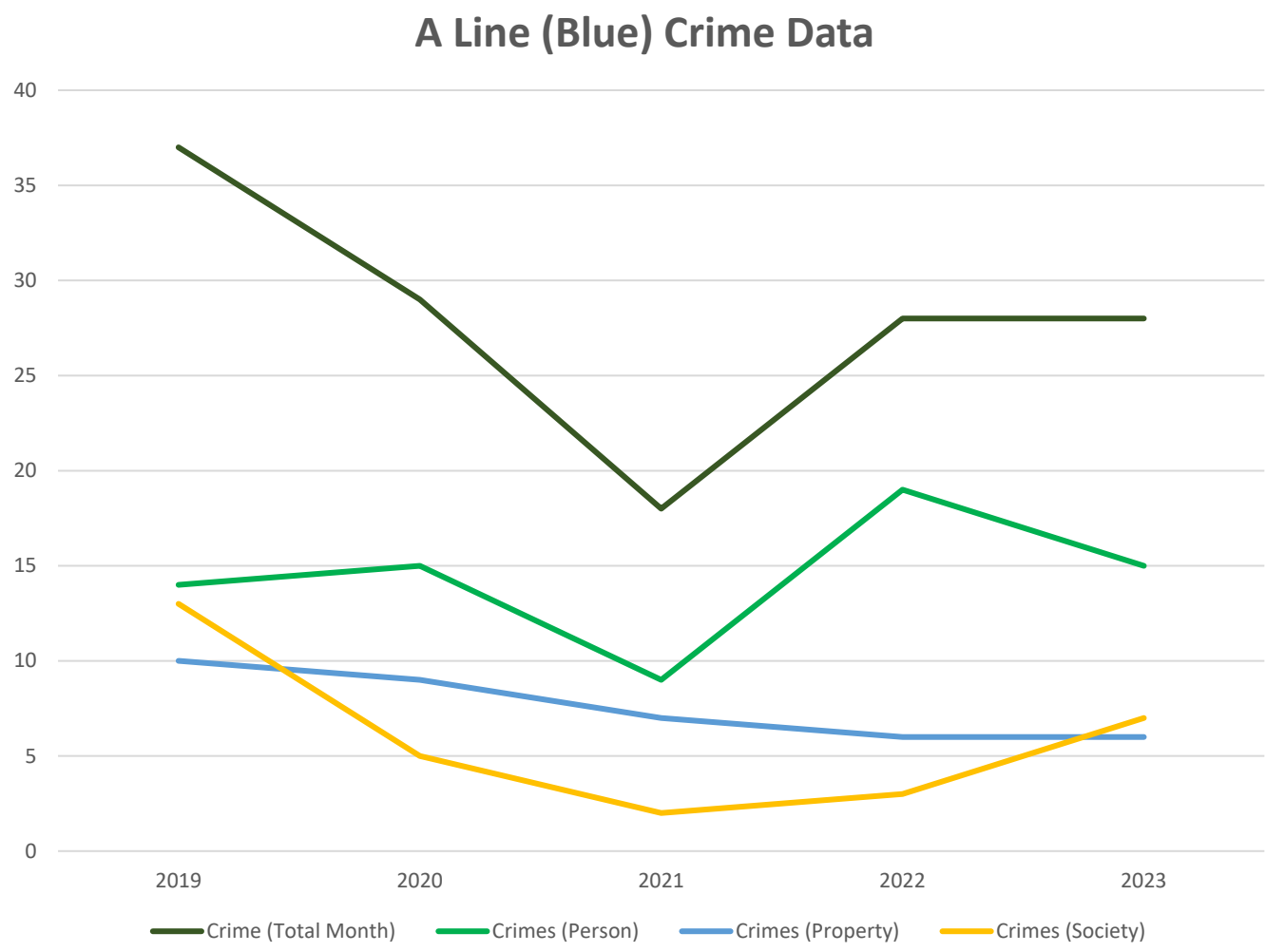
- Crimes Against Person's incidents are in the decline after a significant spike in 2021. An increase in aggravated assaults, robbery, and battery cause the increase in reported incidents when compared to 2020.
- Crimes Against Property have ebbed and flowed over the years with larceny incidents and vandalism being the most reported issues.
- Crimes Against Society remain below pre-pandemic levels with narcotics use/possession

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# A Line (Blue) – Crime Data Trends for January



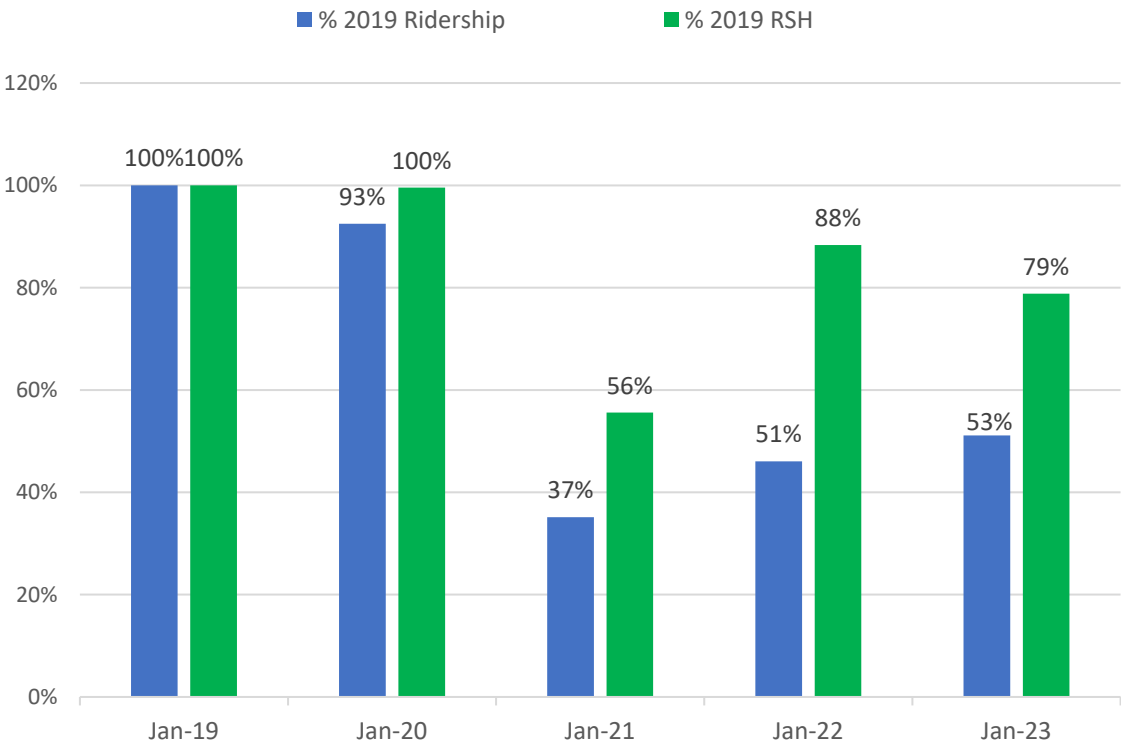
A Line (Blue) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	37	29	18	28	28
Crimes (Person)	14	15	9	19	15
Crimes (Property)	10	9	7	6	6
Crimes (Society)	13	5	2	3	7

- Light Rail A Line (Blue) shows increased crime in 2022 and 2023 but below 2019 levels.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.  
Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).  
Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).

# C Line (Green) Ridership and Service Hours Data

C Line (Green) Ridership and Service Hours Data

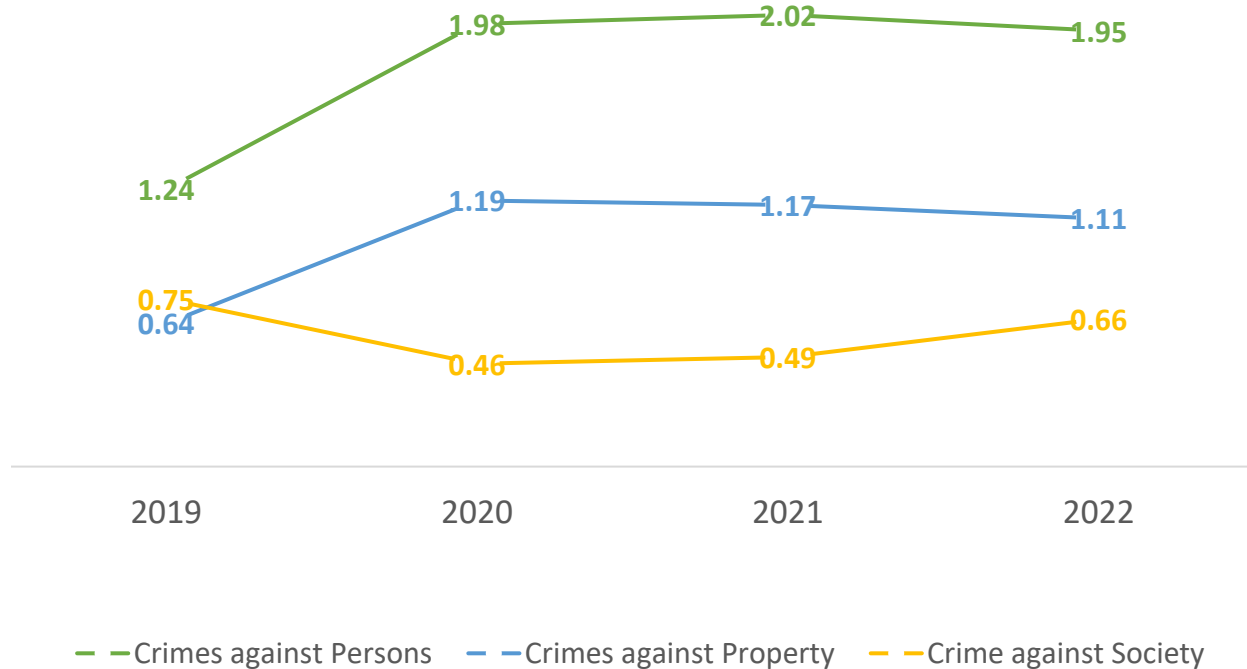


C Line (Green) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	842,674	782,217	298,932	399,325	436,974
Service (Hours/weekday)	185.3	184.5	103	163.7	146.1

- Ridership has recovered to 53 percent of pre-pandemic levels.

# Annual Crime Rate Data— C Line (Green)

C LINE (GREEN) CRIME DATA  
(CRIMES PER 100K BOARDINGS)



- The Green Line had a slight decrease in Crimes Against Persons incidents in 2022. Incidents such as robbery, battery and aggravated assault have remained consistent since 2020.
- Crimes Against Property, in particular vandalism and larceny, is gradually decreasing year after year after an increase in 2020.
- Crimes Against Society, which for the Green (C) Line has been Weapons and Narcotics charges, fell below pre-pandemic levels in 2022.

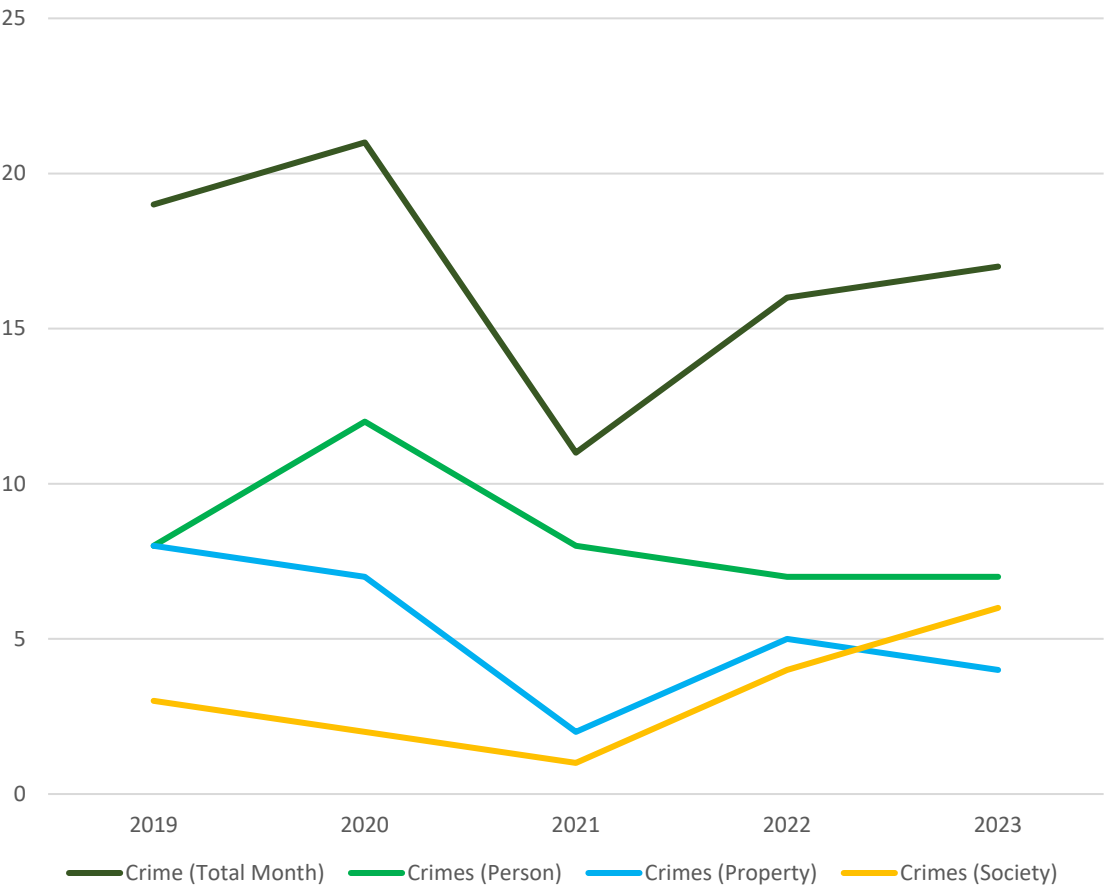
Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# C Line (Green) Crime Data Trends for January

C Line (Green) Crime Data



C Line (Green) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	19	21	11	16	17
Crimes (Person)	8	12	8	7	7
Crimes (Property)	8	7	2	5	4
Crimes (Society)	3	2	1	4	6

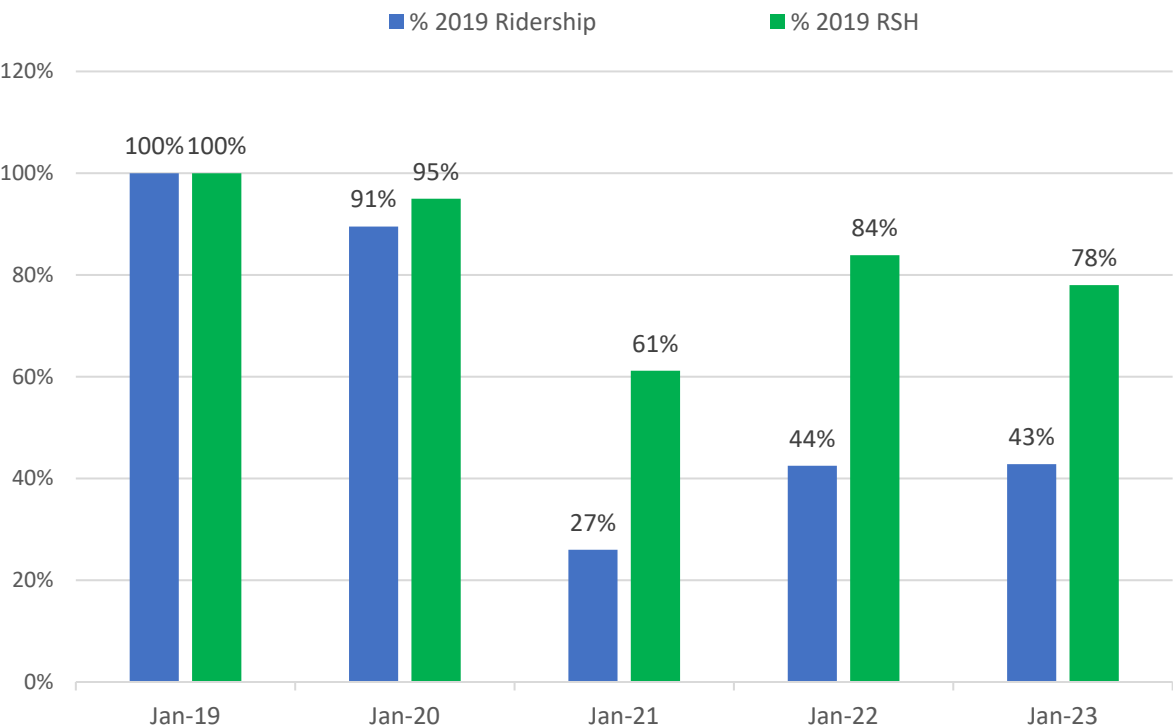
- Light Rail C Line (Green) shows increased crime in 2022 and 2023 but below 2019 levels.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.  
Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).  
Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).



# E Line (Expo) Ridership and Service Hours Data

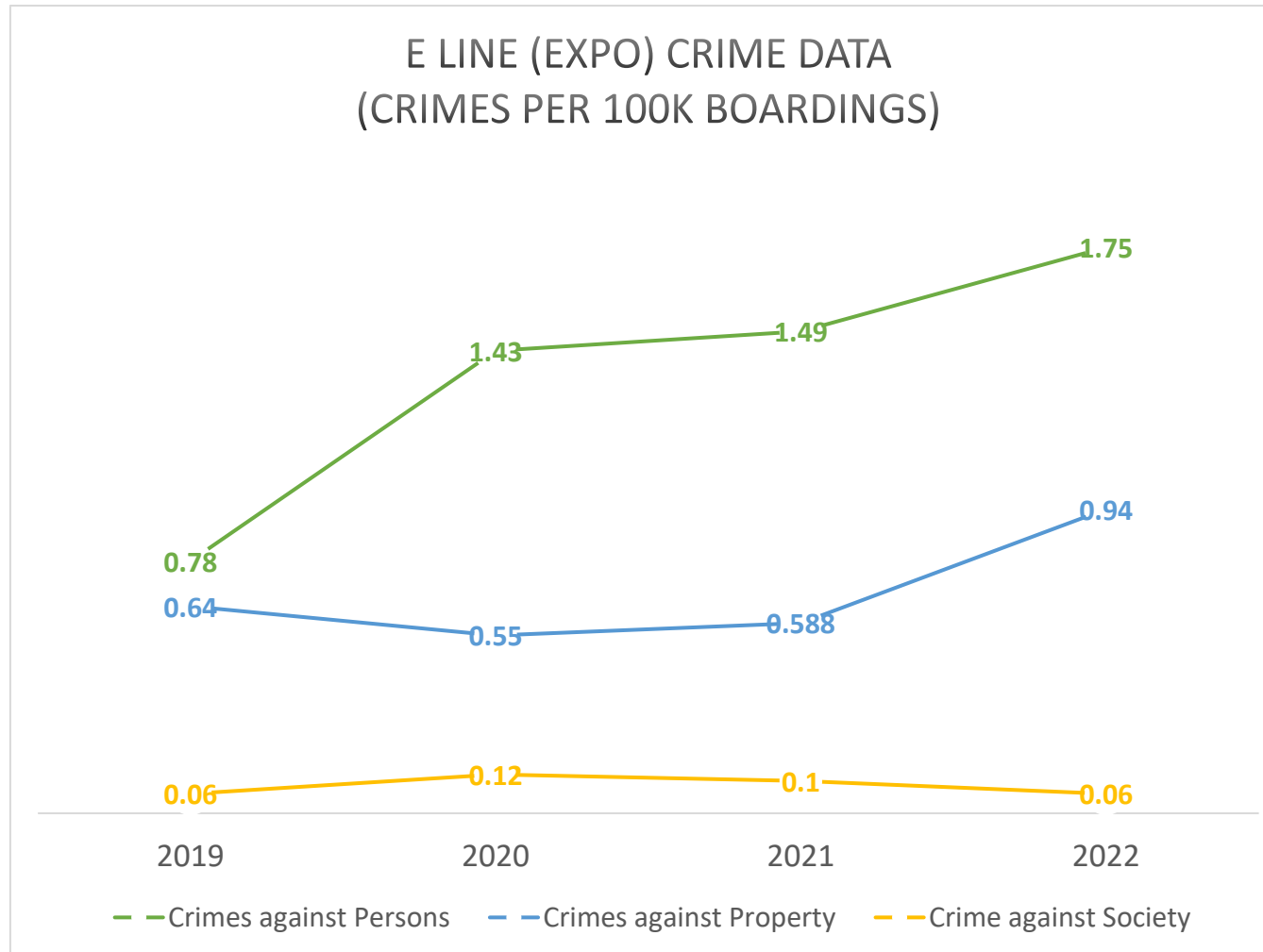
E Line (Expo) Ridership and Service Hours Data



E Line (Expo) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	1,643,581	1,496,115	451,585	724,393	709,339
Service (Hours/weekday)	255.6	242.8	156.4	214.4	199.4

Ridership continues to be a challenge and has only recovered to 43 percent.

# E Line (Expo) Annual Crime Rate Data



- Crimes Against Persons, specifically robbery, battery, and aggravated assaults, have increased gradually since 2020.
- Crimes Against Property, in particular vandalism and larceny, have gradually increased on the Expo Line with a slight increase over pre-pandemic levels.
- Crimes Against Society remained low during the five year period.

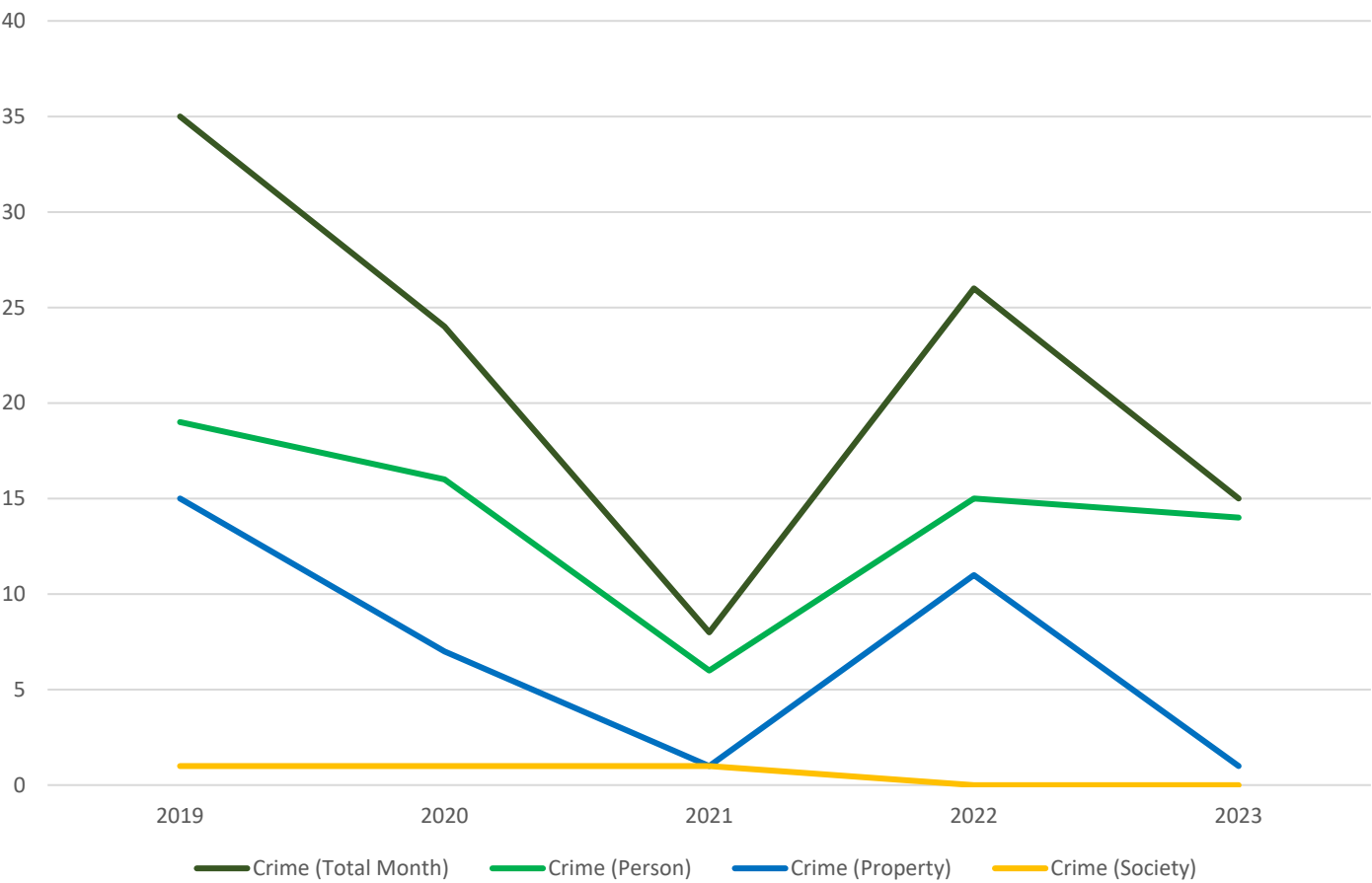
Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# E Line (Expo) Crime Data Trends for January

E Line (Expo)- Crime Data



E Line (Expo) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	35	24	8	26	15
Crime (Person)	19	16	6	15	14
Crime (Property)	15	7	1	11	1
Crime (Society)	1	1	1	0	0

## Jan 2023 vs Jan 2022

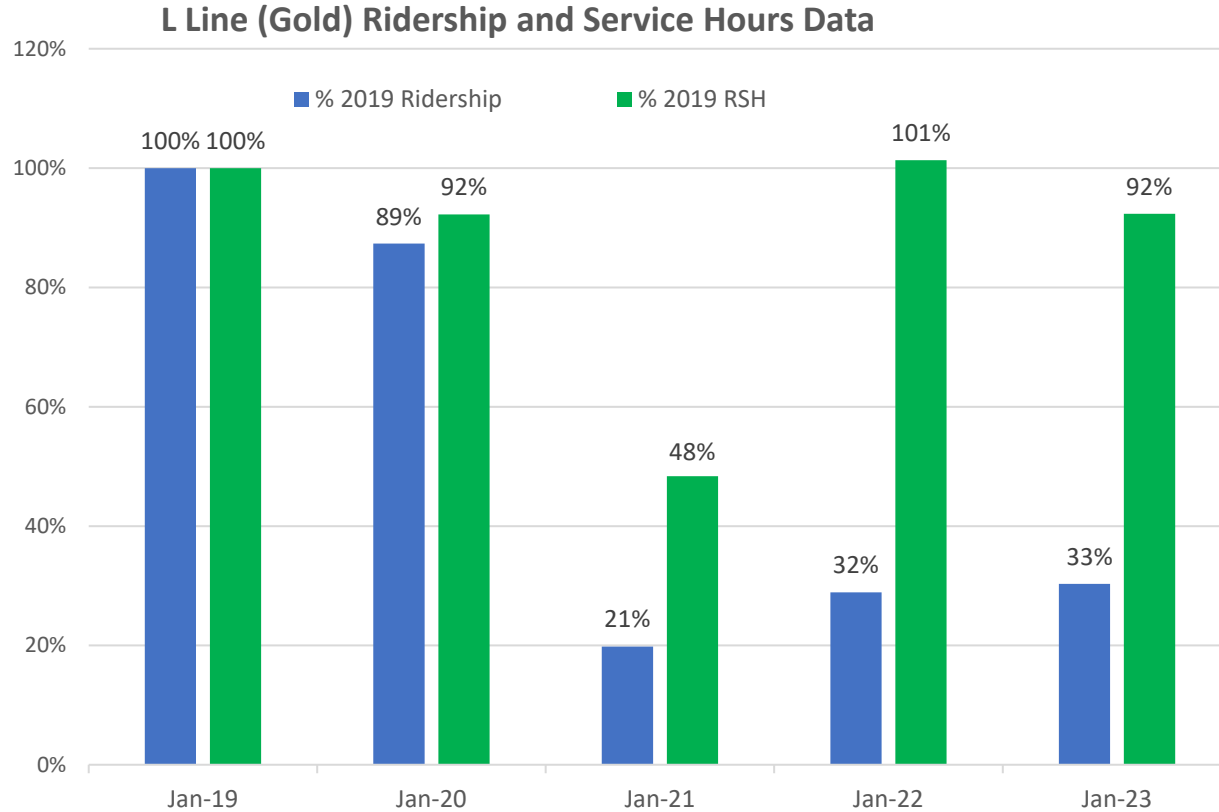
- 42% decrease in Total Crime on Expo Line largely due to decrease in “Property” Crimes.

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society’s prohibition against engaging in certain types of activity (i.e. drug violations).

# L Line (Gold) Ridership and Service Hours Data

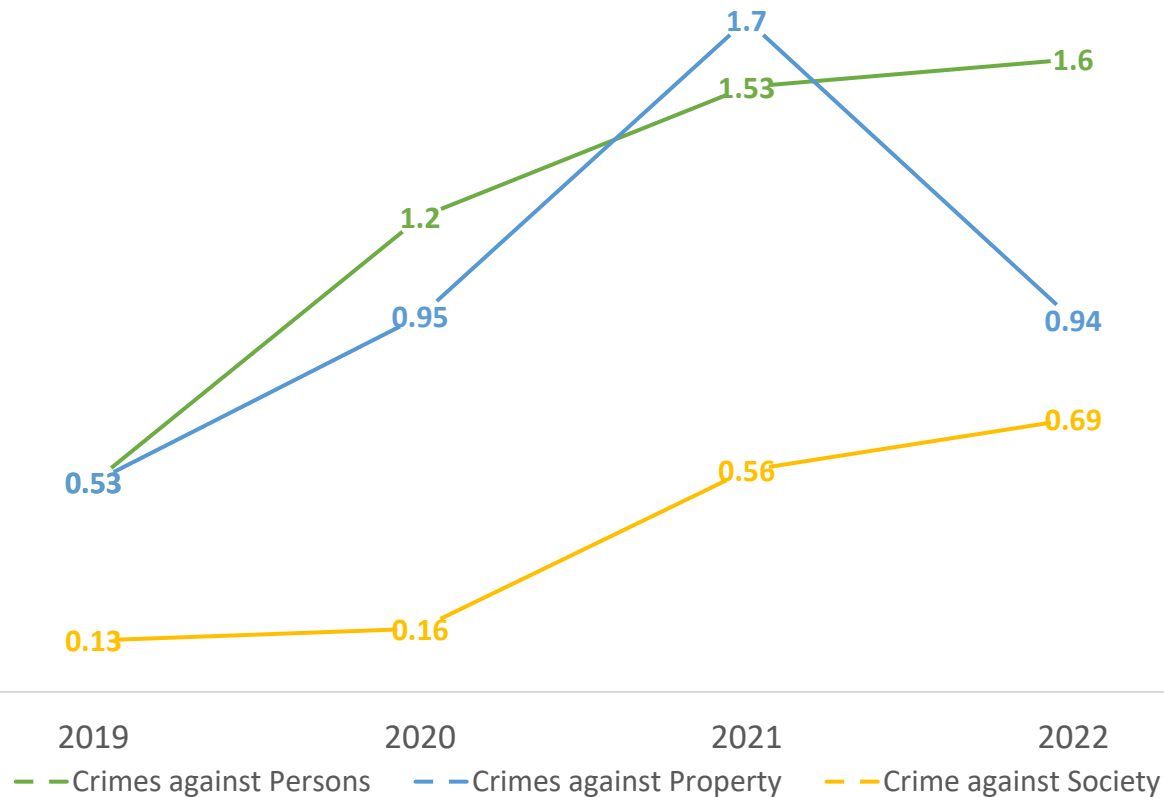


L Line (Gold) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Ridership (Total Month)	1,446,750	1,292,448	307,777	464,316	475,248
Service (Hours/ weekday)	345.3	318.5	167	349.9	318.9

- Ridership has the most impact, continues to be a challenge and has only recovered to 33 percent.
- One unique impact to this Line also remains truncated for Regional Connector construction.

# Annual Crime Rate Data- L Line (Gold)

L LINE (GOLD) CRIME DATA  
(CRIMES PER 100K)



- Crime against Persons on the Gold Line increased in 2021 as a result of an increase in aggravated assaults, robbery and battery incidents. Larceny incidents were the reason for the increase in Crimes Against Property in 2021.
- 2022 saw a decrease in Crimes Against Property incidents and a slight increase in Crimes Against Persons. Aggravated Assaults and battery incidents were the reason for the increase. Narcotics use/possession is the reason for the increase in Crimes Against Society in 2022 .

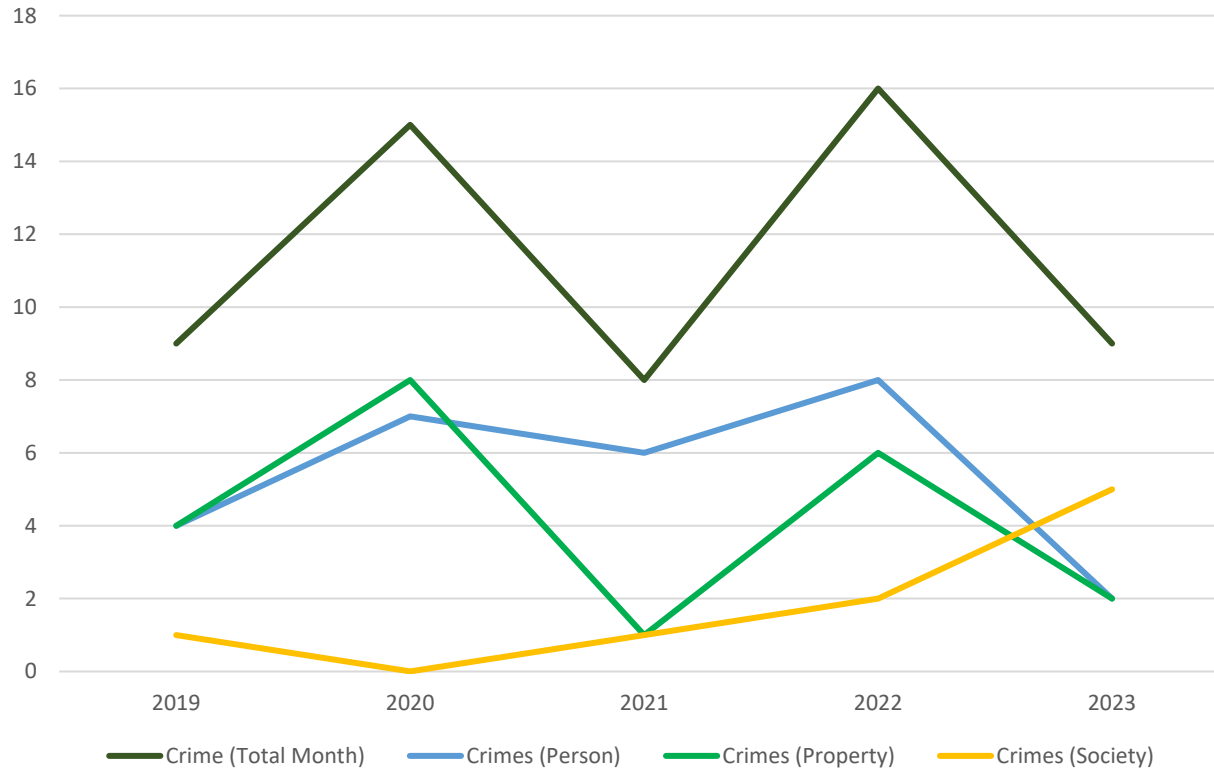
Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# L Line (Gold) Crime Data Trends for January

L Line (Gold) Crime Data



L Line (Gold) Statistics (January)	2019 (January)	2020 (January)	2021 (January)	2022 (January)	2023 (January)
Crime (Total Month)	9	15	8	16	9
Crimes (Person)	4	7	6	8	2
Crimes (Property)	4	8	1	6	2
Crimes (Society)	1	0	1	2	5

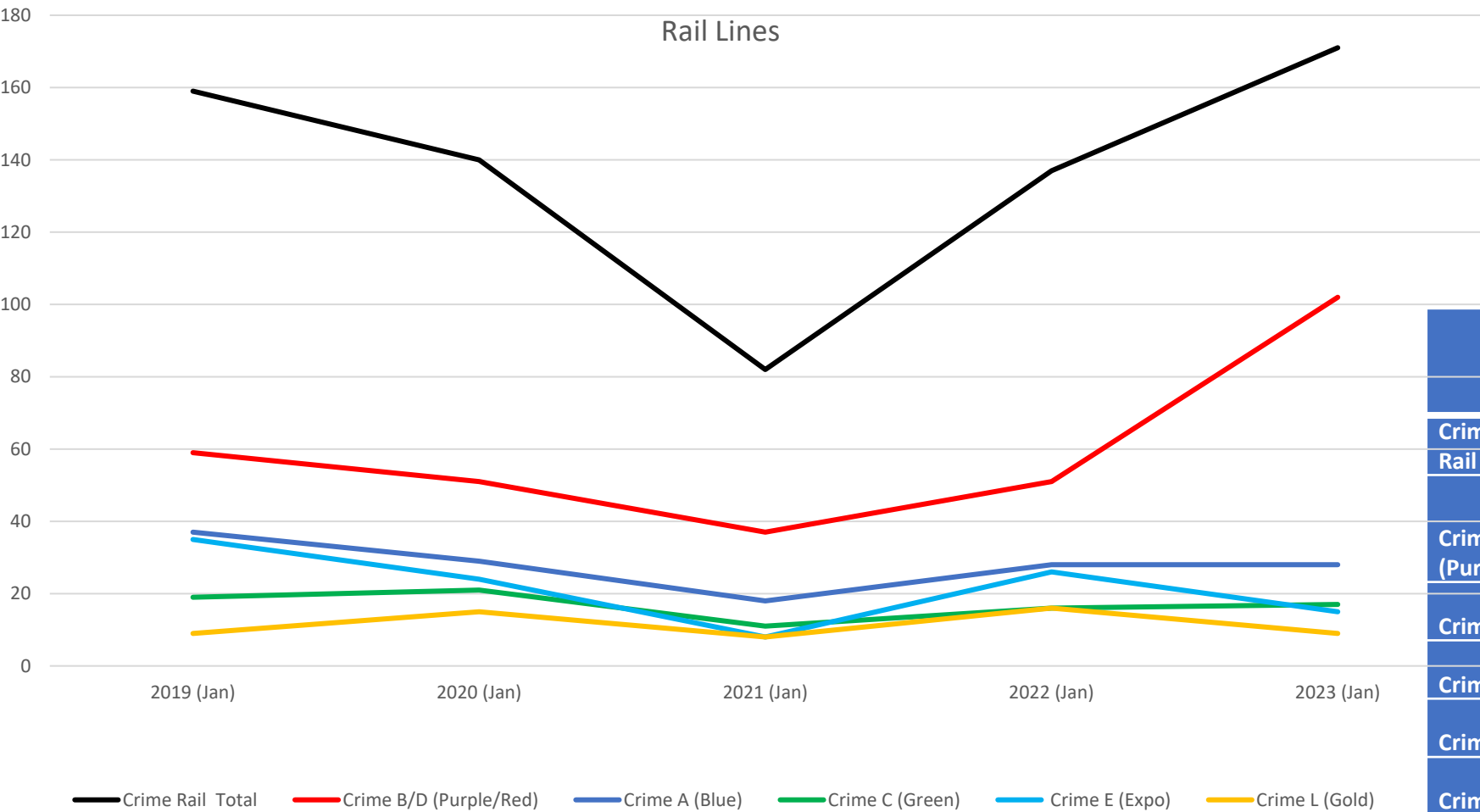
- Light Rail L Line (Gold) shows increased crime in January 2022 but lower crime in January 2023

Crimes Against Person- Violent crimes (i.e. homicide, aggravated assaults) are those in which the victims are always individuals.

Crimes Against Property - Crimes to obtain money, property, or some other benefit (i.e. theft, vandalism, robbery).

Crimes Against Society - Represent society's prohibition against engaging in certain types of activity (i.e. drug violations).

# Crime Data Trends Rail Lines -January



	2019 (Jan)	2020 (Jan)	2021 (Jan)	2022 (Jan)	2023 (Jan)
Crime Rail Total	159	140	82	137	171
Crime B/D (Purple/Red)	59	51	37	51	102
Crime A (Blue)	37	29	18	28	28
Crime C (Green)	19	21	11	16	17
Crime E (Expo)	35	24	8	26	15
Crime L (Gold)	9	15	8	16	9

# Summary

- Bus service has been fully restored, with reduced daily service cancellations. Ridership continues to recover strongly, and is typically more transit dependent.
- Overall rate of crime is very low on the bus system. The reported incidents of crime on the bus system has decreased (January over January), however there is a significant increase in incidents of drug violations.
- Rail service levels and ridership overall remain below pre-COVID levels
- B/D (Red/Purple) subway rail shows a significant spike in crime comparing January 2023 with past years, even with ridership at less than 60 percent recovered.
- While crime on other rail lines in January 2023 was below January 2019 levels, ridership is also well below 2019 levels.
- Other factors such as system cleanliness, code of conduct, headways, and changed commuting patterns with telecommuting are also factors likely to be influencing ridership recovery, especially on rail which has in the past had a higher commuter ridership than bus.





## Board Report

**File #:** 2023-0118, **File Type:** Contract

**Agenda Number:** 31.

### **OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023**

**SUBJECT: MICROTRANSIT PILOT PROJECT - PART B**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

**AUTHORIZE:**

- A. the Chief Executive Officer to execute Modification No. 10 to Contract No. PS46292001 with RideCo., Inc., for the MicroTransit Pilot Project, to extend the period of performance from April 1, 2023, through September 30, 2023, in an amount not to exceed \$8,292,453, increasing the Total Contract Value from \$35,131,602 to \$43,424,055; and
- B. an increase in the Contract Modification Authority (CMA) in the amount of \$829,245, or 10% of the total Contract Modification No. 10 value, increasing the total authorized CMA amount from \$100,000 to a new CMA amount of \$929,245 and execute individual Contract Modifications within the Board approved CMA.

#### **ISSUE**

The existing MicroTransit Pilot Project (MTP) Part B contract expires on March 31, 2023. Through this report, staff is seeking approval to extend the contract by 6 months to implement enhancements and lessons learned for the program. Additionally, as the project was launched in 2020 during the COVID-19 Pandemic, the additional time will allow for continued service in normal operating conditions as opposed to the limitations imposed by the pandemic.

#### **BACKGROUND**

The initial Request for Proposals (RFP) for this project was issued on October 25, 2017, solicited and awarded to be executed in two parts: Part A, the "Planning and Design" phase and Part B, the "Implementation and Evaluation" phase. On February 27, 2020, the Metro Board of Directors approved the MTP Part B with RideCo, Inc. under the Pre-Development Agreement Public Private Partnership (PDA/P3) Contract No. PS46292001.

The services under this executed pilot project contract were deployed on December 13, 2020, for the

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implementation of on-demand rideshare, designed to test the delivery of a new on-demand service model, including real world learning pertaining to the following five guiding questions:

- How can a large public agency operate an on-demand transit service that prioritizes customer experience and equity;
- How can new management models (e.g., positive discipline) improve workforce retention, advance career pathways, and establish workplace happiness;
- How an innovative Pre-Development Agreement / Public-Private Partnership (PDA-P3) procurement tool can be leveraged and improved upon to support testing emerging technology, risk sharing, and rapid iteration in service delivery models;
- Whether positive customer experiences on MTP will translate to increased ridership on the fixed-route services for both current riders as well as and non-riders;
- And whether MTP can perform as a cost-effective alternative to underperforming fixed-route service.

These questions require further exploration under the MTP to properly assess the efficacy of the service in meeting the stated objectives.

## **DISCUSSION**

Since launching Revenue Service Operations on December 13, 2020, MTP has serviced over 32,000 unique riders taking over 930,000 rides. Of these rides, 52.1% have been rides shared with another passenger. The program operates a mixed fleet of 82 vehicles, including eight (8) electric vehicles.

Since the service deployment, staff identified opportunities for enhancements requiring finetuning of the algorithm, zone boundary adjustments and delivery method improvements. The Board approval of Modification No. 10 will provide staff the opportunity to make further adjustments toward addressing service availability and the ability to group trips to contain costs, instituting parameter changes to optimize the service, improve the cost per trip and on-time performance, further refining optimization methods to address challenges associated with maximum wait time and percentage of excess demand and adding vehicles to meet the demand reaching its peak in ridership.

With MTP on track to achieve 1 million boardings in the first quarter of calendar year 2023 clearly demonstrating demand, and with the optimization plans, extending the current contract for 6 months will allow for a steady operating state.

The requested CMA will enable quick response to unforeseen issues as well as system enhancements as the service is optimized.

## **DETERMINATION OF SAFETY IMPACT**

Ongoing operations of MTP through the extension is not anticipated to adversely impact safety.

## **FINANCIAL IMPACT**

Funding for Contract No. PS46292001 in the NTE amount of \$4,146,226 for the remainder of FY23 is allocated under Cost Center 3595 - MTP Operations, Project 309001, Department Strategic Initiatives.

Since this is a multi-year contract, the Interim Executive Officer, Transit Operations - Strategic Initiatives will be accountable for budgeting the cost in future years.

#### Impact to Budget

Continued services will be funded with Operating-eligible funds.

### **EQUITY PLATFORM**

MTP is intended to improve equity by bringing on-demand ride services to locations where private ride-hailing companies are less likely to operate. Today, Metro operates eight zones, of which three (3) zones include a sizeable representation of EFCs: Watts/Compton, El Monte, and LAX/Inglewood. Based on results of the 2022 On-Board rider survey, data indicate that MTP ridership is comprised of a higher percentage of females than fixed route service, and while the program riders are higher income than fixed route riders, on average, they are lower income than the County's population. Based on survey responses, approximately 57% of the ridership identified as Latinx/Hispanic, followed by 15%, 14%, and 11% who identified as White/Caucasian, Asian/Pacific Islander and Black/African American, respectively.

The Diversity and Economic Opportunity Department (DEOD) established a 10% Small Business Enterprise (SBE) goal and a 3% Disadvantage Veteran Business Enterprise (DVBE) goal for this project. To-date, RideCo, Inc. (contractor) is exceeding their 10.23% SBE participation commitment and close to achieving their 3.20% DVBE commitment.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This aligns with Strategic Plan Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. MTP particularly supports item 1.2, Improve LA County's overall transit network by improving connectivity to provide seamless journeys. MTP was envisioned to reduce transfers and to pick up short trips that are lengthy on the fixed-route system.

### **ALTERNATIVES CONSIDERED**

The Board may choose not to approve the recommended action(s). This alternative would cease Revenue Service Operations for the communities and neighborhoods that utilize MTP for essential trips. Extending the current contract allows for the continuation of the service under normal operating conditions.

## **NEXT STEPS**

Upon Board approval, staff will execute Modifications No. 10 to Contract No. PS46292001 with RideCo, Inc.

Staff will continue to provide quarterly updates on MTP Operations.

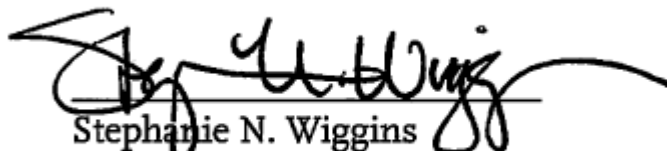
## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared by:

Roxane Marquez, Sr. Manager, Transportation Planning (213) 922-4147  
Lena Babayan, Executive Officer, Ops Admin (Interim), (213) 922-4147  
Shahrzad Amiri, Deputy Chief Operations Officer, Shared Mobility, (213) 922-3061  
Debra Avila, Deputy Chief, Vendor Contract Management, (213) 418-3051.

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## MICROTRANSIT PILOT PROJECT/PS46292001

1.	<b>Contract Number:</b> PS46292001			
2.	<b>Contractor:</b> RideCo, Inc.			
3.	<b>Mod. Work Description:</b> MicroTransit Pilot Project – PART B (Implementation)			
4.	<b>Contract Work Description:</b> Extend the contract for 6 months for the continuation of services for the MicroTransit Pilot Program through 9/30/2023.			
5.	<b>The following data is current as of:</b> March 2, 2023			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>		<b>Contract Award Amount:</b>	\$219,650
	<b>Notice to Proceed (NTP):</b>	04/26/2018	<b>Total of Modifications Approved:</b>	\$34,911,952
	<b>Original Complete Date:</b>	05/22/2018	<b>Pending Modifications (including this action):</b>	Not-to-Exceed \$8,292,453
	<b>Current Est. Complete Date:</b>	09/06/2019 (PART A)	<b>Current Contract Value (with this action):</b>	\$43,424,055
	<b>Current Est. Complete Date:</b>	09/30/2023 (PART B)		
7.	<b>Contract Administrator:</b> Lily Lopez		<b>Telephone Number:</b> (213) 922-4639	
8.	<b>Project Manager:</b> Rani Narula-Woods		<b>Telephone Number:</b> (213) 922-7414	

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 10 to extend the contract for 6 months for the continuation of services from April 1, 2023 through September 30, 2023.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

The initial Request for Proposals (RFP) for this project was issued on October 25, 2017, solicited and awarded to be executed in two parts: Part A, the "Planning and Design" phase and Part B, the "Implementation and Evaluation" phase. This procurement tool served as the agency's first Pre-Development Agreement Public Private Partnership (PDA-P3) procurement model.

On April 26, 2018, the Board awarded three (3) contracts to firms to perform Part A (Planning and Design) of the MicroTransit Pilot Project. The period of performance for Part A was 6 months. Part B was determined to be a future Board action depending on

the feasibility results of Part A. On February 27, 2020, the Board approved RideCo to perform Part B of the MicroTransit Pilot Project.

Nine modifications have been issued to date.

Refer to Attachment B - Contract Modification/Change Order Log.

**B. Cost Analysis**

The not-to-exceed amount of \$8,292,453 will be determined fair and reasonable based upon an independent cost estimate (ICE), technical analysis, cost analysis (in process), fact finding and negotiations.

<b>Metro ICE</b>	<b>Not-to-Exceed Amount</b>
\$12,093,774.33	\$8,292,453

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## MICROTRANSIT PILOT PROJECT/PS46292001

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Extend period of performance	Approved	09/04/18	\$0.00
2	Extend period of performance	Approved	12/19/18	\$0.00
3	Revise Statement of Work to increase work to be performed	Approved	05/23/19	\$66,334
4	Extend period of performance	Approved	10/31/19	\$0.00
5	Part B (Implementation) of MicroTransit Pilot Project	Approved	07/30/20	\$28,874,748
6	Add new subcontractor	Approved	09/22/20	\$0.00
7	Expand MicroTransit Operations to three additional service zones (North Hollywood/Burbank, El Monte and Compton/Artesia) for 24 months	Approved	1/28/21	\$5,970,870
8	Revise the requirements for the excess liability insurance requirement.	Approved	4/23/21	\$0.00
9	No cost time extension for the continuation of services through March 31, 2023.	Approved	12/13/22	\$0.00
10	Extend period of performance for six months for the continuation of the MicroTransit Pilot Program through September 30, 2023.	Pending	Pending	\$8,292,453
	<b>Modification Total:</b>			<b>\$43,204,405</b>
	<b>Original Contract:</b>	<b>Approved</b>	04/26/18	<b>\$219,650</b>
	<b>Total:</b>			<b>\$43,424,055</b>

## DEOD SUMMARY

**MICROTRANSIT PILOT PROJECT (MTP) – PART B  
(IMPLEMENTATION)/PS46292001**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 10.00% Small Business Enterprise (SBE) and a 3% Disabled Veterans Business Enterprise (DVBE) goal for this solicitation. Rideco, Inc. made a 10.23% SBE and a 3.20% DVBE commitment. Based on payments, the project is 84% complete and the current SBE participation is 14.96% and the DVBE participation is 1.60%, exceeding the SBE commitment by 4.73% and representing a DVBE shortfall of 1.60%.

While Rideco is currently exceeding its overall SBE commitment by 4.73%, Rideco under-utilized, as part of the base contract and as originally listed, SBE/DVBE subcontractors, Arellano Associates, Design Studios, Inc. dba Ready Art Works (RAW), and DVE Global Marketing, Inc. dba Proforma (Proforma). Rideco reported that due to COVID-19, marketing activities were not needed to the level expected when the contract was awarded, impacting the utilization of its listed SBE subcontractors. Rideco further indicated that the reduction in the number of vehicles ordered by Metro affected the utilization of DVBE subcontractor, as Proforma's scope of work was vehicle wrapping.

Rideco was requested to submit a revised shortfall mitigation plan by March 30, 2023, to incorporate the proposed option year extension work. Staff will continue to track Rideco's efforts to address the under-utilization of its listed firms and its efforts to continue to meet or exceed its commitments.

<b>Small Business Commitment</b>	<b>SBE 10.23% DVBE 3.20%</b>	<b>Small Business Participation</b>	<b>SBE 14.96% DVBE 1.60%</b>
----------------------------------	----------------------------------	-------------------------------------	----------------------------------

	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>% Participation</b>
1.	Arellano Associates	2.19%	1.85%
2.	Design Studios, Inc. dba Ready Artworks	8.04%	5.03%
3.	Sandbox Production, LLC dba Autoconcierge	Added	8.08%
	<b>Total Commitment</b>	<b>10.23%</b>	<b>14.96%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>% Participation</b>
1.	DVBE Global Marketing, Inc.	3.20%	1.60%
	<b>Total Commitment</b>	<b>3.20%</b>	<b>1.60%</b>



**B. Living Wage and Service Contract Worker Retention Policy Applicability**

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

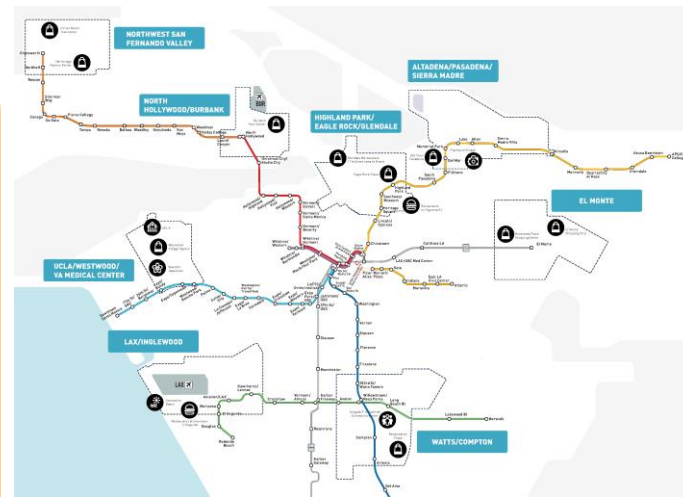
Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.

# Metro Micro<sup>TM</sup>



# Implementation Phases

- **2016** - Office of Extraordinary Innovation evaluated unsolicited proposal relative to on-demand services
- **2017** - Began project design and issued a Request for Proposals to procure services for planning, design, testing and evaluation of a technology-based service for traveling short distances
- The solicitation was issued under 2 Parts:
  - Part A – Planning & Design (Feasibility) (PDA contract)
  - Part B – Implementation & Evaluation (P-3 contract)
- **2018** - Three contractors (RideCo, Via and Transdev) were awarded Part A (PDA) contracts to compete for Part B
- **2019** - Contractors completed Part A (Planning & Design Feasibility Study) and Final Reports were evaluated for award of Part B (Implementation & Evaluation)
- **2020** - RideCo, Inc. was awarded Part B (P-3) contract to implement MicroTransit
- Metro launched 1st Zone in Dec. 2020
- **2021 –2022** - Metro Micro launches a total of 8 zones within 2 years in staggered starting dates with ongoing optimization efforts

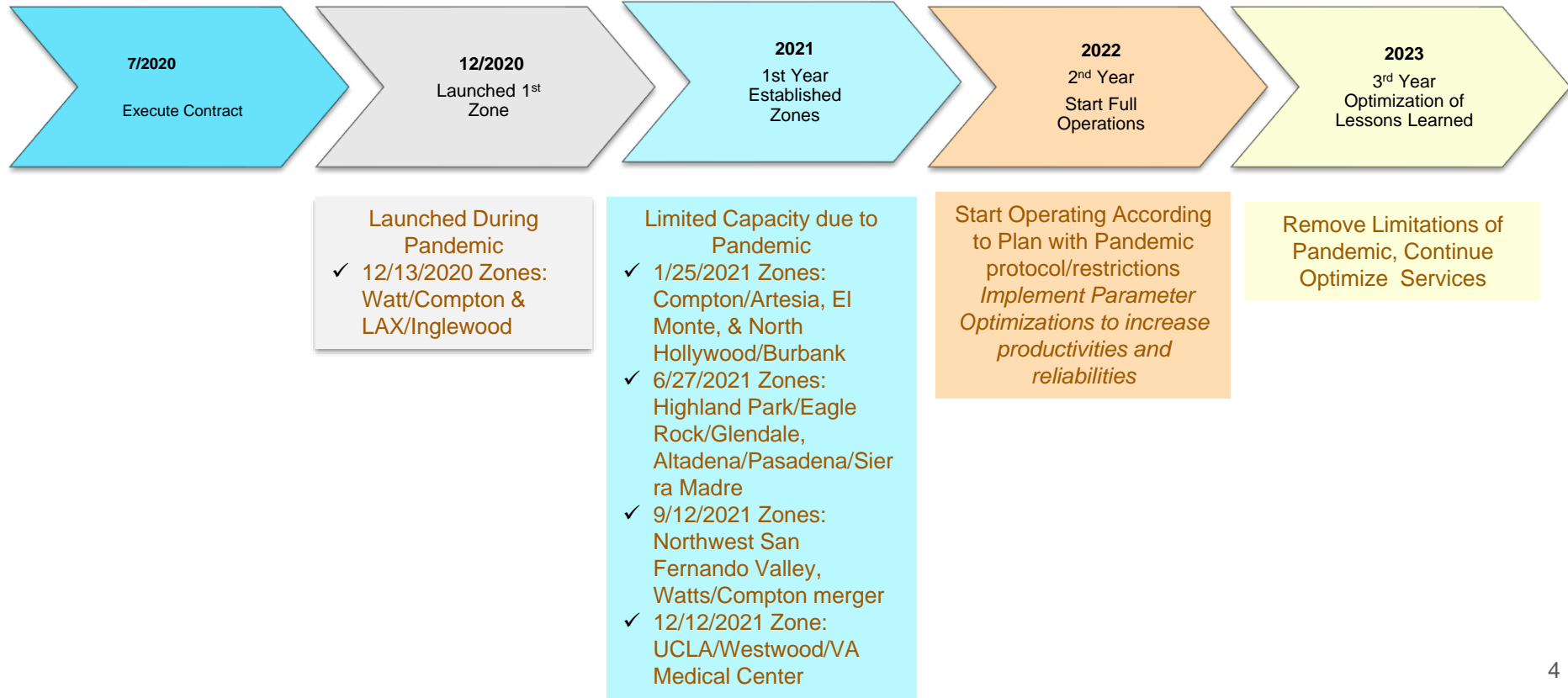


# Micro Transit Service and NextGen

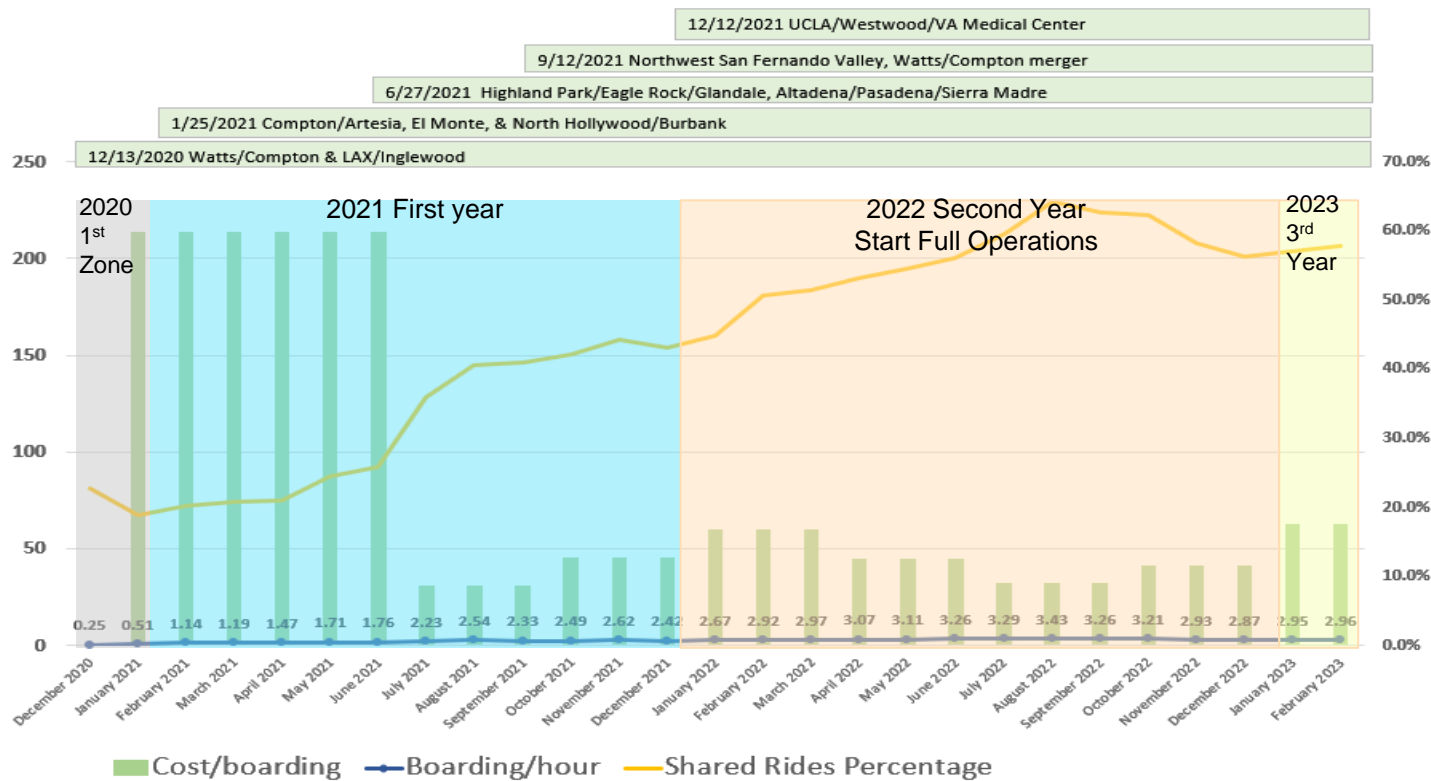


Launch	Zone Name	NextGen Cancellation
Winter 2020	Watts/Compton	Lines: 254 and 612
Winter 2020	LAX/Inglewood	Lines: 115 (part) and 525
Winter 2021	El Monte	N/A
Winter 2021	North Hollywood/Burbank	Lines: 183 (Bel Aire Dr) and 222(Barham Bl)
Summer 2021	Highland Park/Eagle Rock/Glendale	Lines: 83, 183, 201, 256 (part) and 685
Summer 2021	Altadena/Pasadena/Sierra Madre	Lines: 181, 256 (part), 264, 267 (part), 268 (part), 487 (part), and 687
Fall 2021	Northwest San Fernando Valley	Lines: 242/243 (Porter Ranch)
Winter 2021	UCLA/Westwood/VA Medical Center	N/A

# Timeline



# Performance and Costing



Metro

# Key Performance Indicators & Measures



Zone-level	Measure	Target	FY 2020-2021		FY 2021-2022				FY 2022-2023		
			Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3 (Projected)
Ridership	Average weekday ridership	5,090*	159	348	899	1,403	1,754	2,025	2,152	1,930	2,016
	Passengers per vehicle per hour	7.00	0.99	1.66	2.26	2.51	2.86	3.15	3.33	3.01	2.97
	Average weekday ridership	5,090*	159	348	899	1,403	1,754	2,025	2,152	1,930	2,016
	Percentage of excess demand (no ride available)	<5.00 %	5.5%	4.6%	15.1%	12.6%	28.7%	32.9%	31.4%	35.6%	34.2%
	On-Time Performance (pick-ups and drop-offs)	95.00 %	98.5%	97.2%	91.5%	90.4%	87.0%	85.0%	85.2%	84.8%	86.3%
Cost	Cost per boarding	\$7.86	\$102.8	\$324.7	\$30.9	\$45.5	\$59.9	\$45.1	\$32.5	\$41.5	\$62.97

- The Metro Micro cost per trip is fluctuated from \$30.9 to \$62.97 due to variance in when invoice payments were deducted from the cost center. This compares to:
  - \$8.21 per trip for NextGen affected lines in Micro Zones
  - \$60.78 per trip for Access Services paratransit service

# Efforts to Optimize the Service



In June/July 2022, software parameters were changed to attempt to optimize the service, by creating more opportunities for shared rides and less rejected trips:

Parameter	Description	Example
On-Board Time	Maximum onboard time allowed for trip reservations was increased slightly in order to maximize shared rides	<ul style="list-style-type: none"><li>• Original calculation = Direct Drive time + 20 minutes</li><li>• Maximum onboard time = Direct Drive time + 25 minutes (POI trips) or + 30 minutes (non-POI trips)</li><li>• Changes were to add 5 minutes and 10 minutes respectively to the above two trip types.</li><li>• Note: POI = Point of Interest i.e. higher demand location</li></ul>
Time Snapping	For selected POIs (transit centers, schools) scheduled arrival or departure times were established to maximize shared rides	<p>When a passenger requests a ride for 3:05, and rides are “snapped” to every 15 minutes, they will get trips offered at 3:00, 3:15, and 3:30, but not 3:05 or 3:20.</p> <p>1-2 POIs in each zone are being tested with Time Snapping</p>
Frequency Variation	Frequency of rides offered to/from lower demand areas on the edge of zones was limited to every 30 minutes to maximize shared rides to/from these areas and keep most resources in the higher demand core of each zone	<p>When a passenger requests a ride from most locations, they will receive available trip times 10-20 minutes apart.</p> <p>In Frequency Variation areas, they would get available trip times 30 minutes apart.</p>



# Parameter Optimizations by Zone



Zone	Time Snapping	Implementation	Frequency Variation	Implementation
Watts/Compton	Willowbrook – Rosa Parks Station	June, 2022	East of 710 (Rancho Los Amigos area)	July, 2022
LAX/Inglewood	Aviation/LAX Station (C Line Schedule)	June, 2022	North of Florence	July, 2022
El Monte	El Monte Station	June, 2022	East of 605	July, 2022
North Hollywood/Burbank	North Hollywood Station	June, 2022	North of Saticoy	July, 2022
Northwest San Fernando Valley	CSUN Transit Center	June, 2022	North of 118 (Porter Ranch)	July, 2022
UCLA/Westwood/VA Medical Center	Hendrick Hall-UCLA dorms	June, 2022	Not applicable	
Highland Park/Eagle Rock/Glendale	Brand/Harvard (15 mins) Highland Park Station	July, 2022	Not applicable	
Altadena/Pasadena/Sierra Madre	Sierra Madre Villa (Old Town Pasadena)	July, 2022	Northwest corner of the zone (JPL)	July, 2022

# Planned Service Enhancements

Reduce contract staff hours

Reduce report location from 4 to 3

Realign fuel and insurance cost

Increase vehicles for reliability

Improve maintenance frequency to improve reliability

Implement in zone relief

Enhanced customer survey to gather demographic data and complete a mode-shift analysis

Extend the contract by 6 months to implement enhancements and lessons learned for the program-



Metro

Los Angeles County  
Metropolitan Transportation  
Authority  
One Gateway Plaza  
3rd Floor Board Room  
Los Angeles, CA

## Board Report

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**File #:** 2023-0122, **File Type:** Motion / Motion Response

**Agenda Number:** 32.

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: MOBILE APPLICATION CONSOLIDATION MOTION RESPONSE**

**ACTION: ORAL REPORT**

**RECOMMENDATION**

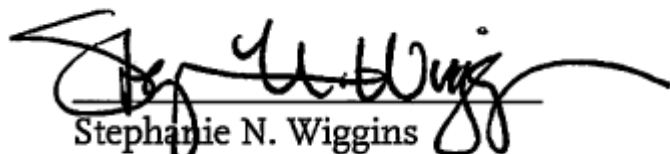
RECEIVE oral report on Mobile Application Consolidated Motion.

**EQUITY PLATFORM**

The Mobile Application Consolidation response is incorporating Metro's Equity Platform by supporting the pillar: Listen and Learn. In outlining the next phase of in-depth customer research, the working group will strive to understand who, demographically and socio-economically, are current users of existing Metro mobile applications; how different users of varying abilities currently do and would like to interact with Metro mobile applications; and identify ways in which Metro can better address and solve for disparities with riders without Smartphones. In addition to studying current users of Metro's mobile apps, the Working Group will also study non-users of existing applications to understand barriers and ways in which mobile app access and usage can be increased through this effort. The working group is committed to listening and learning from all customers in its next phase through coordination with Metro's special interest councils and segmented user experience testing, eventually incorporating those findings into its final proposed solution.

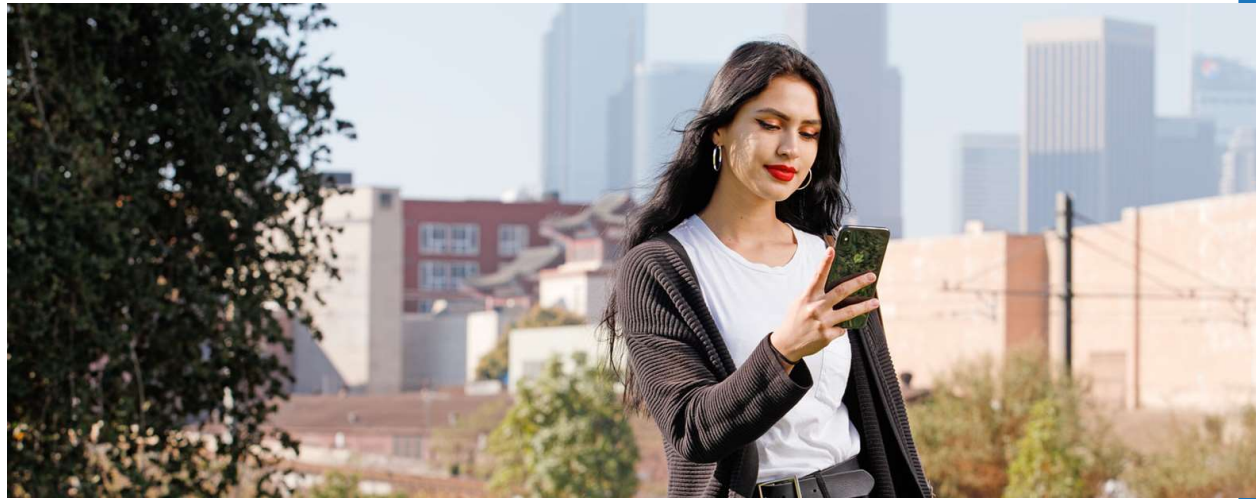
Prepared by: John Gordon, Senior Director - Special Projects Marketing, (213)922-2290  
Rochelle Chavez, Senior Manager - Systems Projects TAP, (213)922-7291  
Nina Kin, Web Systems Developer Marketing, (213)922-4213  
Bryan Sastokas, Deputy Chief of Information Technology Services, (213)922-5510

Reviewed by: Jennifer Vides, Chief Experience Office, (213)922-4060



Stephanie N. Wiggins  
Chief Executive Officer

## Mobile Application Consolidation Board Response



# Board Motion Summary

On December 1, 2022, the Board approved Motion 2022-0789 issued by Directors Krekorian, Garcetti, Barger, Narjarian, Sandoval and Mitchell directing staff to report back on the potential consolidation of all of Metro's phone applications into one single Metro App, including:

- i. What steps would be required to consolidate all current applications to one single application;
- ii. An estimate of costs and savings that would result from such consolidation and any indirect financial impacts and benefits, and;
- iii. A proposed timeline for completion of such consolidation.



## The Work Done to Date

- Convened internal cross-functional Working Group from Customer Experience, TAP, ITS, Operations, Planning and the Office of Strategic Innovation who currently own public-facing mobile applications.
- Identified all public-facing mobile applications and sites
- Analyzed technical specs and viability of immediate integration
- Researched latest trends in mobile applications
- Researched lessons learned from other transit authorities
- Began looking at expenditures and financial benefits

# Metro's Current Mobile Application Inventory

Metro's current landscape of mobile applications and mobile-accessible channels is complex.

- Metro has **six** customer-facing mobile apps:



Transit Watch



TAP LA



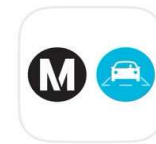
Transit



Metro Micro



Metro Bike Share

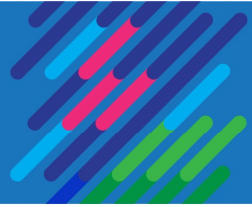


Metro Parking

- Metro has **8** additional customer channels accessible on mobile phones:
  - *metro.net* (+ specific service pages)
  - *Metro.net* contact form
  - *trips.metro.net*
  - *book.metro-micro.net*
  - *TapToGo.net*
  - Go 511 app
  - LA Secure app
  - Metro Vanpool app



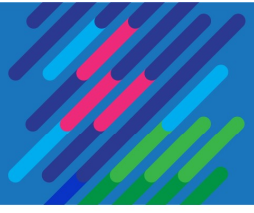
# Metro's Current Mobile Application Inventory



Metro's mobile applications are owned and operated by various departments across the agency

- **Seven** departments are involved in Metro's existing mobile applications:
  - *Countywide Planning & Development*
  - *Customer Experience*
  - *Information and Technology Services*
  - *Office of Strategic Innovation*
  - *Operations*
  - *TAP*
  - *Safety, Security, and Law Enforcement*
- Note: some of the applications are operated and maintained by vendors and some are revenue share programs that make financial analysis complex.

# Initial Consolidation Viability



There are many considerations we must address in this study.

## Technical/Data

- Standardization of data
- API Access
- Lack of industry-wide data standards
- Functions rely on good data; functions are not all integrate-able into anything that currently exists

## Procurement and Funding

- Proprietary technology
- Contract restrictions and timing
- Financial agreements with third party application partners

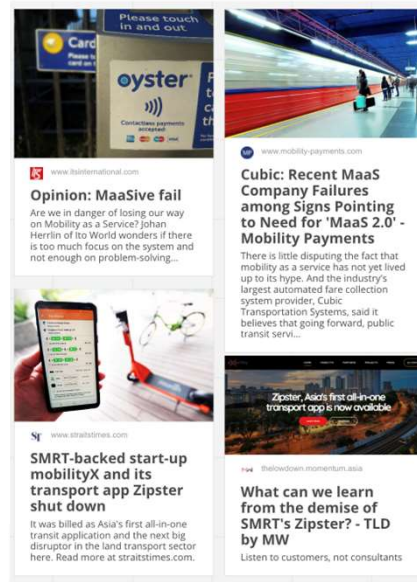
# Customer Trends Analysis

**Any solution proposed by Metro will rely heavily on knowing users and incorporating flexibility.**

While there have been challenges for transit agencies in creating mobile apps in the past, there are some agencies who have found recent success:

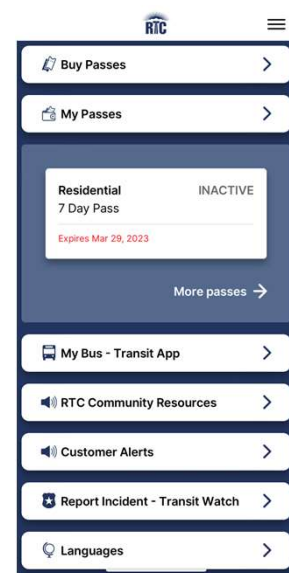
## Challenges

- Difficulties integrating data and functionality between public and private sectors
- Challenges posed by existing laws regarding fare payment, interoperability, and consumer privacy
- Fast pace of technology and payment solutions which yields an average app lifespan of 2-4 years

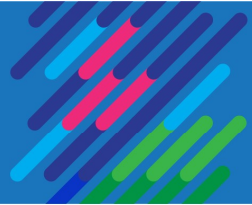


## Successes





- MBTA and TriMet focused on building mobile-optimized, web-based rider tools
- RTC Southern Nevada and Metrolink contracted with a vendor (Masabi) to provide a mobile app with the primary function of ticketing that then links out to a mobile website for other functionality (e.g., schedulers)



# App Consolidation Evaluation Timeline



 Board Report

Phases and Activities	Dec 22	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan 24
<b>Phase 1 – Initial Research</b> <ul style="list-style-type: none"> <li>Convene internal Working Group</li> <li>Identify all public-facing applications</li> <li>Analyze viability of technical specs for integration</li> <li>Research latest trends and lessons learned</li> </ul>														
<b>Phase 2 – Customer Research</b> <ul style="list-style-type: none"> <li>Map customer journey for rider experience and app usage</li> <li>Analyze customer segments for different apps</li> <li>Understand our customers' mobile app needs</li> <li>Consolidate findings and insights into prioritized recommendations</li> </ul>														
<b>Phase 3 – Refine Recommended Solution</b> <ul style="list-style-type: none"> <li>Define high-level business and technical requirements</li> <li>Compile cost and saving estimates</li> <li>Develop implementation timeline</li> </ul>														
<b>Phase 4 – Implement Solution</b> <ul style="list-style-type: none"> <li>Implement selected solution</li> <li>UX test prototypes</li> <li>Measure success of solution against performance metrics</li> </ul>														



## Board Report

File #: 2022-0487, File Type: Motion / Motion Response

Agenda Number: 33.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: USE OF PUBLIC SAFETY DATA MOTION RESPONSE**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATIONS**

ADOPT:

- A. The Bias-Free Policing Policy (Attachment A); and
- B. The Public Safety Analytics Policy (Attachment B).

#### **ISSUE**

At its April 2022 meeting, the Board approved Motion 45 (Attachment C) by Directors Mitchell, Dupont-Walker, Hahn and Bonin directing staff to develop a Bias-Free Policing Policy and Public Safety Data Analytics Policy to avert racial profiling and bias in the deployment of Metro security and law enforcement services, consistent with the Metro Public Safety Mission statement that recognizes that each individual is entitled to a safe, dignified and human experience.

#### **BACKGROUND**

The customer code of conduct sets the foundation for delivering public safety services for our riders as it informs our customers about the behaviors we expect and will not tolerate to ensure a positive experience for everyone. It also provides guidance about the protocols for compliance

In Fall 2021, CEO Wiggins directed Metro's System Security & Law Enforcement (SSLE) to conduct a review of Code of Conduct citations, as part of her goal that Metro provides a safe, transparent, and equitable system for all. The review revealed that more than half of citations for "taking up more than one seat" and "riding with excess baggage" were issued to Black riders year-over-year from 2018-2020. Further, data from 2020 showed that African Americans received 53% of fare citations despite comprising 16% of Metro's ridership. While these outcomes do not rise to the level of formal discrimination, racial inequities and racial harm are made evident through the initial analysis of the data. In December 2021, the Metro Office of Civil Rights launched a Mystery Rider Fare Observation Program to independently review the fare compliance process. Further, in April 2022, the Board unanimously reaffirmed and declared that racism is a threat to public health and safety and that racism against Black people has reached crisis proportions that result in large disparities in life

outcomes beyond the Metro system.

In February 2022, the SSLE department proposed creating the Analytics-Led Public Safety program as a part of the larger Reimagining Public Safety plan. The program would leverage data analytics to aid the review of ridership statistics, customer feedback surveys, security information, and homeless outreach data to help inform Metro's deployment of public safety resources to areas that need them the most. This raised concerns from community groups, racial justice advocacy organizations, and the Public Safety Advisory Committee (PSAC) that the proposal did not consider potential unintentional consequences and how Metro would mitigate against disproportionate impacts. Specifically, concerns were raised about predictive policing and the potential to utilize racially biased data, including citation data, to inform resource deployment that would only cause more racially biased outcomes. SSLE affirmed that data analytics is not the same as predictive policing. Data analytics is a method to understand the risks and issues impacting the system by leveraging Metro derived data. Specifically, data driven insights on risks and issues, that are not racially-based, would drive resource deployments, to include non-law enforcement alternatives.

In an effort to ensure that unconscious bias does not influence the Analytics-Led Public Safety Program, in April 2022, the Metro Board directed staff to develop a Bias-Free Policing Policy and Public Safety Data Analytics Policy. The policies, along with existing mandated training and oversight, affirm Metro's commitment to averting racial profiling and bias in the use of data and deployment of security resources.

## **DISCUSSION**

As approved by the Board, the following are the mission and values statements for public safety on the Metro system:

Mission Statement: Metro safeguards the transit community by taking a holistic, equitable, and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified, and human experience.

Values Statements:

- Implement a Human-Centered Approach
- Emphasize Compassion and a Culture of Care
- Recognize Diversity
- Acknowledge Context
- Committed to Openness and Accountability

## **Bias-Free Policing Policy**

Metro expressly prohibits all forms of biased policing. The Bias-Free Policing policy is essential to Metro's commitment to impartial and equitable treatment of all individuals, regardless of their personal characteristics. The policy establishes clear expectations and standards for fair and unbiased policing and reinforces the importance of treating all individuals with respect and dignity. This policy is crucial to effectively carry out Metro's safety mission, vision, and values.

Unbiased and equitable treatment is essential to ensure all Metro riders are treated in a fair, impartial, equitable, and objective manner and are not subjected to discrimination or prejudice based on personal demographics, such as their race, gender, religion, or socio-economic status. The policy directs that all contact with safety personnel will be based solely on the facts and circumstances of a situation, without being influenced by personal biases or prejudices when making decisions about safety deployment, to detain, cite or arrest.

The policy states unequivocally that Metro will:

- A. Dignify and respect the diversity and cultural differences of all people.
- B. Assure the highest standard of integrity and ethics among all agency personnel.
- C. Identify, prevent, and eliminate any instances of biased policing and racial profiling by agency personnel.
- D. Provide bias-free security services consistent with constitutional and statutory mandates.
- E. Prioritize the use of non-law enforcement response to calls for service when appropriate.
- F. Ensure any data or information obtained by Metro or associated contract services or law enforcement agencies regarding actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance, is never used in a manner that supports bias or discrimination.
- G. Uphold the agency's commitment to protecting and serving people through transit services, safety, and non-law enforcement resources that promote and strengthen public trust and confidence in Metro and enhance the legitimacy of its policing practices.

The application portion of this policy focuses on ensuring that except in "suspect specific incidents," where acknowledgement, identification or reference to a suspect's specified characteristics is critical to the preservation of public safety, police and security officers are prohibited from considering actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance in deciding to engage or detain a person. All contacts and activities shall be unbiased and based on legitimate, articulable facts, consistent with reasonable suspicion or probable cause standards as required by federal and state law. The policy defines key terms, outlines responsibilities associated with deploying fair and impartial treatment, sets compliance standards, reporting and training protocols, and plans to monitor performance and track key performance indicators.

Training is critical in ensuring compliance with the policy. Metro requires implicit bias training for all employees. In addition, the following training is mandatory for all Metro staff and contractors providing security resources on the system.

- 1. Bystander Intervention
- 2. Implicit (Unconscious) Bias for Transit Security
- 3. Safety/Security Training (Includes a primer on Unconscious Bias training)

In addition to the required training, safety and security personnel currently receive training on good practices of de-escalation, culture awareness, and Metro will work with local community-based organizations, and P.A.T.H to receive training on mental health and other social services. Whenever possible, Metro will integrate community members, from various backgrounds, into trainings to ensure they include the perspective of those whom Metro serves. Metro will also coordinate with PSAC to identify and advise on additional training curriculum opportunities.

### Monitoring Performance

The Deputy Chief of Civil Rights will conduct an annual review of police and security reports, and the Safety Officer or designee will on a quarterly basis review the Transit Watch App, Customer Comment Analysis Tracking System (CCATS), and Customer Experience (CX) surveys to develop a report assessing feedback related to Metro anti-bias/anti-discrimination policies. Additionally, SSLE will at least annually assess customer's favorable impression of transit policing services including quality, fairness, helpfulness and satisfaction regarding racial profiling and/or bias.

To ensure transparency, specific KPIs will be tracked on a public facing dashboard that will include:

- Agency-wide annual compliance of all mandatory anti-bias related training (expectation of 100% compliance).
- Reports of complaints against law enforcement and security resources (expectation of year over year reduction).
- Use of force incidents (expectation of year over year reduction).
- Deployment of law enforcement security alternatives (expectation of year over year increase).
- Number of citations levied against marginalized communities (expectation of year over year reduction relative to population).

This policy will help to build a safer, more inclusive experience on the Metro system, ensuring all customers are confident that they will be treated fairly and impartially by security personnel. A failure to comply with this policy is viewed by Metro as counterproductive to building trust with and respect of riders and employees and will be considered serious misconduct.

### **Public Safety Analytics Policy**

Public safety analytics is a tool for improving public safety outcomes. By leveraging data and technology, staff can better understand the nature and scope of public safety challenges and develop more effective strategies and interventions to address them.

Removing bias from public safety analytics is foundational because biased data can lead to biased decisions, which can harm certain groups in the community. The policy affirms that in deploying public safety resources, Metro considers information and data from a variety of platforms and sources but intends to safeguard against using such data and platforms in a discriminatory manner that is inconsistent with Metro policies and procedures.

Metro is committed to protecting the constitutional and civil rights of all people as outlined in Title VII



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of the 1964 Civil Rights Act and the Americans with Disability Act (ADA). The purpose of this policy is to emphasize the agency's commitment to the collection and use of fair and bias-free public safety analytics and data and the fair and bias-free treatment of all people. This policy reaffirms Metro's pledge to bias-free practices and directs that the use of all data be done in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services.

The policy's purpose is to remove bias from public safety analytics by ensuring that the data being used is of high quality - that is accurate, complete, consistent, reliable, and up to date - all of which determines how much a decision maker and stakeholders can trust the findings and implications. Equally important is ensuring the data has context, which limits assumptions and biases that could adversely impact the quality of the data. In addition, Metro will be trained to recognize and avoid biases in the analysis. The policy will ensure to the public that our analytics efforts are fair and equitable and that they promote public safety for all members of the community.

Metro is committed to utilizing data gathered in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services, and to never utilize racial data in deploying resources.

The application portion of the policy addresses the use of analytics, the data sources that are anticipated to be utilized, the reports that will be generated from such data sources, the analytical tools that will be used, and how data will be gathered and assessed for quality and context. The policy also defines key terms, clarifies responsibilities for compliance and training, and establishes key performance indicators.

Regarding data sources, the policy states that Metro will focus on leveraging information from the following data sets, much of which is Metro derived:

- Calls for Service reports
- Vehicle maintenance requests
- Transit Watch App Incident reports
- Law Enforcement Service Requests (LESR)
- Incident reports
- Customer Comment Analysis Tracking System (CCATS)
- Customer Experience surveys
- Intrusion alarms at Metro facilities
- Trend reports from homeless outreach teams
- Justice Equity Need Index
- Justice Equity Services Index
- Everbridge alerts
- Frontline employee feedback (e.g., bus operators, custodians)

Metro will cite the instances and circumstances for using any external data sets.

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Monitoring Performance and KPIs

To ensure policy compliance, Metro will take the following steps:

- SSLE will conduct quarterly reviews of security and analytic reports to confirm compliance with this policy. This includes reports which feature demographics, personal identifying information, or law enforcement or Metro-derived BOLOs.
- SSLE will ensure all agency personnel involved in public safety analytics maintain 100% annual compliance in attending and completing all related bias and discrimination training.
- SSLE will promptly address all complaints and will conduct a quarterly review of customer comments and complaints to ensure compliance with this policy.
- SSLE will continually evaluate KPIs to effectively measure success and assess impacts of the analytics program.
- KPI results will be published in a public facing dashboard.

As with the Bias-Free Policing policy, a failure to comply with this policy will be viewed by Metro as counterproductive to building the trust with and respect of customers and employees and will be considered to be an act of serious misconduct.

Collectively, these policies will work toward ensuring that all riders experience a transit system that is free of implicit/unconscious bias practices from security resources and law enforcement.

## **Community Outreach**

SSLE staff worked with the first PSAC cohort to include a discussion of the motion in their workplan. In July 2022, staff presented to the PSAC's Non-Law Enforcement Alternatives Ad-hoc Subcommittee and discussed the intent to use various data points to enhance the implementation and effectiveness of its public safety resources. Metro staff reassured PSAC members that these objectives are not synonymous with predictive policing. Instead, Metro's safety programs place the customer at the forefront while recognizing that "feeling safe" is not a one-size-fits-all mentality. As a result, on August 17<sup>th</sup>, 2022, the PSAC voted on their recommendations regarding the Public Safety Analytics and Bias-Free Policing Policies (Attachment D).

In November 2022, SSLE engaged representatives from various Metro departments to discuss how both the Bias Free Policing and Public Safety Analytics policies were in line with Metro's commitment to equity and providing a system unencumbered by bias and discrimination. SSLE received feedback and recommendations which were incorporated into the policies. SSLE also reviewed State and federal guidelines to ensure the policies reflected fair and impartial treatment consistent with constitutional and statutory mandates.

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In January 2023, Metro reached out to the following community organizations who had contacted the Board in April 2022 to present them with the drafted policies and seek their feedback:

- ACLU of Southern California
- Advancement Project California (Now Catalyst California)
- Community Coalition
- Community Power Collective
- Coalition for Humane Immigrant Rights (CHIRLA)
- Education Workers United, SEIU Local 99
- Esperanza Community Housing Corporation
- Investing in Place
- LA Black Worker Center
- LA Forward Action
- Labor Community Strategy Center/Bus Riders Union
- Los Angeles Walks
- People for Mobility Justice
- Strategic Actions for a Just Economy (SAJE)
- Stop LAPD Spying Coalition
- Women Organizing Resources Knowledge and Services (WORKS)

Of the aforementioned groups, People for Mobility Justice along with members of the current and former PSAC participated in SSLE hosted feedback sessions to address questions, elicit concerns, and incorporate feedback into the policies. Both policies received positive feedback with the participants recommending other data sources and validating that the key performance indicators were consistent in measuring the success of policy compliance. In addition to the feedback sessions, both policies were peer reviewed by UCLA's Center for Policing Equity.

The concerns identified by all groups during the peer review and feedback sessions are as follows:

- Remove language regarding community policing
- Ensuring Community Based Organizations (CBOs) and the PSAC contributed and had an opportunity to review training curriculum related to bias and de-escalation and add training on cultural awareness and mental health
- Providing clear conduits for the public and employees to report discrimination and bias
- Ensuring terminology is consistent throughout the policies
- Define retaliation
- Ensure the public facing dashboards are accessible to all and are easy to use

## **DETERMINATION OF SAFETY IMPACT**

Both the Bias Free Policing and Public Safety Data Analytics policies are critical to supporting Metro's goal of operating a safe and secure system free of bias and discrimination. Incorporating these

policies strengthens the trust between Metro and the community Metro serves by establishing transparency and accountability for security resources.

### **FINANCIAL IMPACT**

There is no financial impact to adopting both policies.

### **EQUITY PLATFORM**

Approving these policies promotes public confidence that Metro is a safe and secure system that is free of bias and discrimination. Transparency and accountability for security and law enforcement resources are critical to establishing public trust and creating a culture of safety and inclusivity aboard the Metro system.

Community engagement played a vital role in the development of these policies. Metro staff recognize the criticality of earning public trust and actively sought feedback to address concerns regarding policing across the system, perceived biases of security and law enforcement resources, and the use of public safety analytics. Metro hosted several virtual feedback sessions and received peer review from UCLA's Center for Policing Equity. Incorporated feedback included clarifying terminology, validating key performance indicators, and ensuring the policies articulated transparency and accountability when violations occurred. In addition to the policies, feedback participants requested regular engagements with SSLE and the opportunity to have input on content related to public facing dashboards.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Strategic Plan Goals #2.1: Deliver outstanding trip experiences for all users of the transportation system; Metro committed to improving security and #5.2: Provide responsive, accountable, and trustworthy governance within the Metro organization; Metro will exercise good public policy judgment.

### **NEXT STEPS**

Upon board approval, SSLE will make these policy directives effective and implemented within FY23.

Metro security personnel will receive annual training relating to bias-free policing and proper use of data analytics.

Staff will also conduct quarterly compliance reviews of all security and analytic reports and review the Transit Watch App, Customer Comment Analysis Tracking System and Customer Experience surveys to assess adherence to Metro anti-bias/anti-discrimination policies. A public facing dashboard will also be created to track key performance indicators by the end of FY23 Q4.

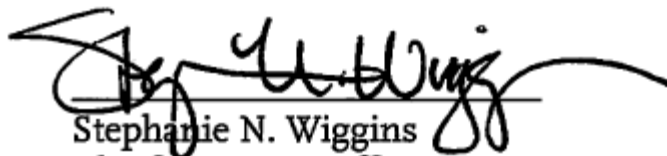
Staff will leverage PSAC to engage the community regarding data usage and receive feedback on potential biases and/or concerns.

**ATTACHMENTS**

Attachment A - Bias-Free Policing Policy  
Attachment B - Public Safety Analytics Policy  
Attachment C - Board Motion 45  
Attachment D - PSAC Recommendations

Prepared by: Robert Gummer, Deputy Executive Officer, (213) 922-4513

Reviewed by: Gina Osborn, Chief Safety Officer, Chief Safety Office, (213) 922-3055



Stephanie N. Wiggins  
Chief Executive Officer



**Metro**

## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

### **POLICY STATEMENT**

Metro is committed to providing transit services and enforcing the Code of Conduct in a professional nondiscriminatory, fair, and equitable manner. Discriminatory conduct on the basis of an individual's actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance, is prohibited while performing any Metro activity. Metro has a zero-tolerance policy for any form of confirmed bias or discrimination, and expressly prohibits all forms of biased policing.

The intent of this policy is to avert racial profiling and discriminatory actions in the deployment of Metro security and public safety resources and build mutual trust and respect with the diverse groups and communities Metro provides service to. This policy will serve as a companion to the "*Public Safety Analytics Policy*", which ensures that any use of internal and external data sources is done in a manner that averts racial profiling and discrimination.

### **PURPOSE**

Metro is committed to protecting the constitutional and civil rights of all people as outlined in Title VII of the 1964 Civil Rights Act and the Americans with Disability Act (ADA). The purpose of this policy is to emphasize this agency's commitment to the fair and bias-free handling of security resources and to the fair and bias-free treatment of all system patrons. All Metro security staff, contractors, and law enforcement partners supporting Metro will be expected to abide by this policy.

### **APPLICATION**

This policy applies to all Metro employees and contractors. Contracted law enforcement entities will be provided the policy and be required to adhere to it.

\_\_\_\_\_  
APPROVED: County Counsel or N/A

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
ADOPTED: CEO

Effective Date: \_\_\_\_\_



**Metro**

## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

### **1.0 GENERAL**

All individuals having contact with agency personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with the law, and without discrimination as defined in this policy.

It is the policy of Metro:

- A. Dignify and respect the diversity and the cultural differences of all people.
- B. Assure the highest standard of integrity and ethics among all agency personnel.
- C. Identify, prevent, and eliminate any instances of biased policing and racial profiling by agency personnel.
- D. Provide bias-free security services consistent with constitutional and statutory mandates.
- E. Prioritize the use of non-law enforcement response to calls for service when appropriate.
- F. Ensure any data or information obtained by Metro or associated contract services or law enforcement agencies regarding actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance, is never used in a manner that supports bias or discrimination.
- G. Uphold the agency's commitment to protecting and serving people through transit services, safety, and non-law enforcement resources that promote and strengthen public trust and confidence in Metro and enhance the legitimacy of its policing practices.

It is Metro's policy that except in "suspect specific incidents" where acknowledgment, identification, or reference to a suspect's specified characteristics is critical to the preservation of public safety, police and security officers are prohibited from considering actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration or employment status, English language fluency or homeless circumstance in deciding to engage or detain a person.

### **2.0 DEFINITION OF TERMS**

Title VII - Title VII of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.



**Metro**

## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

**Biased Policing** - Discrimination in the performance of law enforcement duties or delivery of police services by Metro or based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.

**Americans with Disability Act (ADA)**: Federal law that prohibits discrimination on the basis of a disability. To be protected by the ADA, you must have a disability or relationship with an individual with a disability.

**Fair and Bias-free Treatment** - Conduct of agency personnel and contractors wherein all people are treated in the same manner under the same or similar circumstances irrespective of specific characteristics.

**Discrimination** - Any adverse act or failure to act based on race, color, national origin, religion, sex, age, physical or mental disability or condition, ancestry, marital status, sexual orientation, gender identity, gender expression, affiliation, or any other basis protected under applicable federal or state law.

**Racial/Ethnic Profiling** - Suspecting someone of having committed an offense based on race, ethnicity, or national origin rather than relevant information specific to the conduct in question.

**Police Services** - Actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as public assistance to persons who may be lost, confused, or affected by mental or physical illness, as well as responding to medical emergencies, and providing lifesaving services, crime prevention, public information, and community engagement.

**Protected Classes** - For the purposes of this policy, real or perceived personal characteristics, including but not limited to race, color, national origin, religion, sex, medical conditions, disability, age, citizenship status, marital status, sexual orientation, gender identity, or political affiliation<sup>1</sup>.

### **3.0 RESPONSIBILITIES**

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<sup>1 1</sup> This list is not exhaustive but is intended to identify the factors that are most likely to produce differential decisions on the part of law enforcement. The definition of protected classes is consistent with the following laws; Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973.





## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

The Chief Executive Officer will ensure all agency personnel and contractors engaged in providing safety and security resources are operating in compliance with this policy and adhere to it.

### **3.1 Fair and Impartial Treatment**

1. Biased policing is prohibited both in the enforcement of the law and the delivery of security and police services.
2. Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances.

### **3.2 Compliance and Reporting**

1. Agency personnel are encouraged to intervene at the time the biased policing or security incident occurs. Agency personnel who witness or who are aware of instances of biased policing are encouraged to report as early as possible.
2. Supervisors shall:
  - a. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond when biased policing is occurring.
  - b. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as deemed appropriate to the violation.
  - c. Ensure that those who report instances of biased policing are not subject to retaliation<sup>2</sup>.
  - d. Employees concerned about leveraging their respective chains of command can contact the Office of Civil Rights at 213-418-3190 to report instances of biased policing and discrimination.
3. Information on biased-policing complaints and any additional relevant information shall be provided to the Chief Executive Officer or their designee in a manner most suitable for administrative review, problem assessment, and development of appropriate officer-level and/or agency-level corrective actions. At least quarterly, a summary of biased-policing complaints should be provided to the Chief Executive Officer or their designee.

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<sup>2</sup> The Supreme Court has defined retaliation as an intentional act in response to a protected action. Retaliation is a deliberate action used to send a clear message that complaining is unwelcome and risky. It is employed to instill fear in others who might consider making a complaint in the future. Those with cause for complaining are frequently among the most vulnerable in an institution. Once they complain, they are labeled "trouble-makers." Retaliation, and the fear of retaliation, becomes a potent weapon used to maintain the power structure within the institution.

Bias-Free Policing Policy (GEN 64)



**Metro**

## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

4. Metro will generate and maintain a public facing bias complaint dashboard to ensure transparency with the community regarding any allegations of the use of age, disability, ethnicity, gender, nationality, race, religion or sexual orientation as a basis for action by Metro security services..
5. Community members who are victims of unconscious bias, discrimination, or racial profiling by Metro staff, contractors, or contracted law enforcement services have several options to file a formal complaint.
  - a. Complete the online Civil Rights Complaint form found at [https://media.metro.net/about\\_us/title\\_vi/images/civil\\_rights\\_complaint\\_form.pdf](https://media.metro.net/about_us/title_vi/images/civil_rights_complaint_form.pdf)
  - b. Submit a complaint via the Transit Watch Application
  - c. Contact Customer Relations via email at [CustomerRelations@metro.net](mailto:CustomerRelations@metro.net) or call 213-922-6235 or 1-800-464-2111.

A failure to comply with this policy is counterproductive to building trust and respect with Metro customers and employees and is an act of serious misconduct and will result in discipline or termination. Any employee who becomes aware of biased policing or any other violation shall report it in accordance with established Metro procedures. Contract public safety employees shall report violations of this policy in accordance with the host agency and Metro procedures.

### **3.3 Training**

Metro requires annual implicit bias training for all employees. In addition, the following represents mandatory training for all Metro staff and contractors providing security resources on the system.

1. Bystander Intervention (De-Escalation Training)
2. Implicit (Unconscious) Bias for Transit Security
3. Safety/Security Training (Includes a primer on Unconscious Bias training)

In addition to required training, safety, and security personnel will also receive training on good practices of de-escalation and culture awareness. Metro will work with local Community-Based Organizations to develop and deliver training on mental health and other social services. Whenever possible, Metro will integrate community members from a variety of backgrounds into trainings to ensure the training includes the perspective of those whom Metro serves. Metro



## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

will also coordinate with the Public Safety Advisory Committee (PSAC) to identify and vet training curriculum opportunities.

### **3.4 Monitoring Performance and Key Performance Indicators (KPI)**

1. The Deputy Chief of Civil Rights will conduct an annual review of police and security reports.
2. On a quarterly basis, the Chief Safety Officer or designee will review the Transit Watch App, Customer Comment Analysis Tracking System (CCATS), and Customer Experience (CX) surveys to develop a report assessing feedback related to Metro anti-bias/anti-discrimination policies.
3. Through the annual or bi-annual safety and security survey of Metro patrons/riders, SSLE will assess and report on the following:
  - Percent Favorable Impression of Transit Policing Services
  - Service Rating - Service Quality
  - Service Rating – Fairness
  - Service Rating – Helpfulness
  - Increased rider satisfaction regarding racial profiling/bias
4. Metro will develop benchmarks for Key Performance Indicators, which will be tracked on a public-facing dashboard include:
  - Agency-wide annual compliance of all mandatory anti-bias related training.
  - Reports of complaints against law enforcement and security resources (expectation of year over year reduction).
  - Use of force incidents (expectation of year over year reduction).
  - Tracking the increased deployment of law enforcement/security alternatives (expectation of year over year increase).
  - Number of citations levied against marginalized communities (expectation of year over year reduction).

### **4.0 FLOWCHART**

Not Applicable

### **5.0 REFERENCES**

- Title VII of the 1964 Civil Rights Act
- CIV 5- LACMTA Civil Rights Policy
- CIV 4- Internal Complaint Process



Los Angeles County  
Metropolitan Transportation Authority

**Metro**

## **GENERAL MANAGEMENT Bias-Free Policing Policy**

(GEN 64)

- CIV 13- Title VI Equity Policies
- GEN 42- Customer Complaints
- IT 12- Security Incident Reporting and Response Policy
- GEN 63 Public Safety Analytics Policy

DRAFT



**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

### **POLICY STATEMENT**

Metro is committed to providing safe and equitable transit services to all patrons. Discriminatory conduct on the basis of an individual's actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance, is prohibited while performing any Metro activity. Metro has a zero-tolerance policy for any form of confirmed bias or discrimination and ensures all safety and security activity is conducted without discrimination, racial profiling, and bias. In deploying resources, Metro takes into consideration information and data from a variety of platforms and sources, to include public feedback. Metro has drafted the Public Safety Analytics policy to ensure that any use of internal and internal data sources is done in a manner that averts racial profiling and discrimination and holds personnel accountable for actions inconsistent with Metro policies.

### **PURPOSE**

Metro is committed to protecting the constitutional and civil rights of all people as outlined in Title VII of the 1964 Civil Rights Act and the Americans with Disability Act (ADA). The purpose of this policy is to emphasize the agency's commitment to the collection and use of fair and bias-free public safety analytics and data and the fair and bias-free treatment of all people. This policy reaffirms Metro's pledge to bias-free practices as declared in its *Bias-Free Policing Policy*. Metro will ensure the use of all data will be done in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services.

### **APPLICATION**

This policy applies to all Metro employees and contractors. Contracted law enforcement entities will be advised of the existence of this policy and required to adhere to it.

\_\_\_\_\_  
APPROVED: County Counsel or N/A

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
ADOPTED: CEO

Effective Date: \_\_\_\_\_



**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

### **1.0 GENERAL**

All individuals having contact with agency personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with the law, and without discrimination. Consistent with its commitment to bias-free policing, Metro pledges to utilize any data or information gathered in a manner that averts racial profiling.

In deploying resources, Metro considers information provided from a variety of platforms. These include, but are not limited to, bus and rail incident reports, the Customer Comment Analysis Tracking System (CCATS), CCTV, customer and employee surveys, dispatch calls for service, law enforcement crime statistics, intrusion alarms, social media, and the Transit Watch App. Examining data from these various platforms enables Metro to deploy its array of resources strategically. Examples of Metro resources include Transit Security Officers, non-law enforcement alternatives such as homeless outreach specialists, and Metro Transit Ambassadors.

### **2.0 DEFINITION OF TERMS**

**Title VII** - Title VII of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.

**Americans with Disability Act (ADA)** - Federal law that prohibits discrimination on the basis of disability. To be protected by the ADA, you must have a disability or relationship with an individual with a disability.

**Fair and Bias-Free Treatment** - Conduct of agency personnel and contractors wherein all people are treated in the same manner under the same or similar circumstances irrespective of specific characteristics.

**Discrimination** - Any adverse act or failure to act based on race, color, national origin, religion, sex, age, disability, ancestry, medical condition, marital status, sexual orientation, gender identity, gender expression, or any other basis protected under applicable federal or state law.

**Racial/Ethnic Profiling** - Suspecting someone of having committed an offense based on the individual's race, ethnicity, or national origin rather than relevant information specific to the individual or conduct in question.



**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

Protected Classes - Race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation<sup>1</sup>.

### **3.0 IMPLEMENTATION**

#### **3.1 Use of Analytics**

Analytics can assist in the proper deployment of emergency services, safety and security technology, and resources that improve the customer experience for all customers. Metro's use of analytics is intended to provide awareness of risks and issues that could potentially adversely impact Metro's bus and rail services and the viability, availability, and equitable deployment of Metro public safety and security resources. Analytics will be leveraged in a manner consistent with Metro's policies which promote the fair and impartial treatment of patrons, consistent with constitutional and statutory mandates.

#### **3.2 Data Sources**

Metro leverages information from a variety of sources and data sets to include:

- Calls for Service reports
- Vehicle maintenance requests
- Transit Watch App Incident reports
- Law Enforcement Service Requests (LESR)
- Incident reports
- Customer Comment Analysis Tracking System (CCATS)
- Customer Experience surveys
- Intrusion alarms at Metro facilities
- Trend reports from homeless outreach teams
- Justice Equity Need Index
- Justice Equity Services Index
- Everbridge alerts
- Feedback from frontline employees, e.g., bus operators and custodians

Metro will cite the instances and circumstances for the use of any external data sets outside of Metro holdings.

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<sup>1</sup> This list is not exhaustive but is intended to identify the factors that are most likely to produce differential decisions on the part of law enforcement. The definition of protected classes is consistent with the following laws; Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973.



**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

### **3.3 Use of Demographic Data**

Metro will only leverage demographic data in a limited capacity to provide information necessary to provide information to the public and law enforcement on persons who present a direct threat to public safety (active shooter, terror suspect, robbery suspect). At no point will the use of demographic data be leveraged to inform or support the deployment of Metro's public safety resources. All data sources which utilize demographic data will be audited every 90 days by Metro's Chief Civil Rights Officer or designee to ensure compliance with Metro policies on discrimination and bias.

### **3.4 Use of External Reports**

Metro's analytics program's use of external reports will be limited in scope and nature. Examples of such external reports include:

- U.S. Annual Crime Trends Report
- Incident reports from transit systems across the United States
- Incident reports from corporate partners
- Public BOLOs from law enforcement partners articulating safety and security threats to patrons and operators
- Information Awareness Bulletins from the Federal Bureau of Investigations (FBI) and the Department of Homeland Security (DHS)
- Joint Special Event Threat Assessments from FBI, DHS, and other state and local partners
- Reports generated by the Joint Regional Intelligence Center (JRIC)

All external reports will be documented and SSLE will ensure compliance with Metro policy.

### **3.5 Analytics Tools**

Programs and tools used to support Metro in data analytics will include the following:

- ArcGIS
- Microsoft Power BI
- Microsoft Excel

An analytics tool policy will be drafted to ensure the usage of each program is consistent with this policy.

### **3.6 Report Types**





**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

Metro will leverage the aforementioned data to generate the following reports to provide awareness of safety and security issues across the system<sup>2</sup>: Metro will ensure all products are accessible to the public.

- Emerging trends reports
- Analysis of security incidents impacting rail and bus lines
- Analysis of issues impacting employee and rider safety
- Be On the Look Out (BOLO) reports on persons posing safety risks to operators and riders
- Vandalism trend reports

### **3.7 Data Gathering, Quality, and Context**

Data serves as the foundation for all analytics products and its quality determines how much a decision maker and stakeholders can trust the findings and implications. Data quality is a measure of the condition of data based on factors such as accuracy, completeness, consistency, reliability, and whether it is up to date. All data utilized by the program will be assessed for data quality. Metro will operate from a zero-trust model in which all data will be verified for quality prior to incorporation into analysis, reports, and findings.

Equally as important as the gathering method and quality of data context. Data context is important as it limits assumptions and biases which could adversely impact the quality of the data. All data utilized within reports and products will be caveated with the following information:

- Data source
- Time range
- Data scope

## **4.0 RESPONSIBILITIES**

### **4.1 Compliance**

The Chief Executive Officer will ensure all agency personnel responsible for data collection, analysis, and deployment of Metro resources are familiar with the content of this policy and adhere to it.

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<sup>2</sup> This is not an exhaustive list but represents examples of Metro products.  
Public Safety Analytics Policy (GEN 63)



**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

Reports relating to violations of this policy shall be provided to the Chief Executive Officer or their designee in a manner most suitable for administrative review, problem assessment, and development of appropriate supervisor-level and/or executive-level corrective actions.

### **4.2 Training**

Metro requires annual implicit bias training for all employees. In addition to required training, Metro will coordinate with the PSAC and Community-Based organizations to identify and vet training curriculum opportunities on topics such as cultural awareness. Additionally, for data analytic practitioners, training will be provided to address state and federal legislation on data privacy, data, and standards.

### **4.3 Monitoring Performance and Key Performance Indicators (KPI)**

- SSLE will conduct quarterly reviews of security and analytic reports to confirm compliance with this policy. This includes reports that feature demographics, personal identifying information, or law enforcement or Metro-derived BOLOs.
- SSLE will ensure all agency personnel involved in public safety analytics maintain 100% annual compliance in attending and completing all related bias and discrimination training.
- SSLE will address all complaints and will conduct a quarterly review of customer comments and complaints to ensure compliance with this policy.
- SSLE will continually evaluate Key Performance Indicators (KPI) to effectively measure success and assess the impacts of the analytics program.
- KPI results will be published in a public facing dashboard.

### **5.0 FLOWCHART**

Not Applicable

### **6.0 REFERENCES**

- Title VII of the 1964 Civil Rights Act
- CIV 5- LACMTA Civil Rights Policy
- CIV 4- Internal Complaint Process
- CIV 13- Title VI Equity Policies
- GEN 42- Customer Complaints

Public Safety Analytics Policy (GEN 63)



Los Angeles County  
Metropolitan Transportation Authority

**Metro**

## **GENERAL MANAGEMENT Public Safety Analytics Policy**

(GEN 63)

- IT 12- Security Incident Reporting and Response Policy
- GEN 64 Bias-Free Policing Policy

DRAFT



# Metro

## Board Report

Los Angeles County  
Metropolitan Transportation  
Authority  
One Gateway Plaza  
3rd Floor Board Room  
Los Angeles, CA

**File #:** 2022-0286, **File Type:** Motion / Motion Response

**Agenda Number:** 45.

### REGULAR BOARD MEETING APRIL 28, 2022

#### Motion by:

**DIRECTORS MITCHELL, DUPONT-WALKER, HAHN, AND BONIN,**

Use of Public Safety Data Motion

Last fall, the Metro Chief Executive Officer initiated a review of Code of Conduct citation data. The review revealed that more than half of citations for “taking up more than one seat” and “riding with excess baggage” were issued to Black riders year-over-year from 2018-2020. Further, while making up 16% of riders (Fall 2019 Metro Customer Survey), Black riders received 53% of fare evasion citations administered in 2020. These statistics reveal that Code of Conduct provisions result in outcomes that are not equitable across the boundaries of protected classes and have disparate impacts primarily on unhoused African-American males.

As such, the CEO requested a comprehensive evaluation of the Code of Conduct as a substantive step towards an equitable and inclusive transit system. Code of Conduct enforcement was formally removed from Metro’s law enforcement partners’ Scope of Work in January 2022, and is now handled by Metro’s Transit Security Officers.

In tandem, over the last two years, the Metro Board passed multiple motions calling for a change in the agency’s public safety framework, amongst them an audit of use of force policies and the creation of a Public Safety Advisory Committee (PSAC).

CEO Wiggins has led this transformative change with less than a year at the helm and created a culture of transparency in decision making. Over the last year, Metro has directed an additional \$3.6 million in the homeless shelter pilot, a doubling of funding for homeless outreach services, and at least \$40 million to stand-up a transit ambassador program and other programs.

The Metro Board and leadership’s commitment to racial justice means using racial justice-centered language and establishing racial justice-centered policies that acknowledge the harm of policing practices on Black and Brown riders. Earlier this year, Metro discussed its plans to use data to inform its new public safety framework. PSAC expressed concerns that the data analytics-led framework could be a step backwards, due to the characterization of the need to stop bad actors before they commit crimes. Racial justice advocacy organizations issued a letter to members of the Metro Board and leadership that argued using racially biased data, including citation data, to inform resource deployment will only cause more racially biased outcomes.

While the most recent transit safety and security report (April 2022) acknowledges community fears of predictive policing, and while Metro has committed to not using racial data to determine deployments, Metro and its Board must ensure unconscious bias does not influence public safety data analytics as it has in the past.

**SUBJECT: USE OF PUBLIC SAFETY DATA MOTION**

**RECOMMENDATION**

APPROVE Motion by Directors Mitchell, Dupont-Walker, Hahn, and Bonin that will:

- A. Reaffirm and declare that racism is a threat to public health and safety and that racism against Black people has reached crisis proportions that result in large disparities in life outcomes beyond the Metro system.

WE, FURTHER MOVE, that the Board direct the Chief Executive Officer to:

- B. Draft a policy for applying public safety analytics, including a data summary, to inform resource deployment that averts racial profiling for board consideration. The draft policy shall have robust community outreach and input from appropriate stakeholders such as racial justice advocacy organizations and the Public Safety Advisory Committee.
- C. Develop a Bias-Free Policing Policy which shall include:
1. definitions for Bias-Free Policing and racial and identity profiling;
  2. key performance indicators to measure the effectiveness of the Bias-Free Policing Policy (including disparities in citations, uses of force, searches, arrests, and stops);
  3. clarification on circumstances in which characteristics of individuals may be considered;
  4. a system to encourage prompt completion of bias and inclusivity trainings with appropriate consequences for contractors and employees who fail to complete the trainings on schedule;
  5. a system for processing complaints regarding biased policing; and
  6. a plan to publicly host and analyze demographic data on a quarterly basis to track changes in arrest data over time for all contracted law enforcement partners.
- D. Report back to the Board on the above by August 2022.

# Public Safety Analytics & Bias-Free Policing Policies Recommendations

## About these Recommendations

The Public Safety Advisory Committee (PSAC) developed recommendations on Metro's Public Safety Analytics (PSA) and Bias-Free Policing (BFP) policies. These recommendations respond to [Metro Board Motion #2022-0286](#). This motion directed Metro staff to develop the PSA and BFP policies to “ensure unconscious bias does not influence public safety data analytics as it has in the past” and “reaffirm and declare that racism is a threat to public health and safety that results in large disparities in life outcomes beyond the Metro system for Black people.” Metro staff and PSAC members worked together to identify datasets, outcomes for key performance indicators, and outreach methods to inform the drafting of this policy.

## Context

PSAC has previously made recommendations related to the use of data for the deployment of public safety resources. Those can be found [here](#). These recommendations articulate several key points that are pertinent to PSAC's position on the development of the PSA and BFP policies and provide a framework for the recommendations in following sections.

- 1) “Metro should not develop, adopt, or implement any system of predictive policing, or **use crime data and analytics to determine where to deploy law enforcement personnel.**”
- 2) “Metro should prioritize the timely adoption of the **robust ecosystem of non-law enforcement alternatives** to community safety developed by PSAC.”
- 3) “Metro should also use existing **equity-driven platforms** created by community-based organizations—and not police departments or law enforcement associations of any kind—to determine where to allocate non-law enforcement services that truly enhance community safety.”

These three points - the exclusion of crime data usage to deploy law enforcement personnel, the prioritization of the deployment of non-law enforcement public safety alternatives, and the use of existing equity-driven data indexes to determine resource need - are central to the following recommendations.

## Datasets

PSAC has reviewed [Metro's proposed data points](#) and recommends the following added datasets and data points as potential layers for the Public Safety Analytics policy.

*Note: PSAC has expressly recommended against the use of crime statistics to deploy law enforcement resources. This data, when used to deploy police, will continue to exacerbate the currently disproportionate distribution of citations to Black and Hispanic riders on the Metro system.*

### 1. External Platforms

- a. [Justice Equity Need Index](#)
- b. [Justice Equity Services Index](#)

### 2. Supporting Unhoused Riders

- a. Data from Metro's homeless outreach teams
- b. Crime incident reports that involve an unhoused individual

### 3. Operations & Maintenance Data

- a. Vehicle maintenance requests
- b. Facility maintenance requests (track repairs, elevator/escalator repairs, lighting repairs)
  - i. *Real-time requests from transit riders, vehicle operators, and Metro frontline staff should be prioritized if used in an index.*
- c. Station/stop lighting conditions
- d. Station/stop cleanliness conditions
  - i. *Real-time requests from transit riders, vehicle operators, and Metro frontline staff should be prioritized if used in an index.*

### 4. Internal Security Data

- a. Vehicle operator calls for assistance
- b. Triggered intrusion alarms at Metro facilities
- c. Closed Circuit Television (CCTV) feeds

## Outcomes for Key Performance Indicators

PSAC has articulated the following outcomes to support key performance indicators for the policy. Metro should use these proposed outcomes to measure the success of the program.

### 1. Law Enforcement Responses and Performance

- a. Reduced calls for law enforcement
- b. Reduced overall citations and arrests
- c. Reduced use of force incidents
- d. Increased number of de-escalated incidents
- e. Reduced number of complaints against law enforcement
- f. Reduced reports of law enforcement misconduct
- g. Reduced citations to Black Metro riders (*reduction should be based on overall percentage share of citations by racial group, not just cumulative citations*)
- h. Reduced citations to Hispanic Metro riders (*reduction should be based on overall percentage share of citations by racial group, not just cumulative citations*)

2. **Non-Law Enforcement Responses and Connections**
  - a. Increased deployment for mental health outreach team
  - b. Increased deployment of homeless outreach team
3. **Rider Satisfaction**
  - a. Increased rider satisfaction regarding racial profiling/bias

## **Outreach**

The committee identified the following groups and methods for outreach on the PSA and BFP policies. The *Key Constituencies* section outlines the target populations Metro should engage and identifies specific groups or organizations who can provide input. The *Outreach Methods* identifies the ways that Metro can most effectively reach the communities who will be most affected by these policies.

## **KEY CONSTITUENCIES**

1. **Youth & Seniors**
  - a. Youth Justice Coalition
  - b. Students who ride Metro, especially junior high and high school-age students
  - c. Senior centers and organizations who represent the needs of seniors
2. **Transportation Justice Organizations**
  - a. Bus Riders Union
  - b. Alliance for Community Transit Los Angeles
  - c. People for Mobility Justice
3. **Civil Rights Organizations**
  - a. Members of the LGBTQ Community and associated advocacy organizations
    - i. Organizations include APAIT, Trans Latin@ Coalition, Program for Torture Victims, Bienestar, Connie Norman Empowerment Center, Gender Justice Los Angeles, Invisible Men, In the Meantime Men, APLA, AMAAD
  - b. People with disabilities - physical, intellectual, developmental - and associated advocacy organizations
  - c. Black Lives Matters LA chapter
  - d. American Civil Liberties Union of Southern California
  - e. Community Coalition
  - f. Organizations representing the needs of female identified or feminine of center people
  - g. Organizations representing the needs of the unhoused community
4. **Metro Frontline Staff**
  - a. Vehicle operators
  - b. Janitorial and maintenance staff
  - c. **Transit ambassadors**
5. **Civic Data Organizations**
  - a. Civic tech organizations
    - i. Organizations include Data + Donuts or Electronic Frontier Foundation



## **OUTREACH METHODS**

**Prioritize In-Person Engagement:** PSAC recommends in-person engagement as the most effective way to gather deeply personal information on public safety and meet Metro riders where they are. Engagement at major rail stations and bus stops will be particularly effective at ensuring Metro riders have the opportunity to provide feedback on these policies. Metro should also consider long-form engagement through individual interviews or focus groups. Additionally, there can be added benefits to incentivize participation in outreach. Providing compensation for participation in outreach activities is essential to value participant's time and bring in more participants. Offering amenities like food and childcare will help meet participant's basic human needs.

**Bridging the digital divide:** For many of the communities identified in the "Key Constituencies" section, there may be a lack of access to reliable and affordable internet. The committee recommends that Metro take steps to provide the necessary technology and internet access to these communities. As per the committee's *Advisory Recommendations for Metro's Community Engagement on Public Safety Topics*, this can be done by "*providing mobile hotspots in target areas, providing access to technologies like smartphones, laptops, or data plans, hosting technology skills training concurrent with other events, and hosting more in-person events within COVID protocols.*"

**Accessibility:** Any outreach efforts should be accessible in its language and event scheduling. Written, spoken, and recorded outreach materials should be in plain language and translated/interpreted into as many languages as possible. Engagement opportunities should provide a variety of access methods and adaptable scheduling. This can include offering different meeting access options simultaneously, for instance holding an in-person meeting that is also broadcasted on Zoom and a conference call line. Meeting times should also be offered after working hours or on weekends to offer participation opportunities outside of nine-to-five working hours.

PSAC also recommends that Metro utilizes its existing advisory committees to signal boost the outreach efforts for both the PSA and BFP policies.

## **Next Steps**

At the time of writing, PSAC members made their recommendations based on the information in Motion #2022-0286. The committee has requested further clarification from Metro staff on how these policies will be implemented in the future, what kinds of resources they will deploy, and what the desired outcomes are. PSAC requests to hold further discussions with Metro staff once a draft of the policy is approved internally.

PSAC members will review this draft document at the July 20th General Committee meeting.

# Use of Public Safety Data Motion Response

ROBERT GUMMER

DEPUTY EXECUTIVE OFFICER, ANALYTICS

# Public Safety Mission Statement and Values

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*“Metro safeguards the transit community by taking a holistic, equitable and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified and human experience.”*

- > Implementing a **human-centered approach**
- > Emphasizing **compassion** and a **culture of care**
- > Recognizing **diversity**
- > Acknowledging **context**
- > Committing to **openness** and **accountability**

*Board adopted 12/2/21*



# Reimagined Public Safety Direction

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## **Current Model**

- Prescriptive and Fixed
- Inconsistent Rule Compliance
- Reactive Response
- Obscure Data & Outcomes
- Enforcement-Focused through a singular tactical response (“one size fits all”)
- Siloed

## **New Model**

- Data-Driven and Flexible
- Equitable Rule Compliance
- Proactive Response
- Transparent Outcomes
- Strategic Enforcement through analytics-led safety & security using a layered approach
- Collaborative



# Motion 45 by Directors Mitchell, Dupont-Walker, Hahn, and Bonin Board Motion

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The Board directed Metro to:

- Reaffirm and declare that racism is a threat to public health and safety and that racism against Black people has reached crisis proportions that result in large disparities in life outcomes beyond the Metro system
- Draft a Bias-Free Policing and Public Safety Analytics policies that averts racial profiling and bias in deployment of Metro security and law enforcement services.

# Bias-Free Policing Policy

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## The Policy states that Metro will:

Provide fair and impartial police and security services consistent with constitutional and statutory mandates.

Prioritize the use of non-law enforcement response to calls for service when appropriate.

Assure the highest standard of integrity and ethics among all agency personnel.

Dignity and respect to the diversity and the cultural differences of all people.

Takes positive steps to identify, prevent, and eliminate any instances of biased policing and racial or gender profiling by agency personnel.

Ensure any data or information obtained, including regarding a person's race, ethnicity, sex, gender identity, sexual orientation, religion, language spoken, mental or physical disability, or socioeconomic level, is not utilized in a discriminatory manner.

Uphold the agency's commitment to protecting and serving people through community policing and problem solving, lawful and unbiased investigations and transit protection and safety, that promotes and strengthens public trust and confidence in Metro and enhances the legitimacy of its policing practices.

# Public Safety Analytics Policy

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## The Policy states that Metro will:

Ensure the use of all data will be done in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services.

Establish accountability for how internal and external data is utilized by Metro in support of security operations.

Establish a system for compliance checks to ensure the use of data is consistent with Metro's policies

Ensure demographic data is used only in limited use cases where the use of such data is deemed vital to help achieve public safety objectives.

Establish transparency and accountability through the creation of a public facing dashboard.

# Public Outreach

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To ensure the policies appropriately addressed concerns regarding policing across the system, perceived biases of security and law enforcement resources, and the use of public safety analytics, Metro actively conducted community outreach efforts and collaborative feedback sessions.

- PSAC – 1<sup>st</sup> and 2<sup>nd</sup> cohort
- Academia – Peer reviewed by UCLA's Center for Policing Equity
- Internal departments
- External organizations involved in racial justice and policing invited to comment

A scan across the US of transit agencies revealed that Metro policies are the first of their kind in the transit industry.



# Next Steps

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- SSLE will implement both policies and ensure all personnel are trained on the guidelines and KPIs.
- Establish a public facing dashboard by June 30, 2023, to:
  - Cover the development and use of analytic products in support of Metro services.
  - Cover any allegation involving Metro security services' response that uses age, disability, ethnicity, gender, nationality, race, religion, or sexual orientation as a basis for the action.

# Thank You

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## Board Report

File #: 2022-0291, File Type: Informational Report

Agenda Number: 34.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE

MARCH 16, 2023

**SUBJECT: METRO'S CUSTOMER CODE OF CONDUCT**

**ACTION: APPROVE RECOMMENDATION**

#### RECOMMENDATION

APPROVE the revised Metro Customer Code of Conduct (Attachment A) effective June 1, 2023.

#### ISSUE

As part of Metro's ongoing commitment to a safer and more equitable transit system, staff led an effort, in consultation with the Public Safety Advisory Committee (PSAC) and other stakeholders, to reassess Metro's Code of Conduct (Code) and ensure that the document is consistent with the new Board adopted Public Safety Mission and Values Statements. The proposed update to the Code is centered on uplifting the feedback of Metro's riders and employees and balancing the expectation that all riders should contribute to ensuring a safe and enjoyable ride experience for all.

#### BACKGROUND

The Metro Code of Conduct sets the foundation for delivering public safety services for our riders. Through work with PSAC, surveys of employees and riders, and disaggregated data analysis, Metro has recognized diverging experiences and perspectives on the application and enforcement of the Code, specifically for Black and Latino riders. The proposed updates to the Code are aligned with Metro's Reimagined Public Safety Framework and intend to promote a shared stewardship of the system and clear expectations of riders, while also achieving a more humane and equity-driven approach to enforcement efforts.

A preliminary analysis indicates that between 2018 and 2020, 95%-97% of citations and warnings were for fare evasion and the balance of 3%-5% were for non-fare evasion related issues. The majority of citations and warnings were given to people of color; specifically, 50% were given to African Americans and approximately 25% to Latinos, reflecting disproportionate rates of enforcement given that African Americans represented 16% of ridership and Latinos represented 59% of ridership in 2019. A similar breakdown is reflected in 2021, during which time 53% of citations and warnings were issued to African Americans and 26% to Latinos. In December 2021, the Metro Office of Civil Rights launched a Mystery Rider Fare Observation Program to provide an independent review of the fare compliance process. Despite a slightly different breakdown, this program found that a majority of citations and warnings were still issued to African Americans (36%) and Latinos (36%) in

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2022. In April 2022, the Board unanimously reaffirmed and declared that racism is a threat to public health and safety and that racism against Black people has reached crisis proportions that result in large disparities in life outcomes beyond the Metro system.

In November 2021, Metro presented report 2021-0680 to approve recommendations to amend the Code. Directors Solis and Dupont-Walker included an amendment that directed the Chief Executive Officer to review the current Code, including but not limited to any potential implicit biases.

In February 2022, Metro presented a status report on the Reimagining Public Safety Framework (2022-0054) that included a peer review of the Code. The peer review included an evaluation of Codes of Conduct across other transit agencies for their content, distribution methods, accessibility, and reach in both physical and digital spaces. The proposed changes to the Code seek to incorporate stakeholder feedback to make it more values-oriented, concise, equitable, and clear on the conduct that is appropriate and will meet the transit experience our customers expect on the Metro system.

The proposed updates to the Code are intended to support Metro's goal of creating a more welcoming and just environment for all riders. The revised Code of Conduct replaces the preamble through section 6-05-230 of the Los Angeles County Metropolitan Transportation Authority (Metro) Code of Conduct with Section 06-05-240 through the end of the Metro Administrative Code remains unchanged (Attachment B).

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**DISCUSSION**

Metro is committed to providing exceptional customer service and upholding the highest standards of safety and well-being for our customers and employees. Metro provides a vital service to over 10 million Angelenos. To provide a service that is safe, clean, reliable, and customer-focused, Metro must accept responsibility for protecting our riders and employees from risks posed by inappropriate conduct of other riders. Public transit requires sharing of space, so the Code provides a set of rules and principles that guides the behavior and actions of riders when using the Metro system.

The Code is an important tool to protect the health and safety of riders, protect transit equipment and facilities used to provide transit service to all of LA County and promote a civil desirable transit experience. The update to the Code reflects the core components of the Public Safety Values Statements which have been adopted by the Metro Board, including:

- Implementing a Human-Centered Approach
- Emphasizing Compassion and a Culture of Care
- Recognizing Diversity
- Acknowledging Context; and
- Committing to Openness and Accountability

**Process**

Staff convened an internal working group consisting of Metro's contracted law enforcement partners and the Offices of Equity and Race and Homeless Outreach and Engagement to assess the existing Code (Attachment B). In addition, staff consulted with PSAC to receive feedback on the proposed

changes (Attachment C). Furthermore, staff evaluated the Codes of Conduct of 22 other transit agencies. (Attachment D).

The proposed changes to the Code are:

1. Equitable: the Code was reviewed to remove language that could be construed as targeting specific communities.
2. Customer Friendly: language was updated to be clear and concise, setting clear rider expectations. The Code now focuses on those critical areas that support or interfere with user experience and safety. The revised language has substantially reduced the Code to a simple, concise description of expected conduct.
3. Applicable: Items were deleted from the Code that are fully covered under the penal code. This aligns with Code compliance responsibility with the Transit Security Officers. *Note:* At its December 2021 meeting, the Board approved removing Code compliance responsibility from the contracted law enforcement scope of work. Compliance of the penal code remains the responsibility of law enforcement.

### Summary of Code Changes

The update streamlines the proposed new Code) to focus on the following 24 areas.

• Smoking	• Present after hours/trespassing
• Alcohol	• Use for non-transit purposes
• Eating & drinking	• Interfere in operation of vehicle
• Disruptive behavior, loud, profanity, sound devices, harassment	• Threaten, harm passenger or employee
• Animal	• Yield to Sr and wheelchairs
• Weapons	• Depart when trip complete, end of line
• Dangerous substances	• Bikes, skates, skateboards
• Littering	• Commercial solicitation
• Vandalism	• Harassment
• Soliciting	• Must wear shoes, tops, and bottoms
• Spitting, urinating, defecation, exposing or lewd conduct	• Compliance with Parking Administrative Code
• Illicit substances	
• Fare payment	

Changes were made to focus on facilitating friendly and respectful service, allowing riders to enjoy a clean and safe environment and to use Metro services without interference.

The language was also updated to be clearer and more concise, and rephrases requirements where possible in positive language. Moreover, the updated Code does not include matters that are better addressed by the penal code and removes language that could be construed as targeting specific communities. Attachment E provides a redlined version of the updates.

### Communications Plan

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To ensure riders are aware of these changes, and furthermore, to emphasize the importance of compliance with the Code, a marketing toolkit will be utilized. This may include renaming the Code of Conduct to a name that better resonates with the intended outcomes, such as *Metro Customer Ride Guide*.

Metro will revamp signage across the system to highlight key themes of the Code with clear and visible graphics, as well as hold community information sessions to introduce the updated Code and address any questions on the objectives of the update and its intended outcomes.

In addition to educating riders, training sessions and materials will be offered to all public safety personnel, including Metro Transit Security, contract security and law enforcement, Transit Ambassadors, and other key front-line personnel such as bus operators. Trainings will cover changes to the Code, as well as the bias-free enforcement and reporting protocols.

### **DETERMINATION OF SAFETY IMPACT**

The recommendation seeks to update the Code in a manner that aligns with Metro's Reimagined Public Safety Framework and promotes and facilitates a safer and more just experience for all on the Metro system.

### **FINANCIAL IMPACT**

There is no financial impact related to this report.

### **EQUITY PLATFORM**

Through surveys of employees and riders, and disaggregated data analysis, Metro has recognized diverging experiences and perspectives on the application and enforcement of the Code, especially for Black and Latino riders. The updated Code includes changes that seek to prevent problematic behavior and simplify the language.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Strategic Plan Goal 2 - Deliver outstanding trip experience for all users of the transportation system and Initiative 2.1 - Metro is Committed to Improving Security.

### **ALTERNATIVES CONSIDERED**

The Board could decide not to approve the staff's recommendation, but the status quo will remain in place, creating a misalignment between the agency's Code and Metro's Reimagined Public Safety Framework and related ongoing initiatives to reimagine public safety and improve the customer experience.

### **NEXT STEPS**

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Upon Board approval of the proposed recommendations, staff will work with the Office of Inspector General to update the Code of Conduct and the schedule of administrative penalties to accurately reflect the changes to the Code. The new Code, if approved by the board, will go into effect on June 1, 2023.

Metro staff will also notify and train its ambassadors, security, and public safety partners in order to enforce the updated Code, develop a robust community outreach plan to inform riders of the changes, including creating and posting rider-friendly and visible signage, and posting the updated Code in an accessible location on the Metro website.

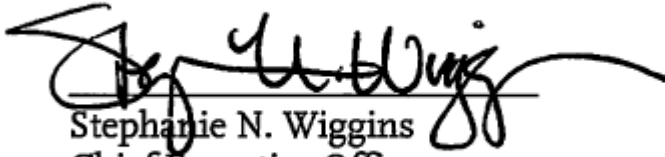
Metro staff will also develop a plan to monitor and track outcomes and violations issued to verify that the updated Code is supporting Metro's goal to provide a safe, enjoyable, and just experience for all users.

### **ATTACHMENTS**

Attachment A - Proposed New Code of Conduct  
Attachment B - Existing Code of Conduct  
Attachment C - PSAC Code of Conduct Recommendations  
Attachment D - Code of Conduct Transit Agencies Matrix  
Attachment E - Redlined Code of Conduct  
Attachment F - Code Comparison Table

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Stephanie N. Wiggins  
Chief Executive Officer

# METRO CUSTOMER CODE OF CONDUCT





## Customer code of conduct

### title 6

Chapter 6-05

Customer Code of Conduct

Adopted by Metro

July 22, 2010

Amended 06/1/2023

## Preamble

The Los Angeles County Metropolitan Transportation Authority (“Metro”) provides important essential services to the traveling public in Los Angeles County. Safety is the guiding principle by which Metro operates. Metro serves our customers and the community most effectively when everyone follows our Code of Conduct to ensure a respectful, safe, and courteous transit experience.

## 6-05-010 Values

Metro aims to ensure a high quality, safe, comfortable ride to everyone we serve. All riders can expect to:

- Receive friendly and respectful service
- Enjoy a clean and safe environment
- Use Metro services without interference or harassment

Metro asks that riders conduct themselves in a way that shows respect for fellow riders, Metro employees, facilities, and vehicles. Everyone benefits by riding right. Riders enjoy a safe, secure, comfortable and inviting atmosphere, and the overall efficiency of the transportation system improves. Metro’s Code of Conduct can be summarized in the following guidelines:

- A. Pay the right fare.
- B. Respect other riders.
- C. Yield priority seating and locations designated for use by persons with disabilities and senior citizens. Please surrender your seat to these customers when they board.
- D. Passengers are welcome to bring items on-board providing they are not dangerous, can be kept out of the aisle and remain under the passenger’s control in the event of an unscheduled stop.
- E. Do not harm, threaten or harass the driver or fellow passengers.
- F. Sexual harassment of riders and employees is prohibited.
- G. Do not create safety problems.
- H. No eating or drinking.
- I. Respect Metro property – no vandalism.
- J. Use Metro services for transportation purposes only.
- K. No smoking, illegal drugs, or illicit substances.
- L. No bike riding, roller blading, or skate boarding.
- M. No littering, spitting, or creating unsanitary conditions.
- N. No disruptive behavior, loud or unreasonable noises, sound devices or profanity.
- O. No fighting, swearing, or abusive language.
- P. No soliciting or unauthorized commercial activity.
- Q. No lewd behavior.
- R. No weapons or dangerous substances (flammables, toxins)
- S. Must wear shoes, tops and bottoms.
- T. Must comply with Parking Administrative Code.
- U. Must wear shoes, tops and bottoms.

This Ordinance are enacted pursuant to the authority granted to Metro by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580, *et seq.* Compliance with this Ordinance is a condition of use, by any individual, of a Metro vehicle, facility or property.

## 6-05-020 Definitions

The following terms, whenever used in this chapter, shall be construed as defined in this section:

- A. "Abuse" and "harassment" mean physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, and cursing and sexual harassment including unwanted touching, comments, or gestures, of a sexual nature or because of their gender, sexual orientation, or gender expression or gender identity.
- B. "Commercial activity" means any for-profit activity, including selling goods, food, services, or distributing commercial materials.
- C. "Fare" means the monetary charges established by Metro for the use of its facilities and vehicles.
- D. "Loitering" means unnecessary lingering in Metro facilities or vehicles or other location where it interferes with a Metro facility or vehicles or use thereof with the intent to commit a crime.
- E. "Metro" means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.
- F. "Metro representative" means a Metro security officer, operator, fare inspector, or other authorized Metro employee, board or sector council member, or contractor.
- G. "Metro facility" means all property and equipment, including rights of way and related trackage, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, signs, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, and other real estate or personal property owned or leased by Metro, used for any Metro activity, or authorized to be located on Metro property.
- H. "Metro vehicle" means a Metro bus, train, car, or other vehicle owned, operated, or used by Metro or its contract service providers transporting Metro representatives or patrons.
- I. "Minor" means a person under the age of 18.
- J. "Rules" or "Code" or "Customer Code of Conduct" means Title 6 of Metro's Administrative Code as amended from time to time.
- K. "Sound device" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier, or other device that plays music or emits noise. Sound device does not include assistive hearing devices for persons who have impaired hearing.
- L. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials, and highly combustible materials.
- M. "Wheelchair" means, a mobility aid belonging to any class of three (3) or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.
- N. "Mobility aid device" means an assistive device other than a wheelchair used by and primarily intended to assist persons with disabilities with locomotion.

## 6-05-030 Animals

- A. Animals are permitted on Metro if they meet one of the following:

1. The animal is in a carrier; or
  2. The animal is a service animal, as defined by the Americans with Disabilities Act.
- B. Control of the animal is maintained.
- C. Animal carriers are secure and intended for that purpose.
- D. Handlers shall maintain control of their animals at all times. No animal is permitted in a Metro facility or vehicle that is not under the control of its handler or poses a threat to a Metro representative or patron.
- E. Handlers of animals shall promptly remove all animal waste from Metro facilities and vehicles. Leaving animal waste in a Metro facility or vehicle is prohibited.

#### **6-05-040 Wheeled Riding Devices**

- A. Wheeled riding devices including bicycles, skates, skateboards, kick scooters, and other wheeled riding devices except wheelchairs and mobility aid devices, may not be ridden in Metro facilities or vehicles.
- B. A person who enters a Metro facility or vehicle with a bicycle must
1. Use available bicycle racks/areas.
  2. Not block aisles, doorways, or operators' exit.
  3. Follow bicycle rider rules.
  4. Wheeled riding devices over six (6) feet long are prohibited.

#### **6-05-050 Safe Movement of People and Transit Operations**

- A. Passengers and persons must allow:
1. Free and safe movement of other persons, transit vehicles and transit vehicle operations
  2. Access to aisles, stairways, elevators, and escalators
- B. Activities that disrupt transit operations or the free movement of people are prohibited.

#### **6-05-060 Seating**

- A. Passengers shall yield priority, reserved designated seating to older adults and individuals with disabilities.

#### **6-05-070 Carts, Strollers and Luggage**

- A. Carts or strollers must not block aisles or doors and must be held or controlled at all times.
- B. Carts occupied strollers and wheelchairs must use elevators, unless no elevator is available. Wheelchairs must always use elevators and call for assistance if an elevator is unavailable.

#### **6-05-080 Respect and Cooperation**

- A. Metro representatives and patrons must be treated with respect, and not harassed verbally, physically, or sexually in Metro facilities and vehicles
- B. Persons must comply with all lawful orders and directives given by an authorized Metro representative.
- C. Persons must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle.
- D. Metro may refuse service, or access to Metro facilities or vehicles, including eject or exclude, to any person who does not comply with the code or applicable laws.

#### **6-05-090 Commercial Activity**

- A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit or permission.

## **6-05-100 Creating a Safe Environment**

- A. The following are not permitted on or in Metro facilities or vehicles.
1. Spitting.
  2. Hazardous or flammable materials.
  3. Gambling.
  4. Throwing objects from or at a Metro vehicle, staff or patron.
  5. Littering or dumping.
  6. Urinating or defecating outside of the lavatory.
  7. Smoking, vaping or use of alcohol is not allowed in Metro vehicles or facilities.
  8. Food or drink in closed containers only.
  9. Disturbing others by engaging in unruly, loud or activities that disturbs others is prohibited.
  10. Sound devices must be used with headphones or earphones.
  11. Attaching to, hanging from, or riding on any part of the outside of a Metro vehicle is prohibited.
  12. Signs, benches, shelters, trash container and planters are not for climbing or laying on or skateboarding.
  13. Weapons are prohibited on Metro or in Metro facilities.

## **6-05-110 Loitering**

- A. Metro facilities and vehicles are for transit related purposes. Loitering is not allowed.

## **6-05-120 Parking and use of Metro Facilities and Vehicles**

- A. Vehicles parked at Metro facilities must adhere to parking times and requirements.
- B. Only authorized persons are allowed in non-public Metro areas.

## **6-05-130 Fares**

- A. Proof of appropriate fare is required and must be shown upon request by Metro Representatives.

## **6-05-140 Solicitation**

- A. Soliciting is not allowed in Metro facilities or vehicles.

## **6-05-240 Enforcement**

- A. Violations

A person who violates the code is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages and penalties available by law. Enforcement of any provisions of the code involving the payment of any fees, penalties or other administrative amounts, or community service, based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures, herein and as set forth in the California Public Utilities code including section 99580 et seq. Parents or guardians shall also be responsible in addition to the minor for any fees, penalties, fines incurred or damages caused by their minor in connection with a citation.

- B. (1) A person who violates any provision of the code other than those described in Section A above and who receives a notice of violation may, within 21 days of the issuance of such notice of violation, request an initial review of the notice of violation by Metro. The request for review may be made by telephone, in writing or in person. There shall be no charge for this review. If following the initial review Metro is satisfied that the violation did not occur, or that extenuating circumstances exist, and that the dismissal of the notice of violation is appropriate in the interests of justice, Metro may cancel the notice of violation. Metro shall notify, in writing the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, reasons shall be provided for the denial. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review when personally delivered five days following the mailing of the decision by Metro.

(2) If the person subject to the notice of violation is not satisfied with the result of the initial review, the person may no later than 21 days following the mailing of the initial review decision request an administrative hearing of the violation. The request may be made by telephone, in person or by mail. The person requesting the administrative hearing shall deposit with Metro the amount due under the notice of violation for which the administrative review hearing is requested. A person may request administrative review without payment of the amount due upon providing Metro with satisfactory evidence of an inability to pay the amount due. An administrative hearing shall be held within 90 days of the receipt of request for an administrative hearing.

(3) The administrative hearing shall include all of the following:

- (a) The person requesting the hearing shall have the choice of a hearing in person or by mail. An in-person hearing shall be held within the jurisdiction of Metro, and shall be conducted according to such written procedures as may from time to time be approved by the Chief Executive Officer of Metro or the Chief Hearing Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.
- (b) The hearing shall be conducted before a hearing officer designated to conduct the review by Metro's Chief Executive Officer or Chief Hearing Officer. In addition to any other requirements of employment, the hearing officer shall demonstrate those qualifications, training and objectivity as are necessary and consistent with the duties and responsibilities of the position as determined by Metro's Chief Executive Officer or Chief Hearing Officer. The hearing officer's continued employment shall not be directly or indirectly linked to the amount of penalties imposed by the hearing officer.
- (c) The person who issued the notice of violation shall not be required to participate in an administrative hearing. Metro shall not be required to introduce any evidence other than the notice of violation. The notice of violation, in proper form shall be prima facie evidence of the violation.
- (d) Following a determination by a hearing officer that there is sufficient evidence that a person did commit the violation, the hearing officer may, pursuant to Metro Transit Court policies and procedures, order payment in installments, transit school and/or community service. Where it is determined that circumstances exist such that the dismissal of the notice of violation would best serve the interests of justice, the hearing officer may dismiss the notice of violation and shall provide written reasons in support of that decision. The hearing officer shall have the power and authority to make rulings in the interests of justice within the law and Metro policies concerning notices of

violation and the adjudication of hearings, including the granting of eligibility to attend Metro's Transit School for the purpose of reducing any penalty payment, perform community service in lieu of all or a portion of the payment of fines, or other remedy.

- (e) The hearing officer's decision following the administrative hearing may be delivered personally by the hearing officer or may be sent by first class mail.
- (f) Transit Court shall retain jurisdiction pending completion of any order by the Transit Court, but this shall not toll the period for appeal to Superior Court following the initial order of the Transit Court. The hearing officer's decision at administrative review is final except as otherwise provided by law.

### C. Ejection

A person who violates any provision of the code may be ejected by order of an authorized Metro representative and may be excluded from all or a portion of Metro vehicles and facilities. This remedy is in addition to any other fine, penalty, assessment or other remedy available at law. The procedures for exclusion are those set forth in Subsections D–H of this Enforcement Section.

1. A person who violates the code may be immediately ejected from the Metro facility or vehicle, without refund of any fare, by an authorized Metro representative who witnesses a violation.
2. A person who violates the code is subject to an administrative fine or other penalty for each violation, as specified in the Metro penalty schedule approved by the Board of Directors or Chief Executive Officer up to the maximum amount provided by law. The Metro penalty schedule shall include fines, fees, administrative penalties, late payment fines, collection recovery costs and other such amounts. To determine the Metro penalty schedule, the costs to the agency and other relevant factors shall be considered.
3. A person who violates the code must, in addition to any fines or penalties listed in Metro's penalty schedule, or as otherwise required by law, pay restitution if the violation involves damages.
4. A violation of the code that is also a violation of a local, state or federal law may be prosecuted in a court proceeding by the appropriate authority, in addition to any enforcement by or remedies available to Metro.
5. Failure to comply with a Notice of Exclusion may result in fines, a citation for criminal trespass, and any other applicable criminal and civil remedies.
6. Metro may establish procedures concerning the administration of any hearing provided such procedures are not in conflict with applicable law or the code, and are approved by the Metro Board or the Chief Executive Officer or Chief Hearing Officer.
7. Metro's Board of Directors or Chief Executive Officer or Chief Hearing Officer shall designate the officers, employees, consultants or contractors who shall be authorized to issue notices of violation, citation, order ejections and exclusions, or otherwise carry out the duties under the code and any requisite training for such persons.

### D. Exclusion

1. A person, who violates the code or a law in a Metro facility or vehicle, may be excluded from all or part of Metro facilities and vehicles either indefinitely or for a period of time specified in the Metro penalty schedule or notice of exclusion provided pursuant to Subsection E below.

2. Any person to whom a notice of violation or Penal Code citation or written warning pertaining to an offense, which occurred on or in a public transit facility or vehicle, was issued, and: (a) who has received a citation or written warning for the same violation at least three times in the prior 12 months; or (b) who has failed to pay any applicable fines, fees, penalties or other administrative amounts by the due date, or otherwise resolve the citation when such payment was due; or (c) who is the subject of any outstanding warrant, pending trial, or convicted with respect to any Penal Code offense that is alleged to have occurred on or in a public transit system facility or vehicle, is subject to exclusion, and may receive a notice of exclusion pursuant to Subsection E below.
3. A person excluded under the code may not enter a Metro facility or vehicle during the period of exclusion. Metro may take any reasonable steps necessary to enforce an order of exclusion, including criminal arrest or such other remedies as may be available at law.

#### E. Notice of Exclusion

A notice of exclusion shall be given by Metro or its authorized representative by personal delivery, first class mail, or if the person does not provide Metro or its representative with a valid current address, to the address provided by the excluded person at the time of any underlying violation(s), or at the excluded person's last known address. A notice of exclusion is deemed received on the date of personal delivery or five days after the date the notice of exclusion is mailed. The notice of exclusion shall specify the reason for exclusion, the places or transit lines from which the person is excluded, the duration of exclusion, the consequences for failing to comply with the terms of exclusion, and the right to seek review or appeal the decision. Any exclusion shall begin on the third day following receipt of the notice of exclusion unless otherwise specified in the notice of exclusion, except that exclusions issued for a period of one day or less are effective at the time the notice of exclusion is received. The exclusion, or other remedy, shall be suspended upon Metro's receipt of a request for review and until the review is decided.

#### F. Review Request

An excluded person may request a review of the exclusion. The exclusion shall be suspended upon Metro's receipt of a request for review of a notice of exclusion, and until the review is decided and notice of the decision or review is received by the excluded person. The request for review must be made in writing, and may be submitted by mail, or in person or as otherwise provided in the notice of exclusion, within five days after the notice of exclusion is received from Metro. A request for review or notice of decision or review is deemed to be received on the date it is personally delivered, or if mailed, five days after the date of the postmark. The excluded person will be notified of the date for public hearing by mail or in person. The excluded person may request that the exclusion be rescinded or waived for good cause, that the places of exclusion be altered, or that the duration of exclusion be reduced or be permitted to participate in any diversion program available by Metro for which such persons are eligible. The request should include a copy of the notice of exclusion or the number assigned to the notice, a request for review, the current mailing address and signature of the excluded person, and any written statement (and supporting documentation) to explain why the exclusion should be rescinded, waived, altered, reduced or otherwise modified.

G. Administrative Review

The hearing shall be conducted by a hearing officer who is fair and impartial. The excluded person is not required to attend the hearing, and shall have the choice of the hearing being conducted by mail or in person. No Metro representative shall be required to attend the hearing. Metro may submit a copy of the notice(s) of violation, any notice of exclusion, and any documentation or statement by the Metro representative(s) issuing the notice(s) of violation or notice of exclusion. Any notice(s) of violation and/or notice of exclusion shall be received into evidence. Other relevant evidence submitted may be received into evidence at the determination of the presiding hearing officer. Copies of the notice(s) of violation and/or notice(s) of exclusion shall be prima facie evidence of the facts stated therein and shall establish a rebuttable presumption supporting the exclusion of the individual. At the hearing, the hearing officer will review the prima facie validity of the notice of exclusion. Metro and the excluded person may present evidence, including witness testimony, to the hearing officer and may question witnesses who are present at the hearing. The hearing officer's decision shall be based on a preponderance of the evidence. Hearing officers shall have the discretion to dismiss or reduce the fines or other penalties, cancel the notice of exclusion, and make necessary modifications in the interests of justice, including permitting enrollment in an appropriate Metro diversion program for which such person is eligible, in accordance with any policies or procedures adopted by the Metro Hearing Unit. Continuances of the appeal hearing are disfavored but may be ordered by the hearing officer. The hearing officer may authorize the recording of the hearing. The decision of the hearing officer shall be made in writing. The decision of the hearing officer shall be deemed in full effect upon personal service to the excluded person or five days after the mailing of the decision to the address provided by the excluded person.

H. Schedule

Metro shall adopt a penalty schedule of administrative penalties, and any necessary additional procedures in furtherance of enforcement of this code. The schedule and any procedures deemed necessary shall be subject to the approval of the Chief Executive Officer.



[metro.net/transitcourt](http://metro.net/transitcourt)

# Metro Customer Code of Conduct

Amended 1/1/2022



**Metro**<sup>®</sup>

## THE CUSTOMER CODE OF CONDUCT

### TITLE 6

Chapter 6-05

Customer Code of Conduct

Adopted by Metro

July 22, 2010

Amended 1/1/2022

## PREAMBLE ADOPTED BY METRO

**Los Angeles County Metropolitan Transportation Authority (Metro) provides important services to the traveling public in Los Angeles. Safety is the guiding principle by which Metro operates. A successful partnership between Metro and the public is dependent upon Metro employees and the traveling public behaving in a mutually respectful and courteous manner.**

This ordinance is entitled the Metro Customer Code of Conduct. Compliance with this ordinance is a condition of use, by any individual, of a Metro vehicle, facility or property.

Sections 6-05-40(A), 6-05-100, 6-05-110, 6-05-150, 6-05-230(C) and Section 6-05-240(A) of this ordinance are enacted pursuant to the authority granted to Metro by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580, *et seq.*

## 6-05-010 VALUES

- A. Patrons shall use the Metro system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in LA County.
- B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect and civility to allow use, operation and enjoyment of the Metro system in a safe and gratifying manner for all persons.
- C. Metro and its representatives shall perform its duties hereunder with fairness, equity, civility, respect, compassion and without bias.

## 6-05-020 DEFINITIONS

The following terms, whenever used in this chapter, shall be construed as defined in this section:

- A. "Abuse" and "harassment" mean any extreme physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, cursing and sexual harassment, including unwanted touching, comments or gestures, of a sexual nature or because of their gender, sexual orientation, gender expression or gender identity.
- B. "Commercial activity" means any for-profit activity, including selling goods, food, services or distributing commercial materials.
- C. "Fare" means the monetary charges established by Metro for the use of its facilities and vehicles.
- D. "Fare media" means the methods by which fares are paid, issued by or on behalf of Metro for the payment of fare, including tokens, passes, cards, transfers, tickets and vouchers.

- E. "Fare-required zone" includes 1) areas in any bus between the yellow line near the front of a bus to the rear of the bus, 2) areas in any Metro facility beyond any fare gate, standalone validator or fare tapping machine leading to a platform, 3) platform areas, or 4) areas where any sign indicates fares are required at or beyond that location.
- F. "Graffiti" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn, painted or affixed on Metro facilities or vehicles.
- G. "Loitering" means unnecessary lingering in Metro facilities or vehicles or other location where it interferes with a Metro facility or vehicles or use thereof with the intent to commit a crime.
- H. "Metro" means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.
- I. "Metro representative" means a Metro security officer, operator, fare inspector or other authorized Metro employee, board or sector councilmember, or contractor.
- J. "Metro facility" means all property and equipment, including rights-of-way and related trackage, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, signs, artwork, storage yards, depots, repair and maintenance shops, yards, offices, parking areas and other real estate or personal property owned or leased by Metro, used for any Metro activity or authorized to be located on Metro property.
- K. "Metro vehicle" means a Metro bus, train, car or other vehicle owned, operated, or used by Metro or its contract service providers transporting Metro representatives or patrons.
- L. "Minor" means a person under the age of 18.
- M. "Peak hours" means 6:30am–9am and 3pm–7pm Monday through Friday.
- N. "Patron" and "customer" mean any person in or on, using or attempting to access, a Metro facility or vehicle, including without limit paying riders.
- O. "Off-peak hours" means all other times other than peak times.
- P. "Person" includes an individual, firm, partnership, corporation, association or company.
- Q. "Rules" or "code" or "Customer Code of Conduct" means Title 6 of Metro's Administrative Code as amended from time to time.
- R. "Sound device" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier or other device that plays music or emits noise. Sound device does not include assistive hearing devices for persons who have impaired hearing.
- S. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials and highly combustible materials.
- T. "Wheelchair" means, a mobility aid belonging to any class of three (3) or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.<sup>1</sup>
- U. "Mobility aid device" means an assistive device other than a wheelchair used by and primarily intended to assist persons with disabilities with locomotion.
- V. "Power driven mobility device" means any device powered by batteries, fuel or other source that does not fit the definition of a wheelchair regardless whether it is designed primarily for use by individuals with mobility disabilities.<sup>2</sup>
- W. "Personal Care Attendant" means an individual designated or employed by a person with disabilities, to aid in meeting his/her personal needs.<sup>3</sup>

## 6-05-030 ANIMALS

- A. Animals are not permitted in Metro facilities or vehicles, unless one of the following applies:
  - 1. The animal is in a fully enclosed and secure carrier;
  - 2. The animal is a certified police or security animal and is accompanied by a peace officer;<sup>4</sup> or
  - 3. The animal is a service animal, as defined by the Americans with Disabilities Act, and is accompanied by a patron. A Metro representative may ask whether an animal is a pet or a service animal required because of a disability and what function the animal has been trained to perform for the handler.<sup>5</sup>
- B. Handlers shall maintain control of their animals at all times. No animal is permitted in a Metro facility or vehicle that is not under the control of its handler or poses a threat to a Metro representative or patron. A non-service animal may be denied from boarding or ejected if it unreasonably annoys patrons.
- C. Handlers of animals shall promptly remove all animal waste from Metro facilities and vehicles. Leaving animal waste in a Metro facility or vehicle is prohibited.
- D. Handlers must ensure that an animal shall not deprive a patron of a seat or block an aisle.
- E. Animal carriers must have closable doors that are closed during transport. Purses, backpacks and other similar items are not considered suitable animal carriers unless they are fully enclosed for animal transport.

## 6-05-040 WHEELED RIDING DEVICES

- A. Wheeled riding devices, including bicycles, skates, skateboards, kick scooters and other wheeled riding devices, except wheelchairs and mobility aid devices, may not be ridden in Metro facilities or vehicles, except for public bike or roadways clearly intended for those types of devices.<sup>6</sup> A person may carry or walk such wheeled riding devices in a safe manner on Metro facilities to park or board Metro vehicles.<sup>6</sup>
- B. Tandem, three-wheeled or fuel-powered bicycles<sup>7</sup>, or other wheeled riding devices, are not permitted in, attached to, or on Metro facilities or vehicles. Bicycles or other wheeled riding devices over six (6) feet long are prohibited.
- C. All persons entering Metro facilities with wheeled riding devices of any type, including wheelchairs and mobility aid devices, but excluding handheld skates or skateboards, must use elevators or ramps to access elevated or lowered platforms or subway stations.
- D. Bicycles may be carried on stairs when safe to do so if escalators and elevators are nonoperational. A person who enters a Metro facility or vehicle with a bicycle must do the following:
  - 1. Hold a bicycle when it is not in the rack.
  - 2. Use available bicycle racks.
  - 3. If racks on a bus are full, wait for the next bus.
  - 4. Inform the bus operator before exiting that you will be removing a bicycle from a rack in front of the bus.
  - 5. Not block aisles, doorways or operators' exit way.<sup>8</sup>
  - 6. Board at bicycle-designated doors and keep the bicycle in bicycle-designated areas, such as non-operating cab areas.<sup>6, 8</sup>
  - 7. If an arriving train is crowded, individuals with bicycles must wait for a train with available room. Law enforcement personnel may ask individuals travelling with bicycles to wait.

8. If evacuation is required, bicycles must be left on the train and located so that they do not block aisles or doors.
  9. Not take the bicycle down train aisles.
  10. Yield space in designated areas to wheelchairs or other mobility aid devices for persons with disabilities.
  11. Load and unload bicycles from the front of a Metro bus to the curbside and not into traffic.
  12. Not attempt to access the bicycle rack after the bus has left the curb.
  13. Use elevators or ramps, not escalators, to transport all wheeled riding devices other than handheld skates or skateboards in Metro facilities.
- E. Folded bicycles, handheld skates or skateboards may be carried into a Metro vehicle at any time without using the rack. These items must be stored so that they do not block passageways, aisles or seats.
  - F. Persons under the age of 14 years travelling with a bicycle must be accompanied by an adult.

## **6-05-050 BLOCKING**

The following acts are prohibited in Metro facilities and vehicles:

- A. Willfully blocking or impeding the free movement of another person.<sup>8</sup>
- B. Blocking an aisle, elevator, escalator, door or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a patron's movement or displaces a person.<sup>8</sup>
- C. Operating, stopping or parking a vehicle in a location that is reserved for transit vehicles or is otherwise restricted.<sup>9</sup>
- D. Obstructing or impeding the flow of a Metro vehicle or interfering with the operation or use of transit services.<sup>10</sup>
- E. Preventing a door from closing.
- F. Willfully interfering with the operator or operation of a Metro vehicle in a manner that affects the operator's control of the vehicle.<sup>10</sup>
- G. Impeding the safe boarding or exiting of passengers.<sup>11</sup>

## **6-05-060 BOARDING, EXITING AND SEATING**

The following acts are required in Metro facilities and vehicles:

- A. Never go onto a track except through designated crossings and never step or put arms, legs, or objects in the path of a Metro vehicle.<sup>12</sup>
- B. Maintain control of children at all times in or on Metro vehicles or facilities, including when a Metro vehicle is approaching.<sup>12</sup>
- C. Do not signal in the path of or by touching the bus when it is moving.
- D. Yield priority, reserved, wheelchair or similarly designated seating to older adults and individuals with disabilities.<sup>13</sup>
- E. A Personal Care Attendant (PCA) must travel with a patron who displays an Access Services TAP card with a PCA eligible designation at all times when using the Metro bus and rail system, including boarding and exiting at the same location and traveling in the same bus or rail car.

## **6-05-070 CARTS, STROLLERS AND LUGGAGE**

- A. Commercial or large size carts, dollies and strollers are prohibited on Metro vehicles, unless collapsed. If a small, personal use size stroller is occupied by a child or small cart is filled, then it must be securely held and not block passageways or seats.
- B. Carts, dollies, strollers and large luggage that create an unsafe condition are prohibited.
- C. During crowded conditions or peak hours, remove children from strollers and materials from carts, and collapse, or wait for the next Metro vehicle that has room for the cart or stroller. This provision does not apply to wheelchairs or other mobility aid devices.
- D. Carts, strollers, large luggage and wheelchairs or other mobility aid devices are to be transported in elevators or ramps in all Metro facilities and not on escalators.

## **6-05-080 CIVILITY, COMPLIANCE AND COOPERATION**

- A. Abuse and harassment of Metro representatives or patrons is prohibited in Metro facilities and vehicles.<sup>11, 14</sup>
- B. A person must comply with all lawful orders and directives given by an authorized Metro representative relative to Metro facilities or vehicles consistent with the code, including any instruction to leave a Metro vehicle or facility for safety reasons, for a violation of the code, or following a notice of ejection or exclusion.
- C. A person receiving a Notice of Violation must provide accurate and complete identification and fare media when requested to do so by an authorized Metro representative.
- D. A person may not falsely represent himself or herself to be a Metro representative through words, actions, clothes, insignia, badge or equipment.
- E. A person must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle. Infants being held or in strollers and persons in wheelchairs are not required to wear shoes.
- F. Patrons unable to care for themselves, who do not exhibit an ability to comply with Metro's code, or who pose a safety risk, must be accompanied by a service animal or a responsible individual who can care for the patron when in a Metro facility or vehicle.

## **6-05-090 COMMERCIAL ACTIVITY**

- A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit and paying all required fees.<sup>15</sup>
- B. Persons who engage in permitted commercial activity in a Metro facility or vehicle must comply with all Metro instructions, safety requirements and applicable laws.<sup>15</sup>
- C. Commercial activity is prohibited on loading platforms and in any location where it interferes with transit services or the movement of patrons or where it creates a safety hazard.<sup>15</sup>

## **6-05-100 DISORDERLY CONDUCT**

The following acts are prohibited in, on or in close proximity to Metro facilities and vehicles:

- A. Expectorating (spitting).<sup>16</sup>

- B. Carrying any explosive, acid, flammable liquid, or toxic or hazardous material.<sup>17</sup>
- C. Urinating or defecating, except in a lavatory. This subsection does not apply to a person who cannot comply as a result of disability, age or a medical condition.<sup>18</sup>
- D. Throwing an object at a patron, Metro representative, or a Metro facility or vehicle.<sup>10</sup>
- E. Gambling to win money or anything of value.
- F. Hanging from, swinging from or attaching anything to hand rails. This does not apply to holding a hand rail to stabilize one's body during transit.<sup>19</sup>
- G. Inciting violence or posing a clear and present danger to other persons, including making verbal or visual gang affiliation or provocation signs.<sup>20</sup>
- H. Engaging in or soliciting another person to engage in lewd conduct.<sup>21</sup>
- I. Engaging in or soliciting another person to engage in prostitution.<sup>22</sup>
- J. Placing feet or shoes on seats or furnishings.
- K. Defacing with graffiti, vandalizing, damaging, destroying, or tampering with Metro facilities or vehicles.<sup>23</sup>
- L. Littering or dumping.<sup>24</sup>
- M. Injuring another person or damaging another person's property or possessions.<sup>25</sup>
- N. Throwing an object from a Metro vehicle.<sup>26</sup>

## **6-05-110 FOOD, ALCOHOL AND DRUGS**

The following acts are prohibited in Metro facilities and vehicles:

- A. Eating, drinking, smoking, vaping or carrying a lit cigar, cigarette of any type, or pipe, except in designated areas permitting that activity or is required by a disability accommodated pursuant to 6-05-140 Miscellaneous G.<sup>27</sup>
- B. Placing chewed gum onto any surface in a Metro facility or vehicle other than into a trash receptacle.
- C. Drinking or possessing in an open container an alcoholic beverage, except in designated areas where there is notice that drinking alcohol is permitted and all required permits have been obtained.<sup>28</sup>
- D. Possessing an illegal drug or substance.<sup>29</sup>
- E. Being under the influence of alcohol, a drug, a controlled substance, toluene, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a Metro facility or vehicle.<sup>30</sup>
- F. Creating a public nuisance or a health hazard by dropping food other than in a proper waste disposal receptacle.<sup>31</sup>
- G. Smoking or vaping is also not allowed within 20 feet of any Metro facility entrance, exit or operable window.<sup>32</sup>

## **6-05-120 LOITERING**

- A. Loitering is prohibited in Metro facilities and vehicles.<sup>33</sup>

## **6-05-130 LOST & FOUND**

- A. Items found in a Metro facility or vehicle shall be turned in to a Metro operator or other authorized Metro representative, who will forward the items to the Metro Lost & Found or other designated department or agent.

- B. Items can be claimed in person at the Metro Lost & Found or other designated department or agent by providing proof of ownership. Items that remain unclaimed for 90 days will be discarded, sold, destroyed or donated to a charitable organization, without liability for Metro or its agents to anyone.<sup>47</sup>
- C. Metro is not responsible for items lost in a Metro facility or vehicle.

## 6-05-140 MISCELLANEOUS

- A. The code is not intended to affect lawful activity or first amendment rights protected by state or federal law, including laws related to collective bargaining, labor relations, or labor disputes.
- B. Metro reserves the right to suspend, waive, modify, limit or revoke the application of the code.
- C. Metro may refuse service, or access to Metro facilities or vehicles, including eject or exclude, to any person who does not comply with the code or applicable laws.
- D. The code incorporates all relevant applicable legislative changes that occur after the date the code is adopted.
- E. Acts prohibited under the code are permitted if authorized by agreement, permit, license or a writing signed by an authorized Metro representative.
- F. The code applies with equal force to any person who aids or abets in any of the acts prohibited by the code or in the avoidance of any of the requirements of the code.
- G. Individuals with disabilities may visit *metro.net* for information and request a reasonable modification of the provisions of this code. Whenever possible, a request for a reasonable modification shall be made in advance to Metro at *accessibility@metro.net*, 213.922.6919, or at MS 99-21-5, One Gateway Plaza, Los Angeles 90012. If a request for a modification is made to a Metro operator or other Metro representative, the employee may contact his or her supervisor or control center for guidance. Requests for reasonable modifications will not be approved if the request would: fundamentally alter the nature of the service, program or activity; create a direct threat to the health or safety of others; result in an undue financial and administrative burden; or the individual would be able to fully use the services provided by Metro without the modification. Individuals with disabilities may file complaints regarding reasonable modification or accommodation with Metro Customer Relations by telephone at 800.464.2111 or via email at *customerrelations@metro.net*.

## 6-05-150 NOISE

The following acts are prohibited in Metro facilities and vehicles:

- A. Disturbing others by engaging in unruly behavior.<sup>19</sup>
- B. Failing to comply with a warning by a Metro representative to cease creating loud, boisterous or unreasonable noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes a nuisance or unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition, such as distracting operators of Metro vehicles.
- C. Playing a sound device, except when using headphones or earphones that make the sound inaudible to others unless a permit has been issued for usage of such sound device by Metro.<sup>35</sup>



## **6-05-160 ODORS**

- A. A person may not be in a Metro facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes with the use, operation or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition.<sup>31</sup> Notwithstanding the foregoing, this subsection shall not apply to persons with odors directly related to a disability or medical condition unless the odor is so severely disruptive that it interferes with the use or operation of the Metro facility or vehicle by Metro representatives or patrons, or creates direct threat or an unsafe condition.
- B. Extreme odors may arise from a variety of sources, including one's body, possessions, clothing, food, chemicals or accompanying animals.

## **6-05-170 PARKING AND USE OF METRO FACILITIES AND VEHICLES**

- A. Parking a vehicle at a Metro facility shall not exceed the posted allowed period of time.
- B. Parking or storage of items in Metro facilities may only be used for the designated Metro-related transportation purposes.
- C. A person may not perform non-emergency maintenance on a non-Metro vehicle at a Metro facility unless authorized by Metro.
- D. Driver training is prohibited at Metro facilities unless authorized by Metro.
- E. A person may not enter nonpublic areas in Metro facilities or vehicles, unless authorized by Metro.
- F. Persons wishing to hold an event, special meeting or use for commercial purposes, in a Metro facility or vehicle, should contact Metro for information on its policies and procedures, and obtain its approval in advance, for such use.

## **6-05-180 PHOTOGRAPHY AND RECORDING**

- A. A person may not photograph, film, duplicate, record or sketch a Metro facility or vehicle for commercial purposes without first obtaining a Metro permit and any other required permits, and paying all required fees.
- B. A person who photographs, films or records in a Metro facility or vehicle must comply with all Metro safety requirements, instructions, licenses and applicable laws, including copyright laws.
- C. A person may photograph, film, record or sketch a Metro facility or vehicle for non-commercial purposes only in public areas, unless otherwise authorized by Metro, and in a manner, at a time and at a place that does not interfere with Metro operations, or create an unreasonable risk to the safety or well being of Metro representatives or patrons. Prohibited activities shall include use of a tripod, or laying of cord or cables, in a walkway; use of a flash bulb that is blinding to patrons or Metro representatives; or creating congestion during an emergency evacuation.

## **6-05-190 SAFETY**

- A. The following acts are prohibited in Metro facilities and vehicles:
  - 1. Attaching to, hanging from or riding on any part of the outside of a Metro vehicle, or being inside an area in which the public are prohibited. This section does not apply to an employee conducting Metro business.<sup>36</sup>

2. Interfering with the safe operation or movement of a Metro vehicle.<sup>11</sup>
  3. Abandoning personal items.
  4. Throwing or kicking a ball, disc or other object where it is not safe to do so.<sup>19</sup>
  5. Standing, lying or climbing on a sign, bench, passenger shelter, trash container or planter.
  6. Extending anything in the path of or through a door or window on a Metro vehicle.<sup>10</sup>
  7. Entering or crossing rail tracks in a Metro facility, except in marked crosswalks or designated waiting areas, or at the direction of a Metro representative.<sup>10</sup>
  8. Engaging in sport, horseplay or recreational activities.<sup>19</sup>
  9. Creating a danger to other persons.
  10. Extending any portion of the body through any window opening of a Metro vehicle in an unsafe manner.<sup>10</sup>
  11. Engaging in any unsafe activity other than those described in Safety Subsection 6-05-190 of the code.
- B. To avoid injury, patrons must use care at all times when on or in a Metro facility or vehicle.
  - C. Patrons should be alert and promptly report to Metro or law enforcement any unsafe condition, broken equipment or suspicious activity, odor or package.
  - D. Emergencies should be reported immediately to a Metro representative, law enforcement or emergency personnel. Emergencies may be reported using telephones or intercoms if available in the Metro facilities or vehicles.
  - E. If a Metro representative or other authorized personnel evacuates a Metro facility or vehicle, patrons shall promptly and orderly follow instructions to avoid injury to other persons.
  - F. No person shall remove, tamper with, injure or destroy a Metro vehicle or the contents thereof, with the intent to cause great bodily injury to another person, or place an obstruction in front of a Metro vehicle, or willfully set a Metro vehicle in motion while it is at rest and unattended.<sup>37</sup>
  - G. Elevators shall not be used in a Metro facility in the event of a fire.

## **6-05-200 SIGNS**

- A. No person shall affix or post signs, stickers, buttons, advertisements, circulars, or other printed materials on or in Metro facilities or vehicles. Written permission must be obtained from Metro prior to placing, posting or displaying a poster, notice, advertisement, sign or other written material on a Metro facility or vehicle.
- B. No persons shall destroy, cover, deface with graffiti, remove, damage or tamper with a Metro poster, sign, advertisement or notice, unless authorized by Metro.<sup>23</sup>
- C. Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system.<sup>10</sup>
- D. Persons shall also obey all other notices and signs posted by Metro in a Metro facility or vehicle.
- E. The carrying of signs or stick-like items into any Metro facility or vehicle shall be limited and subject to those restrictions set forth in Subsection 210 Solicitation herein.

## **6-05-210 SOLICITATION**

- A. No person shall aggressively solicit money or other things of value in a Metro facility or vehicle.<sup>38</sup> Aggressive solicitation includes the following:
1. At or near an ATM or ticket vending machine;
  2. Using insults, profanity or threats;
  3. Repeated requests to the same person who has refused; or
  4. Making demands while blocking access to a facility, such as a building or restroom.
- B. No person shall solicit public support or distribute materials, for any cause, in Metro vehicles and in underground or non-public areas of Metro facilities where the distribution is disruptive, presents a safety hazard or impedes the movement of Metro patrons.
- C. The exercise of freedom of speech is permitted in Metro facilities and vehicles, subject to the following restrictions:
1. Activity at a rail station is limited to street level areas and areas which are not platform waiting areas for patrons.
  2. Activity may not occur within 15 feet of an elevator, escalator, stairwell or staircase entryway, above-ground platform, loading zone, kiosk, transit entrance or exit, emergency exit or telephone, fare vending machine, or fare media readers or validators, or customer service station.
  3. Activity may not impede transit services or the movement of patrons or Metro personnel.
  4. Pamphlets and leaflets may not be left unattended in a Metro facility or vehicle.
  5. The carrying of signs or placards larger than 30 x 30" in Metro facilities or vehicles is prohibited. Large signs can be folded or rolled up to comply with the 30 x 30" restriction. No pole, stick or other similar object or device utilized to display a sign shall exceed a length of 30 inches, nor shall such object exceed a thickness of 1/4 x 2" wide; or if not generally rectangular in shape, such object shall not exceed 3/4" at its thickest dimension. This limitation is not intended to prohibit walking canes, crutches or similar devices used for mobility assistance by a person with a disability. No object shall have an exposed sharp pointed end.
  6. Carrying of any such signs or sticks must not interfere with the movement, seating, or safety of patrons or Metro representative.
  7. Food and drinks shall not be distributed in Metro facilities or vehicles except by Metro or persons who obtain a permit from Metro.
  8. Tables and portable equipment are prohibited, unless approved by Metro.

## **6-05-220 WEAPONS**

- A. A weapon or instrument intended for use as a weapon shall not be discharged or directed at a Metro facility or vehicle, or at a person or object in a Metro facility or vehicle.<sup>39</sup>
- B. Entering a Metro facility or vehicle with a weapon or instrument intended for use as a weapon is prohibited.<sup>40</sup> This provision does not apply to law enforcement or security personnel.

## FARES

### 6-05-230 FARES

- A. Patrons who ride Metro vehicles or use Metro services must pay all applicable fares and fees.<sup>41</sup>
- B. Patrons shall show proof of payment of fare upon request by a Metro representative.<sup>41</sup>
- C. Evading payment of a Metro fare is prohibited.<sup>41</sup> Fare evasion includes the following:
  - 1. Boarding a Metro vehicle or entering a Metro facility platform or other fare-required zone, without proof of valid fare media or without paying the fare upon boarding a Metro bus.
  - 2. Duplicating, counterfeiting, altering or transferring any nontransferable fare media without Metro authorization.<sup>41</sup>
  - 3. Placing anything other than valid fare media into a farebox, ticket machine, pass reader, or other fare validation or collection device.<sup>41</sup>
  - 4. Falsely representing oneself as eligible for a waiver or a special or reduced fare, or obtaining fare media by making a false or misleading representation.<sup>42</sup>
  - 5. Refusing to show proof of valid, validated, unexpired fare media upon request by a Metro representative. Patrons shall show identification upon request for the purpose of accurate completion of citation data entry in accordance with posted policies.
  - 6. Misusing fare media with the intent to evade payment of a fare.<sup>43</sup>
  - 7. Unauthorized use of a discount ticket or failing to present upon request by Metro or within 72 hours thereafter, acceptable proof of discount eligibility to use a discount ticket and show identification in accordance with posted policies.<sup>42</sup>
  - 8. Boarding through a rear bus door to avoid payment of fare.<sup>44</sup>
  - 9. Entering a Metro vehicle or facility when any penalty, fee or assessment for violation of the code is past due or during any exclusion period.
  - 10. Entering a Metro vehicle or facility in such a way as to bypass or avoid any fare-required zone barriers, such as media collection or validation machines, or Metro representatives collecting fares.<sup>44</sup>
- D. No payment will be made to patrons who overpay the required fare or who are ejected or excluded from Metro facilities or vehicles for violating the code or applicable laws.

## ENFORCEMENT

### 6-05-240 ENFORCEMENT

#### A. Violations

A person who violates the code is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages and penalties available by law. Enforcement of any provisions of the code involving the payment of any fees, penalties or other administrative amounts, or community service, based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures, herein and as set forth in the California Public Utilities code including section 99580 et seq. Parents or guardians shall also be responsible in addition to the minor for any fees, penalties, fines incurred or damages caused by their minor in connection with a citation.

- B. (1) A person who violates any provision of the code other than those described in Section A above and who receives a notice of violation may, within 21 days of the issuance of such notice of violation, request an initial review of the notice of violation by Metro. The request for review may be made by telephone, in writing or in person. There shall be no charge for this review. If following the initial review Metro is satisfied that the violation did not occur, or that extenuating circumstances exist, and that the dismissal of the notice of violation is appropriate in the interests of justice, Metro may cancel the notice of violation. Metro shall notify, in writing the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, reasons shall be provided for the denial. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review when personally delivered five days following the mailing of the decision by Metro.
- (2) If the person subject to the notice of violation is not satisfied with the result of the initial review, the person may no later than 21 days following the mailing of the initial review decision request an administrative hearing of the violation. The request may be made by telephone, in person or by mail. The person requesting the administrative hearing shall deposit with Metro the amount due under the notice of violation for which the administrative review hearing is requested. A person may request administrative review without payment of the amount due upon providing Metro with satisfactory evidence of an inability to pay the amount due. An administrative hearing shall be held within 90 days of the receipt of request for an administrative hearing.
- (3) The administrative hearing shall include all of the following:
- (a) The person requesting the hearing shall have the choice of a hearing in person or by mail. An in-person hearing shall be held within the jurisdiction of Metro, and shall be conducted according to such written procedures as may from time to time be approved by the Chief Executive Officer of Metro or the Chief Hearing Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.
  - (b) The hearing shall be conducted before a hearing officer designated to conduct the review by Metro's Chief Executive Officer or Chief Hearing Officer. In addition to any other requirements of employment, the hearing officer shall demonstrate those qualifications, training and objectivity as are necessary and consistent with the duties and responsibilities of the position as determined by Metro's Chief Executive Officer or Chief Hearing Officer. The hearing officer's continued employment shall not be directly or indirectly linked to the amount of penalties imposed by the hearing officer.
  - (c) The person who issued the notice of violation shall not be required to participate in an administrative hearing. Metro shall not be required to introduce any evidence other than the notice of violation. The notice of violation, in proper form shall be prima facie evidence of the violation.
  - (d) Following a determination by a hearing officer that there is sufficient evidence that a person did commit the violation, the hearing officer may, pursuant to Metro Transit Court policies and procedures, order payment in installments, transit school and/or community service. Where it is determined that circumstances exist such that the dismissal of the notice of violation would best serve the interests of justice, the hearing officer may dismiss the notice of violation and shall provide written reasons in support of that decision. The hearing officer shall have the power and authority to make rulings in the interests of justice within the law and Metro policies concerning notices of

violation and the adjudication of hearings, including the granting of eligibility to attend Metro's Transit School for the purpose of reducing any penalty payment, perform community service in lieu of all or a portion of the payment of fines, or other remedy.

- (e) The hearing officer's decision following the administrative hearing may be delivered personally by the hearing officer or may be sent by first class mail.
- (f) Transit Court shall retain jurisdiction pending completion of any order by the Transit Court, but this shall not toll the period for appeal to Superior Court following the initial order of the Transit Court. The hearing officer's decision at administrative review is final except as otherwise provided by law.

### C. Ejection

A person who violates any provision of the code may be ejected by order of an authorized Metro representative and may be excluded from all or a portion of Metro vehicles and facilities. This remedy is in addition to any other fine, penalty, assessment or other remedy available at law. The procedures for exclusion are those set forth in Subsections D–H of this Enforcement Section.

1. A person who violates the code may be immediately ejected from the Metro facility or vehicle, without refund of any fare, by an authorized Metro representative who witnesses a violation.
2. A person who violates the code is subject to an administrative fine or other penalty for each violation, as specified in the Metro penalty schedule approved by the Board of Directors or Chief Executive Officer up to the maximum amount provided by law. The Metro penalty schedule shall include fines, fees, administrative penalties, late payment fines, collection recovery costs and other such amounts. To determine the Metro penalty schedule, the costs to the agency and other relevant factors shall be considered.
3. A person who violates the code must, in addition to any fines or penalties listed in Metro's penalty schedule, or as otherwise required by law, pay restitution if the violation involves damages.
4. A violation of the code that is also a violation of a local, state or federal law may be prosecuted in a court proceeding by the appropriate authority, in addition to any enforcement by or remedies available to Metro.
5. Failure to comply with a Notice of Exclusion may result in fines, a citation for criminal trespass, and any other applicable criminal and civil remedies.
6. Metro may establish procedures concerning the administration of any hearing provided such procedures are not in conflict with applicable law or the code, and are approved by the Metro Board or the Chief Executive Officer or Chief Hearing Officer.
7. Metro's Board of Directors or Chief Executive Officer or Chief Hearing Officer shall designate the officers, employees, consultants or contractors who shall be authorized to issue notices of violation, citation, order ejections and exclusions, or otherwise carry out the duties under the code and any requisite training for such persons.

### D. Exclusion

1. A person, who violates the code or a law in a Metro facility or vehicle, may be excluded from all or part of Metro facilities and vehicles either indefinitely or for a period of time specified in the Metro penalty schedule or notice of exclusion provided pursuant to Subsection E below.

2. Any person to whom a notice of violation or Penal Code citation or written warning pertaining to an offense, which occurred on or in a public transit facility or vehicle, was issued, and: (a) who has received a citation or written warning for the same violation at least three times in the prior 12 months; or (b) who has failed to pay any applicable fines, fees, penalties or other administrative amounts by the due date, or otherwise resolve the citation when such payment was due; or (c) who is the subject of any outstanding warrant, pending trial, or convicted with respect to any Penal Code offense that is alleged to have occurred on or in a public transit system facility or vehicle, is subject to exclusion, and may receive a notice of exclusion pursuant to Subsection E below.
3. A person excluded under the code may not enter a Metro facility or vehicle during the period of exclusion. Metro may take any reasonable steps necessary to enforce an order of exclusion, including criminal arrest or such other remedies as may be available at law.

#### E. Notice of Exclusion

A notice of exclusion shall be given by Metro or its authorized representative by personal delivery, first class mail, or if the person does not provide Metro or its representative with a valid current address, to the address provided by the excluded person at the time of any underlying violation(s), or at the excluded person's last known address. A notice of exclusion is deemed received on the date of personal delivery or five days after the date the notice of exclusion is mailed. The notice of exclusion shall specify the reason for exclusion, the places or transit lines from which the person is excluded, the duration of exclusion, the consequences for failing to comply with the terms of exclusion, and the right to seek review or appeal the decision. Any exclusion shall begin on the third day following receipt of the notice of exclusion unless otherwise specified in the notice of exclusion, except that exclusions issued for a period of one day or less are effective at the time the notice of exclusion is received. The exclusion, or other remedy, shall be suspended upon Metro's receipt of a request for review and until the review is decided.

#### F. Review Request

An excluded person may request a review of the exclusion. The exclusion shall be suspended upon Metro's receipt of a request for review of a notice of exclusion, and until the review is decided and notice of the decision or review is received by the excluded person. The request for review must be made in writing, and may be submitted by mail, or in person or as otherwise provided in the notice of exclusion, within five days after the notice of exclusion is received from Metro. A request for review or notice of decision or review is deemed to be received on the date it is personally delivered, or if mailed, five days after the date of the postmark. The excluded person will be notified of the date for public hearing by mail or in person. The excluded person may request that the exclusion be rescinded or waived for good cause, that the places of exclusion be altered, or that the duration of exclusion be reduced or be permitted to participate in any diversion program available by Metro for which such persons are eligible. The request should include a copy of the notice of exclusion or the number assigned to the notice, a request for review, the current mailing address and signature of the excluded person, and any written statement (and supporting documentation) to explain why the exclusion should be rescinded, waived, altered, reduced or otherwise modified.

#### G. Administrative Review

The hearing shall be conducted by a hearing officer who is fair and impartial. The excluded person is not required to attend the hearing, and shall have the choice of the hearing being conducted by mail or in person. No Metro representative shall be required to attend the hearing. Metro may submit a copy of the notice(s) of violation, any notice of exclusion, and any documentation or statement by the Metro representative(s) issuing the notice(s) of violation or notice of exclusion. Any notice(s) of violation and/or notice of exclusion shall be received into evidence. Other relevant evidence submitted may be received into evidence at the determination of the presiding hearing officer. Copies of the notice(s) of violation and/or notice(s) of exclusion shall be prima facie evidence of the facts stated therein and shall establish a rebuttable presumption supporting the exclusion of the individual. At the hearing, the hearing officer will review the prima facie validity of the notice of exclusion. Metro and the excluded person may present evidence, including witness testimony, to the hearing officer and may question witnesses who are present at the hearing. The hearing officer's decision shall be based on a preponderance of the evidence. Hearing officers shall have the discretion to dismiss or reduce the fines or other penalties, cancel the notice of exclusion, and make necessary modifications in the interests of justice, including permitting enrollment in an appropriate Metro diversion program for which such person is eligible, in accordance with any policies or procedures adopted by the Metro Hearing Unit. Continuances of the appeal hearing are disfavored but may be ordered by the hearing officer. The hearing officer may authorize the recording of the hearing. The decision of the hearing officer shall be made in writing. The decision of the hearing officer shall be deemed in full effect upon personal service to the excluded person or five days after the mailing of the decision to the address provided by the excluded person.

#### H. Schedule

Metro shall adopt a penalty schedule of administrative penalties, and any necessary additional procedures in furtherance of enforcement of this code. The schedule and any procedures deemed necessary shall be subject to the approval of the Chief Executive Officer.



1. This ordinance shall be in full force and effective on February 27, 2012.<sup>46</sup>
- 1 49 CFR 37.3
- 2 ADA Title II, section 35.104
- 3 49 CFR 37.123
- 4 Civil Code § 54.25
- 5 Civil Code §§ 54.1-54.2; 28 CFR 36.104
- 6 Penal Code § 640(b)(5)
- 7 Vehicle Code § 406
- 8 Penal Code § 640(d)(4)
- 9 Vehicle Code § 22500(i); Vehicle Code § 22523(b)
- 10 Public Utilities Code § 99170
- 11 Vehicle Code § 21701
- 12 Public Utilities Code § 99170(a)(2)
- 13 Civil Code § 54.1
- 14 Penal Code §§ 241.3, 243.3, 243.35, 245.2, 640(b)(2) & 640(d)(1)
- 15 Penal Code § 602.7
- 16 Penal Code § 640(b)(4)
- 17 Penal Code § 640(d)(2)
- 18 Penal Code § 640(d)(3)
- 19 Penal Code § 640(d)(1)
- 20 Penal Code §§ 241.3 & 245.2
- 21 Penal Code § 647(a)
- 22 Penal Code § 647(b)
- 23 Penal Code §§ 594, 640.5-640.8
- 24 Penal Code § 374.4
- 25 Penal Code §§ 243.3 & 243.35
- 26 Public Utilities Code §99170(a)(4)
- 27 Penal Code §§ 640(b)(1) & (b)(3)
- 28 Penal Code § 640(b)(1)
- 29 B & P Code § 25662; H & S Code §§ 11350-11351, 11357
- 30 Penal Code § 647(f)
- 31 Civil Code § 3479
- 32 Government Code § 7597(a); Penal Code § 640(b)(3)
- 33 Penal Code § 647(h)
- 34 Penal Code § 647(e)
- 35 Penal Code §§ 640(b)(2) & (d)(1)
- 36 Vehicle Code §§ 21203 & 21712
- 37 Penal Code § 625c
- 38 Penal Code § 647(c)
- 39 Penal Code §§ 245.2, 247(b) & 171.7
- 40 Penal Code § 171.7
- 41 Penal Code § 640(c)
- 42 Penal Code § 640(c)(3)
- 43 Penal Code § 640(c)(2)
- 44 Penal Code § 640(c)(1)
- 45 Penal Code § 640(e)
- 46 Amendments adopted 02/28/2013 effective 30 days after publication in a newspaper of general circulation.
- 47 Civil Code § 2080.6

# **Metro Customer Code of Conduct**

## CHAPTER 6-05 PENALTY SCHEDULE

## METRO CUSTOMER CODE OF CONDUCT CHAPTER 6-05 PENALTY SCHEDULE\*

CODE SECTION	DESCRIPTION	1 <sup>ST</sup> OFFENSE**	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE	5 <sup>TH</sup> OFFENSE OR GREATER
<b>6-05-040</b>	<b>Bicycles, Skateboards and Skates</b>					
6-05-040.A	Riding bicycles and skateboards in Metro facility	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-040.C	Tandem, three-wheeled or fuel-powered bicycles are not permitted in Metro facilities	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-050</b>	<b>Blocking</b>					
6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, impeding safe boarding	> Notice of violation > \$75 fine > Ejection	> Notice of violation > \$75 fine > Ejection	> Notice of violation > \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.A-I, K-N	Spitting, hazardous material, urinating, defecating, throwing an object, gambling, hanging from rails, inciting violence, lewd conduct, prostitution, vandalizing/tampering, littering, injuring person or property	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.A	Eating, drinking, smoking, vaping	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-110.B	Placing chewing gum onto Metro property	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days

6-05-110.C	Drinking alcohol	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-120</b>	<b>Loitering</b>					
6-05-120.A	Loitering	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-150</b>	<b>Noise</b>					
6-05-150.A	Disturbing others	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-150.B	Creating disruptive noise	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-150.C	Playing sound device	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-090</b>	<b>Commercial Activity</b>					
6-05-090.A, B, C	Permit required, comply with permit rules, no commercial activity in prohibited area	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-200</b>	<b>Signs</b>					
6-05-200.A-D	Post, destroy, failure to obey signs	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days

6-05-210 Solicitation						
6-05-210.A-B	Solicitation	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-230 Fares						
6-05-230.A, C (1), (5), (6), (8), (10)	Patrons must pay fare; fare evasion	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 90 days
6-05-230.B	Proof of payment	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 90 days
6-05-230.C (2-4), (7), (9)	Misuse of fare media	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 90 days

\* Pursuant to the Customer Code of Conduct Section 6-05-240(C) any person who commits a criminal offense, or fails to pay a penalty when due or violates any provisions of the code, including those not listed above, may be ejected from a Metro vehicle or facility by order of an authorized Metro representative, and may be excluded from all or a portion of Metro vehicles and facilities.

\*\* All violators are subject to all penalties listed above. An individual who received a notice of violation is eligible to complete Metro Transit School and community service, which may only be completed once in any 12-month period upon order of a Metro Hearing Officer.

<sup>1</sup> This amount is used to calculate the number of diversion program hours a minor might complete to satisfy a written warning or notice of exclusion, or that a minor/parent might select in lieu of non-fiscal remedies.

## VIOLATIONS OF THE CUSTOMER CODE THAT WILL BE ADDRESSED THROUGH EJECTION\*

CODE SECTION	DESCRIPTION	1ST OFFENSE**	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE OR GREATER
<b>6-05-030</b>	<b>Animals</b>					
6-05-030.A-C	Animal control	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-040</b>	<b>Bicycles and Skates</b>					
6-05-040.C	Prohibited bicycle	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-040.D1-D2,D6,D7	Failure to control bicycle properly while using Metro	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-040.G	Persons under 14 with bike must be accompanied by an adult	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-050</b>	<b>Blocking</b>					
6-05-050.E	Obstruction of doors	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-060</b>	<b>Boarding, Exiting and Seating</b>					
6-05-060.B	Failure to maintain control of children	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-060.C	Signaling in path of or touching moving bus	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-060.D	Failure to yield seat to senior/disabled	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-070</b>	<b>Carts and Strollers</b>					
6-05-070.A-D	Improper use of carts and strollers	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-080</b>	<b>Civility, Compliance and Cooperation</b>					
6-05-080.E	Failure to wear shirt, pants, skirt or shoes	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-090</b>	<b>Commercial Activity</b>					
6-05-090.A, B, C	Permit required, comply with permit rules, no commercial activity in prohibited area	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.E	Gambling	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-100.I	Feet/shoes on seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-100.L	Littering, dumping	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.B	Placing chewing gum on Metro property	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-160</b>	<b>Odors</b>					
6-05-160.A	Unavoidable grossly repulsive odor	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-170</b>	<b>Use of Metro Facilities</b>					
6-05-170.F	Failure to obtain permit for use of Metro facility	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-180</b>	<b>Photography and Recording</b>					
6-05-180.A-C	Failure to obtain permits and follow Metro rules and policies	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-190</b>	<b>Safety</b>					
6-05-190.A.3	Abandoning personal items	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-190.A.4-8	Unsafe conduct on Metro vehicles or in Metro facilities	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-190.A.10	Extending body through window of Metro vehicle	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-200</b>	<b>Signs</b>					
6-05-200.A	Posting signs, stickers in Metro facilities or on Metro vehicles	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-200.B	Destroy Metro sign, ad, notice	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-200.C-D	Failure to obey signs	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-210</b>	<b>Solicitation</b>					
6-05-210.B	Distributing materials	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-210.C.1-8	Failure to comply with time, place and manner restrictions	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

\* Pursuant to the Customer Code of Conduct Section 6-05-240(C) any person who commits a criminal offense, or fails to pay a penalty when due or violates any provisions of the code, including those not listed above, may be ejected from a Metro vehicle or facility by order of an authorized Metro representative, and may be excluded from all or a portion of Metro vehicles and facilities.

\*\* All violators are subject to all penalties listed above. An individual who received a notice of violation is eligible to complete Metro Transit School and community service, which may only be completed once in any 12-month period upon order of a Metro Hearing Officer.

**CUSTOMER CODE OFFENSES, WHICH WHEN CITED ON METRO PROPERTY, IN A METRO FACILITY OR VEHICLE, MAY RESULT IN EJECTION AND/OR EXCLUSION, ORDERS IN ADDITION TO CRIMINAL OR OTHER PENALTIES\***

CODE SECTION	DESCRIPTION	1 <sup>ST</sup> OFFENSE**	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE	5 <sup>TH</sup> OFFENSE OR GREATER
<b>6-05-80</b>	<b>Civility, Compliance and Cooperation</b>					
6-05-80.A	Abuse or harassment of Metro personnel or patrons	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.H	Soliciting lewd conduct	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.I	Prostitution	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.K	Graffiti	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.L	Littering	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.M	Injuring another person or damaging property	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.D	Possession of a drug or illegal substance	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-110.E	Being under the influence of drugs or alcohol	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-120</b>	<b>Loitering</b>					
6-05-120.A	Loitering in Metro facilities or vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-120.B	Remaining in Metro vehicle or facility without lawful transportation purpose	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-190</b>	<b>Safety</b>					
6-05-190.F	Tampering with a Metro vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion



6-05-210	Solicitation					
6-05-210.A	Soliciting in a Metro facility or vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-220	Weapons					
6-05-220.A	Discharge of a weapon	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-220.B	Possession of a weapon	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion

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\*\* All violators are subject to all penalties listed above. An individual who received a notice of violation is eligible to complete Metro Transit School and community service, which may only be completed once in any 12-month period upon order of a Metro Hearing Officer.



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# Recommendations on Metro's Code of Conduct: Public Safety Advisory Committee

## About these recommendations

While PSAC acknowledges the work Metro is undertaking on the Code of Conduct, the committee would like to emphasize that Metro should expand its focus beyond solely revisions to the Code of Conduct text. Committee members would like Metro to better articulate how the revised Code (and resulting enforcement actions) support the agency's new vision for public safety. As explained to the committee, Metro's proposed revisions to this policy document are unlikely to bring about the "safe, dignified, and human experience" the agency committed to when it adopted [the PSAC-drafted Mission and Values for public safety on the Metro system](#).

Ensuring that all Metro users have a safe, dignified, and positive experience is a responsibility shared by riders AND the agency. The committee calls on Metro to be a visionary leader and adopt a transformative, holistic approach to public safety that not only updates the Code of Conduct, but also shifts funding away from law enforcement and contracted security services to support investments that support riders. This includes investing in infrastructure, operations, and maintenance to enhance the rider experience; dedicating more resources to station and vehicle cleaning and upkeep; continued investments in employee training; and devoting staffing resources to ensure that employees are fairly compensated. These investments will ensure that Metro is leading by example and enables riders to adhere to the shared values that the agency aims to uphold.

Additionally, any edits to the Code of Conduct should be explicitly linked to the aforementioned Mission and Values statements. The committee recommends that Metro staff clearly articulate this linkage to affirm its commitment to the adopted values of:

- "Implementing a Human-Centered Approach"
- "Emphasizing Compassion and a Culture of Care"
- "Recognizing Diversity"
- "Acknowledging Context"
- "Committing to Openness and Accountability"

## ***Metro's Role in Code of Conduct Compliance & Enforcement***

1. **Fund improvements that support equitable Code of Conduct implementation by shifting funding from law enforcement and contract security:** As PSAC has previously stated [here](#), [here](#), and [here](#), funding should be shifted away from law enforcement and contract security services to support a transformative vision of public safety. Metro's [Respect the Ride campaign](#) is an example of a program which should receive reallocated funding under this directive.

- 2. Enhancing customer experience improves public safety and adherence to shared values:** The committee calls for Metro to broaden its vision of public safety to include customer experience elements, such as those named in [Metro's Customer Experience Plan](#) and [ACT-LA's Metro as a Sanctuary report](#). Investing in additional seating, bathrooms, and trash cans provides infrastructure that allows riders to adhere to the norms spelled out in the Code. Likewise, investments in shops, street vendors, and performers create station areas that are for people and meet Metro's adopted value of "Implementing a Human-Centered Approach." A station that is comfortable and welcoming will improve public safety by reinforcing the Code of Conduct's call for shared stewardship of transit spaces.
- 3. Metro must lead if riders are to follow:** As seen in [Metro's FY23 Budget survey](#), transit riders list cleaner stations and vehicles at or near the top of their priorities for Metro's budget. The committee calls for Metro to increase station and vehicle cleaning system-wide as a way to lead by example. A consistently clean and well-maintained system is less likely to have riders violate our shared values of cleanliness.
- 4. Invest in staff training and increased compensation to support Code of Conduct goals:** Funding should be shifted to better support current employees through training and compensation. To ensure that Code of Conduct implementation is equitable and reinforces treating riders with dignity, Metro should continue to invest in staff training, strategic deployment of staffing resources, and increased compensation to make frontline jobs more attractive. In the context of supporting the Code of Conduct revisions, this includes additional investments in unarmed personnel like transit ambassadors, vehicle operators, and custodial staff.
- 5. Any infractions of the Code of Conduct should not be financially punitive or removal of access to Metro services:** In keeping with Metro's adopted value of "Acknowledging Context," any Code of Conduct infractions should not result in a monetary fine or revocation of Metro system access. Given the racial disparities seen in the existing enforcement data, coupled with Metro's acknowledgement of low levels of fine remittance, this practice should be eliminated. Meanwhile, revoking individual's access to Metro for Code of Conduct violations further entrenches systemic inequality. As noted in Metro's Vision 2028 Strategic Plan, public transportation plays an integral role in access to economic and educational opportunities, essential services, and other necessary activities that support LA County residents in living successful and healthy lives. Punitively barring individuals, rather than seeking to rehabilitate them, continues an inequitable status quo.
- 6. Recognize and encourage good ridership behavior:** Metro should actively strive to build a culture of considerate ridership. Metro staff on vehicles and in stations should have the discretion to recognize and, where possible, reward riders who are exemplary transit users. Rewards can range from social media posts, to shared stories on Metro's The Source blog, to small financial incentives like TAP cards. There could be additional

synergy with Metro's free fare programs for students and leverage this opportunity to influence youth and develop a new generation of transit riders in Los Angeles.

### ***Revising the Code of Conduct Document***

7. **Structure the Code of Conduct as expectations, not behaviors:** Rather than drafting a document detailing what riders can not do, structure it as a series of expectations that both riders and the agency are to meet. The committee recommends Metro engage PSAC in a comprehensive drafting process to articulate these expectations for the Code of Conduct. Some PSAC members have called for a new Code of Conduct drafted from scratch. The text and framework of the current Code of Conduct can not facilitate PSAC's transformative vision outlined in Recommendation #1. Therefore a brand-new document would be drafted, with Recommendation #6 as its core tenet.
8. **Acknowledging context for vulnerable transit riders:** The committee also recommends that Metro include specific language in the Code of Conduct to acknowledge the different types of riders the system serves and acknowledges the diversity of experiences and needs each brings to the system. Specifically, the Code of Conduct should identify the systemic barriers and challenges faced by the vulnerable riders it serves. These groups include unhoused riders, riders with disabilities, women, youth, members of the LGBTQ+ community, and older adults, among others. The Code's expectations should be adjusted according to the social and economic realities affecting rider's experience on transit. The expectations for an unhoused rider with limited access to mental health services can not be the same as for a person who is housed and has a stable income. To ensure a "safe, dignified, and human experience" on the system and address those varied expectations, Metro should co-locate homeless services, elevator attendants, transit ambassadors, and other non-law enforcement alternatives according to each population's needs. Please see "Attachment A" (p. 9) for specific recommendations from CALIF-ILC's advocacy group related to Code of Conduct language and enforcement for riders with disabilities.
9. **Remove quality of life infractions that have racially and economically disparate impact:** The following sections in [Metro's current Code of Conduct](#) should be eliminated, as they are redundant with existing criminal law and are likely to disproportionately punish low-income and unhoused riders. **While PSAC acknowledges that some of the issues Metro's Code of Conduct is attempting to solve remain a challenge for the agency, the committee does not support addressing these challenges through a punitive Code of Conduct mechanism. As stated in Recommendations #5 and #7, PSAC supports a rehabilitative approach that creates a culture that values shared stewardship of the transit experience. The issues on the transit system are** better addressed through provision of services and enhanced infrastructure (as detailed in Recommendations #2, #4, and #8). See the table on the following page for sections recommended for elimination:

Section #	Description
<b>6-05-040.A-B</b>	<p>A. <i>Wheeled riding devices including bicycles, skates, skateboards, kick scooters, and other wheeled riding devices except wheelchairs and mobility aid devices, may not be ridden in Metro facilities or vehicles, except for public bike or roadways clearly intended for those types of devices. A person may carry or walk such wheeled riding devices in a safe manner on Metro facilities to park or board Metro vehicles.</i></p> <p>B. <i>Tandem, three-wheeled, or fuel-powered bicycles or other wheeled riding devices, are not permitted in, attached to, or on Metro facilities or vehicles. Bicycles or other wheeled riding devices over six (6) feet long are prohibited.</i></p>
<b>6-05-050.A-I</b>	<p>A. <i>Willfully blocking or impeding the free movement of another person.</i></p> <p>B. <i>Blocking an aisle, elevator, escalator, door, or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a patron's movement, or displaces a person.</i></p> <p>C. <i>Operating, stopping, or parking a vehicle in a location that is reserved for transit vehicles or is otherwise restricted.</i></p> <p>D. <i>Obstructing or impeding the flow of a Metro vehicle or interfering with the operation or use of transit services.</i></p> <p>E. <i>Preventing a door from closing.</i></p> <p>F. <i>Reclining on, placing objects on, or blocking a seat.</i></p> <p>G. <i>Occupying more than one seat.</i></p> <p>H. <i>Willfully interfering with the operator or operation of a Metro vehicle in a manner that affects the operator's control of the vehicle.</i></p> <p>I. <i>Impeding the safe boarding or exiting of passengers.</i></p>
<b>6-05-070.A-D</b>	<p>A. <i>Commercial or large size carts, dollies and strollers are prohibited on Metro vehicles, unless collapsed. If a small, personal use size stroller is occupied by a child or small cart is filled, then it must be securely held and not block passageways or seats.</i></p> <p>B. <i>Carts, dollies, strollers and large luggage that create an unsafe condition are prohibited.</i></p>

Section #	Description
	<p><i>C. During crowded conditions or peak hours, remove children from strollers and materials from carts, and collapse, or wait for the next Metro vehicle that has room for the cart or stroller. This provision does not apply to wheelchairs or other mobility aid devices.</i></p> <p><i>D. Carts, strollers, large luggage and wheelchairs or other mobility aid devices are to be transported in elevators or ramps in all Metro facilities and not on escalators.</i></p>
<b>6-05-080.A-E</b>	<p><i>A. Abuse and harassment of Metro representatives or patrons is prohibited in Metro facilities and vehicles.</i></p> <p><i>B. A person must comply with all lawful orders and directives given by an authorized Metro representative relative to Metro facilities or vehicles consistent with the code, including any instruction to leave a Metro vehicle or facility for safety reasons, for a violation of the code, or following a notice of ejection or exclusion.</i></p> <p><i>C. A person receiving a Notice of Violation must provide accurate and complete identification and fare media when requested to do so by an authorized Metro representative.</i></p> <p><i>D. A person may not falsely represent himself or herself to be a Metro representative through words, actions, clothes, insignia, badge, or equipment.</i></p> <p><i>E. A person must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle. Infants being held or in strollers and persons in wheelchairs are not required to wear shoes.</i></p>
<b>6-05-090.A-B</b>	<p><i>A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit and paying all required fees.</i></p> <p><i>B. Persons who engage in permitted commercial activity in a Metro facility or vehicle must comply with all Metro instructions, safety requirements, and applicable laws.</i></p>
<b>6-05-100.A, .C-L</b>	<p><i>A. Expectorating (spitting).</i></p> <p><i>C. Urinating or defecating, except in a lavatory. This subsection does not apply to a person who cannot comply as a result of disability, age, or a medical condition.</i></p> <p><i>D. Throwing an object at a patron, Metro representative, or a Metro facility or vehicle.</i></p>

Section #	Description
	<p><i>E. Gambling to win money or anything of value.</i></p> <p><i>F. Hanging from, swinging from, or attaching anything to hand rails. This does not apply to holding a handrail to stabilize one's body during transit.</i></p> <p><i>G. Inciting violence or posing a clear and present danger to other persons, including making verbal or visual gang affiliation or provocation signs.</i></p> <p><i>H. Engaging in or soliciting another person to engage in lewd conduct.</i></p> <p><i>I. Engaging in or soliciting another person to engage in prostitution.</i></p> <p><i>J. Placing feet or shoes on seats or furnishings.</i></p> <p><i>K. Defacing with graffiti, vandalizing, damaging, destroying, or tampering with Metro facilities or vehicles.</i></p> <p><i>L. Littering or dumping.</i></p>
<b>6-05-110.A-G</b>	<p><i>A. Eating, drinking, smoking, vaping, or carrying a lit cigar, cigarette of any type, or pipe, except in designated areas permitting that activity or is required by a disability accommodated pursuant to 6-05-140 Miscellaneous G.</i></p> <p><i>B. Placing chewed gum onto any surface in a Metro facility or vehicle other than into a trash receptacle.</i></p> <p><i>C. Drinking or possessing in an open container an alcoholic beverage, except in designated areas where there is notice that drinking alcohol is permitted and all required permits have been obtained.</i></p> <p><i>D. Possessing an illegal drug or substance.</i></p> <p><i>E. Being under the influence of alcohol, a drug, a controlled substance, toluene, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a Metro facility or vehicle.</i></p> <p><i>F. Creating a public nuisance or a health hazard by dropping food other than in a proper waste disposal receptacle.</i></p> <p><i>G. Smoking or vaping is also not allowed within 20 feet of any Metro facility entrance, exit or operable window.</i></p>
<b>6-05-120.A</b>	<i>Loitering is prohibited in Metro facilities and vehicles.</i>
<b>6-05-150.A-C</b>	<i>A. Disturbing others by engaging in unruly behavior.</i>



Section #	Description
	<p><i>B. Failing to comply with a warning by a Metro representative to cease creating loud, boisterous or unreasonable noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes a nuisance or unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition, such as distracting operators of Metro vehicles.</i></p> <p><i>C. Playing a sound device, except when using headphones or earphones that make the sound inaudible to others unless a permit has been issued for usage of such sound device by Metro.</i></p>
<b>6-05-160.A-B</b>	<p><i>A. A person may not be in a Metro facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition. Notwithstanding the foregoing, this subsection shall not apply to persons with odors directly related to a disability or medical condition unless the odor is so severely disruptive that it interferes with the use or operation of the Metro facility or vehicle by Metro representatives or patrons, or creates direct threat or an unsafe condition.</i></p> <p><i>B. Extreme odors may arise from a variety of sources, including one's body, possessions, clothing, food, chemicals or accompanying animals.</i></p>
<b>6-05-180.A-C</b>	<p><i>A. A person may not photograph, film, duplicate, record, or sketch a Metro facility or vehicle for commercial purposes without first obtaining a Metro permit and any other required permits, and paying all required fees.</i></p> <p><i>A person who photographs, films, or records in a Metro facility or vehicle must comply with all Metro safety requirements, instructions, licenses, and applicable laws including copyright laws.</i></p> <p><i>C. A person may photograph, film, record, or sketch a Metro facility or vehicle for non-commercial purposes only in public areas, unless otherwise authorized by Metro, and in a manner, at a</i></p>

Section #	Description
	<p><i>time, and at a place that does not interfere with Metro operations, or create an unreasonable risk to the safety or well being of Metro representatives or patrons. Prohibited activities shall include use of a tripod, or laying of cord or cables, in a walkway; use of a flash bulb that is blinding to patrons or Metro representatives; or creating congestion during an emergency evacuation.</i></p>

**10. Review and update the Code of Conduct annually:** The Code of Conduct should be a regularly updated document. Metro should consider consulting PSAC or another community oversight body to review outcomes annually.

**11. Perform detailed outreach to advocate and community groups:** As demonstrated by the memorandum in “Attachment A” (pg. 9) drafted by CALIF-ILC, an independent living center that provides advocacy programs and services for people with disabilities, Metro should perform extensive and detailed outreach to stakeholder groups when revising the Code of Conduct. It is essential to gather input from a wide variety of perspectives and find consensus between the varied positions. The level of detail in the memorandum is exemplar for the kind of nuance needed to update a policy document that affects different communities in different ways.

*Facilitator’s note: Attachment A does not represent the views of PSAC. It is an example of the kind of engagement PSAC recommends Metro engage in.*

## Programs to Support Code of Conduct Policies

**12. Expand the use of applications to allow riders to document needs, report incidents, and connect with non-law enforcement alternatives:** Metro should investigate opportunities to make rider-facing applications (e.g., TransitWatch) more responsive to riders needs, including those beyond safety and security. Data provided by riders can help inform the allocation of non-law enforcement resources. To support Code of Conduct goals, riders should be able to use an application (or a similar tool) to make requests beyond those related strictly to security or law enforcement. Riders should also be able to identify areas that may need cleaning, report items that are broken or in disrepair, and identify locations where a fellow rider may benefit from the intervention of a mental health or homeless outreach service provider. This application should capture anonymized incident reports from riders, track Metro’s response, and specify outcomes or resolutions (including incidents where law enforcement intervened). Finally, Metro

should consult a community oversight board to determine data gathering and retention protocols, report outcomes, and advise on the deployment of non-law enforcement resources.

- 13. Make bystander or “upstander” training a central program of advancing the Code of Conduct:** The committee calls for Metro to advance and expand their bystander training programs as a cornerstone of equitably implementing the Code of Conduct. These programs should have high levels of involvement with transit riders and be promoted widely. Additionally, the agency should think creatively to integrate multiple forms for riders to be involved. For precedent, see [Antanas Mockus, former mayor of Bogotá, who used street performers, soccer yellow cards, and other forms of resident involvement](#) to transform a city struggling with public safety issues.
- 14. Clearly and playfully communicate through signage and advertising:** All signage and advertising should be clear and fun in its communication. They should stand out by being memorable and noticeable, rather than instructive. Signage alone can not be the primary means of informing riders of the shared values and expectation. Metro should invest in advertisements, social media campaigns, public service announcements, and public art in addition to infrastructure investments (e.g., staffing, bathrooms, trash cans, etc.) to improve the rider experience. **The committee recommends that one of the key messages Metro advertises should promote safety for all users on the Metro system. This messaging should specifically call out riders, community members, Metro employees and vehicle operators.**
- 

## ATTACHMENT A

Metro Code of Conduct  
A Disability Perspective from Advocates at:  
Communities Actively Living Independent and Free (CALIF)

### Metro Code of Conduct

#### 6-05-040

##### **Wheeled riding devices**

The use of skateboards, skates and other wheeled devices are a hazard for people with disabilities and older adults who cannot get out of the way. We support the continued prohibition of these items.

#### 6-05-050

##### **Blocking**

People with disabilities and older adults have limited energy and ability to do their targeted activities. Having to maneuver around people blocking our path of travel can make a trip using Metro overwhelming.

We can't step over people and sometimes can't find a way around a person laying on the ground. Sometimes our movements around a person who is on the ground may be seen as aggressive and lead to a confrontation. We continue to support a prohibition on blocking.

**6-05-060**

**Boarding, exiting, and seating**

**B. Maintaining control of children**

At times, children block the paths of wheelchairs or jump out in front of an oncoming wheelchair. Parents need to control their children to keep them from getting injured. Children are also naturally curious and tend to grab the joysticks of power wheelchairs which causes our chairs to go out of control. This is especially dangerous at rail stations. We continue to support Metro's efforts to remind parents to maintain control of their children.

D. Yield priority, reserved, wheelchair or similarly designated seating to older adults and individuals with disabilities.

We continue to support Metro's efforts regarding the designated seating.

E. A Personal Care Attendant (PCA) must travel with a patron who displays an Access Services TAP card with a PCA eligible designation at all times when using the Metro bus and rail system, including boarding and exiting at the same location and traveling in the same bus or rail car.

We continue to support Metro's policy in accepting Access Services TAP cards for rider fare. However, we encourage Metro to move to a fareless system for all disabled riders and older adults. The use of TAP cards is not accessible to all riders. Many people cannot pass through the turnstiles while holding a TAP Card. It is an accessibility issue that denies some individuals the ability to ride on Metro.

**6-05-080**

**Civility, compliance, and cooperation**

F. Patrons unable to care for themselves, who do not exhibit an ability to comply with Metro's code, or who pose a safety risk, must be accompanied by a service animal or a responsible individual who can care for the patron when in a Metro facility or vehicle.

\*\*\*\* Disability issues should be put under a category of accessibility

This issue might have ADA violations. Who is to say who can take care of themselves and what is the criteria used to determine this? And why would a service animal matter? We recommend that this code is removed.

**6-05-090**

**Commercial activity**

We support the prohibition of vending on trains. Many times, illegal vending activities are centered around the wider wheelchair accessibility areas on trains. People bring wagons, trollies and large Igloo iceboxes

and block wheelchair access. This is a common problem on the Blue Line. We would like to see more enforcement of this code.

#### **6-05-100**

##### **Disorderly conduct**

J. Placing feet or shoes on seats or furnishings.

We support Metro in continuing to enforce the above item. Often buses and trains are at near capacity. This could end up denying someone who is an older adult or a person with a disability a seat. This could become a safety issue as it might lead to someone being forced to stand who cannot do so safely.

#### **6-05-110**

##### **Food, alcohol, and drugs**

E. Being under the influence of alcohol, a drug, a controlled substance, toluene, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a Metro facility or vehicle.<sup>30</sup>

We support Metro efforts to stop intoxicated individuals from riding Metro and entering Metro's facilities. But we want to express our concern that there are many types of disabilities that mimic behaviors of someone who is intoxicated. Care must be taken when trying to determine if someone is truly intoxicated or has a disability.

#### **6-05-120**

##### **Loitering**

We support the prohibition of loitering. Loitering creates barriers which hamper the ability of older adults and disabled people to ride Metro safely. We would encourage Metro to use more enforcement.

#### **6-05-140**

##### **Miscellaneous**

G. Individuals with disabilities may visit *metro.net*.....

\*\*\*\* Once again, we recommend a specific section on accessibility.

#### **6-05-150**

##### **Noise**

We support Metro's effort to limit loud noise. Individuals who have disabilities like autism, dementia and cerebral palsy can be adversely affected by it. However, we feel that Metro should include a sentence or two recognizing that certain disabilities can lead to someone talking loudly and or making noise. Under the ADA they are entitled to a reasonable accommodation.

#### **6-05-160**

##### **Odors**

A. A person may not be in a Metro facility or vehicle.....

We believe that even if the person has a disability, if the odor is bad enough, they should be asked to leave. From our Disability Point of View, we would recommend that the rule be enforced.

**6-05-190**

**Safety**

5. Standing, lying or climbing on a sign, bench, passenger shelter, trash container or planter.

We are concerned that someone with a disability or an older adult might need to lay down on a bench for a short period due to a disability or might be forced to sit on a trash container due to exhaustion. If they are there for a long period of time, they should be asked if they're okay. If they are just resting until their bus or train arrives, then it should be permitted.

Sections C and D:

We are willing to report situations to you, but you need to make a greater effort to have staff that can understand us. Phones and communication devices all need to be ADA compliant.

**6-05-200**

**Signs**

D. Persons shall also obey all other notices and signs posted by Metro in a Metro facility or vehicle.

We need better signage to help disabled people evacuate when needed. Signs need to be accessible and at a good eye level. We feel that the signage on Metro rail cars on what to do in an emergency is really lacking.

**6-05-230**

**Fares**

We would like Metro to go fareless for older adults and people with disabilities. Many in our community have great difficulty handling money and TAP cards. A fareless system would truly help to make Metro accessible.

**6-05-240**

**Enforcement**

When people break the rules, we would encourage those riders to be removed from the vehicle and made to take the next vehicle. We also support a loss of riding privileges.

Conduct Area	Transit Agency																					
	BART	CATS	MCTS	MSP Metro	NYC MTA	SACRT	Sound Transit	TriMet	UTA	Valley Metro	WMATA	SEPTA	MARTA	Capitol Metro	DART	CTA	Houston Metro	MBTA	Denver RTD	Miami-Dade Transit	PATH	NJ Transit
Designated seating			X	X	X	X	X	X			X	X		X	X		X		X		X	
Distract, disrupt driver or service	X		X	X	X		X	X	X	X				X		X	X		X		X	
Eating, drinking restrictions	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	
Flammable substances, hazardous materials	X	X			X	X	X		X	X						X			X		X	
Harass, disrupt others <sup>1</sup>	X					X	X	X		X		X	X	X	X	X	X		X		X	
Correct Fare, Paid Fare Area	X		X	X	X	X	X	X		X		X	X	X	X	X	X	X	X	X	X	X
Littering	X	X			X	X	X			X	X		X	X	X	X	X		X		X	
Loitering, vagrancy		X			X					X				X		X	X		X		X	
Loud music, conversation, noise	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	
More than one seat			X	X	*		*		*				*	*	X	X	X		X		X	
Non-service animal restrictions	X	X	X	X	X	X	X	X		X			X	X		X			X		X	
Required clothing, shoes	X		X	X		X	X		X	X	X			X		X			X		X	
Respect the ride, others			X	X	X	X	X					X	X	X	X	X	X		X		X	
Skateboarding, scooters, rollerblades		X			X	X			X	X			X	X		X	X		X		X	
Soliciting, non-transit activities	X	X			X	X	X			X			X	X	X	X	X		X		X	
Spit, urinate, defecate	X	X				X			X	X			X	X		X	X		X		X	

<sup>1</sup> Between its 2013 posted code of conduct and its 2021 update, BART added to its list of prohibited acts “sexual harass[ment of] a BART employee or passenger (non-criminal)” in addition to the previously included prohibition of “treaten[ing], harm[ing] or assault[ing] a BART employee or passenger.” This addition could be considered an example of a transit agency updating its code of conduct in response to a changing environment, as the transit industry as a whole has seen an increase trend in harassment and assault of its operators over the past several years and especially during the COVID-19 pandemic.

Conduct Area	Transit Agency																					
	BART	CATS	MCTS	MSP Metro	NYC MTA	SACRT	Sound Transit	TriMet	UTA	Valley Metro	WMATA	SEPTA	MARTA	Capitol Metro	DART	CTA	Houston Metro	MBTA	Denver RTD	Miami-Dade Transit	PATH	NJ Transit
Smoking, alcohol, other drug use	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	
Stroller, carts, baggage storage			X	X	X	X	X	X	X	X		X		X	X	X	X		X		X	
Trespass	X	X			X									X		X	X	X	X		X	
Vandalism, graffiti	X	X			X	X			X	X				X	X	X	X	X	X		X	
Violence, including threat of	X		X		X	X			X	X					X	X	X		X			
Vulgar language, gestures	X	X	X	X	X				X	X			X	X	X	X	X	X		X		
Weapons	X	X			X		X						X	X		X	X		X			
* Agencies with the asterisk reference no lying down or feet on seats but do not specify more than 1 seat as a blanket statement.																						



# Metro Customer Code of Conduct

Amended 1/1/2022



**Metro**<sup>®</sup>

## the customer code of conduct

### title 6

Chapter 6-05

Customer Code of Conduct

Adopted by Metro

July 22, 2010

Amended 1/1/2022

## preamble adopted by metro

~~Los Angeles County Metropolitan Transportation Authority (Metro) provides important services to the traveling public in Los Angeles. Safety is the guiding principle by which Metro operates. A successful partnership between Metro and the public is dependent upon Metro employees and the traveling public behaving in a mutually respectful and courteous manner.~~

~~This ordinance is entitled the Metro Customer Code of Conduct. Compliance with this ordinance is a condition of use, by any individual, of a Metro vehicle, facility or property.~~

~~Sections 6-05-40(A), 6-05-100, 6-05-110, 6-05-150, 6-05-220(C) and Section 6-05-240(A) of this ordinance are enacted pursuant to the authority granted to Metro by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580, et seq.~~

The Los Angeles County Metropolitan Transportation Authority ("Metro") provides important essential services to the traveling public in Los Angeles County. Safety is the guiding principle by which Metro operates. Metro serves our customers and the community most effectively when everyone follows our Code of Conduct to ensure a respectful, safe, and courteous transit experience.

## 6-05-010 values

- ~~A. Patrons shall use the Metro system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in LA County.~~
- ~~B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect and civility to allow use, operation and enjoyment of the Metro system in a safe and gratifying manner for all persons.~~
- ~~C. Metro and its representatives shall perform its duties hereunder with fairness, equity, civility, respect, compassion and without bias.~~

Metro aims to ensure a high quality, safe, comfortable ride to everyone we serve. All riders can expect to:

- Receive friendly and respectful service
- Enjoy a clean and safe environment
- Use Metro services without interference or harassment

Metro asks that riders conduct themselves in a way that shows respect for fellow riders, Metro employees, facilities, and vehicles. Everyone benefits by riding right. Riders enjoy a safe, secure, comfortable and inviting atmosphere, and the overall efficiency of the transportation system improves. Metro's Code of Conduct can be summarized in the following guidelines:

- Pay the right fare.
- Respect other riders.
- Yield priority seating and locations designated for use by persons with disabilities and senior citizens. Please surrender your seat to these customers when they board.

- Passengers are welcome to bring items on-board providing they are not dangerous, can be kept out of the aisle and remain under the passenger's control in the event of an unscheduled stop.
- Do not harm, threaten or harass the driver or fellow passengers.
- Sexual harassment of riders and employees is prohibited.
- Do not create safety problems.
- No eating or drinking.
- Respect Metro property – no vandalism.
- Use Metro services for transportation purposes only.
- No smoking, illegal drugs, or illicit substances.
- No bike riding, roller blading, or skate boarding.
- No littering, spitting, or creating unsanitary conditions.
- No disruptive behavior, loud or unreasonable noises, sound devices or profanity.
- No fighting, swearing, or abusive language.
- No soliciting or unauthorized commercial activity.
- No lewd behavior.
- No weapons or dangerous substances (flammables, toxins)
- Must wear shoes, tops and bottoms.
- Must comply with Parking Administrative Code.
- Must wear shoes, tops and bottoms.

This Ordinance are enacted pursuant to the authority granted to Metro by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580, *et seq.* Compliance with this Ordinance is a condition of use, by any individual, of a Metro vehicle, facility or property.

## 6-05-020 definitions

~~The following terms, whenever used in this chapter, shall be construed as defined in this section:~~

- ~~A. "Abuse" and "harassment" mean any extreme physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, cursing and sexual harassment, including unwanted touching, comments or gestures, of a sexual nature or because of their gender, sexual orientation, gender expression or gender identity.~~
- ~~B. "Commercial activity" means any for profit activity, including selling goods, food, services or distributing commercial materials.~~
- ~~C. "Fare" means the monetary charges established by Metro for the use of its facilities and vehicles.~~
- ~~D. "Fare media" means the methods by which fares are paid, issued by or on behalf of Metro for the payment of fare, including tokens, passes, cards, transfers, tickets and vouchers.~~

- ~~F. "Fare required zone" includes 1) areas in any bus between the yellow line near the front of a bus to the rear of the bus, 2) areas in any Metro facility beyond any fare gate, standalone validator or fare tapping machine leading to a platform, 3) platform areas, or 4) areas where any sign indicates fares are required at or beyond that location.~~
- ~~F. "Graffiti" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn, painted or affixed on Metro facilities or vehicles.~~
- ~~G. "Loitering" means unnecessary lingering in Metro facilities or vehicles or other location where it interferes with a Metro facility or vehicles or use thereof with the intent to commit a crime.~~
- ~~H. "Metro" means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.~~
- ~~I. "Metro representative" means a Metro security officer, operator, fare inspector or other authorized Metro employee, board or sector councilmember, or contractor.~~
- ~~J. "Metro facility" means all property and equipment, including rights-of-way and related trackage, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, signs, artwork, storage yards, depots, repair and maintenance shops, yards, offices, parking areas and other real estate or personal property owned or leased by Metro, used for any Metro activity or authorized to be located on Metro property.~~
- ~~K. "Metro vehicle" means a Metro bus, train, car or other vehicle owned, operated, or used by Metro or its contract service providers transporting Metro representatives or patrons.~~
- ~~L. "Minor" means a person under the age of 18.~~
- ~~M. "Peak hours" means 6:30am - 9am and 3pm - 7pm Monday through Friday.~~
- ~~N. "Patron" and "customer" mean any person in or on, using or attempting to access, a Metro facility or vehicle, including without limit paying riders.~~
- ~~O. "Off-peak hours" means all other times other than peak times.~~
- ~~P. "Person" includes an individual, firm, partnership, corporation, association or company.~~
- ~~Q. "Rules" or "code" or "Customer Code of Conduct" means Title 6 of Metro's Administrative Code as amended from time to time.~~
- ~~R. "Sound device" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier or other device that plays music or emits noise. Sound device does not include assistive hearing devices for persons who have impaired hearing.~~
- ~~S. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials and highly combustible materials.~~
- ~~T. "Wheelchair" means, a mobility aid belonging to any class of three (3) or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.<sup>1</sup>~~
- ~~U. "Mobility aid device" means an assistive device other than a wheelchair used by and primarily intended to assist persons with disabilities with locomotion.~~
- ~~V. "Power driven mobility device" means any device powered by batteries, fuel or other source that does not fit the definition of a wheelchair regardless whether it is designed primarily for use by individuals with mobility disabilities.<sup>2</sup>~~
- ~~W. "Personal Care Attendant" means an individual designated or employed by a person with disabilities, to aid in meeting his/her personal needs.<sup>2</sup>~~

The following terms, whenever used in this chapter, shall be construed as defined in this section:

- A. "Abuse" and "harassment" mean physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, and cursing and sexual harassment including unwanted touching, comments, or gestures, of a sexual nature or because of their gender, sexual orientation, or gender expression or gender identity.
- B. "Commercial activity" means any for-profit activity, including selling goods, food, services, or distributing commercial materials.
- C. "Fare" means the monetary charges established by Metro for the use of its facilities and vehicles.
- D. "Loitering" means unnecessary lingering in Metro facilities or vehicles or other location where it interferes with a Metro facility or vehicles or use thereof with the intent to commit a crime.
- E. "Metro" means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.
- F. "Metro representative" means a Metro security officer, operator, fare inspector, or other authorized Metro employee, board or sector council member, or contractor.
- G. "Metro facility" means all property and equipment, including rights of way and related trackage, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, signs, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, and other real estate or personal property owned or leased by Metro, used for any Metro activity, or authorized to be located on Metro property.
- H. "Metro vehicle" means a Metro bus, train, car, or other vehicle owned, operated, or used by Metro or its contract service providers transporting Metro representatives or patrons.
- I. "Minor" means a person under the age of 18.
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- L. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials, and highly combustible materials.

- M. "Wheelchair" means, a mobility aid belonging to any class of three (3) or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.
- N. "Mobility aid device" means an assistive device other than a wheelchair used by and primarily intended to assist persons with disabilities with locomotion.

### **6-05-030 animals**

- ~~A. Animals are not permitted in Metro facilities or vehicles, unless one of the following applies:~~
- ~~1. The animal is in a fully enclosed and secure carrier;~~
  - ~~2. The animal is a certified police or security animal and is accompanied by a peace officer;<sup>4</sup> or~~
  - ~~3. The animal is a service animal, as defined by the Americans with Disabilities Act, and is accompanied by a patron. A Metro representative may ask whether an animal is a pet or a service animal required because of a disability and what function the animal has been trained to perform for the handler.<sup>5</sup>~~
- ~~B. Handlers shall maintain control of their animals at all times. No animal is permitted in a Metro facility or vehicle that is not under the control of its handler or poses a threat to a Metro representative or patron. A non-service animal may be denied from boarding or ejected if it unreasonably annoys patrons.~~
- ~~C. Handlers of animals shall promptly remove all animal waste from Metro facilities and vehicles. Leaving animal waste in a Metro facility or vehicle is prohibited.~~
- ~~D. Handlers must ensure that an animal shall not deprive a patron of a seat or block an aisle.~~
- ~~E. Animal carriers must have closable doors that are closed during transport. Purses, backpacks and other similar items are not considered suitable animal carriers unless they are fully enclosed for animal transport.~~

### **6-05-030 Animals**

- A. Animals are permitted on Metro if they meet one of the following:
1. The animal is in a carrier; or
  2. The animal is a service animal, as defined by the Americans with Disabilities Act.
- B. Control of the animal is maintained.
- C. Animal carriers are secure and intended for that purpose.
- D. Handlers shall maintain control of their animals at all times. No animal is permitted in a Metro facility or vehicle that is not under the control of its handler or poses a threat to a Metro representative or patron.
- E. Handlers of animals shall promptly remove all animal waste from Metro facilities and vehicles. Leaving animal waste in a Metro facility or vehicle is prohibited.

### **6-05-040 wheeled riding devices**

- ~~A. Wheeled riding devices, including bicycles, skates, skateboards, kick scooters and other wheeled riding devices, except wheelchairs and mobility aid devices, may not be ridden in Metro facilities or vehicles, except for public bike or roadways clearly intended for those types of devices.<sup>6</sup> A person may carry or walk such wheeled riding devices in a safe manner on Metro facilities to park or board Metro vehicles.<sup>6</sup>~~
- ~~B. Tandem, three wheeled or fuel powered bicycles<sup>7</sup>, or other wheeled riding devices, are not permitted in, attached to, or on Metro facilities or vehicles. Bicycles or other wheeled riding devices over six (6) feet long are prohibited.~~
- ~~C. All persons entering Metro facilities with wheeled riding devices of any type, including wheelchairs and mobility aid devices, but excluding handheld skates or skateboards, must use elevators or ramps to access elevated or lowered platforms or subway stations.~~

~~D. Bicycles may be carried on stairs when safe to do so if escalators and elevators are nonoperational. A person who enters a Metro facility or vehicle with a bicycle must do the following:~~

- ~~1. Hold a bicycle when it is not in the rack.~~
  - ~~2. Use available bicycle racks.~~
  - ~~3. If racks on a bus are full, wait for the next bus.~~
  - ~~4. Inform the bus operator before exiting that you will be removing a bicycle from a rack in front of the bus.~~
  - ~~5. Not block aisles, doorways or operators' exit way.<sup>8</sup>~~
  - ~~6. Board at bicycle designated doors and keep the bicycle in bicycle designated areas, such as non-operating cab areas.<sup>6,8</sup>~~
  - ~~7. If an arriving train is crowded, individuals with bicycles must wait for a train with available room. Law enforcement personnel may ask individuals travelling with bicycles to wait.~~
  - ~~8. If evacuation is required, bicycles must be left on the train and located so that they do not block aisles or doors.~~
  - ~~9. Not take the bicycle down train aisles.~~
  - ~~10. Yield space in designated areas to wheelchairs or other mobility aid devices for persons with disabilities.~~
  - ~~11. Load and unload bicycles from the front of a Metro bus to the curbside and not into traffic.~~
  - ~~12. Not attempt to access the bicycle rack after the bus has left the curb.~~
  - ~~13. Use elevators or ramps, not escalators, to transport all wheeled riding devices other than handheld skates or skateboards in Metro facilities.~~
- ~~E. Folded bicycles, handheld skates or skateboards may be carried into a Metro vehicle at any time without using the rack. These items must be stored so that they do not block passageways, aisles or seats.~~
- ~~F. Persons under the age of 14 years travelling with a bicycle must be accompanied by an adult.~~

## **6-05-040 Wheeled Riding Devices**

- A. Wheeled riding devices including bicycles, skates, skateboards, kick scooters, and other wheeled riding devices except wheelchairs and mobility aid devices, may not be ridden in Metro facilities or vehicles.
- B. A person who enters a Metro facility or vehicle with a bicycle must
  1. Use available bicycle racks/areas.
  2. Not block aisles, doorways, or operators' exit.
  3. Follow bicycle rider rules.
  4. Wheeled riding devices over six (6) feet long are prohibited.

## **6-05-050 Blocking**

The following acts are prohibited in Metro facilities and vehicles:

- A. Willfully blocking or impeding the free movement of another person.<sup>8</sup>
- B. Blocking an aisle, elevator, escalator, door or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a patron's movement or displaces a person.<sup>8</sup>
- C. Operating, stopping or parking a vehicle in a location that is reserved for transit



~~vehicles or is otherwise restricted.~~<sup>9</sup>

~~D. Obstructing or impeding the flow of a Metro vehicle or interfering with the operation or use of transit services.~~<sup>10</sup>

~~E. Preventing a door from closing.~~

~~F. Willfully interfering with the operator or operation of a Metro vehicle in a manner that affects the operator's control of the vehicle.~~<sup>10</sup>

~~G. Impeding the safe boarding or exiting of passengers.~~<sup>11</sup>

## **6-05-050 Safe Movement of People and Transit Operations**

A. Passengers and persons must allow:

1. Free and safe movement of other persons, transit vehicles and transit vehicle operations
2. Access to aisles, stairways, elevators, and escalators

B. Activities that disrupt transit operations or the free movement of people are prohibited.

## **~~6-05-060 boarding, exiting and seating~~**

~~The following acts are required in Metro facilities and vehicles:~~

~~A. Never go onto a track except through designated crossings and never step or put arms, legs, or objects in the path of a Metro vehicle.~~<sup>12</sup>

~~B. Maintain control of children at all times in or on Metro vehicles or facilities, including when a Metro vehicle is approaching.~~<sup>12</sup>

~~C. Do not signal in the path of or by touching the bus when it is moving.~~

~~D. Yield priority, reserved, wheelchair or similarly designated seating to older adults and individuals with disabilities.~~<sup>13</sup>

~~E. A Personal Care Attendant (PCA) must travel with a patron who displays an Access Services TAP card with a PCA eligible designation at all times when using the Metro bus and rail system, including boarding and exiting at the same location and traveling in the same bus or rail car.~~

## **6-05-060 Seating**

A. Passengers shall yield priority, reserved designated seating to older adults and individuals with disabilities.

### ~~6-05-070 carts, strollers and luggage~~

- ~~A. Commercial or large size carts, dollies and strollers are prohibited on Metro vehicles, unless collapsed. If a small, personal use size stroller is occupied by a child or small cart is filled, then it must be securely held and not block passageways or seats.~~
- ~~B. Carts, dollies, strollers and large luggage that create an unsafe condition are prohibited.~~
- ~~C. During crowded conditions or peak hours, remove children from strollers and materials from carts, and collapse, or wait for the next Metro vehicle that has room for the cart or stroller. This provision does not apply to wheelchairs or other mobility aid devices.~~
- ~~D. Carts, strollers, large luggage and wheelchairs or other mobility aid devices are to be transported in elevators or ramps in all Metro facilities and not on escalators.~~

### **6-05-070 Carts, Strollers and Luggage**

- A. Carts or strollers must not block aisles or doors and must be held or controlled at all times.**
- B. Carts occupied strollers and wheelchairs must use elevators, unless no elevator is available. Wheelchairs must always use elevators and call for assistance if an elevator is unavailable.**

### ~~6-05-080 civility, compliance and cooperation~~

- ~~A. Abuse and harassment of Metro representatives or patrons is prohibited in Metro facilities and vehicles. <sup>11, 14</sup>~~
- ~~B. A person must comply with all lawful orders and directives given by an authorized Metro representative relative to Metro facilities or vehicles consistent with the code, including any instruction to leave a Metro vehicle or facility for safety reasons, for a violation of the code, or following a notice of ejection or exclusion.~~
- ~~C. A person receiving a Notice of Violation must provide accurate and complete identification and fare media when requested to do so by an authorized Metro representative.~~
- ~~D. A person may not falsely represent himself or herself to be a Metro representative through words, actions, clothes, insignia, badge or equipment.~~
- ~~E. A person must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle. Infants being held or in strollers and persons in wheelchairs are not required to wear shoes.~~
- ~~F. Patrons unable to care for themselves, who do not exhibit an ability to comply with Metro's code, or who pose a safety risk, must be accompanied by a service animal or a responsible individual who can care for the patron when in a Metro facility or vehicle.~~

### **6-05-080 Respect and Cooperation**

- A. Metro representatives and patrons must be treated with respect, and not harassed verbally, physically, or sexually in Metro facilities and vehicles**
- B. Persons must comply with all lawful orders and directives given by an authorized Metro representative.**
- C. Persons must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle.**
- D. Metro may refuse service, or access to Metro facilities or vehicles, including eject or exclude, to any person who does not comply with the code or applicable laws.**

### ~~6-05-090 commercial activity~~

- ~~A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit and paying all required fees. <sup>15</sup>~~

- ~~B. Persons who engage in permitted commercial activity in a Metro facility or vehicle must comply with all Metro instructions, safety requirements and applicable laws.~~<sup>15</sup>
- ~~C. Commercial activity is prohibited on loading platforms and in any location where it interferes with transit services or the movement of patrons or where it creates a safety hazard.~~<sup>15</sup>

## 6-05-090 Commercial Activity

A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit or permission.

### ~~6-05-100 disorderly conduct~~

~~The following acts are prohibited in, on or in close proximity to Metro facilities and vehicles:~~

- ~~A. Expecterating (spitting).~~<sup>16</sup>
- ~~B. Carrying any explosive, acid, flammable liquid, or toxic or hazardous material.~~<sup>17</sup>
- ~~C. Urinating or defecating, except in a lavatory. This subsection does not apply to a person who cannot comply as a result of disability, age or a medical condition.~~<sup>18</sup>
- ~~D. Throwing an object at a patron, Metro representative, or a Metro facility or vehicle.~~<sup>19</sup>
- ~~E. Gambling to win money or anything of value.~~
- ~~F. Hanging from, swinging from or attaching anything to hand rails. This does not apply to holding a hand rail to stabilize one's body during transit.~~<sup>19</sup>
- ~~G. Inciting violence or posing a clear and present danger to other persons, including making verbal or visual gang affiliation or provocation signs.~~<sup>20</sup>
- ~~H. Engaging in or soliciting another person to engage in lewd conduct.~~<sup>21</sup>
- ~~I. Engaging in or soliciting another person to engage in prostitution.~~<sup>22</sup>
- ~~J. Placing feet or shoes on seats or furnishings.~~
- ~~K. Defacing with graffiti, vandalizing, damaging, destroying, or tampering with Metro facilities or vehicles.~~<sup>23</sup>
- ~~L. Littering or dumping.~~<sup>24</sup>
- ~~M. Injuring another person or damaging another person's property or possessions.~~<sup>25</sup>
- ~~N. Throwing an object from a Metro vehicle.~~<sup>26</sup>

## 6-05-100 Creating a Safe Environment

A. The following are not permitted on or in Metro facilities or vehicles.

1. Spitting.
2. Hazardous or flammable materials.
3. Gambling.
4. Throwing objects from or at a Metro vehicle, staff or patron.
5. Littering or dumping.
6. Urinating or defecating outside of the lavatory.
7. Smoking, vaping or use of alcohol is not allowed in Metro vehicles or facilities.
8. Food or drink in closed containers only.
9. Disturbing others by engaging in unruly, loud or activities that disturbs others is prohibited.

10. Sound devices must be used with headphones or earphones.
11. Attaching to, hanging from, or riding on any part of the outside of a Metro vehicle is prohibited.
12. Signs, benches, shelters, trash container and planters are not for climbing or laying on or skateboarding.
13. Weapons are prohibited on Metro or in Metro facilities.

#### ~~6-05-110 food, alcohol and drugs~~

~~The following acts are prohibited in Metro facilities and vehicles:~~

- ~~A. Eating, drinking, smoking, vaping or carrying a lit cigar, cigarette of any type, or pipe, except in designated areas permitting that activity or is required by a disability accommodated pursuant to 6-05-140 Miscellaneous G. <sup>27</sup>~~
- ~~B. Placing chewed gum onto any surface in a Metro facility or vehicle other than into a trash receptacle.~~
- ~~C. Drinking or possessing in an open container an alcoholic beverage, except in designated areas where there is notice that drinking alcohol is permitted and all required permits have been obtained. <sup>28</sup>~~
- ~~D. Possessing an illegal drug or substance. <sup>29</sup>~~
- ~~E. Being under the influence of alcohol, a drug, a controlled substance, toluene, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a Metro facility or vehicle. <sup>30</sup>~~
- ~~F. Creating a public nuisance or a health hazard by dropping food other than in a proper waste disposal receptacle. <sup>31</sup>~~
- ~~G. Smoking or vaping is also not allowed within 20 feet of any Metro facility entrance, exit or operable window. <sup>32</sup>~~

#### **6-05-110 Loitering**

- A. Metro facilities and vehicles are for transit related purposes. Loitering is not allowed.

#### ~~6-05-120 loitering~~

- ~~A. Loitering is prohibited in Metro facilities and vehicles. <sup>33</sup>~~

#### **6-05-120 Parking and use of Metro Facilities and Vehicles**

- A. Vehicles parked at Metro facilities must adhere to parking times and requirements.
- B. Only authorized persons are allowed in non-public Metro areas.

#### ~~6-05-130 lost & found~~

- ~~A. Items found in a Metro facility or vehicle shall be turned in to a Metro operator or other authorized Metro representative, who will forward the items to the Metro Lost & Found or other designated department or agent.~~

- ~~B. Items can be claimed in person at the Metro Lost & Found or other designated department or agent by providing proof of ownership. Items that remain unclaimed for 90 days will be discarded, sold, destroyed or donated to a charitable organization, without liability for Metro or its agents to anyone.<sup>47</sup>~~
- ~~C. Metro is not responsible for items lost in a Metro facility or vehicle.~~

## 6-05-130 Fares

- A. Proof of appropriate fare is required and must be shown upon request by Metro Representatives.

## ~~6-05-140 miscellaneous~~

- ~~A. The code is not intended to affect lawful activity or first amendment rights protected by state or federal law, including laws related to collective bargaining, labor relations, or labor disputes.~~
- ~~B. Metro reserves the right to suspend, waive, modify, limit or revoke the application of the code.~~
- ~~C. Metro may refuse service, or access to Metro facilities or vehicles, including eject or exclude, to any person who does not comply with the code or applicable laws.~~
- ~~D. The code incorporates all relevant applicable legislative changes that occur after the date the code is adopted.~~
- ~~E. Acts prohibited under the code are permitted if authorized by agreement, permit, license or a writing signed by an authorized Metro representative.~~
- ~~F. The code applies with equal force to any person who aids or abets in any of the acts prohibited by the code or in the avoidance of any of the requirements of the code.~~
- ~~G. Individuals with disabilities may visit metro.net for information and request a reasonable modification of the provisions of this code. Whenever possible, a request for a reasonable modification shall be made in advance to Metro at accessibility@metro.net, 213.922.6919, or at M5-99-21.5, One Gateway Plaza, Los Angeles 90012. If a request for a modification is made to a Metro operator or other Metro representative, the employee may contact his or her supervisor or control center for guidance. Requests for reasonable modifications will not be approved if the request would fundamentally alter the nature of the service, program or activity; create a direct threat to the health or safety of others; result in an undue financial and administrative burden; or the individual would be able to fully use the services provided by Metro without the modification. Individuals with disabilities may file complaints regarding reasonable modification or accommodation with Metro Customer Relations by telephone at 800.464.2111 or via email at customerrelations@metro.net.~~

## 6-05-140 Solicitation

- A. Soliciting is not allowed in Metro facilities or vehicles.

## ~~6-05-150 noise~~

~~The following acts are prohibited in Metro facilities and vehicles:~~

- ~~A. Disturbing others by engaging in unruly behavior.<sup>19</sup>~~
- ~~B. Failing to comply with a warning by a Metro representative to cease creating~~

~~loud, boisterous or unreasonable noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes a nuisance or unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition, such as distracting operators of Metro vehicles.~~

~~G. Playing a sound device, except when using headphones or earphones that make the sound inaudible to others unless a permit has been issued for usage of such sound device by Metro.~~<sup>25</sup>

#### ~~6-05-168 odors~~

- ~~A. A person may not be in a Metro facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes with the use, operation or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition.<sup>24</sup> Notwithstanding the foregoing, this subsection shall not apply to persons with odors directly related to a disability or medical condition unless the odor is so severely disruptive that it interferes with the use or operation of the Metro facility or vehicle by Metro representatives or patrons, or creates direct threat or an unsafe condition.~~
- ~~B. Extreme odors may arise from a variety of sources, including one's body, possessions, clothing, food, chemicals or accompanying animals.~~

#### ~~6-05-170 parking and use of metro facilities and vehicles~~

- ~~A. Parking a vehicle at a Metro facility shall not exceed the posted allowed period of time.~~
- ~~B. Parking or storage of items in Metro facilities may only be used for the designated Metro-related transportation purposes.~~
- ~~C. A person may not perform non-emergency maintenance on a non-Metro vehicle at a Metro facility unless authorized by Metro.~~
- ~~D. Driver training is prohibited at Metro facilities unless authorized by Metro.~~
- ~~E. A person may not enter nonpublic areas in Metro facilities or vehicles, unless authorized by Metro.~~
- ~~F. Persons wishing to hold an event, special meeting or use for commercial purposes, in a Metro facility or vehicle, should contact Metro for information on its policies and procedures, and obtain its approval in advance, for such use.~~

#### ~~6-05-180 photography and recording~~

- ~~A. A person may not photograph, film, duplicate, record or sketch a Metro facility or vehicle for commercial purposes without first obtaining a Metro permit and any other required permits, and paying all required fees.~~
- ~~B. A person who photographs, films or records in a Metro facility or vehicle must comply with all Metro safety requirements, instructions, licenses and applicable laws, including copyright laws.~~
- ~~C. A person may photograph, film, record or sketch a Metro facility or vehicle for non-commercial purposes only in public areas, unless otherwise authorized by Metro, and in a manner, at a time and at a place that does not interfere with Metro operations, or create an unreasonable risk to the safety or well-being of Metro representatives or patrons. Prohibited activities shall include use of a tripod, or laying of cord or cables, in a walkway; use of a flash bulb that is blinding to patrons or Metro representatives; or creating congestion during an emergency evacuation.~~

#### ~~6-05-190 safety~~

- ~~A. The following acts are prohibited in Metro facilities and vehicles:~~
- ~~1. Attaching to, hanging from or riding on any part of the outside of a Metro vehicle, or being inside an area in which the public are prohibited. This section does not apply to an employee conducting Metro business.<sup>26</sup>~~

~~2. Interfering with the safe operation or movement of a Metro vehicle.~~<sup>11</sup>

~~3. Abandoning personal items.~~

~~4. Throwing or kicking a ball, disc or other object where it is not safe to do so.~~<sup>19</sup>

~~5. Standing, lying or climbing on a sign, bench, passenger shelter, trash container or planter.~~

~~6. Extending anything in the path of or through a door or window on a Metro vehicle.~~<sup>10</sup>

~~7. Entering or crossing rail tracks in a Metro facility, except in marked crosswalks or designated waiting areas, or at the direction of a Metro representative.~~<sup>10</sup>

~~8. Engaging in sport, horseplay or recreational activities.~~<sup>10</sup>

~~9. Creating a danger to other persons.~~

~~10. Extending any portion of the body through any window opening of a Metro vehicle in an unsafe manner.~~<sup>10</sup>

~~11. Engaging in any unsafe activity other than those described in Safety Subsection 6-05-190 of the code.~~

~~B. To avoid injury, patrons must use care at all times when on or in a Metro facility or vehicle.~~

~~C. Patrons should be alert and promptly report to Metro or law enforcement any unsafe condition, broken equipment or suspicious activity, odor or package.~~

~~D. Emergencies should be reported immediately to a Metro representative, law enforcement or emergency personnel. Emergencies may be reported using telephones or intercoms if available in the Metro facilities or vehicles.~~

~~E. If a Metro representative or other authorized personnel evacuates a Metro facility or vehicle, patrons shall promptly and orderly follow instructions to avoid injury to other persons.~~

~~F. No person shall remove, tamper with, injure or destroy a Metro vehicle or the contents thereof, with the intent to cause great bodily injury to another person, or place an obstruction in front of a Metro vehicle, or willfully set a Metro vehicle in motion while it is at rest and unattended.~~<sup>27</sup>

~~G. Elevators shall not be used in a Metro facility in the event of a fire.~~

## **~~6-05-190 signs~~**

~~A. No person shall affix or post signs, stickers, buttons, advertisements, circulars, or other printed materials on or in Metro facilities or vehicles. Written permission must be obtained from Metro prior to placing, posting or displaying a poster, notice, advertisement, sign or other written material on a Metro facility or vehicle.~~

~~B. No persons shall destroy, cover, deface with graffiti, remove, damage or tamper with a Metro poster, sign, advertisement or notice, unless authorized by Metro.~~<sup>23</sup>

~~C. Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system.~~<sup>10</sup>

~~D. Persons shall also obey all other notices and signs posted by Metro in a Metro facility or vehicle.~~

~~E. The carrying of signs or stick like items into any Metro facility or vehicle shall be limited and subject to those restrictions set forth in Subsection 210 Solicitation herein.~~



## **6.05-210-solicitation**

- ~~A. No person shall aggressively solicit money or other things of value in a Metro facility or vehicle.~~<sup>28</sup> Aggressive solicitation includes the following:
- ~~1. At or near an ATM or ticket vending machine;~~
  - ~~2. Using insults, profanity or threats;~~
  - ~~3. Repeated requests to the same person who has refused; or~~
  - ~~4. Making demands while blocking access to a facility, such as a building or restroom.~~
- ~~B. No person shall solicit public support or distribute materials, for any cause, in Metro vehicles and in underground or non-public areas of Metro facilities where the distribution is disruptive, presents a safety hazard or impedes the movement of Metro patrons.~~
- ~~C. The exercise of freedom of speech is permitted in Metro facilities and vehicles, subject to the following restrictions:~~
- ~~1. Activity at a rail station is limited to street-level areas and areas which are not platform waiting areas for patrons.~~
  - ~~2. Activity may not occur within 15 feet of an elevator, escalator, stairwell or staircase entryway, above-ground platform, loading zone, kiosk, transit entrance or exit, emergency exit or telephone, fare vending machine, or fare media readers or validators, or customer service station.~~
  - ~~3. Activity may not impede transit services or the movement of patrons or Metro personnel.~~
  - ~~4. Pamphlets and leaflets may not be left unattended in a Metro facility or vehicle.~~
  - ~~5. The carrying of signs or placards larger than 30 x 30" in Metro facilities or vehicles is prohibited. Large signs can be folded or rolled up to comply with the 30 x 30" restriction. No pole, stick or other similar object or device utilized to display a sign shall exceed a length of 30 inches, nor shall such object exceed a thickness of 1/4 x 2" wide, or if not generally rectangular in shape, such object shall not exceed 3/4" at its thickest dimension. This limitation is not intended to prohibit walking canes, crutches or similar devices used for mobility assistance by a person with a disability. No object shall have an exposed sharp pointed end.~~
  - ~~6. Carrying of any such signs or sticks must not interfere with the movement, seating, or safety of patrons or Metro representative.~~
  - ~~7. Food and drinks shall not be distributed in Metro facilities or vehicles except by Metro or persons who obtain a permit from Metro.~~
  - ~~8. Tables and portable equipment are prohibited, unless approved by Metro.~~

## **6.05-220-weapons**

- ~~A. A weapon or instrument intended for use as a weapon shall not be discharged or directed at a Metro facility or vehicle, or at a person or object in a Metro facility or vehicle.~~<sup>30</sup>
- ~~B. Entering a Metro facility or vehicle with a weapon or instrument intended for use as a weapon is prohibited.~~<sup>40</sup> This provision does not apply to law enforcement or security personnel.

**6-05-230 fares**

- ~~A. Patrons who ride Metro vehicles or use Metro services must pay all applicable fares and fees. <sup>41</sup>~~
- ~~B. Patrons shall show proof of payment of fare upon request by a Metro representative. <sup>41</sup>~~
- ~~C. Evading payment of a Metro fare is prohibited. <sup>41</sup> Fare evasion includes the following:~~
- ~~1. Boarding a Metro vehicle or entering a Metro facility platform or other fare required zone, without proof of valid fare media or without paying the fare upon boarding a Metro bus.~~
  - ~~2. Duplicating, counterfeiting, altering or transferring any nontransferable fare media without Metro authorization. <sup>41</sup>~~
  - ~~3. Placing anything other than valid fare media into a farebox, ticket machine, pass reader, or other fare validation or collection device. <sup>41</sup>~~
  - ~~4. Falsely representing oneself as eligible for a waiver or a special or reduced fare, or obtaining fare media by making a false or misleading representation. <sup>42</sup>~~
  - ~~5. Refusing to show proof of valid, validated, unexpired fare media upon request by a Metro representative. Patrons shall show identification upon request for the purpose of accurate completion of citation data entry in accordance with posted policies.~~
  - ~~6. Misusing fare media with the intent to evade payment of a fare. <sup>43</sup>~~
  - ~~7. Unauthorized use of a discount ticket or failing to present upon request by Metro or within 72 hours thereafter, acceptable proof of discount eligibility to use a discount ticket and show identification in accordance with posted policies. <sup>42</sup>~~
  - ~~8. Boarding through a rear bus door to avoid payment of fare. <sup>44</sup>~~
  - ~~9. Entering a Metro vehicle or facility when any penalty, fee or assessment for violation of the code is past due or during any exclusion period.~~
  - ~~10. Entering a Metro vehicle or facility in such a way as to bypass or avoid any fare required zone barriers, such as media collection or validation machines, or Metro representatives collecting fares. <sup>44</sup>~~
- ~~D. No payment will be made to patrons who overpay the required fare or who are ejected or excluded from Metro facilities or vehicles for violating the code or applicable laws.~~

**enforcement**

**6-05-240 enforcement**

**A. Violations**

A person who violates the code is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages and penalties available by law. Enforcement of any provisions of the code involving the payment of any fees, penalties or other administrative amounts, or community service, based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures, herein and as set forth in the California Public Utilities code including section 99580 et seq. Parents or guardians shall also be responsible in addition to the minor for any fees, penalties, fines incurred or damages caused by their minor in connection with a citation.

B. (1) A person who violates any provision of the code other than those described in Section A above and who receives a notice of violation may, within 21 days of the issuance of such notice of violation, request an initial review of the notice of violation by Metro. The request for review may be made by telephone, in writing or in person. There shall be no charge for this review. If following the initial review Metro is satisfied that the violation did not occur, or that extenuating circumstances exist, and that the dismissal of the notice of violation is appropriate in the interests of justice, Metro may cancel the notice of violation. Metro shall notify, in writing the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, reasons shall be provided for the denial. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review when personally delivered five days following the mailing of the decision by Metro.

(2) If the person subject to the notice of violation is not satisfied with the result of the initial review, the person may no later than 21 days following the mailing of the initial review decision request an administrative hearing of the violation. The request may be made by telephone, in person or by mail. The person requesting the administrative hearing shall deposit with Metro the amount due under the notice of violation for which the administrative review hearing is requested. A person may request administrative review without payment of the amount due upon providing Metro with satisfactory evidence of an inability to pay the amount due. An administrative hearing shall be held within 90 days of the receipt of request for an administrative hearing.

(3) The administrative hearing shall include all of the following:

- (a) The person requesting the hearing shall have the choice of a hearing in person or by mail. An in-person hearing shall be held within the jurisdiction of Metro, and shall be conducted according to such written procedures as may from time to time be approved by the Chief Executive Officer of Metro or the Chief Hearing Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.
- (b) The hearing shall be conducted before a hearing officer designated to conduct the review by Metro's Chief Executive Officer or Chief Hearing Officer. In addition to any other requirements of employment, the hearing officer shall demonstrate those qualifications, training and objectivity as are necessary and consistent with the duties and responsibilities of the position as determined by Metro's Chief Executive Officer or Chief Hearing Officer. The hearing officer's continued employment shall not be directly or indirectly linked to the amount of penalties imposed by the hearing officer.
- (c) The person who issued the notice of violation shall not be required to participate in an administrative hearing. Metro shall not be required to introduce any evidence other than the notice of violation. The notice of violation, in proper form shall be prima facie evidence of the violation.
- (d) Following a determination by a hearing officer that there is sufficient evidence that a person did commit the violation, the hearing officer may, pursuant to Metro Transit Court policies and procedures, order payment in installments, transit school and/or community service. Where it is determined that circumstances exist such that the dismissal of the notice of violation would best serve the interests of justice, the hearing officer may dismiss the notice of violation and shall provide written reasons in support of that decision. The hearing officer shall have the power and authority to make rulings in the interests of justice within the law and Metro policies concerning notices of

violation and the adjudication of hearings, including the granting of eligibility to attend Metro's Transit School for the purpose of reducing any penalty payment, perform community service in lieu of all or a portion of the payment of fines, or other remedy.

- (e) The hearing officer's decision following the administrative hearing may be delivered personally by the hearing officer or may be sent by first class mail.
- (f) Transit Court shall retain jurisdiction pending completion of any order by the Transit Court, but this shall not toll the period for appeal to Superior Court following the initial order of the Transit Court. The hearing officer's decision at administrative review is final except as otherwise provided by law.

### C. Ejection

A person who violates any provision of the code may be ejected by order of an authorized Metro representative and may be excluded from all or a portion of Metro vehicles and facilities. This remedy is in addition to any other fine, penalty, assessment or other remedy available at law. The procedures for exclusion are those set forth in Subsections D–H of this Enforcement Section.

- 1. A person who violates the code may be immediately ejected from the Metro facility or vehicle, without refund of any fare, by an authorized Metro representative who witnesses a violation.
- 2. A person who violates the code is subject to an administrative fine or other penalty for each violation, as specified in the Metro penalty schedule approved by the Board of Directors or Chief Executive Officer up to the maximum amount provided by law. The Metro penalty schedule shall include fines, fees, administrative penalties, late payment fines, collection recovery costs and other such amounts. To determine the Metro penalty schedule, the costs to the agency and other relevant factors shall be considered.
- 3. A person who violates the code must, in addition to any fines or penalties listed in Metro's penalty schedule, or as otherwise required by law, pay restitution if the violation involves damages.
- 4. A violation of the code that is also a violation of a local, state or federal law may be prosecuted in a court proceeding by the appropriate authority, in addition to any enforcement by or remedies available to Metro.
- 5. Failure to comply with a Notice of Exclusion may result in fines, a citation for criminal trespass, and any other applicable criminal and civil remedies.
- 6. Metro may establish procedures concerning the administration of any hearing provided such procedures are not in conflict with applicable law or the code, and are approved by the Metro Board or the Chief Executive Officer or Chief Hearing Officer.
- 7. Metro's Board of Directors or Chief Executive Officer or Chief Hearing Officer shall designate the officers, employees, consultants or contractors who shall be authorized to issue notices of violation, citation, order ejections and exclusions, or otherwise carry out the duties under the code and any requisite training for such persons.

### D. Exclusion

- 1. A person, who violates the code or a law in a Metro facility or vehicle, may be excluded from all or part of Metro facilities and vehicles either indefinitely or for a period of time specified in the Metro penalty schedule or notice of exclusion provided pursuant to Subsection E below.

2. Any person to whom a notice of violation or Penal Code citation or written warning pertaining to an offense, which occurred on or in a public transit facility or vehicle, was issued, and: (a) who has received a citation or written warning for the same violation at least three times in the prior 12 months; or (b) who has failed to pay any applicable fines, fees, penalties or other administrative amounts by the due date, or otherwise resolve the citation when such payment was due; or (c) who is the subject of any outstanding warrant, pending trial, or convicted with respect to any Penal Code offense that is alleged to have occurred on or in a public transit system facility or vehicle, is subject to exclusion, and may receive a notice of exclusion pursuant to Subsection E below.
3. A person excluded under the code may not enter a Metro facility or vehicle during the period of exclusion. Metro may take any reasonable steps necessary to enforce an order of exclusion, including criminal arrest or such other remedies as may be available at law.

#### E. Notice of Exclusion

A notice of exclusion shall be given by Metro or its authorized representative by personal delivery, first class mail, or if the person does not provide Metro or its representative with a valid current address, to the address provided by the excluded person at the time of any underlying violation(s), or at the excluded person's last known address. A notice of exclusion is deemed received on the date of personal delivery or five days after the date the notice of exclusion is mailed. The notice of exclusion shall specify the reason for exclusion, the places or transit lines from which the person is excluded, the duration of exclusion, the consequences for failing to comply with the terms of exclusion, and the right to seek review or appeal the decision. Any exclusion shall begin on the third day following receipt of the notice of exclusion unless otherwise specified in the notice of exclusion, except that exclusions issued for a period of one day or less are effective at the time the notice of exclusion is received. The exclusion, or other remedy, shall be suspended upon Metro's receipt of a request for review and until the review is decided.

#### F. Review Request

An excluded person may request a review of the exclusion. The exclusion shall be suspended upon Metro's receipt of a request for review of a notice of exclusion, and until the review is decided and notice of the decision or review is received by the excluded person. The request for review must be made in writing, and may be submitted by mail, or in person or as otherwise provided in the notice of exclusion, within five days after the notice of exclusion is received from Metro. A request for review or notice of decision or review is deemed to be received on the date it is personally delivered, or if mailed, five days after the date of the postmark. The excluded person will be notified of the date for public hearing by mail or in person. The excluded person may request that the exclusion be rescinded or waived for good cause, that the places of exclusion be altered, or that the duration of exclusion be reduced or be permitted to participate in any diversion program available by Metro for which such persons are eligible. The request should include a copy of the notice of exclusion or the number assigned to the notice, a request for review, the current mailing address and signature of the excluded person, and any written statement (and supporting documentation) to explain why the exclusion should be rescinded, waived, altered, reduced or otherwise modified.

#### G. Administrative Review

The hearing shall be conducted by a hearing officer who is fair and impartial. The excluded person is not required to attend the hearing, and shall have the choice of the hearing being conducted by mail or in person. No Metro representative shall be required to attend the hearing. Metro may submit a copy of the notice(s) of violation, any notice of exclusion, and any documentation or statement by the Metro representative(s) issuing the notice(s) of violation or notice of exclusion. Any notice(s) of violation and/or notice of exclusion shall be received into evidence. Other relevant evidence submitted may be received into evidence at the determination of the presiding hearing officer. Copies of the notice(s) of violation and/or notice(s) of exclusion shall be prima facie evidence of the facts stated therein and shall establish a rebuttable presumption supporting the exclusion of the individual. At the hearing, the hearing officer will review the prima facie validity of the notice of exclusion. Metro and the excluded person may present evidence, including witness testimony, to the hearing officer and may question witnesses who are present at the hearing. The hearing officer's decision shall be based on a preponderance of the evidence. Hearing officers shall have the discretion to dismiss or reduce the fines or other penalties, cancel the notice of exclusion, and make necessary modifications in the interests of justice, including permitting enrollment in an appropriate Metro diversion program for which such person is eligible, in accordance with any policies or procedures adopted by the Metro Hearing Unit. Continuances of the appeal hearing are disfavored but may be ordered by the hearing officer. The hearing officer may authorize the recording of the hearing. The decision of the hearing officer shall be made in writing. The decision of the hearing officer shall be deemed in full effect upon personal service to the excluded person or five days after the mailing of the decision to the address provided by the excluded person.

#### H. Schedule

Metro shall adopt a penalty schedule of administrative penalties, and any necessary additional procedures in furtherance of enforcement of this code. The schedule and any procedures deemed necessary shall be subject to the approval of the Chief Executive Officer.

I. This ordinance shall be in full force  
and effective on February 27,  
2012.<sup>46</sup>

1 49 CFR 37.3

2 ADA Title II, section

35.104 3 49 CFR 37.123

4 Civil Code § 54.25

5 Civil Code §§ 54.1-54.2; 28 CFR  
36.104

6 Penal Code § 640(b)(5)

7 Vehicle Code § 406

8 Penal Code § 640(d)(4)

9 Vehicle Code § 22500(i); Vehicle  
Code  
§ 22523(b)

10 Public Utilities Code § 99170

11 Vehicle Code § 21701

12 Public Utilities Code § 99170(a)(2)

13 Civil Code § 54.1

14 Penal Code §§ 241.3, 243.3,  
243.35,  
245.2, 640(b)(2) & 640(d)(1)

15 Penal Code § 602.7

16 Penal Code § 640(b)(4)

17 Penal Code §  
640(d)(2) 18 Penal Code  
§ 640(d)(3) 19 Penal  
Code § 640(d)(1)

20 Penal Code §§ 241.3 &

245.2 21 Penal Code § 647(a)

22 Penal Code § 647(b)

23 Penal Code §§ 594, 640.5-640.8

24 Penal Code § 374.4

25 Penal Code §§ 243.3 & 243.35

26 Public Utilities Code

§99170(a)(4) 27 Penal Code §§

640(b)(1) & (b)(3) 28 Penal Code §  
640(b)(1)

29 B & P Code § 25662; H & S Code §§  
11350-11351, 11357

Penal Code § 647(f)

31 Civil Code § 3479

32 Government Code § 7597(a);

Penal Code § 640(b)(3)

33 Penal Code § 647(h) 34

Penal Code § 647(e)

35 Penal Code §§ 640(b)(2) & (d)(1)

36 Vehicle Code §§ 21203 & 21712  
37 Penal  
Code § 625c  
38 Penal  
Code § 647(c)  
39 Penal Code §§ 245.2, 247(b) & 171.7  
40 Penal Code  
§ 171.7 41  
Penal Code §  
640(c)  
42 Penal Code §  
640(c)(3) 43  
Penal Code §  
640(c)(2) 44  
Penal Code §  
640(c)(1) 45  
Penal Code §  
640(e)  
46 Amendments adopted  
02/28/2013 effective 30  
days after publication in a  
newspaper of general  
circulation.  
47 Civil Code § 2080.6



**Metro Customer Code of Conduct**  
chapter 6-05 penalty schedule

## metro customer code of conduct chapter 6-05 penalty schedule\*

code	section description	1st offense**	2nd offense	3rd offense	4th offense	5th offense or greater
<b>6-05-040</b>	<b>Bicycles, Skateboards and Skates</b>					
6-05-040.A	Riding bicycles and skateboards in Metro facility	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
6-05-040.C	Tandem, three-wheeled or fuel-powered bicycles are not permitted in Metro facilities	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
<b>6-05-050</b>	<b>Blocking</b>					
6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, impeding safe boarding	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.A-I, K-N	Spitting, hazardous material, urinating, defecating, throwing an object, gambling, hanging from rails, inciting violence, lewd	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for</li> </ul>

	conduct, prostitution, vandalizing/tampering, littering, injuring person or property	minors > Ejection	minors > Ejection	> Ejection > Exclusion for 30 days	minors > Ejection > Exclusion for 60 days	minors > Ejection > Exclusion for 90 days
<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.A	Eating, drinking, smoking, vaping	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-110.B	Placing chewing gum onto Metro property	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days

6-05-110.C	Drinking alcohol	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-120 Loitering</b>						
6-05-120.A	Loitering	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
<b>6-05-150 Noise</b>						
6-05-150.A	Disturbing others	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days
6-05-150.B	Creating disruptive noise	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > \$40 fine for minors > Ejection > Exclusion for 90 days

6-05-150.C	Playing sound device	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
<b>6-05-090 Commercial Activity</b>						
6-05-090.A, B, C	Permit required, comply with permit rules, no commercial activity in prohibited area	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
<b>6-05-200 Signs</b>						
6-05-200.A-D	Post, destroy, failure to obey signs	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>

6-05-210 Solicitation						
6-05-210.A-B	Solicitation	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; \$40 fine for minors</li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
6-05-230 Fares						
6-05-230.A, C (1), (5), (6), (8), (10)	Patrons must pay fare; fare evasion	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>
6-05-230.B	Proof of payment	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 30 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 60 days</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Notice of violation</li> <li>&gt; \$75 fine</li> <li>&gt; Diversion Program in lieu of \$40 fine for minors<sup>1</sup></li> <li>&gt; Ejection</li> <li>&gt; Exclusion for 90 days</li> </ul>

6-05-230.C (2-4), (7), (9)	Misuse of fare media	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	of	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 30 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 60 days	> Notice of violation > \$75 fine > Diversion Program in lieu of \$40 fine for minors <sup>1</sup> > Ejection > Exclusion for 90 days
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\* Pursuant to the Customer Code of Conduct Section 6-05-240(C) any person who commits a criminal offense, or fails to pay a penalty when due or violates any provisions of the code, including those not listed above, may be ejected from a Metro vehicle or facility by order of an authorized Metro representative, and may be excluded from all or a portion of Metro vehicles and facilities.

\*\* All violators are subject to all penalties listed above. An individual who received a notice of violation is eligible to complete Metro Transit School and community service, which may only be completed once in any 12-month period upon order of a Metro Hearing Officer.

<sup>1</sup> This amount is used to calculate the number of diversion program hours a minor might complete to satisfy a written warning or notice of exclusion, or that a minor/parent might select in lieu of non-fiscal remedies.

**violations of the customer code that will be addressed through ejection\***

code section	description	1st offense**	2nd offense	3rd offense	4th offense	5th offense or greater
<b>6-05-030</b>	<b>Animals</b>					
6-05-030.A-C	Animal control	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-040</b>	<b>Bicycles and Skates</b>					
6-05-040.C	Prohibited bicycle	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-040.D1-D2,D6,D7	Failure to control bicycle properly while using Metro	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-040.G	Persons under 14 with bike must be accompanied by an adult	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-050</b>	<b>Blocking</b>					
6-05-050.E	Obstruction of doors	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-060</b>	<b>Boarding, Exiting and Seating</b>					
6-05-060.B	Failure to maintain control of children	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-060.C	Signaling in path of or touching moving bus	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-060.D	Failure to yield seat to senior/disabled	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-070</b>	<b>Carts and Strollers</b>					
6-05-070.A-D	Improper use of carts and strollers	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection



<b>6-05-080</b>	<b>Civility, Compliance and Cooperation</b>					
6-05-080.E	Failure to wear shirt, pants, skirt or shoes	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-090</b>	<b>Commercial Activity</b>					
6-05-090.A, B, C	Permit required, comply with permit rules, no commercial activity in prohibited area	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.E	Gambling	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-100.J	Feet/shoes on seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-100.L	Littering, dumping	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.B	Placing chewing gum on Metro property	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-160</b>	<b>Odors</b>					
6-05-160.A	Unavoidable grossly repulsive odor	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-170</b>	<b>Use of Metro Facilities</b>					
6-05-170.F	Failure to obtain permit for use of Metro facility	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-180</b>	<b>Photography and Recording</b>					
6-05-180.A-C	Failure to obtain permits and follow Metro rules and policies	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-190</b>	<b>Safety</b>					
6-05-190.A.3	Abandoning personal items	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-190.A.4-8	Unsafe conduct on Metro vehicles or in Metro facilities	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-190.A.10	Extending body through window of Metro vehicle	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-200</b>	<b>Signs</b>					
6-05-200.A	Posting signs, stickers in Metro facilities or on Metro vehicles	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-200.B	Destroy Metro sign, ad, notice	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
6-05-200.C-D	Failure to obey signs	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
<b>6-05-210</b>	<b>Solicitation</b>					
6-05-210.B	Distributing materials	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

6-05-210.C.1-8	Failure to comply with time, place and manner restrictions	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection
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\*\* All violators are subject to all penalties listed above. An individual who received a notice of violation is eligible to complete Metro Transit School and community service, which may only be completed once in any 12-month period upon order of a Metro Hearing Officer.

**customer code offenses, which when cited on metro property, in a metro facility or vehicle, may result in ejection and/or exclusion, orders in addition to criminal or other penalties\***

code section	description	1st offense**	2nd offense	3rd offense	4th offense	5th offense or Greater
<b>6-05-80</b>	<b>Civility, Compliance and Cooperation</b>					
6-05-80.A	Abuse or harassment of Metro personnel or patrons	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-100</b>	<b>Disorderly Conduct</b>					
6-05-100.H	Soliciting lewd conduct	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.I	Prostitution	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.K	Graffiti	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.L	Littering	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-100.M	Injuring another person or damaging property	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-110</b>	<b>Food, Alcohol and Drugs</b>					
6-05-110.D	Possession of a drug or illegal substance	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-110.E	Being under the influence of drugs or alcohol	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-120</b>	<b>Loitering</b>					

6-05-120.A	Loitering in Metro facilities or vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-120.B	Remaining in Metro vehicle or facility without lawful transportation purpose	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-190</b>	<b>Safety</b>					
6-05-190.F	Tampering with a Metro vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion

<b>6-05-210</b>	<b>Solicitation</b>					
6-05-210.A	Soliciting in a Metro facility or vehicle	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
<b>6-05-220</b>	<b>Weapons</b>					
6-05-220.A	Discharge of a weapon	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion
6-05-220.B	Possession of a weapon	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion	> Ejection > Notice of exclusion

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**Metro**<sup>®</sup>



Current Code 6-05-	Proposed Code 6-05-
030 Animals	030 Animals
040 Wheeled Riding Devices	040 Wheeled Riding Devices
050 Blocking	050 Safe Movement of People and Transit Operations
060 Boarding, Exiting and Seating	060 Seating
070 Carts, Strollers and Luggage	070 Carts, Strollers and Luggage
080 Civility, Compliance and Cooperation	080 Respect and Cooperation
090 Commercial Activity	090 Commercial Activity
100 Disorderly Conduct	100 Creating a Safe Environment
110 Food, Alcohol and Drugs	110 Loitering
120 Loitering	120 Parking and Use of Metro Facilities and Vehicles
130 Lost & Found	130 Fares
140 Miscellaneous	140 Solicitation
150 Noise	240 Enforcement
160 Odors	
170 Parking and Use of Metro Facilities and Vehicles	
180 Photography and Recording	
190 Safety	
200 Signs	
210 Solicitation	
220 Weapons	
230 Fares	
240 Enforcement	



# Metro's Customer Code of Conduct

GINA OSBORN

CHIEF SAFETY OFFICER

# Background

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- As part of Metro's ongoing commitment to support a safer and more equitable transit system, staff reassessed Metro's Code of Conduct (Code) to ensure that the document is consistent with the values and priorities of the agency.
- The update to the Code aims to reflect the core components of the Public Safety Values Statements which have been adopted by the Metro Board.

Implementing a  
Human-Centered  
Approach

Emphasizing  
Compassion and  
a Culture of Care

Recognizing  
Diversity

Acknowledging  
Context

Committing to  
Openness and  
Accountability

# Review Process

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1

Simplified the requirements of the Code by focusing on those critical areas that support or interfere with the user experience and safety.

2

Incorporated input from law enforcement, Metro staff, PSAC, and other stakeholders, to avoid items that are fully covered under the penal code, elements that seemed to target certain populations, and aspects that did not support a human-centered culture of respect and safety.

# Proposed Changes (cont.)

The update streamlines the proposed new Code to focus on 24 areas.

Smoking	Present after hours/trespassing
Alcohol	Use for non-transit purposes
Eating & drinking	Interfere in operation of vehicle
Disruptive behavior, loud, profanity, sound devices, sexual or any form of harassment	Threaten, harm passenger or employee
Animals	Yield to seniors and wheelchairs
Weapons	Depart when trip is complete, end of line
Dangerous substances	Bikes, skates, skateboard
Littering	Commercial solicitation
Vandalism	Harassment
Soliciting	Must wear shoes, tops, and bottoms
Spitting, urinating, defecation, exposing or lewd conduct	Compliance with Parking Administrative Code
Illicit substances	Fare payment

# Marketing & Training

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Revamp signage across the system to highlight key themes of the Code with clear and visible graphics.



Hold community information sessions to introduce the updated Code and address any questions on the objectives and its intended outcomes.



Provide training sessions to Metro Transit Security Officers.



Offer the Code in Spanish and via print in braille.

# Next Steps

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- If approved by the Board, staff will work with the OIG to update the Code and the schedule of administrative penalties.
- Train Metro Transit Security Officers.
- Develop a robust community outreach plan.
- Create and post rider-friendly and visible signage.
- **Make the new Code effective on June 1, 2023.**

# Thank You

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## Board Report

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**File #:** 2022-0648, **File Type:** Plan

**Agenda Number:** 35.

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MARCH 16, 2023

**SUBJECT: METRO TRANSIT SECURITY**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION:**

AUTHORIZE the Chief Executive Officer to amend the FY23 Budget to add 48 Metro Transit Security full-time equivalent (FTE) positions to include 44 Transit Security Officers, three Supervisors, and one Director, Transit Security (Captain).

**ISSUE**

Metro's multi-layer reimagined public safety plan includes a significant priority to protect our employees, including bus operators, from experiencing violence while they are on our system. Metro's Employee Assault Mitigation Task Force has recommended implementing additional Safety Bus Riding teams as a means to reduce and prevent operator assaults. This report requests authorization to amend the FY23 budget to add 44 Metro Transit Security Officers (TSO), three Supervisors, and one Captain to be deployed as safety bus riding teams for this purpose.

**BACKGROUND**

All forms of public transportation, airplanes, trains, and buses have seen a concerning increase in passengers who are unruly, angry, and sometimes violent. Public transit agencies across the nation have all seen a disturbing increase in operator assaults. The cause and contributors to operator assaults vary widely; studies have identified broader societal trends to these random acts of violence, such as mental health issues, economic and social factors, and pandemic impact.

The following chart illustrates the top reasons for assault for calendar year 2022.

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Top Reasons For Assault January 2022 -December 2022	
Reason	Count
No Reason	44
Other	30
Demand Stop	21
Disorderly	14
Mentally Ill	13
Fare	8
Missed Stop	5
Out of Service	5
Policy/Drink	4
Mutual Combat	2
Mask	2
Policy Stroller	2
Sex	1
Other/Vehicle Accident	1
Mask/Fare	1
Accident	1
Policy/Food	1
Policy Scooter	1
Accident	1
Policy Smoking	1
<b>Grand Total</b>	<b>158</b>

### 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. 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.

1. Metro buses have on-board cameras and DVR
2. Metro buses have operator barriers (March 2020)
3. Metro buses have emergency buttons
4. 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”)
5. We have a “See something, say something” Campaign

On July 11, 2022, based on bus operator feedback and data showing a spike in operator assaults, LAPD Transit Services Division deployed the Special Problems Unit (SPU) to address assaults on the ten bus lines having the highest number of assaults and ridership recorded during a 16-month period. The operation concluded on July 25, 2022. It was discovered that most bus operator concerns were mainly focused on issues and disruptive behavior related to Customer Code of Conduct violations.

On August 31, 2022, Bus Riding Teams were launched composed of Metro Transit Security Officers responsible for code of conduct compliance and Law Enforcement Officers responsible for penal code compliance to provide a high visibility presence. To complete this pilot, Transit Security Officers were reassigned or paid overtime.

Bus Operator feedback resulting from this initiative was overwhelmingly positive. One bus operator commented: *"With officers on the bus, riders behave and don't start any problems. It's a safer environment for me to drive the bus and for the passengers. I don't have to worry about calling the BOC[Bus Operations Control Center] or having to deal with unruly riders" and "It's a big help for us as Operators when we can just focus on driving the bus."*

In November 2022, the Employee Assault Mitigation Task Force was created in collaboration with various departments to develop proactive solutions to provide safety tools to ensure employees have a safe work environment. In response to bus operator surveys and monthly meetings with operators, also known as division rap sessions, the task force identified the following strategies to reduce operator assaults:

1. Provide de-escalation training (Implemented January 2023)
2. Review bus operator barriers for increased effectiveness (underway)
3. Bus operators to provide safety input for new buses (underway)
4. Collect, review and analyze of assault data for prevention measures (underway)
5. Collaborate with operations to create new policies and procedures to reduce assaults (underway)

## **DISCUSSION**

The safety of all Metro employees and passengers remains our top priority, and Metro intends to maintain the highest safety standards in the industry. Bus operators are responsible for the safe operation of the buses while at the same time assisting our passengers. Assaults on operators during the operation of a vehicle create a serious threat to not only our operators but to our passengers and the public as well. Importantly, these assaults have a physical and mental impact on our operators and affect their overall well-being. Metro believes all employees should be able to conduct their job without harassment or threat of violence.

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Between 2018 through 2022, Metro Operations reported a monthly average of nine bus operator assaults. (Attachment A). During this period, the highest monthly average was 13 assaults in 2022. Between CY21 and CY22, Metro saw a 37.9% increase in bus operator assaults - from 115 to 158 respectively.

Although Metro has retrofitted all buses with operator shields that minimize the severity of the assaults, assailants can still reach around the shields and throw objects at, punch, or spit on the operator because the operators are not completely enclosed within the shields. Also, operators are outside of the operator shield when assisting customers such as those who use a wheelchair.

Our bus operators have been consistent and vocal regarding their concerns over their personal safety. In the 2022 Bus Operator Survey (Attachment B), 21.5% said that their biggest concern with being an Operator was safety from passenger confrontation, and 14.9% of respondents said they would leave Metro due to not feeling safe while operating the bus. During division RAP sessions and focus groups, Operators were asked to provide details about the factors that cause them to feel unsafe, as well as scenarios that lead to confrontation with passengers. Bus operators stated that riders know Metro's Customer Code of Conduct is not enforced with regularity and expressed the importance of setting an expectation for passengers that a uniformed security presence would be regularly seen on board a bus. This action, they said, would serve as a deterrent to unruly behavior on the system. Most bus operator concerns were mainly focused on issues and disruptive behavior related to violations of Metro's Customer Code of Conduct.

Furthermore, in the 2022 Customer Experience Survey, Metro customers echo bus operators' concerns, with safety from crime being a top aspect riders want Metro to improve. A combined 47% of bus riders were neutral, not satisfied, or not satisfied at all when asked about the enforcement of the Metro Code of Conduct on the Bus.

Metro's multi-layer public safety plan ensures that the right response is given to each situation. Code of Conduct violations are not criminal, and as such, Metro's Transit Security Officers - not Law Enforcement - ensure compliance. Enforcement of all violations of the code of conduct is imperative as it can lead to a more serious safety incident if not addressed.

#### Metro Transit Security Officers (TSO)

Metro currently has 213 uniformed TSO FTEs. They are deployed over three shifts, as follows:

- (54) Code of conduct enforcement across the system
  - only four TSOs are available to deploy and board buses on one bus line per week
- (25) Mobile patrol
  - Responds to calls for service at Metro's division, patrol parking structures/lots, layover zones - do not conduct fare or Code compliance
- (25) Union Station Gateway
  - Fixed security inside building, interior and exterior roving patrols

- (16) Rail Safety
  - Opens and closes heavy rail stations
- (14) Revenue
  - Security oversight for revenue services
- (14) Supervision
  - Sergeants and Lieutenants
- (4) Security Control Specialists
- (2) Operations Support
  - Consists of one sergeant in Support of Special Events and one sergeant as the Training Coordinator.
- (5) Long-term leave
- (9) In training
- (45) Currently in the hiring process as of February 28

The approach is to assign TSOs to bus lines, with deployment being based on information gathered from key data sources such as operator feedback, Transit Watch App, and customer complaints.

Of the 48 TSO FTEs requested in FY23, 44 will be deployed to board approximately ten bus lines on a given shift to address bus operator safety and rider concerns, an overall increase of 79% in TSO presence on the Metro system. Dedicating safety resources to the bus system demonstrates Metro's commitment to ensuring the safety of our employees and our customers, and will ultimately enhance the experience of customers using the mode that carries most of Metro's ridership.

The positions being requested for Metro TSO include 22 unarmed and 22 armed officers which will be deployed to expand the Bus Riding Teams to ensure bus operator safety, add presence aboard the buses and ensure compliance of the Customer Code of Conduct. This effort is in the spirit of the Public Safety Advisory Committee's recommendations regarding non-policing onboard bus safety strategies and utilizing a "buddy system" where a presence would ride along during an operator's shift rather than solely responding to incidents (Attachment C). Although PSAC also recommended unarmed presence, the 22 armed officers being requested will be deployed during the owl service which can give the perception of more dangerous conditions as expressed by our bus operators.

### *Recruitment*

As of February 28, Metro Transit Security has a total of 45 vacancies (28 of which are Code of Conduct compliance officers) which are in the following stages of the hiring process:

- (11) Security Control Specialists to start March 20
- (3) TSO I (unarmed) candidates to start on March 6
- (9) TSO I (unarmed) candidates to start on March 20
- (7) TSOI (unarmed) candidates are in the background check stage
- (7) TSO II (armed) candidates are in the final stages of recruitment
- (6) Sergeant candidates are in final stages of recruitment
- (2) Lieutenant candidates are in final stages of recruitment

The average period to fill a TSO I position is six months. While the current process lends itself to

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thorough, but time-intensive, background checks and physical agility tests, staff have identified opportunities to streamline and improve the process. Metro hosted quarterly weekend hiring events in November 2022 and February 2023 where multiple steps of the recruitment process were completed in one day. Lastly, we are in the process of hiring a temporary (as needed) employee that would be dedicated to assessing the recruitment process, identifying areas to streamline, and be dedicated to recruitment and outreach. Through these efforts, we are confident we will fill the vacant and additional requested positions by the end of the fiscal year.

### *Training*

In-depth and regular training is key to providing prompt, efficient and equitable service. SSLE is updating its training curriculum to enhance accountability, legitimacy, innovation and professional development through equity, de-escalation and customer experience courses. A key and critical part of transforming our safety program is to establish a solid training foundation.

### *KPIs*

The following KPIs have been established to enhance accountability and measure the success of TSO operations.

- Bus Operator Assaults (reduction)
  - Reduce assaults by 10% year over year, with a stretch goal of zero assaults.
  - The Bus Riding Teams, staffed by Transit Security Officers, will provide a greater presence on the bus system and ensure compliance with the Code of Conduct.
- Dispatch response time to Transit Watch response incident reports.(reduction)
  - Reduce response time from 5 minutes to 4 minutes
  - Metro Transit Security is responsible for receiving and responding to Transit Watch App reports. By measuring dispatch response time, it will ensure Officers are being timely in responding to patrons submitting a report and providing them an excellent customer experience.

These KPIs will be tracked and reported in the Monthly Public Safety board report.

.Determination\_Of\_Safety\_Impact

### **DETERMINATION OF SAFETY IMPACT**

The authorization to add positions will have a positive impact on safety.

The requested positions will add security presence onboard buses - a request that has recurrently been raised by operators during division RAP sessions and by riders and address riders concerned as outlined in the 2022 Customer Survey.

### **FINANCIAL IMPACT**

This action pertains to the \$3M pilot safety strategies on board buses initiative as outlined in Motion 26.2. The annual budget required for the 48 additional FTEs is \$6.2M, and the FY23 cost is estimated to be nominal with the intent of filling all positions towards the end of the fiscal year.

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Since this is a multi-year project, the cost center manager and Chief Safety Officer will be accountable for budgeting the positions in future years.

### **Impact to Budget**

The sources of funding would be operating eligible federal, state and local resources that include fares, and operating eligible sales tax resources.

### **EQUITY PLATFORM**

Increasing the number of Transit Security personnel will allow Metro to provide dedicated safety resources to the bus system. In the Public Safety Advisory Committee meetings, one of the members was an operator and shared first-hand experiences of safety on the bus system as well as feedback from peers. These concerns and pain points are key factors that contribute to low morale, high turnover, and a key challenge in regaining ridership to pre-pandemic levels. Through this effort, we aim to increase rider and operator safety. We recognize that in the past, there has been an under-investment of safety resources for the bus system. However, this is a step in the right direction towards supporting our front-line employees and taking actionable measures to address their safety concerns.

Furthermore, this request further enhances Metro's efforts towards reimagining public safety by investing in unarmed personnel and in our Transit Security personnel by further professionalizing their training curriculum and enhancing the customer experience.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal 2.1 of committing to improving security. Metro will continue to rely on a multi-layered security program that comprises contract law enforcement, ambassadors, and contract security, along with the expansion of Metro's in-house Transit security personnel to achieve this goal.

### **ALTERNATIVES CONSIDERED**

The Board could decide not to approve the recommendations. This is not recommended as only Metro TSOs conduct Code of Conduct compliance.

One alternative would be to reassign existing Metro personnel from current duties to support security expansion. This approach is not recommended because it would have a negative impact on Metro's ability to adequately maintain the current level of staffing to meet required security needs.

Another alternative would be to authorize security expansion by using overtime; however, this approach is also not recommended because it increases TSO costs, and it is not sustainable for a long period of time.

### **NEXT STEPS**

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If approved, staff will launch additional quarterly hiring events and attend weekly job fairs to increase the pipeline for Metro Transit Security positions. And report to the board monthly on the bus riding team efforts.

**ATTACHMENTS**

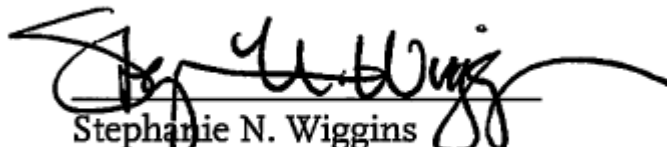
Attachment A - Bus Operator Assaults Data

Attachment B - 2022 Bus Operator Survey Update

Attachment C - PSAC Onboard Bus Safety Strategies

Prepared by:        Robert Gummer, Deputy Executive Officer, (213) 922-4513  
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Stephanie N. Wiggins  
Chief Executive Officer

## Bus Operator Assaults 2018-2022

Bus Operator Assaults	CY2018	CY2019	CY2020	CY2021	CY2022
Jan	8	6	6	3	12
Feb	4	8	5	5	13
Mar	9	8	5	8	15
Apr	5	9	5	6	14
May	5	8	4	8	8
June	4	6	13	10	14
July	4	10	4	8	17
Aug	8	7	8	10	14
Sep	8	5	2	15	6
Oct	10	10	9	9	17
Nov	11	6	5	18	15
Dec	4	12	7	15	12
<b>Totals</b>	<b>80</b>	<b>95</b>	<b>73</b>	<b>115</b>	<b>158</b>
<b>Average per FY</b>	<b>6.67</b>	<b>7.92</b>	<b>6.08</b>	<b>9.58</b>	<b>13.08</b>

\* Average Monthly Bus Operator Assaults over the past 5 Years:

**8.67**



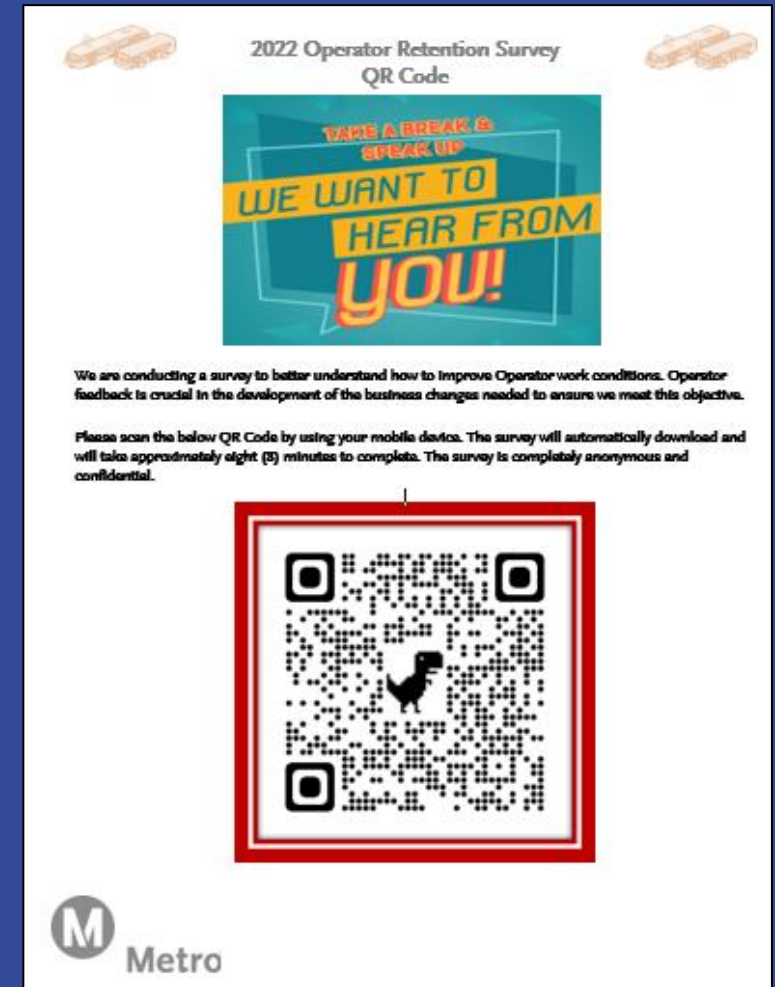
# 2022 Bus Operator Survey Update



Operations, Safety & Customer Experience Committee Meeting  
May 19, 2022

# Overview

- Dates: Opened February 22, 2022 and closed March 21, 2022
- Bus Transportation Goal: 513 responses
- Responses Received (Bus Operators only):
  - 588 responses
  - Across 10 Bus Divisions
  - Requested a minimum of 50 responses from each Division
- Division Outreach: Visited twice and most three times
- Survey Questions: 19 total questions
  - 16 closed ended and 3 open ended
- Three Focus Areas: Job satisfaction, Concerns & Culture



# Overview: Division Responses

Bus Division	Responses	Percentage
1	54	9%
2	60	10%
3	52	9%
5	75	13%
7	61	10%
8	63	11%
9	54	9%
13	61	10%
15	56	10%
18	52	9%
Systemwide Total	588	100%

# Job Satisfaction Questions

Q8. I enjoy being an Operator.

		Valid Percent
Valid	Strongly Agree	29.6%
	Agree	29.6%
	Neutral	27.8%
	Disagree	7.0%
	Strongly Disagree	6.0%
	Total	100.0%

Q9. I see myself working as an Operator another 5 years.

		Valid Percent
Valid	Strongly Agree	21.2%
	Agree	20.3%
	Neutral	32.6%
	Disagree	11.6%
	Strongly Disagree	14.3%
	Total	100.0%

Q10. I would recommend being a Metro Operator to my family and friends.

		Valid Percent
Valid	Strongly Agree	13.8%
	Agree	17.1%
	Neutral	26.5%
	Disagree	17.0%
	Strongly Disagree	25.6%
	Total	100.0%

## Takeaways:

- About 60% of respondents enjoy being an Operator, however enjoyment trends downward over time
- About 40% of operators see themselves working as an operator another five years, however longevity trends downward over time
- About 1/3 of operators would recommend the job to family and friends

# Concerns and Pain Points

Q4. My biggest concern with being an Operator.

Areas of Concern	Responses	
	N	Percent
<b>Low pay</b>	347	23.0%
<b>Safety from passenger confrontation</b>	324	21.5%
<b>High stress</b>	316	20.9%
Fatigue	206	13.6%
Safe operation of bus while driving	113	7.40%
Other Concern	90	6.00%
Unfair treatment from my direct manager	51	3.40%
Childcare concerns	36	2.40%
Commute time	25	1.60%
Safe operation of Micro vehicle	3	0.20%
<b>TOTAL</b>	<b>1,512</b>	<b>100.0%</b>

Q5. I think about leaving Metro often.

		Valid Percent
Valid	Strongly Agree	28.0%
	Agree	26.1%
	Neutral	22.9%
	Disagree	12.9%
	Strongly Disagree	10.1%
	<b>TOTAL</b>	<b>100.0%</b>

Q6. If I were to leave Metro, it would be due to:

Areas of Concern	Responses	
	N	Percent
<b>Low pay</b>	356	27.0%
<b>High stress at work</b>	342	25.9%
<b>Not feeling safe while operating the bus</b>	197	14.9%
<b>Not feeling safe from passenger confrontation</b>	190	14.4%
Management	83	6.30%
Retirement	77	5.80%
Commute time	35	2.70%
Childcare issues	35	2.70%
Not feeling safe while operating the train	3	0.20%
Not feeling safe while operating the micro vehicle	1	0.10%
<b>TOTAL</b>	<b>1,319</b>	<b>100.0%</b>

Takeaways:

- **Low pay is the greatest concern for operators and is subject to current negotiations**
- Respect the Ride campaign, homeless outreach, and new ambassador program will work to **improve safety**
- Key issues of **high stress and fatigue** lead to burnout which can be directly impacted by long assignments, ordered call backs, and insufficient run times

# Workplace Culture and Environment

Q12. Having a good relationship with my direct manager is important to me.

## Systemwide Results

	Valid Percent	Cumulative Percent
Strongly Agree	43.1%	43.1%
Agree	35.9%	79.0%
Neutral	17.3%	96.3%
Disagree	1.9%	98.3%
Strongly Disagree	1.7%	100.0%

## Division Results

Division	% Agree or Strongly Agree
1	75.9%
2	82.0%
3	92.3%
5	76.7%
7	80.3%
8	81.0%
9	81.5%
13	75.4%
15	75.0%
18	74.5%

# Snapshot: Systemwide Job Satisfaction, Pain Points and Concerns

Job Satisfaction	Pain Points and Concerns
60% enjoy being an operator *greater % among PT operators	98% noted concerns with being a bus operator
40% see themselves work as a bus operator another five years	23% low pay- being the greatest concern. Followed by 22% safety and 21% high stress
<ul style="list-style-type: none"><li>• Longevity trends downward over time</li><li>• Only about a third of operators would recommend the job to family and friends</li><li>• Part-time employees are more likely to recommend the job than full-time employees</li></ul>	<ul style="list-style-type: none"><li>• Low pay concerns are highest among part time operators and those with two or fewer years of service</li><li>• The concern declines steadily as tenure increases</li></ul>

# Culture Findings: Recognition & Tenure

Q15. Being recognized for good work is important to me.

How many years have you been an Operator?		Valid Percent
2 years or less	Strongly Agree	49.3%
	Agree	28.2%
	Neutral	18.5%
	Disagree	1.9%
	Strongly Disagree	2.2%
	Total	100%
3-5 years	Strongly Agree	50.7%
	Agree	33.5%
	Neutral	14.5%
	Disagree	0.6%
	Strongly Disagree	0.6%
	Total	100%
6-10 years	Strongly Agree	56.2%
	Agree	27.1%
	Neutral	9.9%
	Disagree	2.6%
	Strongly Disagree	4.2%
	Total	100%
More than 10 years	Strongly Agree	48.4%
	Agree	32.8%
	Neutral	14.4%
	Disagree	2.8%
	Strongly Disagree	1.6%
	Total	100%

Q16. The culture at Metro needs to improve.

How many years have you been an Operator?		Valid Percent
2 years or less	Yes	81.6%
	No	18.4%
	Total	100%
3-5 years	Yes	89.9%
	No	10.1%
	Total	100%
6-10 years	Yes	87.9%
	No	12.1%
	Total	100%
More than 10 years	Yes	83.4%
	No	16.6%
	Total	100%

## Takeaway:

- About 80% of Operators surveyed value a good relationship with their direct manager and coworkers, as well as recognition



Metro



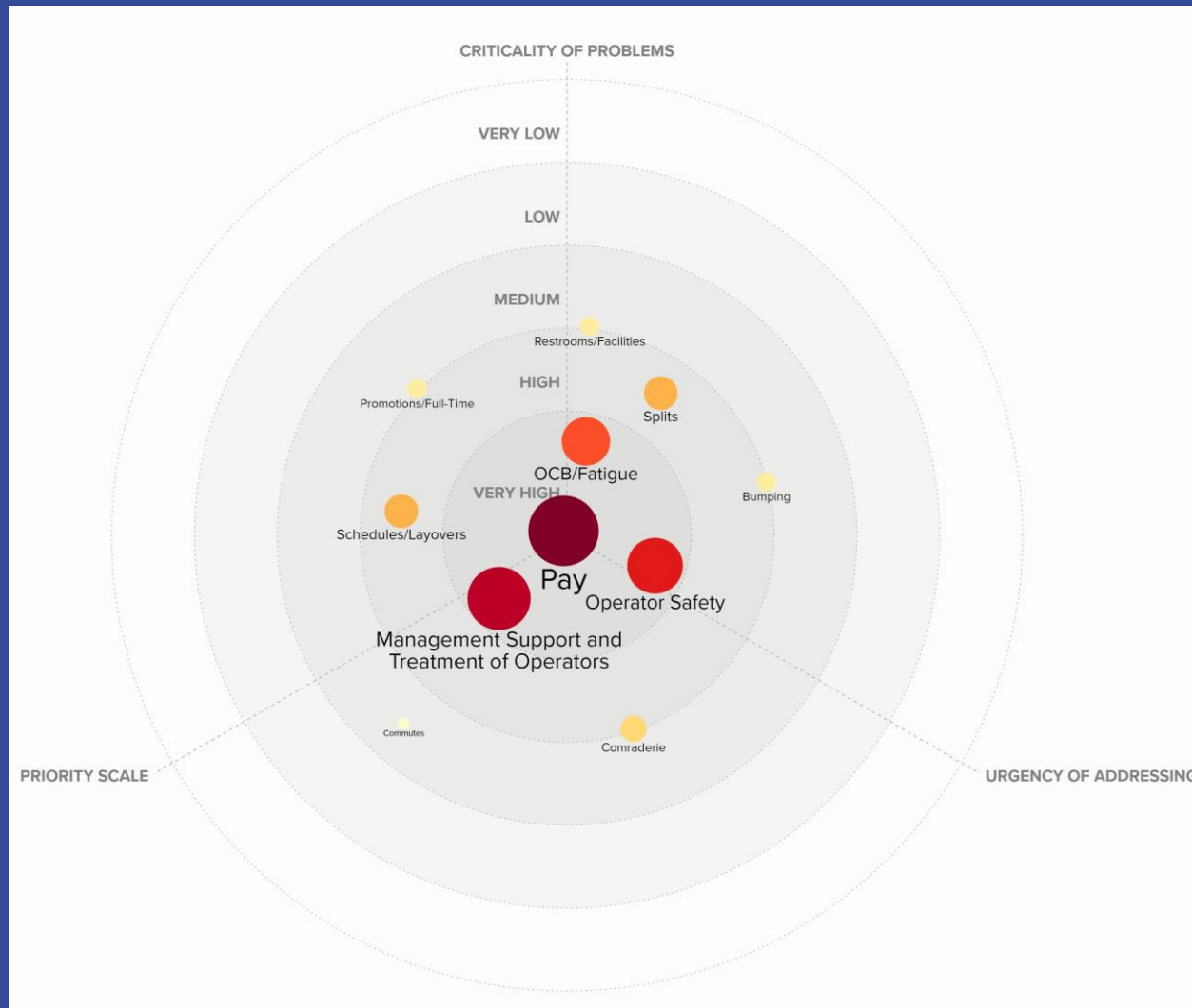
# Qualitative Feedback

## **Q18. What suggestions do you have to create a better Operator work environment?**

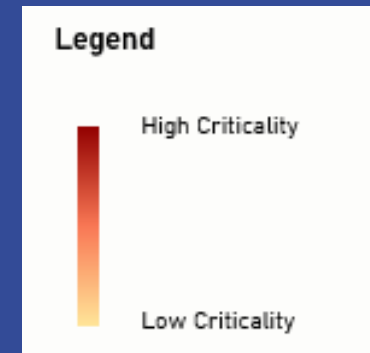
Responses were classified into the following themes using descriptive research coding:

- Social Issues – 190 responses
  - ✓ Humanize, Recognize, Respect, Morale...
- Policy/Political Problems – 99 responses
  - ✓ OCBs, Enforcement of Safety, Ease for New Employees
- Solutions Suggested – 118 responses
  - ✓ Layover 8:01 Rule too little, Scheduling, Enclosed Cabs...
- One Word/Phrase Responses – 63 responses
  - ✓ Just Pay, Benefits, Make it Safer etc.

# Qualitative Feedback



Higher Pay and Better Benefits HAVE to be implemented. **Even** though out of 521 responses, 100 mentioned pay explicitly, it is implied in **almost every response**: calling for respect & dignity, overworking, need for hiring more operators, promise for promotions etc.



# Qualitative Feedback - Operator Comments

Q11. What do you like most about being an Operator.

- *"I really enjoy driving busses from our fleet and helping the public. We make it look easy but its a true skill set that takes years to master."*
- *"The independence involved. Just you and your bus."*
- *"There is an importance of being an operator and my passengers make me feel great when they appreciate my performance on the road."*

Q18. What suggestions do you have to create a better Operator work environment.

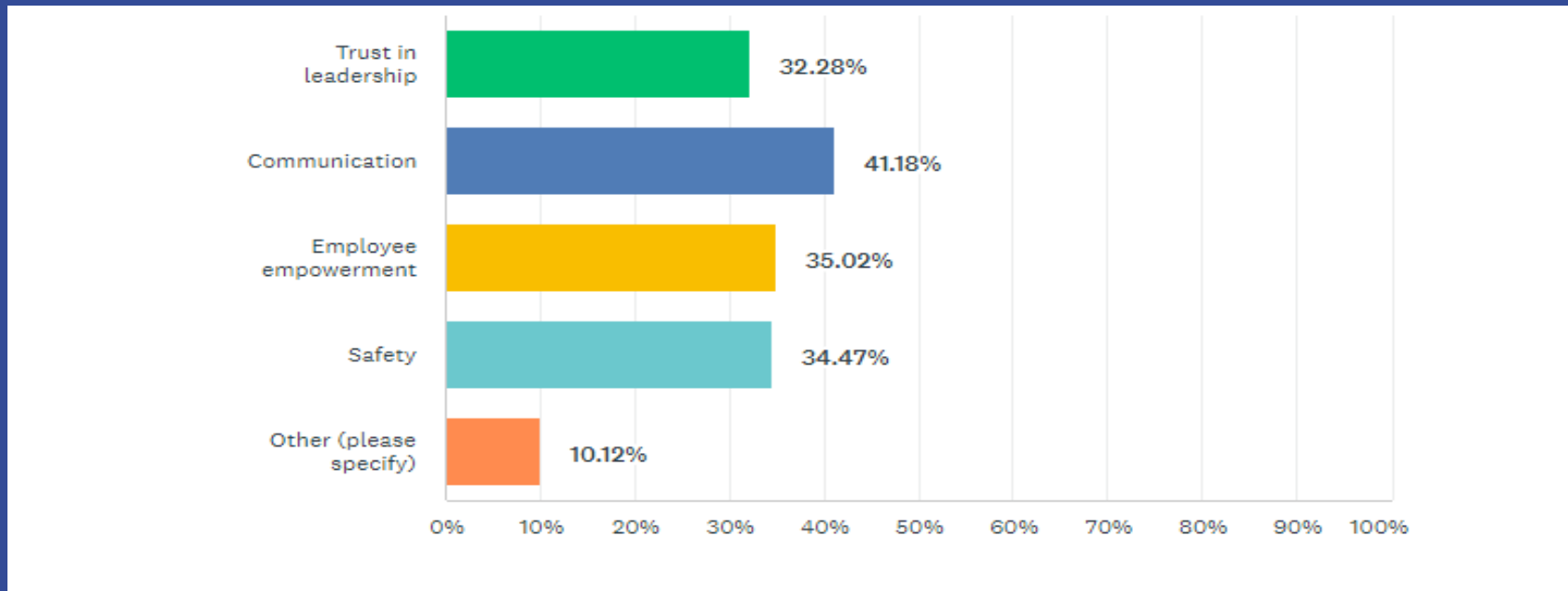
- *"Reduce OCB to allow for proper rest, recovery, and stress reduction."*
- *Management engagement more with operators."*
- *Provide more running time during rush hours. More layover time. Have better restrooms facilities at layovers."*

Q19. What strategies should Metro use to attract more Operators to the organization

- *"Make driving less stressful by providing more running time. Pay more."*
- *"Better benefit, starting salary (inflation is a big problem), some operator need to drive far to the reporting location."*
- *"Increase the pay per hour and offer full flexibility time schedules."*



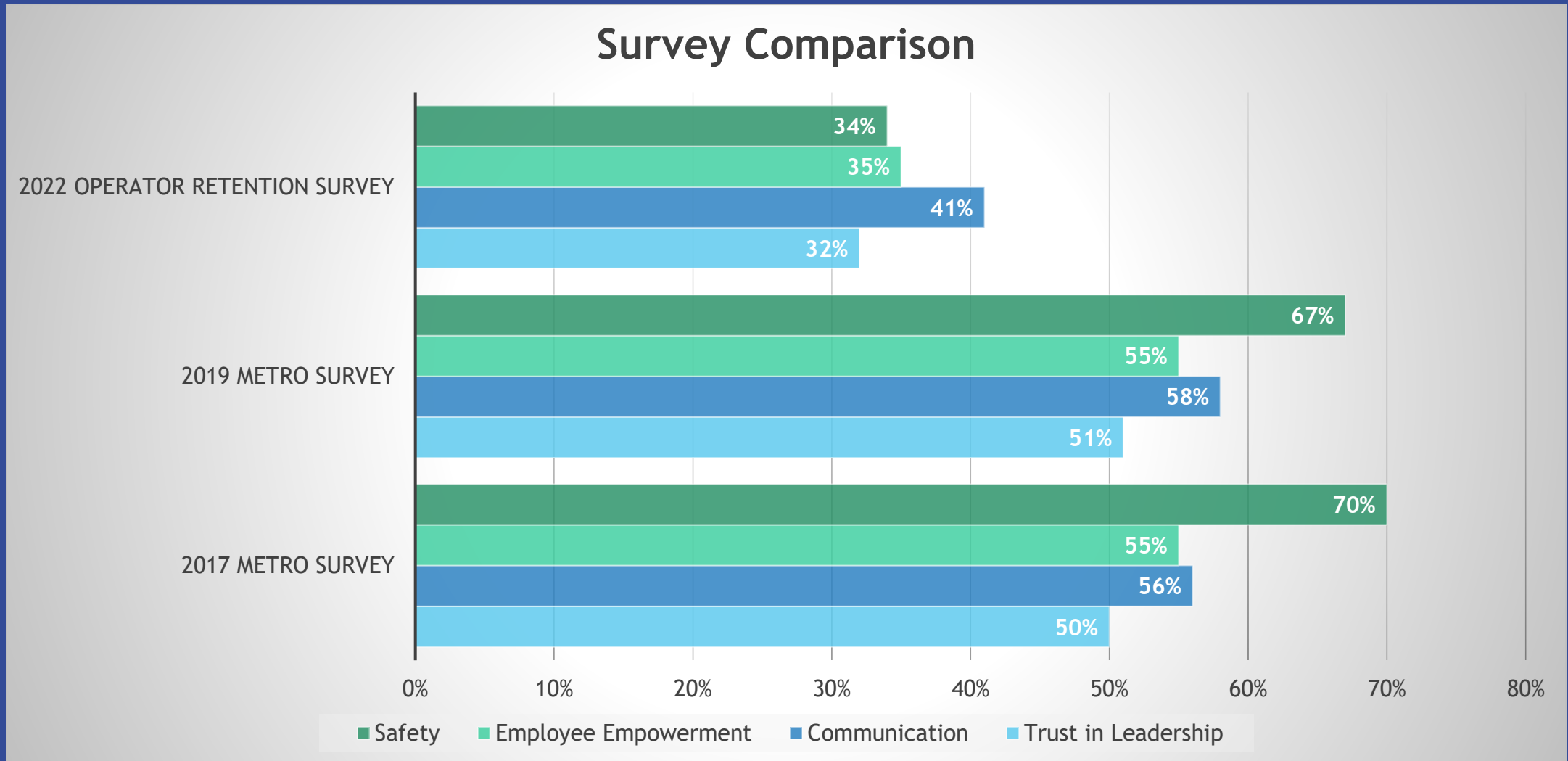
# Opportunities for Improvement



## Takeaways:

- Most operators feel the culture at Metro needs to change with communication, employee empowerment, safety, and trust in leadership being the top four areas needing improvement
- About half of the Operators surveyed feel satisfied with the benefits that Metro offers
- Additional areas of concern relative to culture change were:
  - ✓ Stress management
  - ✓ Respect

# Metro Survey Comparison



Metro

# Comparison 2017/2019 2022 Survey Takeaways

- 2017 & 2019 Agency Survey results indicate areas for improvement relative to Communication and Trust in Leadership were important to Operations staff
- Similarly, the 2022 survey results in the areas of culture, communication, trust in leadership, and employee empowerment indicate Bus Operators still want change in these areas
- Recognition is very important for Operators to receive on a consistent basis
- Operators feel a good relationship with their direct manager and coworkers is important

# Next Steps

- Metro will continue to review and analyze survey data, for bus and Metro Micro personnel, and concentrate on the following:
  - ✓ Division outreach and engagement to report out survey findings in coordination with Operations, Customer Experience, Chief People Office, and Safety management personnel (to be completed by May 19, 2022)
  - ✓ Create Operator focus groups to drill down into feedback and suggestions
  - ✓ Develop actionable recommendations to improve areas of concern
  - ✓ Steering committee/task force to oversee and execute recommendation implementation with status updates
  - ✓ Re-survey operators to gauge progress (12-18 months)



# Recommendations on Onboard Bus Safety Strategies

## About these Recommendations

This document lays out the Public Safety Advisory Committee's (PSAC, the committee) recommendations for strategies to improve bus operator and passenger safety on Metro. During internal focus groups and staff interviews, bus operators expressed concerns about their safety in the system, particularly after 3:00 p.m. and during nighttime service. Operators also reported that Code of Conduct violations are frequent and often go unaddressed. In response, Metro's board has allocated \$3M for onboard safety strategies, including CCTV, increased staff presence, and improved emergency communications protocols. The following recommendations include opportunities to improve bus operator security through non-law enforcement alternatives and other staffing solutions. The document also identifies opportunities to implement improvements to the design of buses and on-system communications infrastructure.

## A Note on Deployment & Data

PSAC understands that the lines chosen for deployment of these onboard bus safety strategies will be primarily determined by the number of bus operator assaults, with additional consideration given to the number of Code of Conduct and fare enforcement violations. The committee recommends that Metro consider additional factors including the following: reviewing incident reports for contextual information on rider and operator assaults, bus service reliability and timing, and vehicle conditions in their analysis. Metro should review incident reports to understand the factors influencing assaults on drivers and passengers (e.g., inability to pay fares, passengers experiencing mental distress, etc.). They should use this context to determine the appropriate staffing response (e.g., considering fare-free options, enhanced presence, and flexible deployment of mental health service providers, etc.). Additionally, Metro should prioritize customer experience enhancements on priority bus lines, focusing on enhancing reliability, delivering excellent customer service, providing real-time information, and ensuring cleanliness on vehicles and at stops.

## Expanding the Scope of Public Safety Considerations

PSAC recommends that Metro considers customer experience, service improvements, and fareless transit programs as interventions that improve public safety on buses. Looking beyond the traditional security methods of staffing, physical interventions, and communication, focusing on improved service and rider satisfaction will greatly improve safety outcomes in the system. With fare collection being a key point of contention between riders and operators, the committee endorses a fareless transit program to eliminate that point of conflict. Additionally, this policy will assist low-income riders – the primary users of Metro transit – by improving access to jobs and recreation. Metro bus riders are more numerous and ride more miles than rail riders, at almost a 4:1 disparity during 2021.<sup>1</sup> Given that bus riders make up the core of Metro service, the agency should continue to prioritize working with local jurisdictions to implement bus-only lanes and dedicate internal resources for vehicle deep cleaning to meet the needs of their core ridership.

## Staffing Strategies

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<sup>1</sup> Metro Ridership. (n.d.). Retrieved August 10, 2022, from <https://isotp.metro.net/MetroRidership/YearOverYear.aspx>



PSAC has articulated the following recommendations to improve and expand staffing on Metro's bus routes. These recommendations will enhance safety for riders and operators and foster a rider culture as outlined in PSAC's [Mission, Vision, Values](#), and [Code of Conduct](#) documents:

- **Increased Staff Presence:** Currently, Metro's contract law enforcement partners deploy teams of officers to ride buses that are deemed priority safety concerns. However, these partners lack the resources to sufficiently cover the system. In keeping with PSAC's long-term vision to shift funding from law enforcement to non-law enforcement alternatives, the committee has identified opportunities to add Metro staff presence on buses to improve operator and rider safety.

PSAC recommends that Metro deploys a combination of the following solutions as appropriate: transit ambassadors, homeless outreach teams, mental health crisis response teams, unarmed Metro transit security officers, and social service providers. Increased uniformed staff presence can alleviate the stress felt by operators and reduce Code of Conduct violations. These employees can also act as a liaison between law enforcement in emergencies. Metro may consider utilizing a "buddy system," where vehicle operators are consistently accompanied by a staff member from the applicable partner named above. In this "buddy system," those partners would be present throughout the driver's shift, rather than responding to incidents.

Additionally, Metro's recruitment efforts for these positions should focus on reaching people who live in the communities served by priority bus lines, individuals involved with the justice system, veterans, and people facing barriers to employment.

- **Staff Training:** PSAC highlighted the need for staff on the system to be culturally competent, trained in de-escalation techniques, familiar with Metro's security ecosystem, and aware of how they interface with law enforcement. Cultural competency means that staff should be recruited from (or have an understanding of) the communities these bus lines serve. See recommendation #8 "[Acknowledging context for vulnerable transit riders](#)" from the Code of Conduct recommendations for further information on how the experience of public safety on transit differs for different population groups. To this end, the committee recommends that onboard bus staff are well-trained in de-escalation techniques that can be utilized in tense situations. Staff must also have a full understanding of Metro's security system and the roles of non-law enforcement alternatives and non-contracted law enforcement. Staff must be able to easily assess a situation and deploy the proper resources as needed.
- **Increased Partnerships with Cities and the County:** The Metro system extends through many cities across LA County. Recently, certain cities indicated their interest in partnering with Metro on contracted law enforcement duties. Rather than utilizing these cities' resources as law enforcement, PSAC recommends exploring partnerships between Metro and these cities to provide non-law enforcement staffing solutions. These partnerships would increase local staff presence along Metro's bus lines without expanding the law enforcement services from LAPD and LASD. Additionally, Metro may consider partnering with LA County to provide services specifically for unincorporated areas.
- **Customer-Centric Workforce:** Metro should train and foster a workforce with a strong culture of providing excellent customer service. However, this approach will only be achieved through high-quality jobs that offer competitive wages.

## Physical Intervention Strategies

Making improvements to the environment on the bus and at stops will help improve safety and comfort for riders and operators. PSAC has articulated the following recommendations as physical interventions to improve onboard bus safety:

- **Improved Rider Environment:** The environment onboard a bus will impact the way riders interact with each other and the Metro system. Maintaining a clean bus can reduce anxiety and discomfort among riders, leading to improved perceptions of safety. PSAC also recommends that Metro improve the environment at bus stops to alleviate stress among riders; this includes well-maintained bus stops that have adequate lighting, shade structures, and benches.
- **Panic Button Modifications:** To modify the existing panic button for bus operators, Metro may consider including features that alert waiting bus riders, partners responding to incidents, and other relevant parties to incidents occurring on the vehicle. This could occur through messages on the bus destination sign, signal lights, or other visual notifications. It is important that these modifications do not exacerbate the unfolding situation and should be designed accordingly. However, the committee would like this strategy to be considered a lower priority than staffing and rider environment improvements.

## Communication Strategies

PSAC has prioritized building a positive relationship between the public and Metro as a key safety strategy. PSAC has articulated the following recommendations as communication strategies to improve onboard bus safety and improve customer service:

- **Service Alerts:** PSAC has noted there have been instances of buses passing riders at bus stops because they are full. This may result in unhappy passengers when the next available bus arrives, increasing the likelihood of an incident. PSAC recommends developing or utilizing an existing application or alert system that will notify riders ahead of time whether a bus is unable to take on more passengers. Additionally, when a bus is unavailable, PSAC recommends offering an alternative mode of transport for riders (e.g., Metro Micro) to use.
- **Public Campaigns:** PSAC has highlighted an opportunity for Metro to build stronger relationships with bus riders through public campaigns and outreach. This includes getting to know routine commuters on bus lines to start a “Get to Know Your Rider” campaign. Additionally, PSAC recommends establishing a reward system by enabling Metro staff and security to recognize riders that are courteous and helpful. Through positive messaging and reinforcement, Metro can emphasize that bus safety is a collective responsibility.

# Metro Transit Security

GINA OSBORN

CHIEF SAFETY OFFICER

# Bus Operator Safety

Top Reasons For Assault January 2023	
Reason	Count
Disorderly	2
Missed Stop	2
No Reason	1
Demand Stop	1
Mentally Ill	1
Fare	1
Other	1
Policy Music	1
<b>Grand Total</b>	<b>10</b>

Top Reasons For Assault January 2022-December 2022	
Reason	Count
No Reason	44
Other	30
Demand Stop	21
Disorderly	14
Mentally Ill	13
Fare	8
Missed Stop	5
Out of Service	5
Policy/Drink	4
Mutual Combat	2
Mask	2
Policy Stroller	2
Sex	1
Other/Vehicle Accident	1
Mask/Fare	1
Accident	1
Policy/Food	1
Policy Scooter	1
Accident	1
Policy Smoking	1
<b>Grand Total</b>	<b>158</b>

- From 2018 through 2022 to date, bus operator assaults had a monthly average of nine.
- The highest monthly average in 2022 was 13 assaults.
- In CY21, bus operators reported 115 assaults and 158 assaults in CY22, an increase of 37.39%.

The above charts illustrate the top reasons for assault by calendar year.

# Implemented Bus Safety Strategies

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- 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 (March 2020)
- ✓ Metro buses have emergency buttons
- ✓ Clear signage of punishment of assaults on operators
- ✓ See Something Say Something campaign
- ✓ LAPD's deployment of their Special Problems Unit
- ✓ Bus Riding Teams (law enforcement + Metro Transit Security)
- ✓ Employee Assault Mitigation Task Force



# Bus Riding Teams

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- As part of *Respect the Ride*, SSLE launched Bus Riding Teams composed of Law Enforcement Officers and Transit Security Officers to ride the top 10 lines with the highest number of assaults.
- Bus operators commented:
  - “With officers on the bus, riders behave and don’t start any problems. It’s a safer environment for me to drive the bus and for the passengers. I don’t have to worry about calling the BOC or having to deal with unruly riders.”
  - “It’s a big help for us as Operators when we can just focus on driving the bus.”
- The primary request from Operators is that bus riding efforts continue, and their main question was sustainability and expansion.

# Metro Transit Security Staffing

**FY23 Active Budget: 213 uniformed FTEs deployed over three shifts:**

Staffing*	Function	Scope of Work
54	Code of Conduct	Deployed mainly across the rail system, with only 4 TSOs deployed to board buses on one bus line/week.
25	Mobile Patrol	Responds to calls for service at Metro's division, patrol parking structures/lots, layover zones – do not conduct fare or Code enforcement.
25	Union Station Gateway	Fixed security inside building, interior and exterior roving patrols.
16	Rail Safety	Opens and closes heavy rail stations.
14	Revenue	Security oversight for revenue services.
14	Supervision	Sergeants and Lieutenants
15	Security Control Specialists	Trained dispatchers dedicated to the Security Operations Center. (11) to start end of March.
2	Operations Support	Consists of one sergeant in support of Special Events and one sergeant as the Training Coordinator.
5	Long Term-Leave	
12	In Training	Recently hired and are undergoing training
31	In Recruitment	(10) TSOI to start on March 20 <sup>th</sup> ; (8) TSOI in background check stage; (5) TSOII in final stages; (6) SGT in final stages; (2) LT in final stages.

*\*As of March 8<sup>th</sup>.*

# Recommendation

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Amend the FY23 Budget to add 48 Metro Transit Security positions:

- (44) Transit Security Officers
  - 22 armed/22 unarmed
- (3) Supervisors
- (1) Director, Transit Security [Captain]



# Thank You

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## Board Report

File #: 2022-0868, File Type: Policy

Agenda Number: 23.

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE**  
**MARCH 16, 2023**

**SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to negotiate and execute contract modifications to extend the current multi-agency transit law enforcement contracts annually for up to three additional years, through June 30, 2026, utilizing funds to be requested during future fiscal years' budget processes, contingent on compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and
- B. REPORTING back to the Board in April 2023 on the feasibility of establishing an in-house Metro Transit Police Department to support Metro's Public Safety Mission and Value Statements.

**ISSUE**

At its February 2017 meeting, the Board approved the award of three individual five-year, firm-fixed unit rate contracts to the City of Long Beach (LBPD), City of Los Angeles (LAPD), and County of Los Angeles (LASD) for multi-agency law enforcement services to support its day-to-day bus and rail operations across Metro's entire service area. Those contracts are set to expire on June 30, 2023.

On April 29, 2022, Request for Proposals (RFP) PS45017 for transit law enforcement services was issued as a competitive solicitation in accordance with Metro's Acquisition Policy. A total of five proposals were received by the due date of October 10, 2022.

Based upon the evaluation of the responses, it is in Metro's best interest to modify the existing contracts to require compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and extend the period of service annually for up to three additional years, subject to the yearly appropriation of the Board, rather than award contracts that are not

consistent with Metro's Public Safety Mission and Values.

This recommendation is consistent with Metro's commitment to creating a safe and secure transit system for Metro passengers and employees and understanding of the positive impact the right law enforcement presence, in conjunction with other approaches to safety, can have on the system's safety.

In addition, a report back to the Board in April 2023 on the feasibility of another potential consideration an in-house Transit Police Department to supplement a layer that aligns with Metro's Public Safety and Vision Statements.

## **BACKGROUND**

Ensuring rider and employee safety is imperative to Metro's ability to provide a world-class transportation system that enhances the quality of life for all who use the Metro system.

In 2017, LBPD, LAPD, and LASD were awarded a five-year contract for multi-agency law enforcement services, collectively valued at \$645,675,758. The contracts have been amended seven times, and the total contract value for the six-year period is \$911,875,378 through June 30, 2023.

The specific tasks that the law enforcement agencies are responsible for:

1. Responding to calls needing law enforcement intervention, including safety emergencies;
2. Conducting joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state, and federal law enforcement agencies;
3. Riding Metro buses and trains, patrolling bus and rail stations/corridors, and maintaining high visibility at key Metro critical infrastructure locations;
4. Conducting proactive anti-crime operations when not handling a dispatched call;
5. Participating in Metro emergency and disaster preparedness planning and drills; and
6. Collaborating with social service agencies to address the impact of homelessness on the transit system.

Through the Public Safety Advisory Committee (PSAC), public safety surveys of Metro ridership, surveys of employees, surveys of people experiencing homelessness, customer experience surveys, surveys specific to the concerns of women, and conveyed in public comment at Metro Board Meetings, the Board and staff have heard many diverse perspectives regarding opportunities to improve public safety on the Metro system and within Metro facilities.

As a result, at its December 2021 meeting, the Board unanimously approved modifications to the scope of work for the multi-agency law enforcement contracts and adopted the following Public Safety Mission and Value Statements:

### ***Mission Statement:***

Metro safeguards the transit community by taking a holistic, equitable, and welcoming approach to

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public safety. Metro recognizes that each individual is entitled to a safe, dignified, and human experience.

*Values Statements:*

- Implement a Human-Centered Approach
- Emphasize Compassion and a Culture of Care
- Recognize Diversity
- Acknowledge Context
- Committed to Openness and Accountability

At its February 2022 meeting, the Board received the framework for the Reimagined Public Safety Plan -- a new, human-centered public safety plan based on the idea that each individual is entitled to a safe, dignified, and human experience. This plan is reflective of Metro's new Public Safety Mission and Values Statements adopted by the Board in December 2021.

Over the past year, Metro has taken numerous positive steps to implement that plan, including the deployment of community-based alternatives to law enforcement, the development and ongoing monitoring of pilot safety and security programs, and the incorporation of input and refinements regarding the efficacy of interventions. At the same time, Metro gained input on and tested ways law enforcement can be most effective as a part of the strategy to ensure a safe system for all.

As the current contracts expire on June 30, 2023, staff initiated a competitive procurement process in April 2022. Proposals were received in October 2022 and were evaluated in accordance with the terms of the RFP, which sought to incorporate the lens of the new Public Safety Mission and Value Statements. However, as summarized in Attachment A, two of the proposing agencies took material exceptions to the scope of work as well as Metro's contract terms and conditions. As a result, staff has determined that it is in the best interest of Metro to cancel the RFP, extend the current contracts, and explore the feasibility of creating an in-house Transit Police Department that could serve as an effective approach to implementing Metro's reimagined public safety plan that upholds Metro's Public Safety Mission and Value Statements.

## **DISCUSSION**

As Metro focuses on rebuilding ridership levels which declined during the pandemic, facilitating a safe and enjoyable transit experience is the top priority. However, in the 2022 Metro Customer Experience Survey, riders expressed concern about their safety at bus stops and train stations and on buses and trains, especially at night. Overall, out of the 40 service factors rated by Metro riders, all but one of the issues ranked as most needing significant improvement involve safety:

- Presence of security staff on *buses* and *trains*
- Enforcement of Metro rules on *trains* and *buses*
- Personal security on Metro *trains* and *buses* at night
- Personal security at Metro *train stations* and *bus stops* at night
- How well Metro addresses homelessness on *buses* and *trains*

- Shade at bus stops

### *OIG Audit Findings Related to Law Enforcement Contracts*

Annual audit reports by the Office of the Inspector General (OIG) over the past several years reflect the challenges Metro has faced in the deployment of contracted law enforcement services. Concerns that have been identified include poor police visibility on buses, trains, and at stations, inconsistent staffing at key critical infrastructure locations, and ineffective monitoring and oversight of contracted law enforcement personnel to ensure they are patrolling on the Metro system. Many of the challenges are recurring in the audit reports and have not been remedied. According to the most recent OIG audit report (2022-0790), the police agencies are unable to provide information on deployment metrics, including the number of train and bus boardings, how much time officers spend riding trains and buses, and how much time officers spend at train stations. For example, according to the 2022 OIG audit report, LASD patrol deputies are assigned to ride trains on only 12 of the 178 weekly shifts. Instead, they are deployed in vehicles assigned to patrol three separate shifts. In addition, deputies are assigned in vehicles across LA County to improve response times, but that reduces their visible presence in the Metro system. The OIG audit report also found that 54% of the LAPD calls for service involving Metro were answered by neighborhood patrol units, not the LAPD officers assigned to Metro at the time of the call.

In response to the OIG's findings as well as customer and employee feedback, staff sought to make refinements in the solicitation for multi-agency law enforcement services to ensure it was consistent with Metro's Public Safety Mission and Values, was complementary to the other parts of the new public safety plan, and - importantly - ensured delivery of consistent law enforcement service for Metro customers and employees. For example, the new solicitation included requirements to improve the transparency of law enforcement operations, and that allowed Metro to directly monitor and oversee deployment locations, staffing levels, and the histories of staff deployed to patrol the system.

### *Request for Proposals*

Five proposals were received from four proposers in response to the procurement: Beverly Hills Police Department (BHPD), Long Beach Police Department (LBPD), Los Angeles Police Department (LAPD), and Los Angeles County Sheriff's Department (LASD) - which submitted a proposal for the multi-agency policing model as well as a proposal for a systemwide policing model. The new solicitation included scope of services and terms and conditions that embraced Metro's Public Safety and Vision Statements.

During the proposal evaluation process, Metro sought clarifications and confirmation of exceptions, including material exceptions, proposers requested to the scope of services and terms and conditions. Note: *Material exceptions means significant or important enough to make a meaningful difference or impact. In the case of a response to a solicitation, a material exception would be a provision in the proposal that deprives Metro of something essential to the solicitation.* "Best and Final" responses from two of the proposers highlighted material exceptions related to greater oversight and accountability desired by Metro to align with the Board approved Public Safety Mission and Value Statements and proposed Public Safety Data Policies (Attachment A). In general,

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proposers noted that adherence to the required scope of services, including terms and conditions, would conflict with their Departments' normal and customary practices and policies in the provision of law enforcement services.

As stated in RFP No. PS45017, the proposers were required to acknowledge that they "understood that if it is not in the best interest of LACMTA to accept proposed exceptions, notice will be provided to the Proposer to accept the Terms and Conditions as stated in the RFP or be eliminated for further consideration." Furthermore, as stated in the RFP Instructions to Proposers section, proposers were advised that they "must comply in all material respects with the RFP" and "Metro reserves the right to cancel the entire RFP".

Under a multi-agency approach to policing, material exceptions by any one proposer would result in law enforcement services that fail to meet Metro's overall system needs as specified in the RFP, and on that basis, it is in the best interest of Metro to not award new contracts. Ultimately, non-adherence would result in the delivery of inconsistent standards that would erode the trust of our customers and employees in Metro's ability to keep them safe on the system.

#### Extension of Current Contract

Metro's law enforcement partners, complemented by robust alternative deployment solutions, are an important part of ensuring Metro riders and employees are -and feel - safe on the system. LBPD and LASD took no material exceptions to the RFP and LAPD has a department Bias-Free Policing policy. Therefore, staff recommends continuing the current law enforcement contracts for up to three years while new approaches consistent with our Public Safety Mission Values are piloted and evaluated. The contract extension would be compliant with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy.

For example, as an alternative to exclusively relying on law enforcement partners to patrol buses and trains, the Board is being asked to consider during this Board cycle, the funding of 48 additional Transit Security Officers that will create Permanent Bus Riding Teams, who are deployed to specific lines with higher frequencies of public safety issues, with a primary objective of deterring bus operator assaults and code of conduct violations.

In addition, if the Board extends the current contracts for multi-agency law enforcement services, in addition to the aforementioned duties and responsibilities, law enforcement partners will be deployed for strategic assignments for which their involvement has proven to be beneficial, including but not limited to:

- Partnering on Ancillary Clean-up Teams to ensure a safe work environment for maintenance crews;
- Operating as partners in the Emergency Operations Center, including coordination activities, intelligence sharing, and providing anti-terrorism details to ensure specific stations are secure during special events;
- Collaborating with the OIG's office in obtaining exclusion orders for repeat offenders.
- Partnering on the Respect the Ride Pilot;

- Partnering on “End of Line” efforts, including counts and surveys of people experiencing homelessness; supporting training for Metro Ambassadors;
- Partnering on initiatives to address specific issues (e.g., drug use enforcement, MacArthur Park station improvements) that are detrimental to the customer experience and specifically require law enforcement response;
- Providing extra patrols in the Gateway parking structure; and
- Community and employee outreach.

### In-House Transit Police Department for Greater Oversight & Accountability

This procurement process, and the realization that the requested scope of services, including terms and conditions, would conflict with the contract law enforcement agencies’ normal and customary practices and policies, underscores the fact that a contracted law enforcement approach may never allow Metro to have sufficient transparency and oversight over the deployment of non-Metro personnel.

Many other transit agencies have addressed this dynamic by establishing their own police departments. As described in Table 1 below, eight of the largest U.S. transit agencies have their own transit police department. The exceptions are the Chicago Transit Authority which utilizes contract police services provided by the Chicago Police Department (CTA), and the San Francisco Municipal Railway (MUNI), which receives police services through the San Francisco Police Department.

**Table 1: Police Departments within Ten of the Largest U.S. Transit Agencies**

Transit Agency	Unlinked Passenger Trips* 2019 (Thousands)	Has Transit PD
1) Metropolitan Transit Authority - New York City ** (NYCT)	3,451,139	✓
2) Chicago Transit Authority (CTA)	455,743	
3) Massachusetts Bay Transportation Authority (MBTA)	366,716	✓
4) Washington Metropolitan Area Transit Authority (WMATA)	354,656	✓
5) Southeastern Pennsylvania Transportation Authority (SEPTA)	308,266	✓
6) New Jersey Transit Corporation (NJ TRANSIT)	267,270	✓
7) San Francisco Municipal Railway (Muni)	223,338	
8) King County Metro Transit (KCMT)	128,666	✓
9) San Francisco Bay Area Rapid Transit (BART)	128,217	✓
10) Metropolitan Atlanta Rapid Transit Authority (MARTA)	117,759	✓

\*APTA defines unlinked passenger trips as “The number of passengers who board public

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transportation vehicles. Passengers are counted each time they board vehicles no matter how many vehicles they use to travel from their origin to their destination.”

\*\*NYCT has a combination of in-house transit police and local law enforcement.

An internal police department feasibility study is warranted because even though it would likely pose challenges, there may be advantages to creating an internal Transit Police Department to supplement/replace some of the services of the local law enforcement agencies where the friction points exist, summarized as follows:

- **Accountability:** An internal police department would facilitate a greater degree of oversight, control, and accountability over the deployment and budgeting of policing resources.
- **A Culture of Service and Visibility:** An internal police department would allow for the adoption of a culture that emphasizes service consistent with the agency’s policies and values. Transit policing is different from local policing, with the former emphasizing “engaged visibility,” specifically in places where customers feel most vulnerable - on the platforms and terminals where they wait for buses and trains and aboard the vehicles themselves. “Engaged visibility” allows police officers to positively interact with riders and employees who want it, leading to the provision of services and deterrents to crime and disorder. Local policing traditionally results in response to calls for service, which leads to enforcement of the law.
- **Hiring to meet Metro’s values:** An internal transit police department would allow the agency to hire and train police officers who fit the service mission of the agency, consistent with Metro’s Public Safety Mission and Values Statements and the agency’s proposed Bias-free Policing Policy.
- **Deployment where it’s needed most:** Riders, frontline employees, as well as the OIG audit reports, recommend the deployment of officers on foot patrol rather than in vehicles, as riders and employees are not able to engage with officers in vehicles and are less apt to recognize their presence. An internal transit police department could create more autonomy over deployment strategies. Note: an internal police department would still leverage the basic services from all the local police departments and the Sheriff at no charge.

## **DETERMINATION OF SAFETY IMPACT**

The authorization of an extension to the multi-agency law enforcement contracts, layered with additional public safety strategies, will promote the safety and security of passengers and employees and improve Metro’s ability to safeguard critical transportation infrastructure.

## **FINANCIAL IMPACT**

The total funding for the contract modifications will be addressed through the annual budget process. The source of funds will be local operating funds, including fares, sales tax Proposition A, C, TDA, and Measure R, which are eligible for bus and rail operations.



## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal 2.1: Committing to improving security. To achieve this goal, Metro must rely on a multi-layered, integrated safety and security program.

## **ALTERNATIVES CONSIDERED**

The Board may direct staff to continue negotiations with the proposers. This alternative is not recommended as key terms and conditions were not agreed on, after requests for clarification and confirmation of exceptions to the scope of services and terms and conditions, which is non-responsive to the Board direction for a reimagined public safety approach.

The Board could elect to contract with LASD to be the single law enforcement provider for the system. As allowed by the RFP, LASD originally submitted two proposals, one of which was to be the single law enforcement provider for the entire system. While LASD formally withdrew that proposal during the evaluation period, they indicated an interest in providing services for the entire system if Metro requested it. However, while LASD notably did not take any exceptions for the terms and conditions of the contract, they reaffirmed their desire to be the lead on deployment approaches for the system. However, LASD has asserted that responding to calls for service within a reasonable amount of time requires them to be patrol vehicle based. Therefore, relying exclusively on a contract with LASD for law enforcement of services is not anticipated to address customer and employee concerns, and facilitate the type of service envisioned to meet the agency's public safety goals.

The Board may decline to approve the contract modifications to extend the current multi-agency transit law enforcement contracts for up to an additional three years, through June 30, 2026, utilizing funds to be requested during future fiscal year's budget process. This alternative is not recommended as Metro does not have an alternative in place to address serious public safety incidents and risks on the Metro system, which is a component of the reimagined public safety plan.

## **NEXT STEPS**

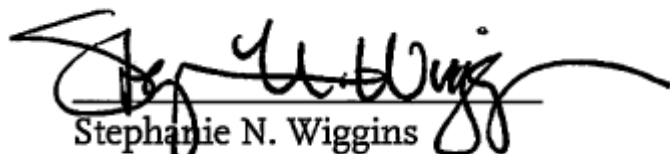
Staff will report back on the feasibility of establishing an in-house Public Safety Department in April 2023. In addition, staff will begin negotiations of contract extensions with the three existing law enforcement partners.

## **ATTACHMENTS**

Attachment A - Summary of Material Exceptions to Scope of Services and Terms and Conditions

Prepared by: Carolina Coppolo, Senior Executive Officer  
Debra Avila, Deputy Chief of Vendor/Contract Management

Reviewed by: Gina Osborn, Chief Safety Officer  
Stephanie Wiggins, Chief Executive Officer



Stephanie N. Wiggins  
Chief Executive Officer

## ATTACHMENT A - SUMMARY OF MATERIAL EXCEPTIONS TO RFP

EXCEPTION	PURPOSE	BHPD	LBPB	LAPD	LASD
SP-15 LACMTA Mgmt of Contractor's Personnel	Allow flexibility of deployment to improve visible engagement for riders and employees.	X		X	
SP-19 Changes in Deployment	Allow Metro to adjust resources when implementing new public safety programs.			X	
GC-07 Organizational & Key Personnel	Allow removal of Dept personnel by Metro when deemed to be in Metro's best interest.	X			
GC-38 Contractor's Interaction with the Media and the Public	Metro approval is required prior to certain public relations disclosures & to inform Metro upon receipt of citizen complaints, including their disposition.	X			
Exceptions to the Scope of Services					
Section 1.1, Item R – Specific Responsibilities	Compliance with the principles of 8 Can't Wait.	X			
Section 1.4 Service Coverage	Allow Metro to unilaterally reduce or increase resources as it implements new programs.	X			
Section 1.5 Mgmt of Admin Duties of Contractor's Personnel	Certain complaint reporting requirements, including having a civilian oversight body.	X		X	
Section 3.0 Reporting Requirements	Requires various kinds of reporting, including body worn camera data, and providing Metro the ability to identify, track, and log mobile assets in real time.	X		X*	
Section 3.1 Performance Requirements & Liquidated Damages	Imposes liquidated damages related to the provision of services at lower than required levels and sustained misconduct complaints against officers performing the services.	X		X**	

\*LAPD took partial exception – namely, a weekly report on the number and general nature of complaints against the contract, after-action reports following special operations and/or major incidents, distribution of law enforcement sensitive reports, and ability to identify, track, and log mobile assets.

\*\*LAPD took partial exception – namely, the number of sustained misconduct complaints against the Contractor's field law enforcement personnel on the Metro system and key personnel changes by the Contractor.

# Transit Law Enforcement Services

GINA OSBORN, CHIEF SAFETY OFFICER

CAROLINA COPPOLO, SR. EO PROJECT MANAGEMENT

# Public Safety Mission Statement and Values

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*“Metro safeguards the transit community by taking a holistic, equitable and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified and human experience.”*

- > Implementing a **human-centered approach**
- > Emphasizing **compassion** and a **culture of care**
- > Recognizing **diversity**
- > Acknowledging **context**
- > Committing to **openness** and **accountability**

*Board adopted 12/2/21*



# Reimagined Public Safety Direction

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## Current Model

- Prescriptive and Fixed
- Inconsistent Rule Compliance
- Reactive Response
- Obscure Data & Outcomes
- Enforcement-Focused through a singular tactical response (“one size fits all”)
- Siloed

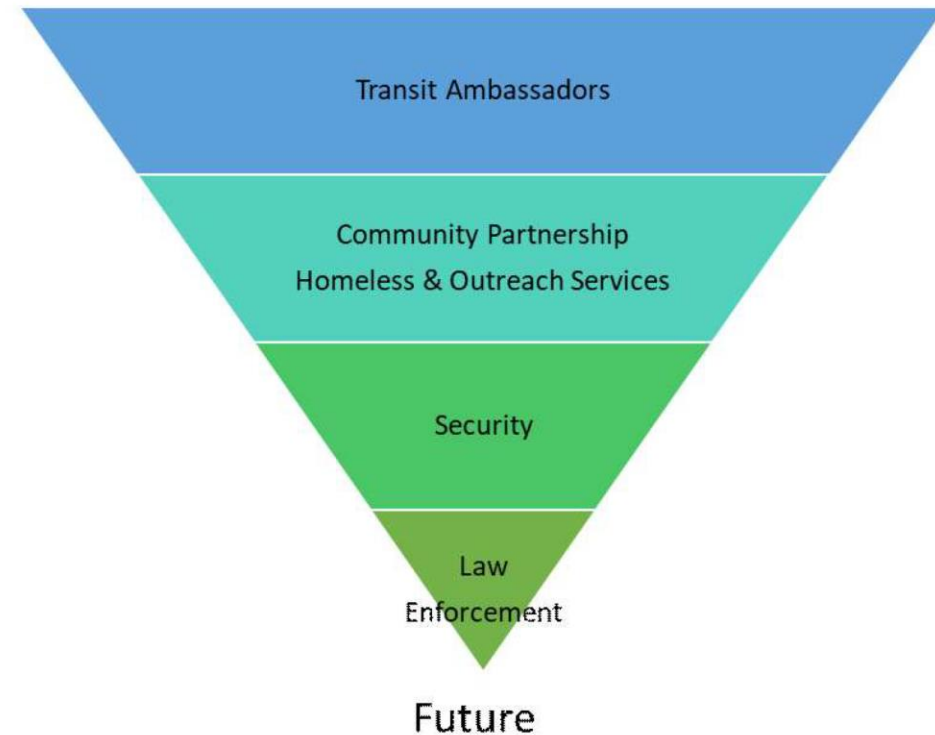


# Reimagined Public Safety Direction

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## **New Model**

- Data-Driven and Flexible
- Equitable Rule Compliance
- Proactive Response
- Transparent Outcomes
- Strategic Enforcement through analytics-led safety & security using a layered approach
- Collaborative



# Law Enforcement Services RFP

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- Five proposals (four multi-agency and one systemwide) were received in response to the RFP
- BAFO Results:
  - Two agencies took material exceptions to the scope of services and terms and conditions
    - RE: oversight, accountability, and control of deployment
  - Systemwide proposal for coverage was withdrawn
- Under a multi-agency approach to policing, material exceptions by any one proposer would result in law enforcement services that fail to meet Metro's overall system needs as specified in the RFP
- RFP States that Proposers must comply with all material aspects of the RFP



# Extensions of Existing Contracts

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- All current law enforcement partners have executed the latest contract modification which includes Board directed revisions to the scope of work (i.e. comply with principles of 8 Can't Wait)
- Metro's law enforcement partners, complemented by robust alternative deployment solutions, are an important part of ensuring Metro riders and employees are – and feel – safe on the system.
- Extensions require negotiations of rates and deployment with the Long Beach Police Department, Los Angeles Police Department, and Los Angeles County Sheriff's Department

# In-House Transit Police Department

Transit Agency	Unlinked Passenger Trips* 2019 (Thousands)	Has Transit PD
1) Metropolitan Transit Authority – New York City (NYCT)	3,451,139	✓ - hybrid
2) Chicago Transit Authority (CTA)	455,743	no
3) Massachusetts Bay Transportation Authority (MBTA)	366,716	✓
4) Washington Metropolitan Area Transit Authority (WMATA)	354,656	✓
5) Southeastern Pennsylvania Transportation Authority (SEPTA)	308,266	✓
6) New Jersey Transit Corporation (NJ TRANSIT)	267,270	✓
7) San Francisco Municipal Railway (Muni)	223,338	no
8) King County Metro Transit (KCMT)	128,666	✓
9) San Francisco Bay Area Rapid Transit (BART)	128,217	✓
10) Metropolitan Atlanta Rapid Transit Authority (MARTA)	117,759	✓

8 of the 10 Largest US Transit Agencies have a Transit Police Department.

# Potential Benefits of In-House Transit PD

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- Accountability: A greater degree of oversight, control, and accountability over the deployment and budgeting of resources
- Culture of Service & Visibility: Emphasizes engaged visibility vs. response to calls
- Hiring to Meet Metro's Public Safety Values: Allow the hiring of officers that meet the service mission of the Agency
- Deployment Where It's Needed the Most: More autonomy over deployment strategies

# Staff Recommendation

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- A. AUTHORIZE the Chief Executive Officer to negotiate and execute contract modifications to extend the current multi-agency transit law enforcement contracts annually for up to three additional years, through June 30, 2026, utilizing funds to be requested during future fiscal years' budget processes, contingent on compliance with the principles of Metro's Bias-Free Policing Policy and the Public Safety Analytics Policy; and
- B. REPORT back to the Board in April 2023 on the feasibility of establishing an in-house Metro Transit Police Department to support Metro's Public Safety Mission and Value Statements.

# Thank You

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