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Metropolitan Transportation Authority

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MAY 6, 2020

**TO: JANICE HAHN
FOURTH DISTRICT SUPERVISOR**

CC: BOARD OF DIRECTORS

**FROM: PHILLIP A. WASHINGTON PAW
CHIEF EXECUTIVE OFFICER**

SUBJECT: FACE MASKS ON-BOARD METRO BUSES AND TRAINS

ISSUE

This Board box responds to the May 4, 2020 letter from Supervisor Janice Hahn requesting that Metro address the possibility of enforcing a requirement that all passengers wear face coverings while on board Metro buses and trains.

BACKGROUND

Supervisor Janice Hahn issued a letter on May 4, 2020 expressing that Metro should immediately enforce a requirement that all passengers wear face coverings while on Metro buses and trains. The letter requested that Metro address this issue before the May 28, 2020 Board meeting.

BOTTOM LINE

We agree that riders wear face coverings and will enforce such to the extent practicable. We will also create opportunities for mask giveaways to reinforce responsible riding.

DISCUSSION

We appreciate and agree with the letter from Supervisor Hahn and have been working diligently to protect our employees and the public.

It is important to outline the critical steps Metro has taken to ensure the health and safety of its workforce and the public in response to the current COVID-19 crisis.

As a result of the Stay-at-Home and Safer-at-Home orders executed at the state and municipal governments, Metro triggered a suite of protections for our bus operators,

who are essential to getting LA's most vulnerable to medical appointments, grocery stores and other vital locations.

Rear door boarding

LA Metro was well ahead of transit agencies around the country in installing bus operator barriers (100% of our bus fleet is equipped with barriers). Beginning March 23, 2020, all operators were mandated to use the operator barriers to ensure another level of protection. In addition, I also directed and mandated all rear-door boarding. All patrons, except for those needing the on-boarding ramp, have since been required to enter through the rear door. These practices are ongoing and will continue until further notice.

Personal protective equipment (PPE)

In addition to the rear door boarding mandate, Metro has procured and distributed a significant amount of personal protective equipment (PPE) to our front-line staff. The distributions to date include:

- over 715,000 pairs of gloves
- over 385,000 masks, and
- over 40,000 personal hand sanitizers

We currently have a steady supply of PPE for our ongoing operations, although due to the tremendous demand worldwide and limited supply, deliveries are sometimes delayed. Disruptions to the supply chain have significantly impacted our inventory, so we are monitoring the distribution of PPE very closely to ensure that we have enough for our staff, particularly for those whose job functions require it.

Mandating & enforcement of face masks

While staff has always agreed and strongly recommended that the riding public have face covering, our concern has always been mandating and enforcing it, including the very real possibility of bus operator/rider and security enforcement challenges and conflicts. Indeed, and as has been reported recently in the media, asking Operators and Law Enforcement to enforce a requirement for riders to wear masks puts them at risk of being subject to threats and violence. Other transit systems that have enforced such policies have, as recently as last week, come under intense scrutiny and media coverage over the use of force for mandatory face mask policies. In some cases, these requirements have been scaled back. Simply put, we do not want to put our bus operators in harm's way, our law enforcement officers in untenable positions, or our agency in a bad light nationally with a potential excessive use of force allegation or charge.

Some believe that mandating masks would inevitably lead to providing masks to Metro customers. That presents additional strain on our limited inventory and declining revenue. With our current boardings of 360,000 riders per day, we estimate that we would need to distribute 18,000 masks (a minimum five percent of daily riders) each day, or over 540,000 per month. As ridership increases, these numbers could quickly

jump exponentially. This rate of usage would deplete our employee inventory in a matter of just a few weeks.

In addition, providing masks to the general public, raises the question of prioritization, should our supply become scarce. For the sake of our Operators and other front line staff who are providing these essential services, it is my job to ensure that masks are available at all times for them to continue doing the jobs we have asked them to do.

Any role related to enforcement would be a burden on our operators. Our front-line workers already have huge demands placed on them and adding an enforcement role would be unreasonable. Our Law Enforcement Officers are focused on security, violent crime, and finding shelter for unhoused populations. We do not recommend changing these priorities at this time.

Unintended consequences of mandatory face masks

An even bigger concern over mandating the use of masks and as advised by our Civil Rights Division, is that this requirement could present significant challenges for riders with serious health conditions. It is important to remain mindful of the accessibility requirements for protected populations when seeking to implement mandatory face mask usage aboard Metro buses and trains.

For example, face masks pose additional challenges for the deaf and hard of hearing. If someone who is deaf or hard of hearing is travelling with a companion wearing a face mask, communication may be stifled.

CDC guidelines do not recommend face masks for anyone that has trouble breathing or otherwise unable to remove the mask without assistance, both of which are possible symptoms of a disability.

Use of a face mask may increase CO2 concentrations which increase heart rate and breathing rates. The use of face masks or face coverings may make it more difficult for individuals with respiratory issues to breathe.

Face masks are difficult to wear for people who have a limited range of motion or mobility. The CDC does not recommend the wearing of face masks by people who are unable to remove the mask without assistance.

Understandably, enforcement of mandatory mask usage is made easier if those with an exemption can show medical documentation. The ADA however, protects citizens from having to disclose their disabilities or obtain medical documentation to prove an exemption. *Making masks mandatory aboard Metro services could negatively impact access to transit for people with disabilities.*

For the reasons cited above, we agree that riders wear face coverings and that we enforce such to the extent practicable. This works for us, especially as we prepare to recover and restore service, which includes moving back to all-door boarding.

For more information or if you have questions, please contact me directly at 213.922.7555 or our Chief of Staff, Nadine Lee, at 213-922-7950.