



Metro

Metropolitan Transportation Authority

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MARCH 9, 2004

TO: BOARD OF DIRECTORS
THROUGH: ROGER SNOBLE
CHIEF EXECUTIVE OFFICER
FROM: JOHN B. CAHOE, JR.
DEPUTY CHIEF EXECUTIVE OFFICER
SUBJECT: QUARTERLY REPORT - ACCESSIBLE SERVICE COMPLIANCE

ISSUE

In January 1998, the ACLU, on behalf of Larry Beauchamp, Stephen Koonz, Rick Perkins, LaJuana Drew Perkins, and Robert Wargo, mobility-impaired patrons, filed a class action lawsuit against the Los Angeles County Metropolitan Transportation Authority (Metro) to improve the standards for maintenance and operation of wheelchair lifts and other ADA-related devices onboard buses operated by Metro and its contractors. The Metro Board approved the Injunctive Settlement Agreement on August 9, 2000, with the Federal Court issuing its Order implementing the agreement on January 10, 2001. The agreement established the level of maintenance and operation of ADA-related equipment such as wheelchair lifts, ramps, lift-doors, and securement devices and standards for on-street performance. Under the settlement agreement, the court established a ten-quarter monitoring period effective April 1, 2001. This report provides information for the tenth and final quarter of the monitoring period.

DISCUSSION

This report describes the service provided to mobility-impaired bus patrons using Metro fixed route service, including service provided by Metro contracted bus services from July 1, 2003, through September 30, 2003. CDSNet, Inc. (CDSNet), a third-party contractor, monitored and reported ADA compliance according to the provisions of the settlement agreement with the Americans Civil Liberties Union (ACLU) regarding service provided to mobility-impaired bus patrons during this period.

Metro has successfully completed the monitoring period required under the settlement agreement that established a ten-quarter monitoring period beginning April 1, 2001. The Honorable Consuelo B. Marshall, United States District Judge, entered her order on

December 11, 2003, terminating federal court jurisdiction over the case of Larry Beauchamp, et al., v. Los Angeles County Metropolitan Authority, et al., Case Number CV 98-0402 CBM (BQRx) and ordered the case closed.

During the final quarter, Metro recorded boarding 34,734 mobility-impaired customers. Also recorded were 797 pass-ups when the first available bus did not provide transportation due to either equipment failure or other operational problems. These pass-ups exclude those situations when customers were not boarded because the bus was full or otherwise lacked capacity, as defined in paragraph 2, page 9, lines 4-5 of the settlement agreement.

Metro provided records to the ACLU for the quarter for 232,198 bus assignments from both the Metro divisions and our Metro contracted bus services. CDSNet results for the quarter are reflected on Attachment 1. The compliance percentages resulting from observations made by CDSNet exceeded minimum expectations and therefore did not result in any fines.

Attachment 2 details Metro performance over the term of the agreement. Metro exceeded minimum expectations and was not fined. Conditions for terminating the agreement were met.

NEXT STEPS

During the course of the court order the ADA Compliance Team implemented and managed the effort to ensure that findings from the contractor observer CDSNet were carefully reviewed and investigated. The team also conducted investigations and initiated disciplinary action where applicable to enforce Metro policies and procedures. Metro is committed to achieving success by continuing the self-monitoring program established in the agreement in order to protect against similar litigation and to continue the improved service provided to the mobility-impaired community.

ATTACHMENTS

- 1 Data Received from CDSNet, Inc.
- 2 ADA Compliance History

Prepared by: Monique Ramos, Senior Administrative Analyst

DATA RECEIVED FROM CDSNet INC.
ADA Compliance Percentages from July 1, 2003, through September 30, 2003

MTA Compliance Percentages Based on 500 Observations	
Percentage Category	Compliance Percentages
(i) Bus Stopping Percentage	98.4% or 492 of the 500 total attempted boardings
(ii) Working Lift Percentage	99.6% or 479 of 481 of the attempted lift actuations
(iii) Securement Percentage	99.2% or 475 of 479 actual boardings when securement devices were observed to be in working order in one location on the bus.

COMPLIANCE STANDARDS AND FINES REFERENCE CHART

Fines Established in the Injunctive Settlement Agreement	
Percentage	Fines Assessed
(i) Bus Stopping Percentage	The fine is \$10,000 if the percentage is less than 91.25%. The fine is \$30,000 if the percentage is less than 86.25%.
(ii) Working Lift Percentage	The fine is \$10,000 if the percentage is less than 92.5%. The fine is \$30,000 if the percentage is less than 87.5%.
(iii) Securement Percentage	The fine is \$10,000 if the percentage is less than 92.5%. The fine is \$30,000 if the percentage is less than 87.5%.

ADA COMPLIANCE HISTORY
April 1, 2001, through September 30, 2003

Time Period	Apr. - June 2001 2nd 2001 QRT.	July - Sept 2001 3rd 2001 QRT.	Oct. - Dec. 2001 4th 2001 QRT.	Jan. - Mar. 2002 1st 2002 QRT.	Apr. - June 2002 2nd 2002 QRT.	July - Sept. 2002 3rd 2002 QRT.	Oct. - Dec. 2002 4th 2002 QRT.	Jan. - Mar. 2003 1st 2003 QRT.	Apr. - June 2003 2nd 2003 QRT.	July - Sept. 2003 3rd 2003 QRT.
Total number of observations conducted by CDSNet, Inc.	690	621	623	603	608	588	604	587	591	500
Number of times the testers were boarded	654	604	599	583	596	577	581	554	567	479
Number of times the bus did not stop to advise or transport patron	10	3	4	2	0	2	7	12	6	8
Stopping Percentage	98.6%	99.5%	99.4%	99.7%	100%	99.7%	98.8%	98.0%	99.0%	98.4%
Number of lifts not working	16	7	10	7	6	2	7	5	10	2
Working Lift Percentage	97.6%	98.9%	98.4%	98.8%	99%	99.7%	98.8%	99.1%	98.30%	99.6%
Number of sufficient securement devices not visible by tester	8	3	3	2	0	0	1	1	1	4
Securement Percentage	98.8%	99.5%	99.5%	99.7%	100.0%	100.0%	99.8%	99.8%	99.8%	99.2%