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*"All employees using MTA vehicles shall fasten their seat belts upon entering the vehicle and shall keep them fastened as long as the vehicle is in operation...." --Metro Safety Policy #9, Section 1.1*

Photos: Luis Inzunza



Operator Jacquelyn Parchman demonstrates proper use of the seat belt.

## Bus Operator Safety Belt Policy Takes Effect Following Arbitrator's Ruling

- Arbitrator cites 'wisdom of a mandatory seat belt policy'
- Major or minor infraction rule still must be negotiated

By BILL HEARD, Editor

(Nov. 17, 2005) After more than a year's delay while Metro and the UTU went to court and then to arbitration, the safety rule requiring bus operators to wear seat belts while behind the wheel is taking effect immediately.

"It's a victory for our customers and our employees," Deputy CEO John Catoe said Thursday, following release of the arbitrator's ruling. "Studies all over the country, and our own safety records show, that by wearing safety belts people are safer and the operator remains in the seat if the bus is hit by another vehicle."

"The operators have been advised that it is required to wear seat belts," said Goldy Norton, UTU spokesman, "so they better wear the seat belts."

Metro and the UTU went to arbitration over whether the agency violated the collective bargaining agreement by adopting a mandatory seat belt rule for bus operators and whether failure to do so was a major or minor rule infraction.

In a 20-page ruling, Arbitrator Howard Block said Metro had not violated the bargaining agreement. He directed the agency and the UTU to negotiate the rule infraction issue, but he retained jurisdiction in case the two could not reach agreement.

### 'Wisdom' of the policy

"(T)he evidence is overwhelming in support of the wisdom of a mandatory seat belt policy," Block wrote. "The Arbitrator can find no language in the Collective Bargaining Agreement which bars MTA from unilaterally adopt(ing)

this rule."

Block wrote that, while he is "sensitive to the testimony of operators who have been attacked and claim that the seat belt makes it difficult to defend themselves," he added that, "by remaining belted the odds are very much in their favor. The number of bus accidents greatly exceeds the number of unprovoked attacks."

"In short, when all of the pros and cons are carefully weighed," he wrote, "the objectives of safety are better served when the operator remains belted – better for the operators and the passengers and also less property damage."

Asked about the next step on the rule infraction issue, Catoe said, "We will work on this issue with the union in a very short time period. I talked with (UTU General Chairman) James Williams last night concerning this issue and will again this week."

The seat belt policy originally was to have taken effect on Nov. 1, 2004. Following a two-month training and familiarization period that was to have ended Dec. 31, 2004, the safety infraction rule would have gone into effect on Jan. 1, 2005.

**'Want operators to comply'**

"Right now, we want operators to comply and, if they don't wear a safety belt, we'll tell them to do so," said Catoe. "We fully expect them to comply."

According to Robert Torres, a Metro Systems Safety manager, Metro has been alone among the nation's largest transit systems, in not enforcing mandatory use of seat belts. Transit properties in Southern California that require seat belt use include OCTA, Santa Monica, Riverside, San Bernardino, San Diego, Norwalk, Long Beach and Foothill Transit.

To answer the need for operator comfort during long drives, Metro retrofitted every coach in the fleet with 72-inch seat belts. The retractable belts, with a button release, will fit operators of every size and shape.

Torres noted that Operations Central Instruction for the past year has been instructing bus operator trainees in the proper use of the retractable belts.

He cited a Metro study from Dec. 1, 2002 through Dec. 31, 2003, that found a total of 453 bus operators were injured in traffic collisions. From Jan. 1, 2002 through Dec. 31, 2003, however, there were only 39 unprovoked attacks on Metro Bus operators and other employees.