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26

**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
OPERATIONS COMMITTEE
SEPTEMBER 20, 2007**

SUBJECT: BUS ACCIDENT INVESTIGATION UNIT

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO ESTABLISH A BUS
ACCIDENT INVESTIGATION UNIT AND AMEND THE FY08 BUDGET**

RECOMMENDATION

Authorize the Chief Executive Officer to:

- A. Establish a Bus Accident Investigative Unit under the direction of the Director for Corporate Safety;
- B. Amend the FY08 budget to add four full-time equivalent (FTE) employees to the Safety department for the Bus Accident Investigation Unit; and
- C. Amend the FY08 budget to add \$570,000 of expenses and reprogram funding sources to assign available revenues for funding overall safety department budget expenditures

ISSUE

At the June 2007 Metro Board Meeting, as part of the Drive Cam motion, staff was directed to report back to the Board in sixty days on steps necessary to establish a specialized bus accident investigation unit to be responsible for investigating and preparing reports of incidents involving Metro buses. The motion stated the unit shall be staffed by certified accident investigators and the report should include qualifications and number of employees needed and the structure of the department with associated costs.

POLICY IMPLICATIONS

There are no policy implications. It is the intent of staff to utilize this unit to augment and enhance the safety programs in place and reduce the number of bus accidents agency wide. This plan is in direct support of Metro's policy on Safety.

OPTIONS

The first option considered is to utilize current staff to develop solutions and improvements to bus accident investigations, root causes, alternative training programs, review of policies

and procedures, and program improvement plans. However, this alternative is not viable because there is currently no qualified, "subject matter expert" within Metro's staff that can adequately complete the required tasks to improve bus safety in the area of accident investigations or accident prevention. Additionally, those Transit Operations Supervisors (TOS) that do conduct accident investigations do so as a collateral job and not as their primary function. This presents the problem of training a TOS or other staff for a new position and duties, which will require the replacement of that/those TOS or staff. That level of training would require extensive time in certification programs and can take up to 1 year. With that, the employee would still not have the level of experience Metro needs.

The second alternative considered is to contract for Investigative Services. This alternative is not recommended because contracting for these activities would be cost prohibitive compared to establishment of an internal unit.

FINANCIAL IMPACT

The FY08 budget will be amended to add \$570,000 in cost center 6810 Systems Safety, project 300022 Blue Line Rail Operations, 300033 Green Line Rail Operations and 300055 Gold Line Rail Operations. The FY08 Enterprise Fund increased expense will be funded with Proposition A35% fund balance.

To fund this project, staff analyzed the current revenue sources that fund the overall FY08 safety department budget, as well as available fund balances that could be used to support this effort. The analysis showed that current FY08 budgeted expenditures for rail photo enforcement, maintenance and processing activities (approved by the board in April 2006) could be funded with Proposition A 35% fund and the revenues that are currently appropriated for photo enforcement, maintenance, and processing can be used to fund the accident investigation unit. This funding strategy best aligns available source and use of available revenues and fund balances.

Additionally, 4 FTEs will be added to the FY08 budget. The FTEs will be comprised of 3 investigators in the employee class of Safety Specialist (Accident Investigator) and 1 Investigator Supervisor in the employee class of Sr. Safety Specialist (Accident Investigation Supervisor). The investigators must possess a minimum of 5 years law enforcement traffic accident investigative experience and certification in accident investigations provided by either the Accreditation Commission for Traffic Accident Reconstruction (ACTAR) or the National Highway Traffic Safety Administration. The Supervisor must have the same qualifications as the investigators except with the addition of a minimum of 1 year supervisory experience overseeing a law enforcement traffic accident investigation team. The staff's plan includes incidental unit and unit set up costs.

DISCUSSION

For more than a year, Metro has made significant progress in improving the bus accident investigation process. Currently, most accidents are investigated by Metro Transportation Operations Supervisors (TOS) who are minimally trained to the standards set by the Transportation Safety Institute through the Federal Transit Administration. However,

accident investigation is not their primary responsibility. They do not have the primary duty of responding to accidents and cannot conduct often needed in-depth, detailed accident analysis and investigations. As supervisors they have many responsibilities for supervision of many bus operators, buses and operational lines. Because of this, the TOSs are not certified in a national/federal accreditation or university program and are not trained in investigating complex incidents that involve fatality, multiple injuries or any accident reconstruction work.

For all the hard work the TOSs have done in the area of bus accident investigation, the lack of certified/credentialed accident investigators has still created the potential for incomplete or inaccurate investigations, the results of which could have led to Metro's acceptance of more liability than it would have been responsible for had the investigation been conducted by a professionally trained, career investigator.

As such, staff is recommending developing a specialized, well trained, certified bus accident investigation team that would respond to serious accidents and perform investigative and reconstruction work to determine root causes and discover failures as related to each incident. Moreover, the investigators shall be capable of memorializing all pertinent data in clear, concise and professional reporting format. These credentialed and professional investigators shall possess the expert ability to present the physical data and completed findings in litigation or to an arbitrator.

With the skills and abilities of a trained bus accident investigative unit, the investigators will be best able to evaluate the current bus operator training program and remedial training program, recommend and develop improvements to these programs, and develop and institute newer, more up to date accident prevention programs that can be incorporated into Metro's comprehensive accident reduction plan. These personnel would then be tasked with the plan's objectives and vested to make evaluations of the existing policies, procedures and techniques currently in use for bus accident investigations, bus operator training and bus operator remedial training. Further, they will be utilized as the primary investigators on accidents considered serious in nature. These would include but are not limited to serious injury, multiple vehicle/pedestrian and accidents resulting in a fatality and even accident reconstruction.

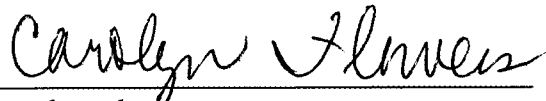
Thorough and timely investigations will minimize Metro's liability, more clearly identify the cause of accidents and, if applicable, assist in determining any required system wide remediation, procedural changes, operational changes, operator training or remedial training.

The team will be comprised of one senior investigator and three investigators and shall report through the (System or Corporate) Safety Department.

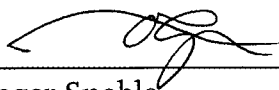
NEXT STEPS

Upon board approval, staff will further refine the necessary requirements and funding for the requested positions, develop position descriptions, conduct hirings, and implement the integration of these personnel into the Division of System Safety.

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