

ISSUE BRIEF:
Monitoring Report for Policy 2.1 Treatment of the Traveling Public

Service Committee Review Date: February 5, 2020

Board Meeting Review Date: February 20, 2020

INFORMATION TYPE:
Decision
RECOMMENDED ACTION(S):
Complete the survey before EOB Monday, January 28th, 2020 Board accepts the Monitoring Report as level B – Compliant except for items noted.
ISSUE SUMMARY:
This monitoring report provides interpretation and evidence of the level of compliance of Policy 2.1 Treatment of the Traveling Public within the monitoring period. The CEO attests that the information herein is true to the best of their knowledge.
BACKGROUND:
Monitoring Reports are a key Policy Governance tool to assess organizational/CEO performance in achieving Ends (1.0) within Executive Limitations (2.0).
IMPACTS OF RECOMMENDED ACTION(S):
<ul style="list-style-type: none"> • Budgetary/Fiscal: • Social: • Environmental: • Governance:
ATTACHMENTS:
<ol style="list-style-type: none"> 1. Monitoring Report for Policy 2.1: Treatment of the Traveling Public 2. Survey Results: Monitoring Report for Policy 2.1: Treatment of the Traveling Public

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2.1 With respect to the agency’s operations and interactions with riders, potential riders, pedestrians, cyclists, other road users, and the general public the CEO shall not cause, allow or fail to address conditions, procedures, or decisions that are unsafe, undignified, disrespectful, unclear, or overly intrusive. Further, without limiting the scope of the foregoing by this enumeration, the CEO shall not:		
2.1.1. Provide facilities, vehicles, or services that are not reasonably accessible to potential riders regardless of mobility limitations.		
2.1.2 Allow anyone, including people who have disabilities or seniors, to be discriminated against with respect to the AAATA’s services.		
2.1.3 Operate without providing effective, comprehensible, accessible, and timely information		
2.1.3.1. Fail to respond to questions or complaints in a timely and reasonable manner.		
2.1.4 Discourage persons from asking questions, airing a complaint, or being heard.		
2.1.5 Operate without established and enforceable standards for customer service and the safety of the public including pedestrians, cyclists and other road users.		
2.1.5.1 Fail to communicate standards and expectations to the public and riders.		
2.1.6 Use methods of collecting, reviewing, transmitting, or storing personal information that allows improper access or inappropriate disclosure		
2.1.6.1 Use forms that elicit personal information for which there is no clear necessity.		

 Compliant
  Partially Compliant
  Non-Compliant

Preliminary CEO Interpretations and Evidence

EXECUTIVE LIMITATIONS POLICY 2.1:

With respect to the agency’s operations and interactions with riders, potential riders, pedestrians, cyclists, other road users, and the general public the CEO shall not cause, allow or fail to address conditions, procedures, or decisions that are unsafe, undignified, disrespectful, unclear, or overly intrusive. Further, without limiting the scope of the foregoing by this enumeration, the CEO shall not:

Degree of Compliance: Partially Compliant

EXECUTIVE LIMITATIONS POLICY 2.1: Interpretation

I understand “riders and potential riders” to mean anyone physically located in the areas where AAATA services are available. Otherwise, the Board has fully defined their intent with this policy in the following policies.

EXECUTIVE LIMITATIONS POLICY 2.1: Evidence

Compliance with the lower level policies demonstrates compliance with this policy statement. I report this policy as partially compliant based on partial compliance on some of the following policies.

EXECUTIVE LIMITATIONS POLICY 2.1.1:

The CEO shall not... Provide facilities, vehicles, or services that are not reasonably accessible to potential riders regardless of mobility limitations.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.1: Interpretation

Compliance with this policy will be demonstrated when all aspects of TheRide's operations, especially buses and facilities, comply with the Americans with Disabilities Act (ADA) requirements for accessibility. This is reasonable because legal standards can be anticipated and compliance can be objectively determined, or at least determined by a legal authority.

EXECUTIVE LIMITATIONS POLICY 2.1.1: Evidence

During the monitoring period:

- 100% of the fixed-route and paratransit bus fleets were wheelchair accessible. Lifts and ramps worked the majority of the time and defective lifts/ramps was a reason to pull the bus out of service.
- Both passenger terminals had doors that could be used by wheelchair users. All restrooms and other building features complied with building codes and ADA requirements.
- In 2018, the Federal Transit Administration audited the AAATA and found no deficiencies regarding compliance with the Americans with Disabilities Act. Such audits cover: fixed route and complementary paratransit services; vehicles; facilities; information provided; operational policies; training; function, availability, and maintenance of equipment; changes in service or policies; performance measures of contractors, and more.
- During the monitoring period we were not found to have violated any Federal, State or local law pertaining to accessibility by any legal authority.
- During the monitoring period a passenger did bring to our attention that exterior speakers on some buses were not functioning. This was corrected in a timely fashion.

EXECUTIVE LIMITATIONS POLICY 2.1.2

The CEO shall not... Allow anyone, including people who have disabilities or seniors, to be discriminated against with respect to the AAATA's services.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.2: Interpretation

Compliance with this policy will be demonstrated when no regulator, judge, or other legally empowered authority concludes that TheRide has violated any Federal or State law pertaining to discrimination. This interpretation is appropriate because discrimination is a legal infraction which is tightly defined by law. Accusations of discrimination are unfortunately common, and legal requirements may not be the same as subjective experience. TheRide cannot meet everyone's expectations but can anticipate and comply with the law. This is reasonable because legal standards can be anticipated and compliance can be objectively determined, or at least determined by a legal authority.

EXECUTIVE LIMITATIONS POLICY 2.1.2: Evidence

- During the monitoring period no legal authority concluded that TheRide broke any law pertaining to discrimination. We are not aware of any formal complaints being lodged with any legal authority, nor of any credible accusations in general.
- **Federal Audit:** AAATA's 2018 Triennial audit conducted by the Federal Transit Administration found no deficiencies at the AAATA with respect to the Americans with Disabilities Act or Title VI compliance. The audit covered requirements such as disparate impacts, disproportionate burdens, equity analysis, Limited English Proficiency, public participation, service change policies, etc.

EXECUTIVE LIMITATIONS POLICY 2.1.3:

The CEO shall not... Operate without providing effective, comprehensible, accessible, and timely information.

Degree of Compliance: Partially Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.3: Interpretation

Compliance with this policy will be demonstrated when accurate information on how to use our services is available prior to travel. Specifically, information is available in the following formats:

- **Printed Material:** Printed Ride Guides.
- **On-Line:** TheRide’s website.
- **Real-Time Information:** Available from a data feed for use in third-party apps.

Furthermore, I interpret “accessible” in this context to mean that printed material must be available in different formats sufficient to meet federal requirements.

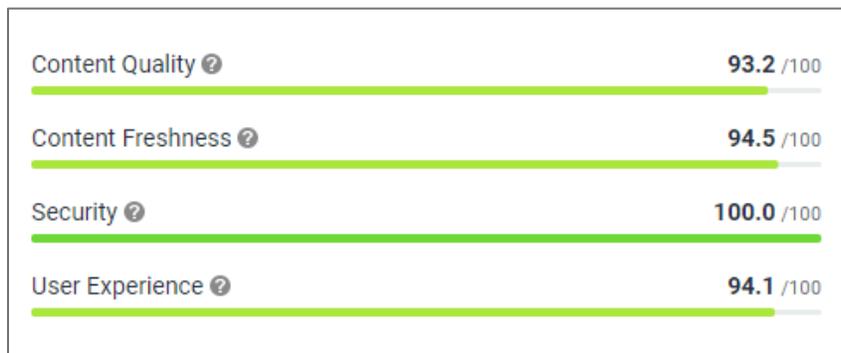
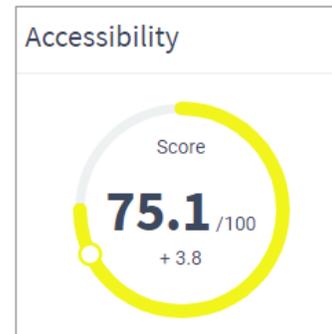
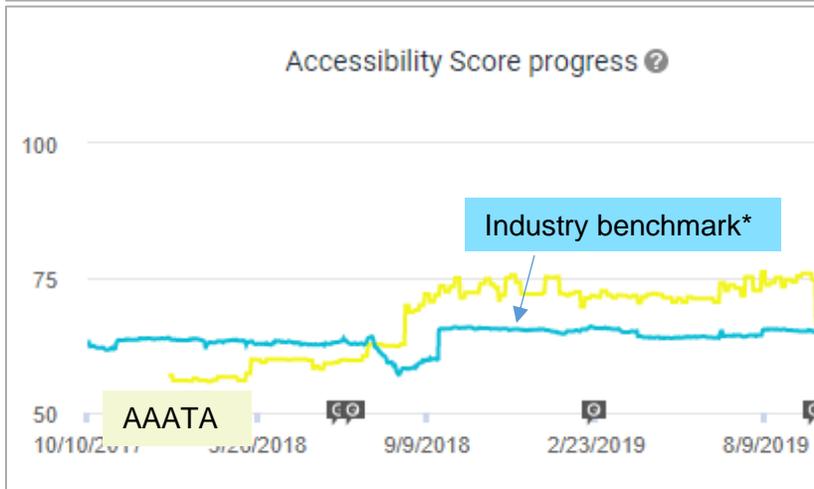
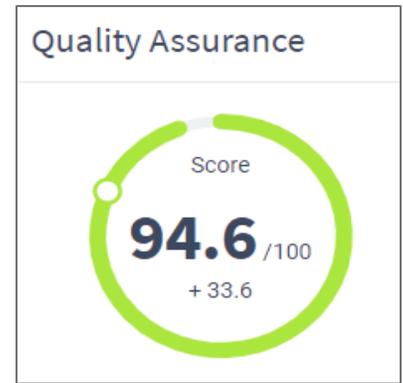
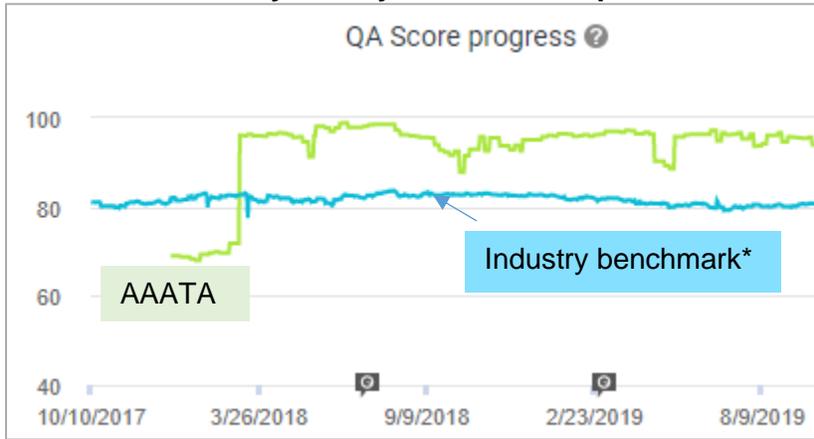
These interpretations are reasonable because they are within the control of the agency.

EXECUTIVE LIMITATIONS POLICY 2.1.3: Evidence

In general, the accuracy and timeliness of TheRide's static information (printed material, on-line timetables, program information, etc.) is high. However, the agency's real-time information system has been experiencing a series of setback since its implementation and is not yet fully reliable. This is the reason for reporting partial compliance. Staff has been working to correct the real-time information system and improvements have been made. However, at this time we cannot provide an anticipated date for compliance with certainty.

1. **Printed Material:** Staff attest that printed Ride Guides and other material are available and well distributed. About 230,000 individual Ride Guides were distributed (an average of about 67,000 per edition).
 - All outlets receive initial stock more than three weeks prior to beginning of service (on buses, in transit centers, and at over 350 various private and public properties).
 - When exhausted, stock in outlets were replenished in a reasonable time.
 - At no time did the community run out of Ride Guides.
2. **Website Uptime and Response Rate:** TheRide.org website had 1.2 million visits last fiscal year. The website average uptime was 98.34% and the average response time was 624 milliseconds.
3. **Website Quality Assurance Report:** SiteImprove, a third-party website analysis software was used to evaluate TheRide.org for its accessibility, reliability, content quality and freshness, security and overall user experience. Overall scores were acceptable. A graphic illustrating the quality of the website during the year can be seen below.
4. **Real-Time Information:** In case of a detour or unplanned change in route, our system may not provide updates in a timely manner. Currently alerts are provided on the website for most service changes. Staff is working on adding a module that will work on improving the timeliness and accuracy of such information. A time by which we will be compliant with this policy is not yet clear.
5. **Federal Audit:** The Federal Transit Administration triennial audit in 2018 found no deficiencies with regard to consumer information, including: accessibility, paratransit information, and translation of material (Spanish, Korean, and Chinese (top languages in area) and Google Translate for the website. Our information practices in 2019 were generally unchanged.
6. **Customer Complaints about Information:** Most of the complaints received in 2019 had to do with minor data errors published (times and routes) and real-time information. Any print errors were rectified as soon as they were brought to staff's attention. Staff is still working on the accuracy of real-time information.

Website 3rd Party Quality Assurance Report



*- Industry benchmark refers to peer industries who use SiteImprove for third party website analysis purposes.

The Overall QA Score is calculated by aggregating the results of a site's performance in four categories:

- **Content Quality** – The quality of a site's content, which affects how quickly and accurately users are able to comprehend it.
- **Content Freshness** – How up to date a site's content is, which affects user retention and engagement. It also impacts a site's Search Engine Optimization (SEO).
- **Security** – How vigilant a site has been in only linking to safe domains and in keeping users' personal information private.
- **User Experience** – How conducive content is to the usability of a site (broken links, document usability, image size, pages with broken links).

Accessibility – is based on automated and semi-automated checks in reference to Web Content Accessibility Guidelines (WAG) criteria that rate the website based on how operable, perceivable, understandable, and robust it is.

EXECUTIVE LIMITATIONS POLICY 2.1.3.1:

The CEO shall not... Fail to respond to questions or complaints in a timely and reasonable manner.

Degree of Compliance: Partial Compliance

EXECUTIVE LIMITATIONS POLICY 2.1.3.1: Interpretation

Compliance with this policy will be demonstrated when all written inquiries and concerns, and all phone calls receive an acknowledgement within two business days, 90% should be resolved within 10 business days, and 99% should be resolved within 20 business days. While we strive to address all public concerns, we may not be able to resolve all issues to the total satisfaction of the individual making the inquiry. Most inquiries are entered into a customer concern tracking database. These thresholds are reasonable considering the resources available.

General inquiries about how to use AAATA services will be answered immediately during business hours. Hold time on a phone will not exceed 2 minutes.

EXECUTIVE LIMITATIONS POLICY 2.1.3.1: Evidence

Phone records indicate that the hold time for customer inquiries within the monitoring period was 0.43 minutes. Response to questions, complaints and compliments received through our customer service website were addressed within 5 business days. However, the tracking software we have been using is not able to provide definitive data to support this conclusion. For this reason, we report partial compliance with this policy. A new software package is being purchased and we anticipate being able to provide data supporting full compliance by January 2021.

EXECUTIVE LIMITATIONS POLICY 2.1.4:

The CEO shall not... Discourage persons from asking questions, airing a complaint, or being heard.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.4: Interpretation

Compliance with this policy will be demonstrated when the Board of Directors receives no valid accusations that the CEO has impeded or discouraged anyone from addressing the Board during public comment time at regular board meetings. This is reasonable because anyone can use their public comment time to address the board.

EXECUTIVE LIMITATIONS POLICY 2.1.4: Evidence

All board meetings held during the monitoring period had at least two public comment periods. No accusations, valid or otherwise, were made relative to this policy. Board minutes are available on TheRide’s website.

(Please see CEO Note at the end of the monitoring report.)

EXECUTIVE LIMITATIONS POLICY 2.1.5:

The CEO shall not... Operate without established and enforceable standards for customer service and the safety of the public including pedestrians, cyclists and other road users.

Degree of Compliance: Partially Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.5: Interpretation

Compliance with this policy will be demonstrated when bus drivers and other front-line personnel receive periodic customer service training, satisfaction levels with agency personnel are generally high, and meaningful corrective actions occur when needed. This interpretation pertains only to staff behavior, courtesy, etc., and not to other operational factors that may affect customer satisfaction (e.g. on-time performance, bus cleanliness). This interpretation is reasonable because...

I further interpret this policy to mean that those staff who drive buses (i.e. bus drivers, mechanics, contractors) will receive appropriate training for the safe operation of the vehicle, relevant laws, and will be held accountable for same. Collision rates will generally be low. Safe operation includes awareness and consideration of other road users. Compliance will be demonstrated when all relevant staff receive adequate training or coaching/discipline as appropriate.

EXECUTIVE LIMITATIONS POLICY 2.1.5: Evidence

100% of TheRide's bus drivers receive training on customer service and safe bus operation upon hire. 100% of drivers receive annual refresher training on those same subjects, among other issues. All mechanics receive safety training. All staff are subject to standards for safe operation and disciplinary procedures. TheRide's four contracts bus operations require the private contractors to provide safety and customer service training. We have documentation that this has occurred. TheRide's contracts with private contractors requires annual customer service training and we have documentation that this has occurred.

In 2019, about 9 front-line staff did not receive this training due to staffing capacity issues. However, we are currently working on this and should have all front-line staff trained by the end of this quarter. For that reason, I am reporting this policy as partially compliant.

Satisfaction with front-line customers was generally high as measured by the compliments to complaints ratio of 3.2. There were a total of 222 compliments and 70 complaints. All complaints were reviewed, and appropriate corrective actions enforced in all situations.

Collision rates for TheRide's buses are generally low, averaging 1 collision for every 100,000 trips. In 2019, this number decreased to .85 collisions/100,000 trips. Safety items such as Drug and Alcohol policies and procedures, Accident reporting, etc. are audited in the Triennial Review. The 2018 Federal Transit Administration audit found no deficiencies in these areas. Safety statistics are reported quarterly to the Board and monitored daily by staff.

EXECUTIVE LIMITATIONS POLICY 2.1.5.1:

The CEO shall not... Fail to communicate standards and expectations to the public and riders.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.5.1: Interpretation

Compliance with this policy will be demonstrated when TheRide publishes standards for public behavior in terminals and in the printed Ride Guide. This is reasonable because more assertive methods seem unnecessary and provoke some riders.

EXECUTIVE LIMITATIONS POLICY 2.1.5.1: Evidence

Code of Conduct for the Public: The AAATA has a “Code of Conduct” outlining expectations for public behavior on agency property and in buses. The written codes is published in the follow ways:

- In the first few pages of each edition of the printed Ride Guide.
- On the walls of both passenger terminals.
- On TheRide’s website.

The AAATA Code of Conduct reads:

For your safety and comfort, TheRide does not permit the activities listed below on any of the TheRide vehicles or property. Violations may result in banning from TheRide property and loss of riding privileges. TheRide prohibits the following on its vehicles and property:

- *Smoking (including e-cigarettes)*
- *Possession or consumption of alcohol or illegal substances*
- *Lack of proper attire (i.e. shirts and shoes)*
- *Loitering at transit centers and other bus stops*
- *Panhandling, soliciting, harassing or intimidating any person*
- *Disorderly, loud or disruptive behavior, including, but not limited to:*
 - *Obscene, threatening, inciting or insulting language and/or gestures*
 - *Running, yelling or throwing objects*
 - *Spitting, littering, vandalism or graffiti*
 - *Fighting, mock fighting or roughhousing*
 - *Standing, sitting, or walking in a way that inconveniences, obstructs or interferes with others (i.e. blocking doors, feet on seats, etc.)*
 - *Any actions which may interfere with or disrupt safe operation of TheRide vehicles and properties*
- *Use of radios, CD players, or other sound-producing devices without the use of personal headphones*
- *Bicycling, rollerblading or skateboarding, or wearing skates on TheRide vehicles*
- *Weapons of any kind or possession of any hazardous material or item*
- *Animals, except those used for service (i.e. guide dogs), must be transported in a suitable crate or container*
- *AAATA is not responsible for lost items*

EXECUTIVE LIMITATIONS POLICY 2.1.6:

The CEO shall not... Use methods of collecting, reviewing, transmitting, or storing personal information that allows improper access or inappropriate disclosure.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.6: Interpretation

Compliance with this policy will be demonstrated when sensitive personal information regarding riders/customers collected for the paratransit (ARide), Gold Ride, and Fare Deal programs is handled and stored in a manner such that it can only be accessed by authorized staff who are using it for legitimate business reasons.

Such information must be locked or otherwise secured at the end of every business day. Electronic information should similarly only be accessible to authorized staff. Further, staff must secure the information in accordance with the Americans with Disabilities Act requirements on maintaining Confidentiality of Applicant Information.

EXECUTIVE LIMITATIONS POLICY 2.1.6: Evidence

Personal information on customers is only collected for paratransit (ARIDE), GoldRide, and the Fare Deal programs. Sensitive personal information for people using these programs is generally stored on paper in lockable filing cabinets. Only authorized staff have keys and staff are expected to lock the cabinets at the close of business. Electronic systems were additionally secured after a 2019 MERIT.

Sensitive personal information is not recorded in electronic formats.

- All paratransit related, GoldRide and Fare Deal forms are secured in locked filing cabinets or offices, with access restricted to only certain authorized staff. In 2018, the Federal Transit Administration found no deficiencies with this approach.
- Inactive forms are destroyed after seven years.

EXECUTIVE LIMITATIONS POLICY 2.1.6.1

The CEO shall not... Use forms that elicit personal information for which there is no clear necessity.

Degree of Compliance: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.6.1 Interpretation

Compliance with this policy will be demonstrated when no the agency makes no written or electric requests for personal information unless it is essential for conducting agency business (i.e. legally required to collect, needed to effectively administer programs, needed to increase safety or security of the public or staff, or needed to document relevant processes). I interpret “form” to mean any written or electronic means of information collection that can be stored and reviewed later. Evidence will consist of the Deputy CEO of Finance and Administration approving any new form requesting personal information from a member of the public. This approach is reasonable because new forms are rarely created, and existing forms have already been reviewed.

EXECUTIVE LIMITATIONS POLICY 2.1.6.1: Evidence

In late 2018, staff inventoried all forms used by the agency to seek personal information from customers and reviewed the data requested in those forms. All forms were found to be compliance. During 2019 no new forms were created, and the Deputy CEO was not asked to approve any.

CEO Notes

Policy 2.1.4 is proving very difficult to interpret and present evidence for. Upon review this policy is not an original policy created by John Carver. However, there is a similar policy which reads:

“The CEO shall not...Fail to ... provide a way to be heard for person who believe they have not been accorded a reasonable interpretation of their protections under this policy.”

The CEO would like to ask the Board to reconsider 2.1.4 as currently written, and perhaps seek advice from a Committee or Rose Mercier.

Monitoring Policy 2.1 Treatment of the Traveling Public

Guidance on Determining “Reasonableness” of CEO Interpretations

The International Policy Governance Association has developed the following guidance for Board members to use in deciding whether a CEO’s interpretation is “reasonable”:

An interpretation is deemed to be reasonable when it provides an operational definition which includes defensible measures and standards against which policy achievement can be assessed...

Defensible measures and standards are those that:

- *Are objectively verifiable (e.g., through research, testing, and/or credible confirmation of observable phenomena.)*
- *Are relevant and conceptually aligned with the policy criteria and the board’s policy set.*
- *Represent an appropriate level of fulfillment within the scope of the policy.*

- *“What makes an Interpretation Reasonable and What are the Expectations for the Operational Definition: Policy Governance Consistency Framework Report Number 2”*. International Policy Governance Association. June 11, 2016. Available on the IPGA website.

Board’s conclusion on monitoring report

The Board has received and reviewed the CEO’s Monitoring Report references above. Following the Board’s review and discussion with the CEO, the Board makes the following conclusions:

Executive Limitations Report (select one)

The Board finds that the CEO:

- A. Is in compliance
- B. Is in compliance, except for item(s) noted.**
- C. Is making reasonable progress toward compliance.
- D. Is *not* in compliance or is *not* making reasonable progress toward compliance
- E. Cannot be determined.

Board notes: (If applicable)

The Board unanimously accepted the monitoring report as B (Is in compliance, except for items noted) on February 20, 2020.