

ISSUE BRIEF:

Monitoring Report for Policy 2.1 Treatment of the Traveling Public

Service Committee Review Date: December 1st, 2021

Board Meeting Review Date: December 16th, 2021












INFORMATION TYPE:
Decision
RECOMMENDED ACTION(S):
<p>Board reviews this monitoring report and completes the survey provided through this link by EOB 29th November 2021</p> <p>Board considers accepting this monitoring report as level B – In compliance, except for item(s) noted</p>
ISSUE SUMMARY:
<p>TheRide’s Board of Directors establish policies that define what methods are unacceptable to use to achieve expected results, called Executive Limitations. This monitoring report provides the CEO’s interpretations of those policies, evidence of achievement, and an assertion on compliance with the Board’s written goals. As with other monitoring reports, the Board decides whether the interpretations are reasonable, and the evidence convincing.</p> <p>This monitoring report covers the period of FY 2020 and FY 2021 (Oct 2019-Sept 2021). The evidence in this report covers work prior to the Cyber Attack that took place in Oct 2021. However, retrieving some of the data points for this report was not possible as some of the systems storing that data were compromised in the attack. This report also reasonably relies on an FTA Triennial Audit conducted in 2018 as pertains to the presence or lack of deficiencies in the way we engage with the Traveling Public. The next Triennial Audit is expected to take place in 2022.</p> <p>I certify that the information presented in this report is true and complete, and I request that the Board accept this as indicating an acceptable level of compliance.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;">  CEO’s Signature </div> <div style="text-align: center;"> 11/30/2021 Date </div> </div>
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):
Budgetary/Financial, Social, Environmental and Governance
ATTACHMENTS:
Monitoring Report for Policy 2.1: Treatment of the Traveling Public

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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.
- The Federal Transit Administration audited AAATA in 2018 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.

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 an outside 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.
- A 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: Not 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 will be available in the following formats:

1. **Printed Material:** Printed Ride Guides.
2. **On-Line:** TheRide's website.
3. **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.

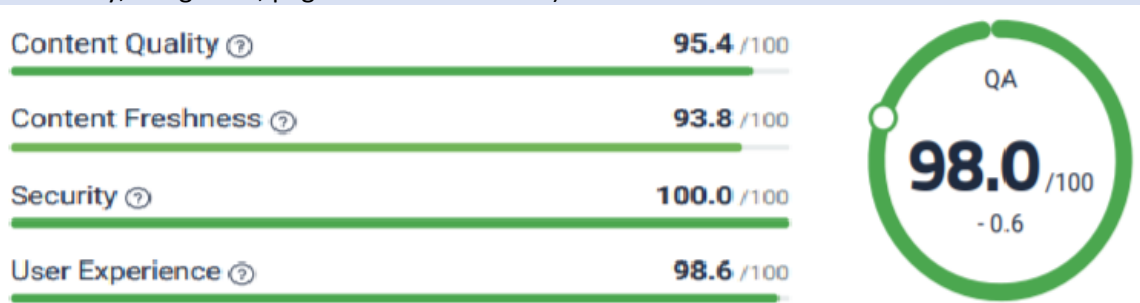
EXECUTIVE LIMITATIONS POLICY 2.1.3: Evidence

1. **Printed Material:** At the onset of the pandemic in March 2020, TheRide scaled down services to essential trips only per CDC guidelines. Since then, services have drastically scaled up to meet public demand. It was not possible to timely publish RideGuides consistent with the drastic service changes. Although supplemental information and frequent updates were shared with members of the public, no new RideGuides were published since January 2020. Because of this, TheRide reports non-compliance with this policy.
2. **Online Material:** TheRide is accessible online through TheRide.org website. 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. A graphic illustrating quality and accessibility of the website during the monitoring period is provided below.

Quality Assurance Metrics

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

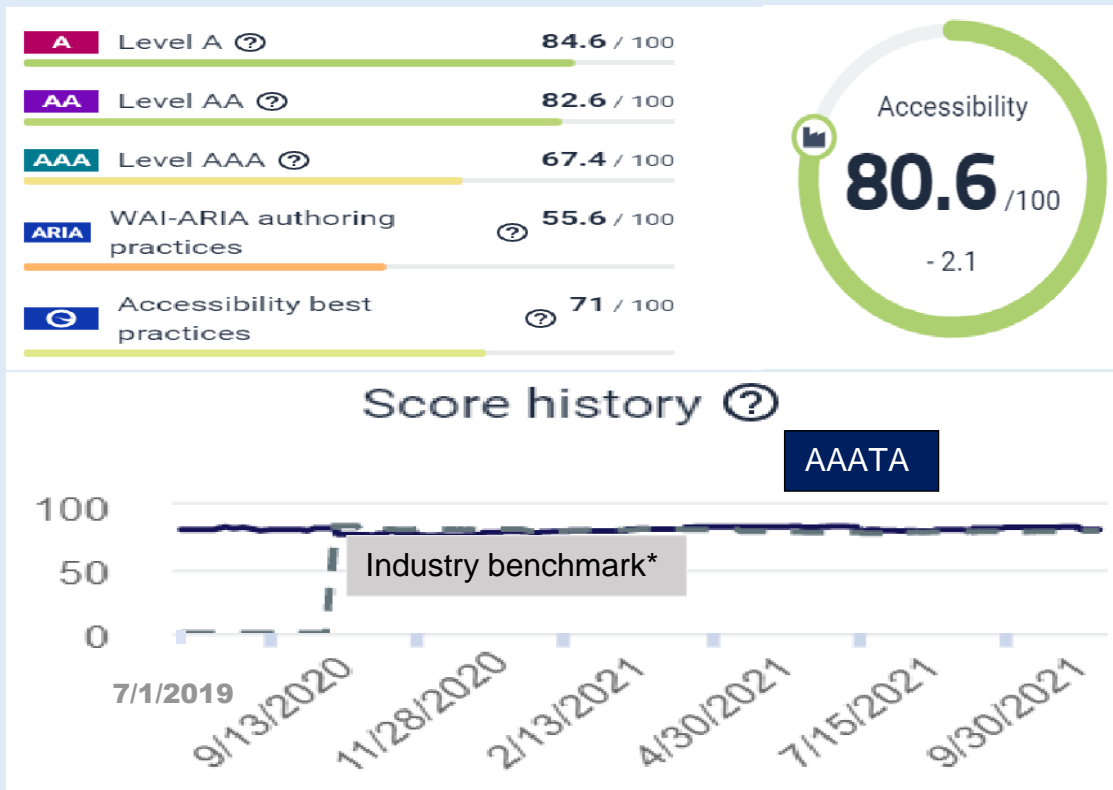
- **Content Quality** – The quality of a site’s content, which affects how quickly and accurately users are able to comprehend it.
- **Content Freshness** – How up to date a site’s content is, which affects user retention and engagement. It also impacts a site’s Search Engine Optimization (SEO).
- **Security** – 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).



*Industry benchmarks refers to nonprofit organizations using the same third-party company for website analysis purposes

Website Accessibility Metrics

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



**Industry benchmarks refers to non profit organizations using the same third-party company for website analysis purposes*

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.

- 3. Real-Time Information:** TheRide’s real-time information system has been experiencing a series of setback since its implementation and is not yet fully reliable. 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.

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 with 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

Response to questions, complaints and compliments received through our customer service website were addressed within 5 business days. Based on current known data, the average hold time was about 1 minute to 1 minute 30 seconds. Specific data for the monitoring period is currently inaccessible as a result of the cyber-attack. Staff is working on retrieving this data. It is not clear when this information will be available.

For this reason, we report partial compliance with this policy.

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 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: Compliant

EXECUTIVE LIMITATIONS POLICY 2.1.5: Interpretation

Compliance with this policy will be demonstrated when

- 1. Training:** Bus drivers and other front-line personnel receive customer service training and safety training,
- 2. Customer satisfaction:** Customers express high satisfaction of front-line staff
- 3. Safety:** Collision rates are low and meaningful corrective actions are taken as appropriate.

This interpretation is reasonable because customers service and safety are largely determined by staff behaviors. I further interpret this policy to mean that front line staff (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. Safe operation includes awareness and consideration of other road users. Detailed operational performance and customers satisfaction are addressed further under policy 1.4 and Quarterly Service Reports.

EXECUTIVE LIMITATIONS POLICY 2.1.5: Evidence

1. **Training:** During the monitoring period, all bus drivers received customer service training and safe bus operations training upon hire. All drivers also received annual refresher training on those same subjects. All mechanics received safety training. All staff are subject to standards for safe operation and disciplinary procedures. TheRide’s four contracted 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 as well.
2. **Customer Satisfaction:** Satisfaction with front-line customers was generally high as customers reported higher compliments per 100,000 trips as compared to complaints per 100,000 trips for each Fiscal Year.

	FY 20	FY 21
Compliments per 100,000 trips	2.8	2.1
Valid complaints per 100,000 trips	1.2	1.6

3. **Safety:** During this monitoring period, the number ratio of collisions per 100,000 trips was 0.23 which was generally low. Safety items such as Drug and Alcohol policies and procedures, Accident reporting, etc. are audited in the Triennial Review. The 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, in the printed Ride Guide and on the website. 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 are 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 and 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*

During the monitoring period, members of the public and staff were expected to wear face covering when entering vehicles and the terminals per CDC guidelines. Such communications were posted at the entrance of all three facilities, in the buses and on the website

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 stored on paper forms in lockable filing cabinets and offices. Access is restricted to authorized staff only. No sensitive customer information is stored in electronic format. Audits previously done by 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 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

During the monitoring period, the Deputy CEO, Finance and Administration did not approve any new form requesting personal information from members of the public. Additionally, our records indicate no written or electronic requests for personal information made to the members of the public.

CEO Notes

The CEO noted that Policy 2.1.4 was proving very difficult to interpret and present evidence for. Upon review this policy was not an original policy created by John Carver

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)

Treatment of the traveling public was accepted as level B with updates on policy 2.1.1, 2.1.3, 2.1.2, 2.1.3.1, 2.1.5 due in two months.