



King County

Department of Transportation

Metro Transit Division

201 S. Jackson Street

KSC-TR-0415

Seattle, WA 98104-3856

September 30, 2015

John Stebbins
Industrial Hygiene Compliance Inspector
Division of Safety and Health
Department of Labor & Industries
315 Fifth Ave S, Suite 200
Seattle, WA 98104

RE: Update and request for extension of the correction due date for Citation and Notice #317378149

Dear Mr. Stebbins:

This letter is the last in a series of letters concerning our ongoing response to Citation and Notice #317378149, inspection #578037394, issued Nov. 4, 2014 to King County Metro Transit, P.O. Box 80283, Seattle, WA 98108-9007, phone 206-477-6860 (Metro Transit Safety).

As we agreed at a January 28, 2015 meeting with your staff, in each quarter of 2015 we provided a progress report and a request for a 90-day extension of the correction due date. With this letter I am giving you a final update on Metro's actions to improve our restroom program for bus operators. Metro now considers all of the issues raised in this citation to be abated.

Background

On December 22, 2014, Metro requested and was subsequently granted extensions of the correction date as described in the previous paragraph for the following violation:

Violation 1, Item 1 of Citation and Notice # 317378149: "King County Metro did not provide transit operators with unrestricted access to bathroom facilities when needed to relieve themselves in the following circumstances: bathrooms are not available during all hours of each route service; bathrooms are not located at each route terminal within a distance that can be accessed during the scheduled recovery time; operators have been disciplined for running late due to time spent using a bathroom or search for an available public bathroom."

Metro's recent actions to mitigate restroom access and complete abatement

The following is a summary of actions Metro has taken to correct the hazard since our last report, dated June 30, 2015. These corrective actions are in addition to those detailed in our previous submittals. This letter also summarizes progress and planned actions toward long-term improvements in our comfort station program.

Key actions Metro took between June 30, 2015 and September 30, 2015:

Planning and policy

- Operator procedures informing operators that they may make stops, or deviate from routing to access a comfort station if one is not available at the terminal, have been published in the September 2015 edition of “THE BOOK” (Transit Operator’s Rules and Procedures), refer to Sections 8.12 & 8.15.
- A new Comfort Station Resolution Group was formed and held its first meeting in September 2015. This group includes members from Metro’s Transit Route Facilities, Scheduling, and Service Planning groups. It will meet regularly to review options and make decisions on how best to give drivers access to restrooms at terminals that do not currently have them. Potential mitigation alternatives include:
 - Providing additional break time at the terminal so drivers can go to a restroom located nearby
 - Relocating terminals that do not have reasonable access to a restroom to a location that does have access
 - Building a new Metro-owned and operated comfort station.
- Completed development of a Metro Transit Operator Restroom Policy. This policy:
 - Establishes standards for the restroom facilities Metro will provide for operators
 - Establishes guidelines for reasonable access
 - States that portable facilities will not be used except when necessary for short periods of time because of temporary circumstances (such as construction)
 - Describes the roles and specific responsibilities related to restrooms of the Comfort Station Coordinator, Service Development group, and Service Quality First-Line Supervisors.

We expect that we will regularly update and revise the policy based on our experiences as we continue to rebuild and maintain a robust Comfort Station Program.

Restroom access improvements

- Metro has made substantial progress in our efforts to make available comfort stations that meet our drivers’ needs. In 2015, we added 56 new comfort stations to the system. As a result of inspecting the conditions of comfort stations and reviewing program needs, we removed 29 comfort stations. We now have a total of 308 comfort stations system-wide.
- On Sept. 26, 2015, one of the Route 41 terminals was relocated to Lake City Way NE and NE 130th Street, where there is access to a restroom. The remainder of the trips on this route terminate at the Northgate Transit Center, where operators also have access to a comfort station. In compliance with our policy, the portable restroom was removed from the system.
- Metro plans to remove the layovers on the E-3 SODO busway that currently have portable restrooms. These layovers will be relocated to parking areas near Metro’s Central/Atlantic

base complex, where operators will have access to restrooms inside the base parking garage. This plan will go into effect at Metro's March 2016 service change.

- Metro fully resolved comfort station access for the three routes listed below. Metro also made restroom access improvements to an additional five of the 50 routes in the attached document, "Transit Routes Targeted for Restroom Access Improvements in 2015–2016."
 - **Route 41** – relocated the north terminal from N 125th Street and Fifth Avenue NE to NE 100th Street between Third Avenue NE and Fourth Avenue NE, providing access to the comfort station at the Northgate Transit Center
 - **Route 186** – added Jack in the Box at 311 Griffin Ave E in Enumclaw as a comfort station, providing access during the entire span of service for this route
 - **Route 192** – this route, which serves the Star Lake Park-and-Ride, proceeds directly to the Kent-Des Moines Park-and-Ride where there is an easily accessible comfort station. We will publish an Operator Alert identifying alternate comfort station routing to the Kent-Des Moines Park-and-Ride in case Route 192 operators need to access the comfort station before starting their work. We reviewed the Route 192 schedules and found that this may be necessary on one of the route's eight trips.
- Metro developed and submitted a list of priority sites for construction of restroom capital projects (Phase 3 – 2016-2017). These include Vashon Island and the E-3 Busway (mentioned earlier in this report). The list informs King County's mid-biennium budget request for Metro's capital program.

Monitoring

- We continue to review and confirm the availability of all comfort stations through on-site visits and meetings with hosts and vendors. We continue to publish up-to-date lists of comfort stations in the Route Book that Metro distributes to all bus drivers at the time of each service change.
- The Comfort Station Coordinator has created and is actively using a contact and issue-tracking log. This allows the tracking of repeat issues as well as a comprehensive way to track work orders and driver input.
- Comfort station inspections are in process and being completed on an ongoing tiered schedule that is designed to check, review, and score every comfort station in the system at least once each quarter.

Communications

- The Comfort Station Coordinator has begun quarterly outreach events at bus operations bases to review drivers' comfort station issues and system improvements. As a result, drivers have been able to share issues and concerns directly with the Coordinator, improved comfort stations have been added to the system, and work orders have been submitted to complete repairs not previously reported.

- The Comfort Station Coordinator continues to attend monthly Base Safety Committee meetings to review comfort station issues and concerns with operators and other Metro staff (began March 2015).
- Drivers or first line supervisors have submitted 55 questions or comments via email, phone calls, and Comfort Station Report forms since March 2, 2015. The Comfort Station Coordinator responded to all contacts—most within one or two business days—providing information or resolving issues.
- Two internal publications requested the submission of articles about comfort stations. An interview with the Comfort Station Coordinator will be published in the October 2015 edition of the union paper, the *ATU Local 587 News Review*. Another article will be published in the September-October edition of Metro's employee newsletter, *In Transit*. (See attachments for draft copies of these articles.)
- Routing to comfort stations at alternative terminals for routes 1 and 3 were added to THE BOOK. The Comfort Station Resolution Group will review these terminals to determine the amount of time to be allotted for drivers to access these comfort stations.
- The Comfort Station Coordinator continues to participate in classroom training of new bus operators, providing guidance on comfort station policy, rules, procedures, and how best to contact the Coordinator with questions, issues, and suggestions.

Ongoing actions that Metro is committed to sustaining:

- The Comfort Station Resolution Group will proactively consider how changes to transit routes will impact operators' access to restrooms. The group will continue to review and make changes at terminals/layovers that do not provide reasonable access to comfort stations.
- Service Quality will conduct quarterly field inspections and prepare report cards on conditions for all restrooms in Metro's comfort station program.
- Metro continues to hold meetings with ATU Local 587 to review the status of the Comfort Station Program. The next meeting on this topic is scheduled in October.
- Metro will make major investments in schedules that improve the on-time delivery of service. Improvements in on-time performance should allow operators to have the full scheduled time in their workday to use restroom facilities. Metro made the largest service investment in its history to improve on-time performance in June 2015. Additional reliability investments made in September 2015 and planned for March 2016 should further improve operators' access to restrooms.
- Metro will continue working toward construction of permanent, Metro-owned comfort stations in the Comfort Station Program's Phase 3 – 2016-2017.

For more details about Metro's actions in response to Violation 1, Item 1, please see the following attachments:

1. An updated table summarizing the Driver Comfort Station Abatement Plan, dated Sept. 30, 2015
2. Transit Routes Targeted for Restroom Access Improvements in 2015-2016, Table, dated Sept. 30, 2015

3. A copy of sections 8.12 and 8.15 outlining authorized stops to use a restroom, published in the September 2015 edition of "THE BOOK" (Transit Operator's Rules and Procedures) (2 att.)
4. A copy of the Comfort Station Narrative 2015-16 Budget project summary outlining the submission for funding to design and construct permanent comfort stations
5. Copies of the *In Transit* article, *ATU Local 587 News Review* article (2 att.)
6. A copy of revised training material, dated Sept. 30, 2015
7. A copy of Comfort Station Tracking Log, dated Sept. 30, 2015
8. A copy of King County Metro Transit's Operator Restrooms Policy, effective October 1, 2015.

Violation 2

As stated in our March 30, 2015 response, Metro removed the portable restroom at the Othello Terminal after reaching agreement with the nearby YWCA to provide restroom access during all transit service hours, fully correcting the following violation:

Violation 2, Item 1 of Citation and Notice # 317378149: "The employer did not provide a compliant clean washing facility with paper towels and hot and cold water or lukewarm (tepid) running water, and handsoap at the Porta-Potty provided as the Othello Terminal restroom for over 6 years. Cited for not providing paper towels and hot and cold water or lukewarm (tepid) running water in each bathroom or comfort station."

Metro is actively managing the relationship with the YWCA to preserve access to this restroom.

Conclusion – Metro has abated these citations

Metro has taken an extensive number of actions to rebuild and elevate the Comfort Station Program to its proper status as an essential program. Metro is committed to continuing this work to ensure that all bus drivers have reasonable access to restrooms as needed throughout our large service area. While our work to comprehensively assess needs and develop solutions is ongoing, we have built a robust Comfort Station Program and have taken the necessary actions to address **Violation 1, Item 1 of Citation and Notice # 317378149, and Violation 2, Item 1 of Citation and Notice # 317378149**. Metro now considers this abatement process to be complete.

If you have questions or concerns about the requested extension or the actions described in the attachments, please contact me at rob.gannon@kingcounty.gov or 206-477-5911, Service Quality Superintendent Jon Bez at jon.bez@kingcounty.gov or 206 477-5791, or Comfort Station Coordinator Ruthann Dunn at station.comfort@kingcounty.gov or 206-477-0347.

Sincerely,



Rob Gannon, Deputy General Manager
King County Metro Transit

Enclosures

Department of Labor & Industries

September 30, 2015

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cc:

Harold S. Taniguchi, Director, King County Department of Transportation (DOT)

Kevin Desmond, General Manager, Metro Transit Division, DOT