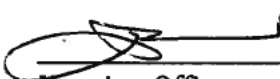




**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	534154
<b>Hearing Date:</b>	01/22/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	██████████ (Patron) ██████████; Robert Gainer (Shop Steward)
<b>Incident Date and Time:</b>	10/30/2017 at 1:15PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator denied him access on the vehicle, proclaiming no room.	
<b>Operator's Response (Brief Summary)</b>	
Bus had several senior and disabled passengers. Operator determined the bus was at limit for accommodating seniors and persons with disabilities. Shop steward interpreted the Operator's announcement to the Patron as saying "my lift is disabled on the bus."	
<b>DVD Evidence</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video shows the lift was fully operational as a senior with a walker boarded the bus using the lift at the previous stop located at 16 <sup>th</sup> St./Folsom St. When the bus arrives at 16 <sup>th</sup> St./Mission, the Patron is in a wheelchair waiting for the bus. The bus approaches the stop and the Operator is heard announcing to the patron "I'm at my limit for disabled on the bus." A passenger in the back of the bus is heard saying "there are seats right here, sir. There are four seats." Video shows at least three seniors sitting behind the operator in the seats reserved for senior and disabled passengers. One of the seniors is holding a grocery cart and another senior is sitting next to her caretaker with a folded walker. Video shows that at least two sectionals of fold-up seats in the securement area were unoccupied. The Operator is seen leaning over to inspect the back of the bus and announces "yeah, I can't do it. You have to wait for the next one." The bus doors close and the bus takes off.	
<b>Access-Related Muni Rule Violations</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Review supports a finding an access-related Muni rule violation(s) occurred: 4.8.4 -Employee shall notify Central Control when crowding conditions restrict boarding additional passengers. 4.12.3 -When necessary, operator shall make an announcement over the PA system requesting passengers to yield seats in the securement area for passengers in wheelchairs when passengers with disabilities are boarding.	
<b>Comments</b>	
The video evidence supports the patron's complaint. Operator did not announce to the sitting passengers instructions to make room for the boarding of the Patron's wheelchair. Although there were several seniors sitting on the bus, the video shows there was sufficient room to reasonably accommodate a wheelchair. There is no indication the Operator notified Central Control a wheelchair passenger was passed up due to overcrowding.	
For Internal Use Only:	

  
\_\_\_\_\_  
Hearing Officer

2/1/18  
\_\_\_\_\_  
Date

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
INCIDENT DETAIL		
Category INATTENTIVENESS/NEGLIGENCE	Type 207 REF KNEEL/LOW	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 22 FILLMORE	Direction INBOUND	
Incident Date 10-30-2017	Incident Time 13:15	
Vehicle Number 5414	Location 16TH/MISSION	
Department POT OPS	Division POTRERO	
Employee ID [REDACTED]		
Employee Physical Description		
<p><b>Incident Details</b> Driver refused to deploy the lift for me (a wheelchair user), saying there was no room for me. Another passenger disembarking told me that there were two seats available, and I saw another 3-4 people at least board.</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 10-30-2017		
Date Closed 04-13-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	535012
<b>Hearing Date:</b>	1/22/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) [REDACTED]; Robert Gainer (Shop Steward)
<b>Incident Date and Time:</b>	11/13/2017 at 12:15PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator refused to lower the steps upon boarding. Contends Muni drivers fail to assess accessibility needs for persons with disabilities. Contends Muni drivers should anticipate a passenger's needs for assistance without having the passenger make an explicit request. The Patron completed the remainder of the trip without incident.	
<b>Operator's Response (Brief Summary)</b>	
Contends that at the Patron's request, he kneeled the bus as low as possible to help him get on the bus. Operator states the bus was equipped with a wheelchair lift instead of a ramp. Contends the Patron did not request deployment of the wheelchair lift in order to board. States he attempted to kneel the bus and the bus went as low as it could. States that upon reaching the Patron's destination, the Patron requested deployment of the wheelchair lift and his request was promptly honored without hesitation.	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video evidence shows the Patron standing at the bus stop shelter holding a walking cane. The Patron is heard requesting "put the stairs down." The video shows the Operator responding to the request by pressing a switch on the instrument panel twice. Although a confirmation beep is heard, the bus appears to wobble but overall remains at the full ride height. The Patron is heard asking "Is it down all the way?" The operator responds in the affirmative. The video shows the first step is close to the height level of the curb. The Patron is seen climbing onto the first step with minimal effort; however, he has to exert himself to complete the second and third step. The video shows the Patron gets situated behind the Operator. The recording stops before reaching the Patron's destination.	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
No Muni or ADA accessibility related violation occurred.	
<b>Comments</b>	
Per SFMTA policy, passengers suffering disabilities preventing them from using the steps to board may use the wheelchair lift in a standing position. Operators are to board such passengers on request. By Patron's own admission, he did not request the wheelchair lift, but rather asked for the steps to be lowered. The video shows the operator attempting to lower the vehicle by activating the kneel switch on the instrument panel and the bus responded with a wobble. Review supports a finding that no Muni or ADA accessibility related violation occurred.	
For Internal Use Only:	

Hearing Officer

2/9/18  
Date

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
INCIDENT DETAIL		
Category INATTENTIVENESS/NEGLIGENCE	Type 207 REF KNEEL/LOW	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 33 ASHBURY-18TH ST	Direction INBOUND	
Incident Date 11-13-2017	Incident Time 12:15	
Vehicle Number 5405	Location 24TH ST POTRERO AVE SAN FR/	
Department POT OPS	Division POTRERO	
Employee ID [REDACTED]		
Employee Physical Description Male, Latino, heavy set, about 35 yrs old		
<p><b>Incident Details</b> Patron said, "I have a visible disability with a cane. The driver pulled up to the stop. I walked to the bus and asked to put the steps down and he said nothing. I had to lift my leg up higher than I wanted because he would not put the steps down. I got on and asked if the steps worked. He did not say anything. He did not talk at all. Very unfriendly. Quite sullen. Then we got to 16th St and Potrero and at that stop or it may have been the prior stop, another man with a cane, in his 70s, got on the bus and the driver did not lower the steps again and did not say anything. We drove to 16th and Mission which is the point where I wanted to get off. I asked him to put the steps down. He said he would put the ramp down. I said no, I want you to put the steps down. Reluctantly he put the steps down. So the steps were working. Then I asked why didnt you put the steps down. I dont remember what he said but is wasnt respectful. Then I got off the bus."</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 11-13-2017		
Date Closed 04-13-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	535570
<b>Hearing Date:</b>	01/16/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[Redacted] (Patron); Anthony Ballester (Shop Steward)
<b>Incident Date and Time:</b>	11/21/2017, 12:33pm.
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator refused to accommodate his service animal and stroller.	
<b>Operator's Response (Brief Summary)</b>	
Operator contends the vehicle was full. Further, the stroller interfered with the movement of passengers. Operator informed Central Control the patron refused to move stroller and took vehicle out of service. After a service delay of 1:04 (hh:mm), the Operator was cleared by an inspector to return vehicle into service.	
<b>DVD Evidence</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video shows patron boarding the vehicle through the front door with his dog in the stroller without incident. Patron situated the un-collapsed stroller in front of vehicle's middle exit door, partially obstructing the aisle, and sat across the opposite side of the vehicle. The Operator is heard advising the Patron the stroller is blocking the aisle and that it is considered a safety hazard. Operator is heard announcing the bus was not moving. The Operator is seen reporting the incident to dispatch. Patron remained on bus without moving the stroller. Video ends before the vehicle is put back into service.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
No Muni or ADA accessibility violation occurred.	
<b>Comments</b>	
Per SFMTA policy, while onboard, an un-collapsed or open strollers must 1) be under their owner's control at all times, 2) have the wheel brake set, 3) cannot block the aisle or interfere with movement of passengers, 4) cannot block or ride in the securement area. The un-collapsed stroller created a safety hazard. Investigation supports a finding that no Muni or ADA accessibility related violation occurred.	
For Internal Use Only:	

  
Hearing Officer

1/31/18  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 301 DISCOURTESY
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 14R MISSION RAPID	Direction OUTBOUND	
Incident Date 11-21-2017	Incident Time 12:33	
Vehicle Number 6536	Location MISSION ST 20TH ST SAN FRANC	
Department FLN OPS	Division FLYNN	
Employee ID [REDACTED]		
Employee Physical Description African American male, late 50s.		
<p><b>Incident Details</b> ADA Patron stated: "I want to report this bus driver that is not moving the bus because he states I am blocking the aisle with my service dog on a stroller. This is the 5th time this is happening, and this guy doesnt learn. I would like to have a contact number for an inspector. These reports have been made before and nobody followed up. I want to be contacted about this. Right now the bus is stopped and were waiting for an inspector."</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 11-21-2017		
Date Closed 02-01-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	536597
<b>Hearing Date:</b>	1/17/18
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) - appeared by phone [REDACTED]; Juan Coleman (Shop Steward)
<b>Incident Date and Time:</b>	11/13/2017 at 12:15PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator yelled at her to move for elderly patrons getting on the bus and he did not ask any other passenger to move. Contends the Operator accused her of not being disabled and that he demanded she provide proof of her disability. Claimant states did not identify herself as being permanently disabled, but that she was recovering from a leg injury and was wearing a leg brace under her pants.	
<b>Operator's Response (Brief Summary)</b>	
Contends the Patron was not denied service, was not asked or forced to yield her seat and that she was allowed to complete her bus ride. Contends he did not demand the Patron to provide proof of disability in order to board or to sit in the priority seating area. States he advised the customer the Regional Transit Connection (RTC) Discount ID Card is available to persons with qualifying disabilities and that the card must be presented as proof of eligibility to receive discount fares.	
<b>DVD Evidence:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video evidence is not available from the vehicle. Patron provided a short sixteen second video segment taken with her mobile device. The video is taken by the Patron, while sitting in the senior/handicapped priority seating area in what appears to be a crowded bus. The video starts with the Operator facing towards the camera and saying "...ID you can show it to me, then you can sit over here...all the seniors getting on the bus, if you want to sit here...stop being so rude." The Patron is heard stating: "I have, my leg is hurt." The recording stops before reaching the Patron's destination.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Based on the evidence available, there is no Muni or ADA accessibility related violation.	
<b>Comments</b>	
Patron did not appear for the scheduled phone hearing. Patron's testimony was subsequently taken in the absence of the Operator. Per the video, the Patron self-identified having an injury; however, there is no indication the Patron identified herself as being disabled or that she was in need of accommodation. There is no evidence the Patron was refused service, asked to yield her seat, or show proof of disability to sit in the senior/handicapped priority area. There is no evidence of any rules violation.	
For Internal Use Only:	

  
Hearing Officer

2/9/18  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address		
<b>INCIDENT DETAIL</b>		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 301 DISCOURTESY
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 1 CALIFORNIA	Direction OUTBOUND	
Incident Date 12-11-2017	Incident Time 16:30	
Vehicle Number 5592	Location Sacramento and Powell /	
Department PRE OPS	Division PRESIDIO	
Employee ID [REDACTED]		
Employee Physical Description Asian, Older, black hair.		
<p><b>Incident Details</b> Patron said: The driver yelled at me to get up to move for elderly patrons getting on bus. There was enough seats in the handicap seat section. The driver did not ask anyone else to move. The told me that I was not handicap. The driver told me I have to show proof that I am handicap. I hurt my knee it is temporary. I have a video of the driver telling me this. I dont know what proof I would show him. There was an incident last week with same driver Service Request 8350487.</p> <p>12-12-17 patron states that she had pulled the stop cord and he missed her stop request and moved passed the red light up a bit from the requested stop.</p> <p>ageno</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 12-11-2017		
Date Closed 02-13-2018		
Resolution Code [REDACTED]		





**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	536762
<b>Hearing Date:</b>	1/17/18
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[Redacted] Juan Coleman (Shop Steward)
<b>Incident Date and Time:</b>	12/13/17 at 9:55PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b> [Redacted]	
The Patron alleges Operator [Redacted] on two prior occasions told her to move from the front priority seats and sit in the back [Redacted] out giving a reason. On the third occasion, the Operator drove up to the stop, boarded other passengers but denied her access, closed the door and left. Patron could not recollect the dates of the prior incidents; however, she contends that from 12/13/17 onward she has not had any negative experience and wants assurance she will not be refused service again.	
<b>Operator's Response (Brief Summary)</b>	
The Operator stated that in prior incidents, the Patron sat in the senior/handicapped priority seats closest to the front door and refused to collapse her walker. Operator states the Patron was advised the un-collapsed walker was a hazard when sitting near the front entrance and was asked to sit on the priority seats towards the back, where the walker would not block the aisle. The Operator alleges that on one occasion she noticed a boarding passenger trip on the un-collapsed walker and determined the Patron's lack of cooperation was a safety hazard to other passengers. The Operator recollects that on the third incident, the Operator did not let the Patron board the bus and explained to her the reason for the refusal of service. The incident was not reported to Central Control.	
<b>DVD Evidence:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Video evidence is not available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Based on the evidence available, there is no Muni or ADA accessibility related violation for 12/13/17.	
<b>Comments</b>	
The Patron and Operator correctly identified each other; however, neither could recollect the dates of the prior incidents. The Patron stated that she was able to board the bus without incident on 12/13/17; however, she filed the complaint to prevent future incidents. By the Operator's own admission, a refusal of service occurred on a prior date based on the Operator's independent decision that the Patron's lack of cooperation to collapse the walker presented a hazard. There is no evidence the Operator reported the incident to Central Control. The refusal of service and failure to report the prior incidents are violations that should be taken into consideration by the Division Superintendent that oversees this Operator. The Patron and the Operator both agreed that a language barrier contributed to their miscommunication.	
For Internal Use Only:	

  
Hearing Officer


Date 2/13/18

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]		Email
Address [REDACTED]		
INCIDENT DETAIL		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 301 DISCOURTESY
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 24 DIVISADERO		Direction INBOUND
Incident Date 12-13-2017		Incident Time 21:55
Vehicle Number 5485		Location MARKET ST 17TH ST SAN FRANC
Department PRE OPS		Division PRESIDIO
Employee ID [REDACTED]		
Employee Physical Description White, female, tall, pretty, blond.		
<p><b>Incident Details</b> Patron stated, "The first time I got on the bus I got sent to the back, the second time I also got sent to the back but I didnt want to go so I sat in front. I have trouble walking and keeping my balance. The third time that this happened the driver didnt want to let me on the bus. The driver shut the doors and took off. I was left there by myself with my Bingo friends. The driver said something to me in English but I have no idea what she meant. Its an injustice that only Im getting treated like this and not other people."</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 12-14-2017		
Date Closed 02-14-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	537223
<b>Hearing Date:</b>	01/10/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) appeared by phone [REDACTED]; Siegfried Henderson (Shop Steward)
<b>Incident Date and Time:</b>	12/22/2017 at 2:30PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator refused to lower or kneel the bus. Contends Muni drivers fail to assess accessibility needs for persons with disabilities. Contends Muni drivers should anticipate a passenger's needs for assistance without having the passenger make an explicit request.	
<b>Operator's Response (Brief Summary)</b>	
Operator does not recollect the patron or the incident.	
<b>DVD Evidence:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
No video evidence is available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
No Muni or ADA accessibility related violation occurred.	
<b>Comments</b>	
Patron states the bus was at the bus stop when he arrived. States he approached the bus wearing a leg brace. States the bus driver was not sitting in the bus, but rather was standing outside the bus and appeared to be relieving the driver of the bus. States that despite his visible leg brace, the bus driver did not get into the bus and offer to use the lift. States he had to climb steps to board the bus. Patron was able to complete his ride and disembarked without incident. Patron states that as a disabled passenger he should not have to gesture or make a verbal request for a Muni driver to lower the lift. Per SFMTA policy, passengers suffering disabilities preventing them from using the steps to board may use the wheelchair lift in a standing position. Operators are to board such passengers on request. By Patron's own admission, he did not request assistance. Investigation supports a finding that no Muni or ADA accessibility related violation occurred.	
For Internal Use Only:	

  
\_\_\_\_\_  
Hearing Officer

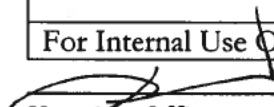
1/31/18  
\_\_\_\_\_  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 207 REF KNEEL/LOW	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 9R SAN BRUNO RAPID	Direction INBOUND	
Incident Date 12-22-2017	Incident Time 14:30	
Vehicle Number 8169	Location GENERAL HOSPITAL /	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description African American Female		
<p><b>Incident Details</b> Patron stated " There is a bus driver who fails to use the lift with some in a wheel chair or mobility issues. I witness an elderly lady sitting next to me on the bus. The bus driver stop and the lady couldnt barely walk. The driver was just sitting in her seat, failing to assist with a mobility impairment. The bus driver did not use the lift. The bus driver just didnt offer to use the lift and the lady walk down stair. For myself they did not use the lift. We didnt ask for the lift but we should have to ask."</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 12-22-2017		
Date Closed 02-07-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	537903
<b>Hearing Date</b>	1/29/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	██████████ (Patron) ██████████ (Operator # ██████)
<b>Incident Date and Time:</b>	01/08/2018 at 4:00PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator did not deploy the wheelchair ramp to assist her board the vehicle and instead had her climb on the bus using her walker. The Patron stated the rain made her lose her grip on the wet handrail, causing her to fall backwards onto the pavement. Patron testified she did not specifically request deployment of the wheelchair ramp. She contends a bus driver should anticipate her need for the ramp based on her struggle and noticeable walker. She states the Operator provided assistance after she fell off the bus. She states she was able to complete her ride without incident. She states the Operator deployed the ramp to assist her alight at her destination.	
<b>Operator's Response (Brief Summary)</b>	
Operator's union representative did not appear. Operator refused to provide a response without his union representative present.	
<b>DVD Evidence:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Video evidence is not available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
There is no indication a Muni or ADA accessibility violation occurred. Per SFMTA policy (4.20.5), Operators must make the wheelchair lift available to anyone requesting it, wheelchair user or standing passenger, on vehicles so equipped. Based on the Patron's testimony, she did not make a verbal request or a gesture requesting deployment of the wheelchair ramp.	
<b>Comments</b>	
For Internal Use Only:	

  
Hearing Officer

2/27/18  
Date

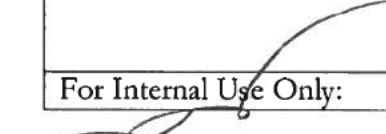
<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category UNSAFE OPERATION	Type 107 FALL WITH INJURY	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 30 STOCKTON	Direction INBOUND	
Incident Date 01-08-2018	Incident Time 16:00	
Vehicle Number 7252	Location NORTH POINT ST POLK ST SAN F	
Department POT OPS	Division POTRERO	
Employee ID [REDACTED]		
Employee Physical Description African American, male		
<p><b>Incident Details</b> Customer states, "I walk with a walker. Instead of putting up ramp, he had me struggle trying to get walker up on bus. It was raining, my hand is wet, and my hand slipped on handrail. When I reached out to get railing, it slip off because it was wet."</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 01-09-2018		
Date Closed 02-28-2018		
Resolution Code [REDACTED]		



**SFMTA**  
Municipal  
Transportation  
Agency

**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	537998
<b>Hearing Date</b>	2/23/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) [REDACTED] Henderson, Siegfried (Shop Steward)
<b>Incident Date and Time:</b>	1/9/2018 at 12:27PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator did not pull to the curb and made her walk onto the street.	
<b>Operator's Response (Brief Summary)</b>	
Operator stated a parked vehicle at the bus stop prevented the bus from getting close to the curb. Further, the bus had to drive forward a few feet in order to provide clearance for passengers exiting through the rear door.	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video evidence is available. Video indicates a vehicle was parked at the bus stop impeding the bus from pulling to the curb and was blocking the rear exit door.	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Complaint is not valid.	
<b>Comments</b>	
There is no evidence of a Muni accessibility or ADA related violation.	
For Internal Use Only:	

  
Hearing Officer

3/6/18  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 209 NO PULL TO CURB	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 52 EXCELSIOR	Direction INBOUND	
Incident Date 01-10-2018	Incident Time 16:00	
Vehicle Number 8530	Location DIAMOND HEIGHTS BLVD DIAMO	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Asian male; 60s; thin frame; slim;		
<p><b>Incident Details</b> Patron stated "I take this bus regularly and this same driver does not pull over like he does not see me and is not going to stop. I have to stick my cane out (I've placed reflective tape all over the lower half of my cane so he can see me), scream and waive before he finally stops in the street about 4-5 steps from the curb. I take this bus 4-5 times a week and this has been going on for the past few months. During the holidays he stated that he was giving curb service for the holidays. But I need him to do it all the time, not as a favor for the holidays. I think he's harassing me in his own way"</p> <p>01/16/18: Not Title VI, box unchecked, no Title VI basis for complaint. KLB                  01/16/18: Forwarded to Customer Service for further processing. KLB</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 01-10-2018		
Date Closed 03-14-2018		
Resolution Code [REDACTED]		





**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	538037
<b>Hearing Date:</b>	2/5/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[Redacted] (Patron) did not appear for in-person hearing; Roderick Mills (Shop Steward)
<b>Incident Date and Time:</b>	1/11/18, 8:30am.
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron did not appear for hearing. Per complaint, Patron alleges the operator passed her up.	
<b>Operator's Response (Brief Summary)</b>	
Operator and representative did not appear.	
<b>DVD Evidence:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video and audio is available. Video shows the Patron holding a dog on a leash, waiting for the In-Bound F-line, at the Market Street and Gough Street boarding platform. The trolley pulls up to the stop. The right side of the front door swings open. Patron is standing outside the rear entrance, but the rear doors remain closed. A single passenger boards through the front door. The video shows there are numerous seats unoccupied. The Patron walks towards the front entrance and as she approaches the front of the vehicle, the front door closes. The vehicle departs. The Patron is left at the boarding platform and is heard yelling "Hello, hello, hello!"	
<b>Access-Related Muni Rule Violations:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Per the video recording, there is evidence of disability-related Muni Rule violations: 4.12.5-Operators shall stop for all customers intending to board at designated ADA boarding locations. 4.12.8-Operators shall provide ample time for passengers to board and alight vehicles. Seniors and persons with disabilities may require additional time for boarding and alighting.	
<b>Comments</b>	
The Patron and Operator did not appear. Hearing is to be rescheduled.	
For Internal Use Only:	

  
Hearing Officer

2 / 27 / 18  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route F MARKET & WHARVES	Direction INBOUND	
Incident Date 01-11-2018	Incident Time 08:30	
Vehicle Number 1077	Location MARKET ST GOUGH ST SAN FRA	
Department GNVA OPS	Division GREEN	
Employee ID [REDACTED]		
Employee Physical Description Female, black		
<p><b>Incident Details</b> The patron stated, "Im sick to death of this driver closing the door when Im waiting to board. Today there was a person boarding before me. The driver stopped and allowed the other person to board and then when I stepped toward the door she closed it and left. This driver does it the most, but others do it as well. I usually catch it at 0600-0630AM but between then and now. Shes done this many times. I dont know why shes doing it. I am disabled, and I have an infection and yes it maybe smells, but its a medical reason and I cant help it. I dont know if thats why shes doing it, but it shouldnt matter, she should be allowing me to board. I dont know if she thinks Im homeless and am not going to pay, but being that Im disabled I have a pass anyway. It was a red and cream colored F." Hearing requested.</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 01-11-2018		
Date Closed 02-28-2018		
Resolution Code [REDACTED]		



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**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	538197
<b>Hearing Date</b>	2/26/2018
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) [REDACTED]
<b>Incident Date and Time:</b>	1/15/2018 at 12:00PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Patron alleges the operator refused to kneel the bus.	
<b>Operator's Response (Brief Summary)</b>	
Operator refused to provide a statement in the absence of his union representative.	
DVD Evidence <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Video evidence is available. Video indicates the bus pulled to the curb and the bus kneeled immediately after the doors opened. The video shows the Operators hand activating the kneeler switch without being requested by the Patron. A beeping sound confirms the kneeler is activated and the bus is seen kneeling.	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
Complaint is not valid.	
<b>Comments</b>	
There is no evidence of a Muni accessibility or ADA related violation.	
For Internal Use Only:	

Hearing Officer

Date 3/6/18

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
INCIDENT DETAIL		
Category INATTENTIVENESS/NEGLIGENCE	Type 207 REF KNEEL/LOW	
ADA? X	Title VI? X	Other Disc.
Trapeze Line/Route 57 PARKMERCED	Direction OUTBOUND	
Incident Date 01-15-2018	Incident Time 12:00	
Vehicle Number 8512	Location 19TH AVE EUCALYPTUS DR SAN	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description asian male 45-50		
<p><b>Incident Details</b> Patron stated "When I was boarding the bus I asked the driver to lower the steps because I have a hip problem, he stated that they did not work. I am disabled and it is difficult to get on the bus otherwise, he obviously did not care. I dont understand how he would not lower it for me but at Stonestown he was able to lower it. I feel like there is discrimination because he would not lower it form me but did for these white people who do not seem to have any problem getting on the bus and did not even ask for it to be lowered."</p> <p>1/23/18: PSR emailed to Superintendent. KLB                      1/23/18: Follow up Title VI emailed to patron. KLB                      1/23/18: Video requested. KLB                      1/23/18: Attempted to contact the patron (no answer). klb                      03/07/18: 2nd Follow-up Title VI mailed &amp; emailed to the patron. KLB</p> <p>03/14/18: Patron emailed me afterhours ( 7:9m), on 3/13/18), KLB                      03/14/18: At 9:13am, I attempted to contact the patron ( no answer), I left a message and also instructed the patron that she can contact me via email if she is unable to call me during my normal business hours. KLB</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 01-15-2018		
Date Closed 03-14-2018		
Resolution Code [REDACTED]		

Patron arrived on time for her hearing. Neither Operator nor Union Representative appeared. Hearing officer waited 20 minutes past scheduled hearing time.

Patron's account of the incident was completely consistent with the DVD of it and the failure of Operator to appear meant there was no controverting testimony.

Patron requested that Operator deploy lift so that she could de-board with her walker at 8<sup>th</sup> and Market, Inbound. Operator understood walker to be a wheelchair and appeared to believe that a patron with a walker was not entitled to have the lift deployed at 8<sup>th</sup> and Market. Bulletin 2018-022 contains the logo "Wheelchair No Access" for that site, and at such sites "the lift/ramp may only be used by standees." Operator may have believed that Patron with a walker did not qualify as a standee. In any case, after Patron insisted that Operator lower the lift, Operator moved the coach ahead a few feet and lowered the lift, as allowed in Bulletin 2017-002. Patron de-boarded without incident.

Ultimately, there was no disability-related discrimination as Patron was not denied the appropriate accommodation (the lift). However, Patron should not have had to repeatedly insist upon access to the lift in this situation.

In Operator's defense, there is some ambiguity as to whether a walker that a patron holds onto for support, as Patron testified in this case, is functionally a wheelchair. If so, the patron may not qualify as a "standee." Also, there are safety issues in moving coaches a few feet past standard de-boarding sites on Market Street. Patrons risk being exposed to cross-traffic.

However, Operator should thoroughly familiarize himself with the Bulletins cited above to avoid complaints such as this in the future.

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 207 REF KNEEL/LOW	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 7 HAIGHT-NORIEGA	Direction INBOUND	
Incident Date 04-02-2018	Incident Time 15:00	
Vehicle Number 8870	Location MARKET ST 8TH ST SAN FRANCI	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Male, asian		
<p><b>Incident Details</b> Patron said: The driver lowered the lift when he picked me up and he was close to sidewalk and it was easy for me to get on the bus with my walker. When I went to exit the bus the driver would not use the lift. The driver told me that this stop was not wheelchair accessible. I am not using a wheelchair. I am on a walker. I was told that I can use the walker on all stops on Market St.</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 04-02-2018		
Date Closed 05-15-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	#543295
<b>Hearing Date:</b>	05/23/18
<b>Hearing Officer:</b>	Henry Epstein
<b>Customer &amp; other attendees:</b>	[REDACTED], Patron (Operator: [REDACTED]); (Shop Steward: Jorge Elias)
<b>Incident Date and Time:</b>	04/15/18 at 5:50PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint</b>	
Patron claimed that Operator stopped bus in the middle of the street as he stood at the bus stop with his cane visible. Patron testified that he requested the lift, but also testified that he gestured for the bus to meet him near the disabled pedestrian cut-out a few yards ahead.	
<b>Operator's Response (Brief Summary)</b>	
Operator claimed that she pulled as close as possible to the curb, but could not pull closer because the bus was 60' long and the curb space 40'. She said that angling in closer would create a risk as the back of the bus would extend into the adjacent traffic lane. She denied that Patron requested the lift.	
<b>DVD Evidence: Yes</b>	
The DVD did not substantiate that Patron requested the lift. However, the DVD shows the bus stopped well outside the required proximity to the curb.	
<b>Access-Related Muni Rule Violations: Yes</b>	
<b>HEARING OFFICER Comments</b>	
The hearing officer finds a violation of Rule 4.15.2 and .5, as articulated in General Notice 2016-012, which requires that Operators position the front doors as close to the curb as possible specifically for disabled passengers. This did not happen in this incident. In general, "both the front and rear exits are to be positioned within <u>one foot</u> of the curb." There was no vehicle in the bus zone. Had there been, the Operator would have been justified in stopping the bus with front and rear doors <u>three feet</u> from the curb. In any case, the bus drew up well in excess of three feet from the curb	
For Internal Use Only:	

Hearing Officer: Henry A. Epstein  
Date: June 1, 2018

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 30 STOCKTON	Direction INBOUND	
Incident Date 04-15-2018	Incident Time 17:50	
Vehicle Number 7252	Location NORTH POINT ST LARKIN ST SAN	
Department POT OPS	Division POTRERO	
Employee ID [REDACTED]		
<b>Employee Physical Description</b>		
<p><b>Incident Details</b> Patron stated " I am a person who goes monthly to the Muni accessibility task force meetings, I am at the corner of North Point and Larkin, coach 7252 a 30 bus which is only going to Market St stopped out in the middle of the street. I have a cane, I am disabled, I told the driver because the diver stopped in the middle of the street I need to use the cut out and she better lower the wheel chair ramp so I can get on the bus, that unprofessional driver took off, I will be notifying Matt West regarding this issue, this is also affecting me because I going to miss my BART train that I need to connect to another east bay transit. Also it is cold and if I get sick I also want restitution for it" (Caller hung up before being able to ask if needed recap or contact information)</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 04-15-2018		
Date Closed 04-17-2018		
Resolution Code [REDACTED]		





**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	#543496
<b>Hearing Date:</b>	May 22, 2018
<b>Hearing Officer:</b>	Henry Epstein
<b>Customer &amp; other attendees:</b>	Patron: [REDACTED] Operator - [REDACTED]; Shop Steward - Mont Hubbard
<b>Incident Date and Time:</b>	00/00/00 at 00:00AM/PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Fall with injury. Blind patron states that bus pulled up to the stop far from curb and too far forward of the shelter where she was waiting to enable her to board at the front. Patron claims that she boarded middle door and before she could seat herself the bus started and she fell backwards on the floor.	
<b>Operator's Response (Brief Summary)</b>	
Operator claimed she had to position the bus forward in the bus box so that the bus trailing her in the intersection behind her would have room to pull in behind her.	
<b>DVD Evidence: Yes</b>	
See below	
<b>Access-Related Muni Rule Violations: Yes</b>	
<b>Comments</b>	
On the video there was no evidence of a bus trailing Operator's bus, belying her testimony that one was positioned in the intersection behind her. Therefore, there was no reason for Operator to pull the bus beyond the top part of the bus box, and indeed to stop the bus outside the bus box itself.	
The video shows the Patron, whose sight is impaired, waiting with her cane visible at the shelter and having to walk several yards ahead to	

**board at the middle door. Presumably, Operator could see her through her side view mirror.**

**0 -**

**No vehicle, near or in the bus box, required Operator to stop, as she did, well over 3 feet from the curb, and outside the bus box. This violates Rule 4.15.4, as articulated in Bulletin 2016-012: “When pulling into a bus zone coaches are to be stopped as close to the curb as possible, ideally with front and rear exits within one foot.” With regard to disabled passengers, operators are required to reposition the coach to achieve this. Operator did not do so.**

**Once she boarded, Operator appears not to have considered that Patron was still moving to a seat as Operator started the bus. The bus was not crowded, and on the video the aisle appears clear enough for Operator to view the Patron boarding and seeking a seat.**

**Finally, once Patron had boarded and was looking for a seat, Operator violated Bulletin 2017-22, “... people with disabilities may require extra time and accommodations. Do not move your coach until passengers are seated or have a firm hold on a stanchion or handrail.” The video shows Patron briefly grabbing a stanchion as she reaches the top of the steps into the bus and touching a close-by handrail, apparently for balance. However, she is not able to seat herself before the bus starts up and she loses her balance and fall backwards.**

For Internal Use Only:

Henry Epstein  
Hearing Officer

Date: June 6, 2018



<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category UNSAFE OPERATION	Type 107 FALL WITH INJURY	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 5R FULTON RAPID	Direction OUTBOUND	
Incident Date 04-18-2018	Incident Time 16:00	
Vehicle Number 7217	Location 8TH AVE FULTON ST SAN FRANC	
Department POT OPS	Division POTRERO	
Employee ID [REDACTED]		
Employee Physical Description n/a		
<p><b>Incident Details</b> Patron stated, "The bus was coming and I was at the bus stop and the bus pulled up far away from the curb and I tried to get to the bus I cant walk too fast and I am blind and someone said the driver closed the door and I tried to get in the back door when I get on the bus the driver pulldr forward like explosive and I fell down and a lot of people help me get up and I am dizzy and I cry. I am dizzy . The driver stopped the bus and he made a deal with me. I call my daughter and she said dont move you are dizzy. The ambulance guy say we take you to the hospital and i say I dont want to go in ambulance and I say I not go in. I say why you treat me like that, I have insurance but I do not want to get that bill. He was pushing Me to give him my ID. I give him my ID card. "</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 04-18-2018		
Date Closed 10-02-2018		
Resolution Code [REDACTED]		

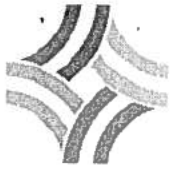


**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	#543609
<b>Hearing Date:</b>	05/16/18
<b>Hearing Officer:</b>	Henry Epstein
<b>Customer &amp; other attendees:</b>	[REDACTED], Patron (Operator: [REDACTED]); (Shop Steward: Alex Huang)
<b>Incident Date and Time:</b>	04/20/18 at 11:03AM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
<b>Discourtesy:</b> Patron claims she apprised Operator that she was disabled as Operator was de-boarding another passenger in a wheelchair, deploying the ramp. Patron claims that Operator yelled at her, tried to push her back, and shook the ramp while she tried to de-board just after the passenger in the wheelchair de-boarded. Patron claimed that she had also requested the ramp.	
<b>Operator’s Response (Brief Summary)</b>	
Operator claimed that she let passengers know that she would be deploying the ramp for the passenger in the wheelchair. Operator denied that Patron herself requested to use the ramp but asserted that Patron was one of about ten passengers who waited to get off as she was de-boarding the passenger in the wheelchair. According to Operator, all ten wanted to use the ramp but that many people on the ramp posed a safety issue. Operator testified that she put her hand up to advise them to move back to allow her to replace the ramp in the locker. She denied that she shook the ramp while the Patron was on it and claimed she was “... outside, on the ground, opening the locker with my key, and could not shake it.”	
<b>DVD Evidence: NO</b>	
A DVD for this case was pulled for approximately 11PM on the date of the incident, 4/20/2018. However, the time of the reported incident was 11:03AM.	
<b>Access-Related Muni Rule Violations: Insufficient Evidence</b>	
Patron stated that the central issue for her was being yelled at by Operator, and Operator waving her back and shaking the ramp. However, she also testified that she requested the ramp too, as the passenger in the wheelchair de-boarded.	
<b>HEARING OFFICER Comments</b>	
Without the correct DVD to resolve contradictory testimony from Patron and Operator, the Hearing Officer finds insufficient evidence in this case to make a finding of Discourtesy or Denial of Accommodation. However, if the Hearing Officer had been able to substantiate Patron’s testimony that she requested the ramp be deployed for her along with the passenger using the wheelchair, the Hearing Officer would have found an access-related violation, i.e. a violation of rule 4.20.5 which requires making lifts available to standing passengers on request, as well as wheelchair users. In any case, Operator is advised to review this rule.	
For Internal Use Only:	

Hearing Officer: Henry A. Epstein  
Date: June 1, 2018

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
INCIDENT DETAIL		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 306 GEN UNPROF CONDU
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route F MARKET & WHARVES	Direction OUTBOUND	
Incident Date 04-20-2018	Incident Time 11:03	
Vehicle Number 1051	Location MARKET ST VAN NESS AVE SAN	
Department GRN OPS	Division GREEN	
Employee ID [REDACTED]		
Employee Physical Description Short, Female, African American, Curly Hair		
<p><b>Incident Details</b> ADA patron stated that, " The driver was rude to me. She discriminate to me. I have a bad ankle and knee, I cannot get down. There was a wheelchair that wanted to get off at the same location, before she removed the ramp, she did not allow. She yelled at me to get back and tried to removed the ramp.I let her know I am disabled. She tried to push me, before she touched me I back up. She shake the ramp, I scared to fall down. She yelled very loudly "you want to move, back up." She challenged me, I said to her " I have never seen that kind of rude driver, you are so rude I want to complain." and she said " okay you can do it", she challenged me, she does not care. This is discriminate."</p> <p>05/29/18: Email sent from J. Sanchez regarding patrons comments during her ADA appeal. KLB</p> <p>05/30/18: Not Title VI , box unchecked, no Title VI basis for complaint. KLB</p> <p>05/30/18: Email sent to J. Sanchez and all attached regarding conversation with the patron. KLB</p> <p>05/30/18: All, I just spoke with the patron (this morning at approximately 8:54am) and now with her understanding (via my explanation of Title VI and the discourteous treatment/behavior). The patron stated that she believed that the Operator was very rude and nasty and really expressed that she wanted the Operator disciplined for that. The patron also stated that she felt the Operator discriminated against her based on her disability and also because there was no video available at the hearing the Operator took advantage and lied her way out of trouble. I reassured the patron that all complaints whether they are Title VI or not stays in the employees file and is used for progressive discipline or retraining. Before getting off the telephone with the patron, she thanked me for helping her understand and making her feel comfortable enough to ride Muni again.</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 04-20-2018		
Date Closed 07-19-2018		
Resolution Code [REDACTED]		



SFMTA

Municipal  
Transportation  
Agency

Muni Neutral Accessibility Hearing Finding

PSR #:	543687
Hearing Date:	5/16/2018
Hearing Officer:	H. Epstein
Customer & other attendees:	[Redacted], Op. Siegfried Henderson Union Rep.
Incident Date and Time:	
Burden of Proof: The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
311 Complaint (Check Category)	
① Operator did not pull up to shelter, bused patrons 3 cars back ② operator did not make oral announcements of stops when audio brake	
Operator's Response (Brief Summary)	
① Claims not at Glen Park at time of incident ② Claims audio working	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
DVD missing sections that would determine ① above In other section of DVD, audio announcements working	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Insufficient Evidence	
Comments	
Patron admits that he showed no evidence of disability. Even if Operator stopped short of shelter because of cars blocking it, which was not determined, no evidence of discrimination on basis of disability.	
For Internal Use Only:	

H. Epstein  
Hearing Officer

5/16/18  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 213 GEN DSTRACT DUTY	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 52 EXCELSIOR	Direction INBOUND	
Incident Date 04-19-2018	Incident Time 21:55	
Vehicle Number 8509	Location LEAVING BART GLEN PARK/N/A	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Black Large. Female.		
<p><b>Incident Details</b> 1. Sign indicator noted time but not destination stops. Dark at night. Operator did not call out stops.</p> <p>2. Operator did not pull up at stop. Opened door down the street as vehicles ahead of her. She should wait and pull up to the designated bus stop.</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 04-22-2018		
Date Closed 05-18-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

PSR #:	544681
Hearing Date:	May 30, 2018
Hearing Officer:	Henry Epstein
Customer & other attendees:	[Redacted], [Redacted] operator, hypnone; Sigfried Henderson, Union Rep
Incident Date and Time:	
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Failure to pull to curb; operator asked for fare after payment.	
<b>Operator's Response (Brief Summary)</b>	
Operator believed he would obstruct traffic or create a risk of accident if he angled his bus in and the rear juttled out	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Patron waived screening of video. Hearing Officer viewed it with Operator & Union Representative.	
Access-Related Muni Rule Violations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
Bulletin 2016-012 requires Operators to "stop as close to curb as possible, ideally within one foot," and especially if a disabled passenger is at spot. Passenger in this case used a cane, clearly visible. Operator stopped a lane width from curb. No car prevented	
For Internal Use Only:	

Henry Epstein  
Hearing Officer

5/30/18  
Date

Operator from stopping coach at curbside. In mitigation, Operator lowered the lift for patron. Regarding allegation that Operator inappropriately asked patron for fare, video showed Operator's

question was appropriate as patron appeared to rush by Operator.



<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 209 NO PULL TO CURB	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 44 O SHAUGHNESSY	Direction INBOUND	
Incident Date 05-10-2018	Incident Time 11:00	
Vehicle Number 8885	Location WOODSIDE AVE HERNANDEZ AV	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Run 013 - Black bald head with light skin.		
<p><b>Incident Details</b> Patron states: I am disabled and I want a hearing. Operator did not pull to curb, but picking up passengers in the middle of the street, which made it hard for me. Also, he got smart with me asking if I had paid my fare, which I already did and got my transfer. I want video pulled as well. Thank you</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 05-10-2018		
Date Closed 07-31-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

PSR #:	544021
Hearing Date:	5/21/2018
Hearing Officer:	H. Epstein
Customer & other attendees:	[Redacted] Patron did not appear [Redacted] appeared with Union Representative
Incident Date and Time:	4/26/18 6:05 AM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
201 Pass-up	
<b>Operator's Response (Brief Summary)</b>	
No memory of alleged incident	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
Patron failed to appear. Video of <sup>alleged</sup> incident did not show evidence of pass-up	
For Internal Use Only:	

H. Epstein  
Hearing Officer

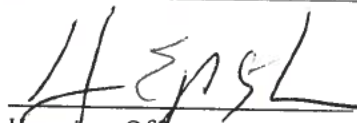
5/21/2018  
Date

CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
INCIDENT DETAIL		
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route F MARKET & WHARVES	Direction OUTBOUND	
Incident Date 04-26-2018	Incident Time 18:05	
Vehicle Number 1078	Location 8th and Market /1800	
Department GNVA OPS	Division GREEN	
Employee ID [REDACTED]		
Employee Physical Description african american male.		
<p><b>Incident Details</b> Per phone conversation w/ A. Genochio: Created second complaint for patron wishes to have a hearing on the following train passing her up as well. Right after 1077.</p> <p>Patron stated: I was waiting for the bus on the ramp with my walker when the bus didnt stop for me. I had someone hold the door and I was able to walk up to the front and asked the driver why he didnt stop. I know he saw me standing on the ramp waiting. He said he saw me smoking and thats a lie because I dont even smoke. I asked him to put the ramp up and he said he couldnt and I would have to wait for the next bus. He was very disrespectful with me. As I was talking to you (311) on the phone another bus passed me up. Thats 4 that wouldnt pick me up.This is ridiculous.</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 04-27-2018		
Date Closed 05-21-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

PSR #:	546061
Hearing Date:	6/20/2018
Hearing Officer:	Henry Epstein
Customer & other attendees:	[REDACTED]
Incident Date and Time:	
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
201 Pass-up	
<b>Operator's Response (Brief Summary)</b>	
No show, and No show Union Rep.	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
H.O. Review of DVD did not indicate a violation.	
For Internal Use Only:	

  
Hearing Officer

6/20/2018  
Date

The Hearing Officer was able to contact Patron and take his testimony by telephone at 5PM on June 20, 2018.

Patron testified that he uses his shopping cart as a walker. He stated that he was walking with his shopping cart parallel to the curb of the bus stop, a cane in his right hand. He claimed that he "beckoned to the operator" to indicate he wanted to board as the bus came by and looked like it would pull into the stop.

Patron testified that the bus-box was very long and that he thought Operator would stop the bus at the top of the box. However, the Operator kept going without stopping.

Patron testified that he would have walked closer to the curb along the bus zone, but a tree blocked his path so he walked a few feet in from the curb on the sidewalk.

A review of the video of the incident confirms the logistics of Patron's account, except that he is not seen "beckoning to the operator," as he alleged. This omission tilts this case in favor of Operator.

Operator might have inferred that a man walking on the sidewalk parallel to the bus box steering a shopping cart may have wanted to board, but failing to make this inference was not unreasonable given the circumstances of this case. The DVD shows the Patron walking a yard or two in from the curb, simply moving forward. There was no clear indication that he was intending to board.

Therefore, the hearing officer finds no pass-up violation.

H EPS  
6/20/2018

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 54 FELTON	Direction OUTBOUND	
Incident Date 06-02-2018	Incident Time 15:17	
Vehicle Number 8804	Location NEWHALL ST HUDSON AVE SAN	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Male hispanic		
<p><b>Incident Details</b> Patron stated" I am standing at the stop the bus turns the corner pulls up and so I start walking with my walker up to the bus and the bus doesnt stop it just keeps going ."</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 06-02-2018		
Date Closed 06-29-2018		
Resolution Code [REDACTED]		



## Muni Neutral Accessibility Hearing Finding

<b>PSR #:</b>	549867
<b>Hearing Date:</b>	11/06/18 at 2:00PM
<b>Hearing Officer:</b>	Henry Epstein & Rudy Sebastian (Hearing Officers)
<b>Customer &amp; other attendees:</b>	<div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> (Patron) <div style="background-color: black; width: 150px; height: 15px; display: inline-block;"></div> (Operator )
<b>Incident Date and Time:</b>	7/15/2018 at 5:40PM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
<b>306 General Unprofessional Conduct. Patron contends that operator refused her boarding of the transit vehicle and called the police on patron. See attachment A.</b>	
<b>Operator's Response (Brief Summary)</b>	
Operator failed to appear	
<b>DVD Evidence:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
No video available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Insufficient Evidence	
No Violation.	
<b>Comments</b>	
Applying 2.8.3 "Avoid disputes with any person, no matter what the provocation", the patron's testimony and no controverting evidence, the hearing officer finds the operator in violation of 306 general unprofessional conduct. It is difficult to verify alleged denial of access violation without video incident.	
For Internal Use Only:	

Hearing Officer

Date

11.19.2018

Attachment A.

The Hearing Officer was able to meet with the Patron and take her testimony at 2:00pm on November 6, 2018. There was no video of the incident on June 1, 2018 at approximately 10:34pm.

Patron testified that she uses a walking cane with 4 rolling wheels as a walking aide. She stated that she was with her walking cane at or just beyond the outbound bus shelter on 9<sup>th</sup> Avenue near the intersection of Judah St. She claims that the MUNI 66 Quintara, transit vehicle #8185, Operator [REDACTED] arrived at approximately 10:10pm and parked at the very south end of the bus stop. She contends that per a conversation with the operator, the operator told her that he was on a "702" and would come back in 20 minutes. She described the transit vehicle as empty and not in service when she returned back to the bus shelter and waited for the operator to return to his transit vehicle.

Patron testified that at 10:34pm, the operator returned to the transit vehicle, boarded it and closed the door as the Patron was at the front entrance of the transit vehicle. Patron alleges that prior to closing the doors, she asked the operator if he was letting on passengers and he stated he wasn't letting anyone on because he was waiting on a call from Transportation Management Center as he shut the door. She contended that the operator was on an electronic handheld device while on the transit vehicle. Patron asserted that because it was dark and self-defined herself as elderly/senior, she was uncertain when this transit vehicle would actually leave and feared or hesitant of missing the next 66 Quintara if she walked back to the bus shelter that was a distance away.

Patron testified to placing her hands on the transit doors and creating a "crack" opening and said to the operator "You can't sit on a bus on "702" without letting passengers on."

Patron testified that the operator opened the transit door and told her "report me" showing his jacket badge number stepping out of the transit vehicle. Patron stated that she boarded, sat in the transit vehicle and asked the operator to take her home as the operator said in a loud voice "I'm not a machine and I'm calling the police....you are dangerous to me" walking to the rear of the bus. Patron stated that she called 311 to report the incident, determine the current status of transit vehicle #8185 as well as information regarding the boarding policy when the operator claims 702 personal necessity.

Patron testified at 11:40pm, an SFPD officer came to the location and removed her from the transit vehicle. Patron asserted that the SFPD officer told her to "take Uber" home. Patron stated that the operator left with the transit vehicle after telling the SFPD officer that he was going to Market St. Patron's closing testimony statement was that "I just wanted to go home..."

There is no video of the incident and the operator failed to appear for the hearing. Applying 2.8.3 "Avoid disputes with any person, no matter what the provocation", the patron's testimony and no controverting evidence, the hearing officer finds the operator in violation of 306 general unprofessional conduct. Although there may be a denial of access violation here, in the absence of a video, there is insufficient evidence to make that finding.



CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address		
INCIDENT DETAIL		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 306 GEN UNPROF CONDU
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 66 QUINTARA	Direction	
Incident Date 06-01-2018	Incident Time 00:-00	
Vehicle Number 8515	Location 9th /Judah	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description male		
<p><b>Incident Details</b> Hi Matt,</p> <p>[REDACTED], a woman with a mobility disability, is filing a complaint through our office. She rides the 66 Quintara. On Friday, June 1, 2018, she arrived at the stop at Judah and 9th Ave. She states that, at that hour, the bus runs every 30 minutes. She states that the bus came prior to 10:00 p.m. and the driver "took his break." At approximately 10:30, he got on the bus. She states that, because she has a mobility disability (and she was carrying items), she started toward the bus to board because the stop is quite a distance from where the bus actually boards. She stated that she asked the driver if he was letting on passengers and he stated he wasn't letting anyone on and shut the door.</p> <p>She was hesitant to go back to the bus shelter, not knowing when the bus would actually leave and fearing she might miss the next bus (the 11:05 bus AND the last bus). She also stated it was very dark. She called 311 to inquire about the schedule. When she asked the driver when he was leaving, he yelled at her and stated he was calling the cops because she was "a danger to him".</p> <p>An SFPD officer came and told her she should "take Uber." [REDACTED] is very distressed about this. She is about 5 feet 2 inches and states she's been riding this route for years and has never had an issue with any driver.</p> <p>She provided the following information. 66 Quintara/driver # [REDACTED], Vehicle # 8515, 9th and Judah stop.</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 07-30-2018		
Date Closed 11-26-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	550892
<b>Hearing Date</b>	11/20/2018 11:00am
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) [REDACTED]
<b>Incident Date and Time:</b>	9/16/2018 at 3:50pm
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
The Operator intentionally stopped the bus in a front of a bike rack, where she knows there is not enough room for the electric wheelchair to get in. After getting on the bus, the Operator did not assist in securing the wheelchair, so another passenger helped instead.	
<b>Operator's Response (Brief Summary)</b>	
Operator and shop steward did not appear.	
<b>DVD Evidence:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Yes. Video evidence is available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
Complaint is not valid. The video shows that after the bus stopped the wheelchair lift was immediately deployed. The initial deployment of the wheelchair lift landed close to a fixed bike rack that blocked access to the lift. After realizing that the wheelchair could not board, the Operator repositioned the bus and re-deployed the wheelchair lift. After repositioning the bus, the Patron boarded the bus without issue.	
After boarding, the Patron requested assistance in securing the wheelchair. The video shows the Operator hesitantly approached the Patron and stated she did not know how to secure the wheelchair. Another passenger is seen in the video assisting the Operator in securing the wheelchair. Once the wheelchair was secured, the bus continued on its route.	
For Internal Use Only:	

  
\_\_\_\_\_  
Hearing Officer

\_\_\_\_\_  
2/5/2018  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address		
<b>INCIDENT DETAIL</b>		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT		Type 306 GEN UNPROF CONDU
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 43 MASONIC	Direction OUTBOUND	
Incident Date 08-15-2018	Incident Time 15:39	
Vehicle Number 8715	Location MARINA BLVD LAGUNA ST SAN F	
Department KIR OPS	Division KIRKLAND	
Employee ID [REDACTED]		
Employee Physical Description Black female,		
<p><b>Incident Details</b> The patron states: When the driver dropped me off at Laguna and Chestnut, I asked to have the bus lowered because I have very little cartilage in my knees. I do not look like I have a disability but I ask nicely "Would you please lower the steps" I am 75 so that is something in its own right. The driver cursed with "God, damn". The driver should not be rude; no one should curse at someone, especially when I am 75.</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 08-15-2018		
Date Closed 09-24-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

PSR #:	544241
Hearing Date:	5/21/2018
Hearing Officer:	H. Epstein
Customer & other attendees:	[Redacted] by phone. OPERATOR did not show Anthony Ballester, Union Rep. appeared
Incident Date and Time:	5/2/2018 8:53 AM
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
Pass-up	
<b>Operator's Response (Brief Summary)</b>	
Operator failed to appear	
<b>DVD Evidence:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
DVD shows pass-up of patron in wheelchair	
<b>Access-Related Muni Rule Violations:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
Patron's testimony that 1/2 empty bus passed her up was completely consistent with DVD. Operator presented no evidence <sup>he</sup> could not show.	
For Internal Use Only:	

H. Epstein  
Hearing Officer

5/21/2018  
Date

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 38 GEARY	Direction INBOUND	
Incident Date 05-02-2018	Incident Time 08:53	
Vehicle Number 6658	Location GEARY BLVD WEBSTER ST SAN	
Department FLN OPS	Division FLYNN	
Employee ID [REDACTED]		
<b>Employee Physical Description</b>		
<p><b>Incident Details</b> Patron said: The first bus was full and did not stop, the second bus was full, the driver stopped and advised me that there was not room for my power wheelchair, the third bus was not full and it did not stop at all. It did not say on the bus it was out of service. The buses will usually stop and let me know there is not room for my wheelchair. The third bus should have stopped. It did stop at the bus stop before me.</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 05-02-2018		
Date Closed 05-04-2018		
Resolution Code [REDACTED]		

# Neutral Hearing Packet

- Video
- In Person
- By Phone

PSR # 555491

Customer's Name: [REDACTED]

Division: WOODS

Operator Name/ID: [REDACTED]

Complaint Category and Type: 209 NO PULL TO CURB

Rules Identified by Accessible Services:

Date: November 5<sup>th</sup> 2018

Day: Monday

Time: 11:00am

Room: North Beach Conference Rm 3072

NHO: *A. Epstein*

Hearing Results:  
Valid  Invalid  Drop  Reschedule  Other Rule Violation

Notes from NHO: *Video confirmed Patron's complaint that Operator failed to pull bus to curb to allow her to de-board in wheelchair. Operator did not attend (nor Union Rep) and presented no contravening evidence.*

Notification to division date; initials	Determination letter sent date; initials
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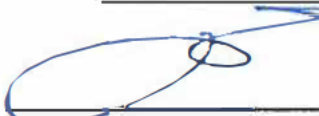
Additional Notes:

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category INATTENTIVENESS/NEGLIGENCE	Type 209 NO PULL TO CURB	
ADA? <input checked="" type="checkbox"/>	Title VI?	Other Disc.
Trapeze Line/Route 54 FELTON	Direction INBOUND	
Incident Date 10-14-2018	Incident Time 16:40	
Vehicle Number 8805	Location THORNTON AVE SCOTIA AVE SA	
Department WDS OPS	Division WOODS	
Employee ID [REDACTED]		
Employee Physical Description Male Driver, In his 30s, dark complected		
<p><b>Incident Details</b> ADA Patron states: "I told the driver that he cannot drop me off at this location, he has tried to drop me off at street level and my wheelchair cannot get up a curb. The SFMTA has painted the curb all the way from Scotia up three full houses and refused to pull up to the curb. This driver pulled up about 5 feet away from the curb and he is trying to drop me off here. I cannot get up the curb and am now stuck on the wheelchair lift. The Police are on the way and the people on the bus is upset since we have been here for at least 20 minutes. I cannot back my chair up since a passenger pulled off one of the buttons- the one I have to use to make my chair move- from the back of the wheelchair and threw it down the street. I asked the driver for his operator number and he would provide it."</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 10-14-2018		
Date Closed		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

<b>PSR #:</b>	553523
<b>Hearing Date</b>	11/20/2018 11:00am
<b>Hearing Officer:</b>	Ivan Morales (Hearing Officer)
<b>Customer &amp; other attendees:</b>	[REDACTED] (Patron) [REDACTED] did not appear
<b>Incident Date and Time:</b>	9/16/2018 at 3:50pm
<b>Burden of Proof:</b> The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
<b>311 Complaint (Check Category)</b>	
The Operator intentionally stopped the bus in a front of a bike rack, where she knows there is not enough room for the electric wheelchair to get in. After getting on the bus, the Operator did not assist in securing the wheelchair, so another passenger helped instead.	
<b>Operator's Response (Brief Summary)</b>	
Operator and shop steward did not appear.	
<b>DVD Evidence:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Yes. Video evidence is available.	
<b>Access-Related Muni Rule Violations:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Insufficient Evidence	
<b>Comments</b>	
Complaint is not valid. The video shows that after the bus stopped the wheelchair lift was immediately deployed. The initial deployment of the wheelchair lift landed close to a fixed bike rack that blocked access to the lift. After realizing that the wheelchair could not board, the Operator repositioned the bus and re-deployed the wheelchair lift. After repositioning the bus, the Patron boarded the bus without issue.	
After boarding, the Patron requested assistance in securing the wheelchair. The video shows the Operator hesitantly approached the Patron and stated she did not know how to secure the wheelchair. Another passenger is seen in the video assisting the Operator in securing the wheelchair. Once the wheelchair was secured, the bus continued on its route.	
For Internal Use Only:	

  
\_\_\_\_\_  
Hearing Officer

\_\_\_\_\_  
2/5/2018  
Date



CUSTOMER DETAIL		
Name [REDACTED]		
Phone [REDACTED]	Email [REDACTED]	
Address [REDACTED]		
INCIDENT DETAIL		
Category INATTENTIVENESS/NEGLIGENCE	Type 213 GEN DSTRACT DUTY	
ADA? X	Title VI?	Other Disc.
Trapeze Line/Route 24 DIVISADERO	Direction OUTBOUND	
Incident Date 09-16-2018	Incident Time 15:50	
Vehicle Number 5561	Location DIVISADERO ST FULTON ST SAN	
Department PRE OPS	Division PRESIDIO	
Employee ID [REDACTED]		
Employee Physical Description caucasian female , light hair , heavy set		
<p><b>Incident Details</b> Patron state "The way the bus stop situates at the stop. The bus need to pull in a way so my power wheel chair can get on the lift on the bus.</p> <p>The driver stop farther down, she stop into the bike rack that where she stop at. She know that there is not enough room for my electric wheelchair to get in . She knows that I am seating at the correct stop. She saw me waving my hand for her to stop. She purposely do this so there is not enough room for my wheelchair the get on the lift so had to move farther to accommodate my wheel chair. She does it on purpose. I had her before. She pulls the bus up. I make it to the ramp got on the bus to the area for the wheelchair seating on the bus. As I try to secure myself on the bus. She already getting to the seat and I had to said excuse me. I need help to strap my in. The other passenger help me to strap in. I ask he dont she know and she said she dont know and the subject never come up .</p> <p>When I got to 3 rd street. I ask her can you let me off. She was rude . She insult my disability."</p>		
AGENCY HANDLING AND RESOLUTION DETAILS		
Date Logged 09-18-2018		
Date Closed 09-28-2018		
Resolution Code [REDACTED]		



**Muni Neutral Accessibility Hearing Finding**

PSR #:	540882
Hearing Date:	March 19, 2018
Hearing Officer:	Henry Epstein
Customer & other attendees:	[REDACTED]
Incident Date and Time:	[REDACTED]
Burden of Proof: The customer has the burden of proving that the operator committed an access-related Muni rule violation.	
311 Complaint (Check Category)	
Operator demanded that Patron ring bell. She requested he stop the bus, verbally. She also alleged discourtesy & racial discrimination. The letter beyond hearing purview	
Operator's Response (Brief Summary) Operator apologized for not knowing Patron did not have to ring bell to make a stop request. Operator denied racial discrimination.	
DVD Evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No DVD corroborates Patron's account, including operator telling her his grandpa told her could ring bell.	
Access-Related Muni Rule Violations: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Insufficient Evidence	
Patron was not denied access, but operator violated 4.20.3 & 2.8.1 Operator did not base conduct on disability status of Patron.	
Comments Patron was not denied access, she got off bus successfully, but operator admitted not understanding Rule 4.20.3 which he violated by rejecting her verbal request to announce stop, and he was also disrespectful to her in violation of 2.8.1	
For Internal Use Only:	

Henry Epstein  
Hearing Officer

3-19-2018  
Date

# Theresa King, Union Rep.

<b>CUSTOMER DETAIL</b>		
Name [REDACTED]		
Phone [REDACTED]	Email	
Address [REDACTED]		
<b>INCIDENT DETAIL</b>		
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT	Type 302 ALTERC: EMP/CUST	
ADA? X	Title VI? X	Other Disc.
Trapeze Line/Route 47 VAN NESS	Direction OUTBOUND	
Incident Date 03-03-2018	Incident Time 10:29	
Vehicle Number 8737	Location 9TH ST BRYANT ST SAN FRANCISCO	
Department KIR OPS	Division KIRKLAND	
Employee ID [REDACTED]		
Employee Physical Description Asian		
<p><b>Incident Details</b> Patron stated..."I think the run number was 656 and the coach number 8737. I was standing up and I told the driver operator next stop please and that bastard told me, Ring the bell. Do you know how to ring the bell?". Im handicapped and disabled. I was polite to him. But then I said to him, "Does your mama know how to ring the bell?. Then he said, Yes and my grandma too. My heart is racing right now after the situation. He was Asian and he let it be known because I was the only African American on the bus. I want a hearing. It racially motivated."</p> <p>03/05/18: PSR emailed to Superintendent. KLB                  03/05/18: Follow-up Title VI emailed to the patron                  03/05/18: Vodeo requested. Patron requested a hearing. KLB                  03/05/18: Attempted to contact the patron @1:32 pm ( no answer/ not able to leave message) . KLB                  03/06/18: Attempted to contact the patron ( approx. 9:27am) no answer/ no message machine. KLB</p> <p>04/09/18: No contact from patron to date. KLB</p> <p>04/09/18: 2nd Follow-up Title VI mailed to patron. KLB</p>		
<b>AGENCY HANDLING AND RESOLUTION DETAILS</b>		
Date Logged 03-03-2018		
Date Closed 04-06-2018		
Resolution Code [REDACTED]		