

RESPONSES TO THE FOLLOWING SCENARIO:

A bus operator awaiting a traffic signal in a through lane is approached by a patron standing in a parallel turn lane attempting to board. The bus operator signals to the patron to move to the curb or far-side stop. Is this proper or should the operator have boarded the patron to remove him/her from potential traffic danger?

Our policy is strict. Once a bus driver has left the bus zone and merged into traffic, they are to board no customers. If a customer approaches the bus, as in the scenario depicted, drivers at FAX are to motion the person and verbally instruct him/her to get back to the curb and move to the next stop. This is primarily a liability issue from our perspective. The intending customer has taken the risk to step out into traffic. Once the bus driver opens the door risk shifts to the transit system. There are too many things that can go wrong, and have in the past.

-- **Kenneth Hamm, Director of Transportation, City of Fresno, Calif.**

The operator should direct the passenger to safe place to board, even if it is not a regular stop. By allowing the passenger to “attempt” to board under the conditions described, the bus driver is placing his/her employer at risk. Should the potential passenger be struck by a vehicle, the potential passenger can claim that the bus operator’s employer has a responsibility and is liable.

-- **HAP International**

The bus operator should board patrons at proper bus stops. The individual created a hazard by attempting to board a bus in an unauthorized location. As we know, transit agencies penalize bus operators for failing to follow policy. As long as the operator follows policy he or she is covered. Once they go outside of established policy they are accepting full responsibility for whatever occurs and leave themselves and the agency exposed. (The umbrella theory). Rules and policies exist to protect the bus operator and the agency. The operator acted properly by motioning the patron to go to the bus zone where it is safe to board. Too many exceptions to rules result in a total breakdown of operating policies.

-- **Anonymous**

There are two schools of thought that come into play here. The first has to do with customer service and safety. Allow the passenger to board to get him or her out of immediate danger and get them on the bus and on their way.

The second has to do with reinforcing negative behaviors, or "training customers" as bus operators like to call it. Those who follow this philosophy say that the customer must be in the marked stop waiting for the bus before it approaches, and if not, they must wait for the next bus. To allow them to board in the street or to pull over and wait penalizes the customers already on the bus by delaying them, may put the customer in jeopardy by allowing them to board in an unsafe area or manner, and makes it difficult for other bus drivers to enforce the rules if some do not.

From my experience as a bus rider and transit employee, my answer is a combination of the two. Board the customer to get them out of the street and then let them know, in a professional, adult-to-adult way, that you are only doing this for their protection and they should make sure they are in a marked stop with plenty of time before the bus arrives the next time they ride. If you handle this in a professional manner, the customer will appreciate your concern and perhaps take your lesson to heart the next time they ride.

-- **Dave Etienne, Metro, Cincinnati**

Operator acted in the correct manner. Do not set a precedent of boarding passengers anywhere except at designated stops or where safe to do so. Others could see this action and feel it's OK to do so in the future.

-- **Anonymous**

I think the operator should board the customer to get them out of danger, but then explain to that person that he/she is making an exception and please do not try/attempt to board buses in the traffic lanes. It is unsafe for all involved.

-- **Barb Keener, Metro Transit, Brooklyn Park, Minn.**

No, this patron should not be boarded. The bus Operator is correct in his signaling the patron to return to the curb, or to move to a far side stop. A bus sitting in through lane traffic is "in" traffic, and boarding patrons put the Transit Company in serious liability. Should a motor vehicle come into the parallel turning lane and strike the patron, because the Operator is permitting to boarding "in traffic", the Operator / Transit Company will be responsible for any claims.

Once the Operator closes his doors at his scheduled / designated bus stop, the Operator is now committing to traffic. For the safety of Operator and patrons alike, the Operator should not open the doors for further boarding. The Operators focus should be on safely pulling out into traffic, and negotiating traffic and travel lanes. As such, a bus sitting in a through lane is not idle, the Operator should be focused on traffic patterns, traffic control devices, etc., and not boarding patrons in a clearly unsafe situation.

-- **Anonymous**

The theory of choosing to pick the passenger up that one time with a warning does not work, because you have passengers watching you on the bus who will make that same attempt that "one time," which is all it takes to get a lawsuit filed for an accident/incident that can happen that one time!

No, that driver did the correct thing to motion for that passenger to go to the correct stop to board the bus! If that driver had decided to board that passenger in that improper lane and the bus was rear ended, or the passenger fell boarding the bus, or any type of mishap had happened, that driver could have been held liable because he decided to take the initiative to board a passenger in an unauthorized zone. That would open up the door for a lawsuit had the passenger fallen boarding the bus or a driver had rear ended the bus. The driver did the correct thing to motion that passenger to the correct bus stop. I have been confronted with that on several occasions, and if the passenger refuses to follow instructions, I call the incident in to the dispatcher to make them aware that I told the passenger to go to the correct stop; however, he/she refused, so I bypassed that passenger. When that passenger calls the office the dispatcher quotes the regulation to the passenger.

-- **Sandra Cofer, Retired Bus Operator, Augusta Public Transit, Augusta, Ga.**

ANY boarding or alighting of a patron not within a designated zone increases the liability of the Transit Service. The operator acted correctly. He was willing to cross the street and wait/pick-up this errant patron. Any potential patron entering into traffic (busy or not) becomes a liability to oneself. The patron will be focusing on addressing/challenging the operator and most likely not on the risk he or she has placed themselves. I can see the operator's statement now..."He ran into traffic to catch my bus and was struck..."

-- **Larry**

Simple One – the bus operator was right – the supervisor should be replaced by the bus driver – and the supervisor made to drive the bus.

-- **Anonymous**

There is no way should the driver let the person board.

- It's not a precedent the system wants to set.
- The patron put himself in the dangerous situation with no liability to the agency.
- There's a stop within the vicinity.

-- **Anonymous**

While operationally speaking we want to discourage this practice from our customers the reality is that in this litigious world if that passenger, after being denied boarding by the coach operator, was subsequently struck by another vehicle, the agency would be involved in a large lawsuit. In my personal opinion, the lesser of the two evils is to board the passenger and convey to them that they cannot request to board away from a curb again.

-- **Anonymous**

Absolutely not. Allowing the patron to board, even with an admonishment from the bus operator, implicitly sanctions the patron's unsafe action and invites repeat and copycat performances.

-- **Anonymous**

The operator should have boarded the passenger to get him/her out of the flow of traffic. It would then be advisable to inform the passenger of the policy of using bus stops for the purpose maintaining a schedule.

Chastising the customer for being stupid enough to stand in a traffic lane to attempt to board a bus should be left up to operator discretion.

-- **Michael Knispel, Lynx, Orlando, Fla.**

The operator was correct for not boarding the passenger in traffic. If you foster this behavior it will only grow and become more common. Additionally the bus would be creating a hazard by not moving with traffic.

-- **Anonymous**

The Operator should (If Safe to do so, i.e. bus is not moving nor expected to move) open their door, the person will naturally board. the operator may then close the door and explain policy to the passenger. Operator should follow up with notification to management. The approach is always "Safety First" followed by policy. Difficulty on a continued basis should be met with passenger contact from management.

-- **Anonymous**

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