

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEATTLE MIDEAST AWARENESS  
CAMPAIGN, a Washington non-profit  
corporation,

Plaintiff,

vs,

KING COUNTY, a municipal corporation,

Defendant.

No. 2:11-cv-00094-RAJ

DECLARATION OF JIM O'ROURKE  
IN SUPPORT OF KING COUNTY'S  
BRIEF IN OPPOSITION TO SEATTLE  
MIDEAST AWARENESS  
CAMPAIGN'S MOTION FOR  
PRELIMINARY INJUNCTION

Noted for February 11, 2011

I, Jim O'Rourke, declare that:

1. I am Operations Manager for King County Metro Transit ("Metro"), am  
competent to testify and base this declaration on personal knowledge.

2. I have worked for Metro for 31 years, including prior roles as transit operator,  
first line supervisor, base chief, base supervisor and labor negotiator. As Operations Manager, I  
am currently responsible for approximately 3000 employees, including about 2800 bus drivers,  
140 first line supervisors, 40 Chiefs, assorted staff and 13 direct-report Supervisors. Included in

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AWARENESS CAMPAIGN'S MOTION FOR PRELIMINARY  
INJUNCTION - 1 (11-00094 RAJ)

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1 my area responsibility are seven operating bases, field supervision, the bus radio control center,  
 2 and operations training, planning and technology. In short, my job is to help see that Metro  
 3 buses keep running safely and serving their customers.

4 3. Metro's Operations Mission, as trained and known by transit operators, is "Safety,  
 5 Service and Schedule, in that order."

6 4. That mission is set-forth on the cover of the *Transit Operator's Handbook*, aka,  
 7 "The Book". *The Book* also states that "Safety is the number one priority of King County Metro  
 8 Transit." *The Book*, page 3. Similarly, *The Book* includes the following Operations Mission  
 9 Statement: "Provide safe, dependable service. Demonstrate courtesy and respect for customers,  
 10 fellow employees, and our community. Promote teamwork, job satisfaction, dignity and  
 11 personal growth." *The Book*, page 4.

12 5. True and correct copies of the relevant pages from *The Book*, described above in  
 13 paragraph 4, are attached hereto as Exhibit A.

14 6. During the shortened holiday week of December 20-23, 2010, I became aware of  
 15 a controversy surrounding certain advertisements referencing alleged "Israeli War Crimes"  
 16 ("SeaMAC Ad") that were scheduled to be displayed on Metro buses during the following week,  
 17 starting on Monday, December 27, 2010.

18 7. Our transit operators (bus drivers) are represented by the Amalgamated Transit  
 19 Union, Local 587 ("ATU 587"). On December 22, 2010, I was informed by ATU 587 President  
 20 Paul Bachtel that numerous transit operators had approached him to express safety concerns  
 21 about driving the buses with the controversial SeaMAC Ad. He also informed me that some  
 22 transit operators would refuse to drive Metro buses displaying the SeaMAC Ad on external card  
 23 holders.

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1       8.     One of my concerns as Operations Manager is to take into consideration the  
2 safety concerns of transit operators. Historically, a significant number of transit operators have  
3 been subject to verbal or physical altercations in the line of duty.

4       9.     As Operations Manager, I spent over 8 hours of my own time developing and  
5 discussing plans to deploy the coaches with the SeaMAC Ad. One consideration was  
6 maintaining security of the property where buses with the SeaMAC Ad would be parked  
7 overnight. It was decided that the buses would be housed at Ryerson Base because it is the base  
8 that is the least accessible to vandals and the easiest base to secure from outside entry.

9       10.    Operations staff worked with Metro Transit Police to address security issues,  
10 including the selection of the routes on which these coaches would operate. We chose the SR-  
11 509 corridor as most "controllable" from a security standpoint - police presence could be  
12 concentrated at Burien and downtown and there would be significant time on the SR-509  
13 freeway where the buses would be more difficult to access for prospective vandals or protesters.  
14 We also planned reroutes in the area of the Jewish Federation building on Third Avenue in  
15 downtown Seattle out of respect for the effect on the Jewish community and due to previous  
16 violence there.

17       11.    In order to address the potential safety concerns of transit operators who might be  
18 tasked with driving the buses displaying the SeaMAC Ad, we established a unique and  
19 unprecedented plan. If the buses were deployed, Chiefs would interview the operators in  
20 advance of leaving the base to insure that they were fit for safe duty (not too afraid). To  
21 accommodate this plan, extra report operators would be assigned on the first day of service to  
22 facilitate changing operators off the service, if necessary, due to fear about potential protests  
23 associated with the SeaMAC Ad. Under the plan we developed, operators who simply had a

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1 political objection, as opposed to a safety concern, would be told that they were required to drive  
2 the buses. This plan would have generated additional operating costs for Metro; but we felt it  
3 was necessary to insure the safety of operators and passengers as best we could.

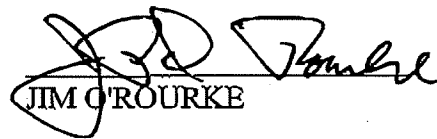
4 12. It is my understanding that in response to the SeaMAC Ad, other groups proposed  
5 to run Counter-Ads that would also have been presented comparable safety and disruption of  
6 service concerns. We would have developed similar safety-related opt-out procedure for  
7 operators scheduled to drive those buses. Additional ads would have resulted in further added  
8 costs for Metro.

9 13. A considerable amount of time and energy was devoted to this issue by Metro  
10 managerial staff at the expense of dealing with other business.

11 14. I was relieved when the King County Executive informed us that he had decided  
12 not to run the SeaMAC Ad.

13 I hereby declare under penalty of perjury of the laws of the United States and the State of  
14 Washington that the foregoing is true and correct.

15  
16 SIGNED and DATED at Seattle, WA this 3rd day of February, 2011:

17  
18   
19 JIM O'ROURKE

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23  
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# **Exhibit A**





# The Book

Transit Operating Handbook  
February 5 - June 30, 2011



King County  
**METRO**

*Safety • Service • Schedule*



## **Safety**

Safety is the number one priority of King County Metro Transit. Safety always takes precedence over service and schedule. To protect themselves, the customer, the general public and King County Metro equipment, Operators are to conduct themselves and operate all equipment in a safe manner at all times. Operators must not, under any circumstances, escalate the risk of assault or injury when faced with unruly customers or fare evasions. Exercise good judgment in order to ensure the safest possible work environment.

### **Safety is everyone's responsibility. Be aware of your surroundings.**

- Operators are not to touch any items - including needles - that have the potential of carrying a blood borne pathogen. Call the coordinator for assistance.
- All drivers of County vehicles must follow all of the rules of the Revised Code of Washington, Chapter 46.61, "Rules of the Road". These laws and regulations, including applicable jurisdictional city laws and regulations are hereby made a part of these safety rules.
- Under normal circumstances deboard customers at designated bus stops along routes so marked. When discharging riders outside of a bus zone (e.g. for night stops, flag stops, reroutes/base routes, emergency, medical or security situations), use good judgment and make safety your primary consideration.
- Trolley Operators are required to wear a safety vest when standing or working on a public roadway.
- A current CDL and medical certificate must be with the Operator for all coach operations.
- Report all injuries and collisions occurring on or in King County property. Other requirements may need to be followed as outlined in the Operations Section.
- Report all on the job injuries using a SIF-2 Form.
- Operators must wear safety belts, including shoulder straps, as designed when operating a County vehicle or when riding as a passenger in any County vehicle.
- Yard Safety
  - Enter and exit yards and facilities only at the appropriately marked entrances and exits.
  - Make a complete stop at all stop signs, stop lines and crosswalks.
  - Adhere to yard and facility speed limits.
  - Drive cautiously and watch for pedestrians and moving vehicles.
  - Walk cautiously and never run.
  - When walking always use the crosswalks and designated pedestrian walkways.
  - Walk down the lane line until you reach the end of the lane or a crosswalk.
  - When in the yard always be cautious and look in all directions before exiting a vehicle or walking between vehicles.
- Operators must never operate any Metro vehicle if their ability or alertness is impaired because of fatigue, illness, or any other condition that could create a safety hazard or risk.
- Report all safety or security incidents using the appropriate incident or security form.
- Heat stress: It is important to stay hydrated when temperatures reach 87 degrees Fahrenheit or above. It is recommended to drink at least 32 ounces of water per hour and wear light uniform clothing.
- Medical emergencies: If you or a customer is experiencing a medical emergency and/or someone is not breathing, press the EA button and follow it up immediately with a PRTT.

## **OPERATIONS MISSION STATEMENT**

"Provide safe, dependable service. Demonstrate courtesy and respect for customers, fellow employees and our community. Promote teamwork, job satisfaction, dignity and personal growth."

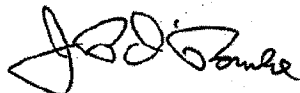
### **FROM THE MANAGER, SCHEDULES AND THE AUDIT . . . . .**

The now infamous performance audit, which was conducted in 2009 advocated for Metro to rebalance its priorities. While Metro had always paid attention to cost, working conditions and service to the public, the audit said that we paid too much attention to working conditions and service at the expense of greater cost. The audit compared things like our overall percentage of layover time to scheduled time and found us lacking in efficiency compared to other transit organizations. As a result of this, auditors suggested more fully utilizing computer programs (HASTUS), along with using tools like cycle time analysis to create more efficient schedules (defined as less percentage of layover time). The results are well known to you. Working conditions have deteriorated and service to the public has been degraded.

As a manager who has responsibility for a large number of employees providing quality service, it is difficult for me to watch as these changes are implemented. I hear complaints from operators about undriveable schedules; and I hear complaints from the public about buses that are very, very late. At the same time, I am puzzled by statistics that show that the amount of early operation in the system has gone up to the highest level in the past two years. If someone has a good explanation for this, I'm all ears.

I have spoken at length with Kevin Desmond about my concerns; and he shares concerns about worsening working conditions and, particularly, about negative effects on service. With the February service change, the Schedule section will have implemented over 80% of the efficiencies requested by auditors. For summer 2011, there will be an effort to take a second look at routes where changes had particularly negative effects, based on your comments. In addition, through the Scheduling Committee, union personnel are analyzing the proximity and usability of comfort stations for all routes in the system. We hope to incorporate this data into future schedule revisions to insure adequate time for comfort station use.

While layovers will never return to what they were, we do hope to improve working conditions on some of the worst routes. Thanks for keeping those green cards coming. Thanks also for your patience as we work through a very difficult situation. Finally, thanks for continuing to make safe operation your first priority and for not letting those bad schedules drive you.



Jim O'Rourke  
Manager  
Transit Operations