



*A bold voice for transportation workers*

January 2, 2014

Mr. Peter Rogoff  
Administrator  
Federal Transit Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

**RE: The National Public Transportation Safety Plan, the Public Transportation Agency Safety Plan, and the Public Transportation Safety Certification Training Program; Transit Asset Management  
Docket No. FTA-2013-0030  
RIN 2132-AB20; 2132-AB07**

Dear Administrator Rogoff:

On behalf of the Transportation Trades Department, AFL-CIO, I write in response to the Federal Transit Administration (FTA) Advanced Notice of Proposed Rulemaking (ANPRM) addressing several issues relating to the new Public Transportation Safety Program (National Safety Program) and the requirements of the new transit asset management provisions as established by MAP-21. By way of background, TTD consists of 32 affiliated unions, including several that represent public transportation workers.<sup>1</sup>

We support the agency's efforts to carry-out its authority to regulate the safety of public transportation, a new and important responsibility authorized by Congress in MAP-21. TTD expressed support for this authority when the Administration proposed it in 2009 and when Congress considered its inclusion in MAP-21.<sup>2</sup> We appreciate that FTA published an ANPRM

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<sup>1</sup> Attached is a complete list of TTD affiliates.

<sup>2</sup> TTD's Executive Committee adopted a policy statement in February 2010 expressing support for the Obama Administration's legislative proposal requiring federal oversight and universal rules for transit systems.

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



to begin implementing this new responsibility, and we offer the following recommendations on the Public Transportation Agency Safety Plan specifically.

As the agency explains, 49 USC § 5329(d)(1) requires transit agencies receiving § 5307 Urbanized Area Formula funds or § 5311 Rural Area Formula funds to certify that they have in place a Public Transportation Agency Safety Plan (Transit Agency Safety Plan or Plan). These Plans must include certain minimum elements, such as requiring that the board of directors approve the Plan and any modifications; establishing performance targets based on national safety performance criteria and state of good repair standards; and creating a comprehensive staff training program for operators and those responsible for safety.

We believe these Plans will help improve safety, but in order for them to be truly effective and complete, agencies must incorporate the input of transit labor. Transit workers are on the frontlines of the day-to-day operations and know better than anyone the system's schedules, routes and technology and employee responsibilities. Their knowledge of the unique and real-world challenges of the workplace offers invaluable expertise that can be helpful in identifying and evaluating system safety risks, finding ways to minimize public exposure to hazards and assisting a transit agency in meeting the other statutory minimum Plan requirements. Transit agencies would be hard-pressed to replicate the unique knowledge of frontline workers, and we believe transit labor must play a significant role in the creation and adoption of these Plans.

We also recommend FTA to require transit agencies to address a growing concern for this sector: assaults on transit workers. These workers regularly interact with the public in their day-to-day tasks and are vulnerable to abuse from unruly passengers. In particular, threats of physical danger to bus drivers are now commonplace, causing unacceptably high rates of injury and worker anxiety. These assaults also pose serious safety risks to bus riders, as passengers may become involved in an altercation when the violence spreads within the close confines of a bus. And when attacks occur while a bus is in operation, the driver may become distracted and lose control, posing danger to passengers, pedestrians and other motorists on the road.

Various solutions to this problem have been proposed, such as vehicle design changes that include the installation of plexiglass partitions to separate drivers from passengers, as well as the presence of uniformed police officers aimed at helping to deter attackers and improving enforcement. Given that violence is a serious safety concern, FTA should require transit agencies to address this issue in their Transit Agency Safety Plans.

In addition, we note that bus operators also face occupational health problems that may cause safety concerns. Drivers are sometimes forced to work several continuous hours without a restroom break, as many transit agencies do not provide suitable time or facilities for drivers to use a restroom. As a result, drivers may not be focused solely on the road, potentially jeopardizing the safety of passengers and other drivers. Transit agencies across the country must

begin addressing this concern and FTA should require that they include in their Plans steps to correct this problem.<sup>3</sup>

With regard to the implementation of these Plans, FTA seeks comments on transit agencies' use of a risk-based analysis approach. Specifically, FTA states that "a risk-based analysis can be applied in analyzing human factors such as employee fitness for duty (e.g... not suffering from acute or cumulative fatigue...)." In order to be well-informed, a fitness for duty risk-based analysis must assess all underlying health and fitness contributors, organization of work and specified safety outcomes. For example, we agree that fatigue poses serious safety concerns, but transit agencies adopting a risk-based analysis approach must assess the underlying factors contributing to fatigue, such as long split shifts or loopholes that contribute to excessive hours on the road. Without full consideration of all factors, an analysis may be shortsighted and compromise the effectiveness of a Transit Agency Safety Plan.

Our nation's public transportation systems play a vital role in connecting Americans to their place of work, grocery stores, medical facilities, and countless other destinations. With the support of the workers we help represent, public transit agencies provided more than 10 billion unlinked passenger trips in 2011, indicative of the ridership increases we've seen in recent years.<sup>4</sup> As Americans continue to rely on public transit for mobility, these systems must operate at the highest standard possible to ensure the safety of its riders. The development of Transit Agency Safety Plans will help improve transit safety if they meet the requirements set by FTA and those we recommend above.

We appreciate the opportunity to comment on this ANPRM, and we hope FTA will take our views into consideration.

Sincerely,



Edward Wytkind  
President

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<sup>3</sup> Attached is a policy statement adopted by TTD's Executive Committee in October 2013 that addresses driver assaults and restroom breaks.

<sup>4</sup>The American Public Transportation Association's 2013 Public Transportation Fact Book, <http://www.apta.com/resources/statistics/Pages/transitstats.aspx>, page 8.