



*A bold voice for transportation workers*

June 10, 2019

Maggie Schilling  
National Transit Database Program Manager  
FTA Office of Budget and Policy  
1200 New Jersey Ave SE  
Washington, DC 20590

**RE: National Transit Database Reporting Changes and Clarifications**  
**Docket No: FTA-2018-0010**

Dear Ms. Schilling,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the Federal Transit Administration's (FTA) notice providing information on proposed changes and clarifications to the National Transit Database (NTD) reporting requirements. By way of background, TTD consists of 33 affiliate unions representing workers in all modes of transportation including those in the transit sector.<sup>1</sup> We therefore have a vested interest in the proposal

TTD has serious concerns that the FTA is setting the stage to normalize the use of transportation network companies in cooperation with or as a substitute for public transportation without fully considering the effects of this policy on safety, the fair distribution of federal funds, and ensuring a level playing field for workers. For those reasons, we respectfully urge FTA to consider withdrawing Section B of the notice until such a time that the following issues are fully resolved.

First, TTD does not believe that the FTA should add transportation network companies (TN) as a reportable service mode to the NTD without accounting for the limitations of the service they provide and the true costs of those services when compared to transit buses.

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<sup>1</sup> Attached is a complete list of TTD's 33 affiliate unions.



As you know, the federal government allocates funds to transit agencies through a formula that includes a variety of factors that include bus passenger miles. If the FTA implements this notice, transit agencies will receive the same allocation of funding for TN service as they do bus service. Yet, operating a bus is significantly more expensive than a passenger vehicle and provides a far greater utility in total ridership. To compare the provision of service by a vehicle that may only serve 2-3 passengers at a time to a bus that may serve 60 or more passengers is clearly not in line with the intended purpose of the NTD and should not be treated equally in regulations.

Unfortunately, TTD does not believe that the FTA has the authority to make such changes to the distribution of federal transit formula funding in the absence of legislation. We urge you to reconsider this proposal while Congress deliberates reauthorization of our surface transportation programs, and can respond appropriately to ensure the equitable and fair distribution of formula funding for the provision of new services.

Second, TTD believes that implementing this policy will create an unequal playing field for the transit workforce, and may have negative impacts on the provision of safe public transportation.

Specifically, based on the FTA's previously published "Shared Mobility FAQs" we are concerned that the taxi cab exemption under the drug and alcohol testing requirements in 49 U.S.C. Section 5331 will create an environment in which transit operators are held to a different safety standard than operators contracted under TN service.

TTD understands that the taxi cab exemption was created to ensure that federal regulations were not imposed on the taxi industry for limited contract services, such as guaranteed ride home programs. In contrast, shared-ride service provided by TNCs could be used extensively as an alternative to current fixed-route and demand response public transportation. If shared-ride TNC service is provided by an agency as public transportation, the operators of that shared-ride TNC service should be considered a contractor providing a safety-sensitive function for a recipient or subrecipient of FTA funds and subject to drug and alcohol testing under 49 U.S.C. Section 5331.

### **Improved Data Collection on Operator Assaults**

Under section G of this notice, we encourage FTA to use this opportunity to gather better data about transit assaults and to ensure a more transparent environment for the public dissemination of that data.

Under current law, the NTD does not contain data on all assaults on transit. Instead, it contains data on only those assaults that required immediate medical attention away from the scene, those that are classified as a 'serious injury', or that resulted in a fatality.

However, this paints an incomplete picture of the dangers faced by transit operators, which affect not only their safety but also that of their passengers and those who share the street around them. News reports of bus operators who are spit on, slapped, pushed, have objects thrown at them, and more are a now daily occurrence. Yet none of those events would likely result in a reporting to the NTD as they may not be considered serious injuries.

What's more, while the NTD tracks injuries and fatalities, some of which may be the result of an assault, and produces that information online, an observer has no way of knowing which injuries or fatalities in the NTD were the result of an assault without analyzing the safety event data, which is contained in the Safety & Security (S&S) 40 Form (Major Incidents). That form is only available through a FOIA request.

Therefore, TTD requests the following. First, the NTD must track all incidents in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety or health of any individual, or with a reckless disregard for the safety or health of human life, interferes with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties. This includes circumstances that do not require immediate medical attention or that do not result in a fatality, which are currently reported to the NTD. This information should be made available to the public and clearly categorized so that transit agencies and the frontline workforce cannot possibly measure and properly respond to needs based on national trends in public safety.

We appreciate the opportunity to comment on this request, and we look forward to continuing to work with the agency going forward.

Sincerely,

A handwritten signature in cursive script that reads "Larry I. Willis".

Larry I. Willis  
President



**Transportation Trades Department, AFL-CIO**  
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***TTD MEMBER UNIONS***

Air Line Pilots Association (ALPA)  
Amalgamated Transit Union (ATU)  
American Federation of Government Employees (AFGE)  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers (AFT)  
Association of Flight Attendants-CWA (AFA-CWA)  
American Train Dispatchers Association (ATDA)  
Brotherhood of Railroad Signalmen (BRS)  
Communications Workers of America (CWA)  
International Association of Fire Fighters (IAFF)  
International Association of Machinists and Aerospace Workers (IAM)  
International Brotherhood of Boilermakers, Iron Ship Builders,  
Blacksmiths, Forgers and Helpers (IBB)  
International Brotherhood of Electrical Workers (IBEW)  
International Longshoremen's Association (ILA)  
International Organization of Masters, Mates & Pilots, ILA (MM&P)  
International Union of Operating Engineers (IUOE)  
Laborers' International Union of North America (LIUNA)  
Marine Engineers' Beneficial Association (MEBA)  
National Air Traffic Controllers Association (NATCA)  
National Association of Letter Carriers (NALC)  
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)  
National Federation of Public and Private Employees (NFOPAPE)  
Office and Professional Employees International Union (OPEIU)  
Professional Aviation Safety Specialists (PASS)  
Sailors' Union of the Pacific (SUP)  
Sheet Metal, Air, Rail and Transportation Workers (SMART)  
SMART-Transportation Division  
Transportation Communications Union/ IAM (TCU)  
Transport Workers Union of America (TWU)  
**UNITE HERE!**  
United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)  
United Mine Workers of America (UMWA)  
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service  
Workers International Union (USW)

*These 33 labor organizations are members of and represented by the TTD*

