



A bold voice for transportation workers

August 16, 2021

Nuria Fernandez
Federal Transit Administration
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Transit Safety Concerns
Docket No. FTA-2021-0011**

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Transit Administration's (FTA) Request for Information on Transit Safety Concerns. TTD consists of 33 affiliate unions representing workers in all modes of transportation, including most transit workers across the country. We therefore have a vested interest in this policy.¹

FTA is seeking information and data from the public on safety concerns and issues recommended for additional assessment and potential action at the Federal level. As stated in the notice, FTA is developing the next Safety Risk Management (SRM) Action Plan to prioritize safety concerns for future SRM analyses and federal action.

We appreciate FTA soliciting comments on priorities for the next SRM Action Plan. No one understands risks to safety better than the workers who operate and maintain our nation's transit systems daily. There are several issues that we believe pose critical threats to worker and system safety.

First, assaults on transit workers have not received adequate attention, data collection, or prevention efforts. TTD has been at the forefront of calling for strong protections for workers from assault since 2013, and men and women on the front lines are still waiting for adequate protection while on the job.

¹ Attached is a list of TTD's 33 affiliated unions.



Prior to the pandemic, hundreds of stories circulated in the news each year about transit workers being hit, spat on, pelted with objects by passengers, and tragically, sometimes assaulted or killed with deadly weapons. Bus operators often work alone, which leaves them more exposed to the worst abuses, often without the ability to identify witnesses to the crimes.

These assaults do not only cause physical and emotional hardship for bus operators. The violence can also put passengers in harm's way. Assaults have occurred on moving buses causing the driver to lose control of the vehicle, putting passengers, pedestrians and other motorists in imminent danger.

This epidemic of violence is not improving. Assault data collected by the National Transit Database (NTD) clearly demonstrates that violence continues to plague transit operators nationwide. The pandemic has only exacerbated these problems, as bus drivers have been asked to enforce mask mandates, social distancing, and other pandemic-related safety measures. As discussed below, even this data fails to demonstrate the true scope of the problem since it only narrowly records incidents that require medical assistance.

A comprehensive plan needs to be developed to improve this situation as well as to gather data to determine how common transit worker assault is. Current data often leaves out assaults on workers who are not on vehicles such as station agents, sanitation staff, and maintenance personnel. These workers can be vulnerable to assault and without witnesses to assist them. NTD data is also woefully inadequate in that it only measures the most serious attacks leading to hospitalization or death. This does not capture the full scale of the problem, leaving representatives of transit workers and transit agencies who wish to protect transit workers unable to examine national and local trends, and respond accordingly. Comprehensive data is needed desperately to assess the problem and begin developing strategies to keep workers safe.

In 2013, TTD's Executive Committee called for federal action to better protect transit operators. In 2015, TTD and our affiliated unions successfully fought for the inclusion of assault prevention language in the Fixing America's Surface Transportation (FAST) Act. This language required the Federal Transit Administration (FTA) to publish a Notice of Proposed Rulemaking (NPRM) that established safety standards, practices, or protocols for protecting transit operators from the risk of assault. In 2019, more than four years after the passage of the FAST Act, the FTA issued a notice (84 FR 24196) that fell short. Rather than requiring real mitigation strategies that may have led to the increased use of driver shields or de-escalation training to prevent these assaults, the FTA gave wide latitude to transit agencies to carry on without protecting workers or without considering the worker voice when identifying and addressing safety concerns.

Of note, the Infrastructure Investment and Jobs Act, which was recently passed by the Senate and is awaiting consideration in the House, contains two sections which would greatly strengthen the requirements put forward under the FAST Act. If passed into law, TTD urges the FTA to take immediate action in implementing SEC. 30012. Public Transportation Safety Program and, as it relates to defining driver assault, SEC. 30001. Definitions.

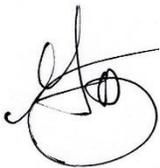
We also must make clear that any formal rulemaking from FTA regarding worker assault needs to include all frontline transit workers, not only operators.

Second, the growing deployment of automated and self-driving shuttles requires data collection to assess their safety. Autonomous passenger cars have caused worrying crashes and safety failures, and data is necessary to establish whether shuttles are affected by the same issues. We believe this information should be reported to the NTD akin to the way other DOT agencies require incident reporting.

Lastly, we believe that data collected and reported needs to be as widely available and transparent as possible. The NTD is a powerful tool that can be leveraged to provide the public with data about existing and emerging trends, but much of the information entered is not available for easy public access. All safety data collected by the NTD should be accessible to the public and updated regularly.

We appreciate the opportunity to comment on FTA's upcoming priorities. We look forward to working with the administration in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', with a large, stylized flourish at the end.

Greg Regan
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 (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

