

May 24, 2024

The Honorable Veronica Vanderpool
Acting Administrator
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

**Re: NPRM re: Rail Transit Roadway Worker Protection
Docket No. FTA-2023-0024**

Dear Acting Administrator Vanderpool:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Transit Administration's (FTA) notice of availability of proposed standards for rail transit roadway worker protection (RWP). TTD consists of 37 affiliated unions, including those representing the majority of public transportation workers in the United States.¹ We appreciate the FTA's efforts to protect transit workers and prevent accidents, incidents, fatalities, and injuries. We encourage the agency to take our feedback on its proposed standards into consideration. In addition, we endorse the comments filed in this docket by our affiliates, the Transport Workers Union of America (TWU) and the Amalgamated Transit Union (ATU).

As stated in the FTA's notice, this NPRM would apply to rail transit agencies (RTAs) covered by the State Safety Oversight (SSO) program, SSO agencies (SSOAs), and rail transit workers who access the roadway to perform work. It would set minimum standards for RWP program elements, including an RWP manual and track access guide; requirements for on-track safety and supervision, job safety briefings, good faith safety challenges, and reporting unsafe acts and conditions and near-misses; development and implementation of risk-based redundant protections for workers; and establishment of RWP training and qualification and RWP compliance monitoring activities.

Roadway workers can be particularly vulnerable to injury due to the nature of their jobs, and we strongly believe that FTA has a duty to provide regulation to ensure that these workers are protected. Too many tragic incidents have occurred leading to serious injuries and deaths that could have been avoided with adequate protections in place. The safety of workers' lives deserves many more redundancies than Train Approach Warning (TAW) can provide, and we appreciate that the FTA's proposed rule acknowledges this important reality.

¹ Attached is a complete list of unions affiliated with TTD.

We have previously filed comments noting that robust safety protocols are necessary to ensure that all redundancies are leveraged to keep roadway workers safe.² These redundancies include ongoing communication with dispatchers, shunts, blue flags, signage, and locked derails to indicate that tracks are occupied. Labor representatives must have input in identifying needed redundancies and protocols. We are therefore encouraged to see that the FTA's NPRM would require each Rail Transit Agency (RTA) to conduct a safety risk assessment to identify redundant protections for all workers to be included in the RWP program and manual.³ We are hopeful that the FTA will utilize this rulemaking as a starting point to establish more specific and prescriptive RWP standards in the future.

In addition, TTD expresses our strong support for the FTA's inclusion of "good faith safety challenge" provisions in its proposed rule. It is essential that transit roadway workers have the ability to challenge unsafe work, as they are in the best position to fully understand the safety concerns they will face while completing specific assignments and tasks. As our affiliate, the ATU, notes in its comments in this docket, the FTA should also define an equitable process for resolving conflicts that arise following roadway workers' exercise of their work refusal rights. Such a process could include negotiations between pre-designated union representatives and managers, with mediation or arbitration when necessary.

We appreciate the opportunity to comment on this proposed rulemaking and look forward to working with the FTA in the future.

Sincerely,



Greg Regan
President

² <https://ttt.org/policy/ttd-urges-fta-to-protect-transit-workers/>

³ We would also note, importantly, that this manual would be subject to the normal review and revision process of each transit agency's public transportation agency safety plan in accordance with 49 USC 5329