

Request for Information on Transit Safety Concerns

Federal Register Notice

Docket Number: FTA-2021-15078

July 26, 2021



Welcome



Gail Lyssy
Acting Associate Administrator
Office of Transit Safety and Oversight

Welcome



Ray Biggs, II
Division Chief

Safety Assurance and Risk Management Division
Office of Transit Safety and Oversight



Summary

The Federal Transit Administration (FTA) is responsible for administering a Public Transportation Safety Program to improve the safety performance of the Nation's transit systems. FTA adopted the principles and methods of Safety Management Systems (SMS):

- As the foundation of the Safety Program,
- To proactively identify safety risks, and
- To address safety risks at the industry level.

This request for information solicits input from the public regarding FTA's safety concerns. The public is asked to provide information and data that can be used by FTA as a consideration when prioritizing safety concerns in the transit industry for SMS analysis.

DEPARTMENT OF TRANSPORTATION
Federal Transit Administration

[FTA Docket No. FTA 2021-0011]

Request for Information on Transit Safety Concerns

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Request for information.

2021 / Notices

3-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Exemption
During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion
Based upon its evaluation of the three exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibitions, § 391.41(b)(8), subject to the requirements cited above:

Angela Casarico (CT); Wesley Campbell (CA); and Thomas Frederick (PA)

In accordance with 49 U.S.C. 31136(e), each exemption will be valid for 2 years from the effective date unless renewed under FMCSA. The exemption will be renewed if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31136(f).

Larry W. Miner,
Associate Administrator for Policy
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MAILING CODE 4910-ES-2

DEPARTMENT OF TRANSPORTATION
Federal Transit Administration

[FTA Docket No. FTA 2021-0011]

Request for Information on Transit Safety Concerns

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Request for information.

that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments
FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination
Under 49 U.S.C. 31136(e) and 31136(f), FMCSA may grant an exemption from the FMCSRs for no longer than a 3-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 3-year period. FMCSA grants medical

May 26, 2021, Federal Register notice (86 FR 28423) and will not be repeated in this notice.

Three three applicants have been seizure-free over a range of 17 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in such case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements
The terms and condition of the exemption are provided to the applicants in the exemption document and include the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the

¹ These criteria may be found in APPENDIX A TO PART 391 - MEDICAL ADVISORY CRITERIA, which is located in 49 CFR, part 391, appendix A, 4, and 5, which is available on the internet at <https://www.ecfr.gov/Title49/Part391/Appendix-A-4>.

Webinar Agenda

- Request for Information on Safety Concerns Published in the Federal Register
 - Background
 - Questions to the Public
- Submission Details
 - Dates and Addresses
 - Privacy Act
 - US Department of Transportation (USDOT) Point of Contact



Background



Published Public Transportation Safety Program regulation, 49 CFR Part 670

Published the Public Transportation Agency Safety Plan regulation, 49 CFR Part 673

Implemented Safety Risk Management (SRM) process to proactively address safety concerns

Addressing four safety concerns utilizing SRM process and developing SRM Action Plan to prioritize safety concerns for future analyses



FTA seeks information and data from the public on safety concerns the industry believes FTA should consider including in its next SRM Action Plan for potential action at the Federal level.



FTA believes that the transit industry's input is important in identifying and proactively mitigating safety concerns impacting the transit community.

Questions to the Public (1 of 3)

Topic: Safety Concerns

1. What transit safety concerns should FTA consider analyzing through its SRM process for small transit providers? Large transit providers? Rail, bus, and multimodal transit providers? Briefly describe why each identified safety concern should be considered, including any data-based evidence that may be available.
2. Are there any new or emerging safety concerns that may not yet appear in industry data (either through near-misses or not meeting reporting thresholds, for example) that should be analyzed by FTA to proactively mitigate future impacts?

Questions to the Public (2 of 3)

Topic: Sources of Information and Data

3. Are there additional sources of information and data, beyond those detailed in this request, that may help inform FTA's identification of high-priority safety concerns for the SRM process and potential action at the Federal level?
4. Are there additional sources of information and data, beyond those detailed in this request, that FTA should consider in supporting the assessment and mitigation of identified transit safety risks?
5. Should data sources outside of those maintained by transit agencies and FTA, such as geographic or demographic data, be considered to support the identification of safety concerns and assessment and mitigation of safety risk? If so, which data sources and why?



Questions to the Public (3 of 3)

Topic: Examples

6. What are examples of safety concerns evaluated by a transit agency that can be shared with FTA?
7. What are examples of high-impact data that supported the identification of safety concerns and hazards and the corresponding safety risk assessment and mitigation that can be shared with FTA?
8. Is there anything else FTA should know regarding the identification of safety concerns for the SRM process?



Dates and Addresses

- Comments are requested by August 16, 2021.
- You may file comments identified by docket number FTA-2021-15078 by any of the following methods:

Federal eRulemaking Portal

Go to <https://www.regulations.gov>
and follow online instructions for submitting comments

Mail or Hand Delivery/Courier*

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave, SE, West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Fax

(202) 493-2251

*Open between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal Holidays



Privacy Act

- All comments received into the docket will be made public in their entirety excluding exceptions outlined in the Federal Register Notice.
- Comments will be searchable by name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).
- You **should not** include information in your comment that you do not want to be made public.

For more information, please review USDOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477-78) or at <https://www.transportation.gov/privacy>.



USDOT Point of Contact

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