

Request for Information on Transit Worker Safety

Federal Register Notice

Docket Number: FTA-2021-0012

October 12, 2021



Welcome



Gail Lyssy

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Summary

The Federal Transit Administration (FTA) administers 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.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2021-0012]

Request for Information on Transit Worker Safety

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

ACTION: Request for information.

24, 2021 / Notices 53143

worker safety during tasks conducted on or about the transit roadway, such as track inspections. These programs are designed to protect workers from the movement of trains, as well as other hazards on the roadway, like electrified third rail. Some programs include redundant protections, or protections beyond the workers' ability to detect a train.

FTA categorizes redundant protection into two main groups: physical and procedural. Physical redundant protections use technological or mechanical interventions that physically stop a train from striking a roadway worker, such as a detacher or shunt in the signal system. Procedural redundant protections are rule-based interventions that rely on worker training and compliance, such as the use of foul time to clear the track for workers.

The National Transportation Safety Board (NTSB) and Transit Advisory Committee for Safety (TRACS) recommended that FTA take action to address safety concerns associated with RWP. The NTSB included "Improving Rail Worker Safety" in its 2017-2022 Most Wanted List, which identified FTA's lack of RWP regulations, as well as concerns about a lack of redundant protections and deficiencies in agency RWP training programs. TRACS developed eight RWP recommendations in its final report submitted in September 2020, which included minimum safety rules and requirements, as well as research and best practices for RWP.

Transit Worker Assault Prevention TRACS also recommended actions to address transit worker assault. FTA continues to explore options for potential FTA actions to address this concern. From 2010 to 2020, FTA has noted an average annual increase of 17 percent in the rate of all security events reported to the National Transit Database (NTD) per passenger boarding. There also has been an increase in the rate of assaults on transit operators, defined by the NTD as the personnel (other than security agents) scheduled to be aboard vehicles in revenue operations, including vehicle operators, conductors, and ticket collectors. Based on a review of NTD data, FTA also notes that other transit workers such as station managers, who do not meet the NTD definition of operators but are public-facing, also experience assaults in transit systems.

For the purposes of this RFI, in discussing transit worker assault, FTA will use definitions established in the NTD. The NTD defines assault as "an

industry level. Through this Request for Information (RFI), FTA solicits public input regarding safety topics that affect transit workers in two areas: Rail Transit Roadway Worker Protection (RWP) and transit worker assault prevention. FTA will use this information to evaluate potential actions to mitigate the identified safety risk for transit workers.

DATE: Comments are requested by November 23, 2021.

ADDRESSES: You may file comments identified by docket number FTA-2021-0012 by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Instructions: For detailed instructions on submitting comments, see the Public Participation heading of the SUPPLEMENTARY INFORMATION section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

development of rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329.

FTA expanded its safety oversight capabilities by establishing an internal SMS approach for identifying transit safety hazards and mitigating safety risk. In 2019, FTA implemented its Safety Risk Management (SRM) process to proactively address safety concerns impacting the transit industry. The SRM process follows a five-step approach: (1) identify safety concerns; (2) assess safety risk; (3) develop mitigation; (4) implement mitigation; and (5) monitor safety performance. As a result of the first two steps, FTA may develop and advance appropriate mitigations to address a safety risk, such as proposed safety regulations, general or special directives, safety advisories, or technical assistance and training activities.

FTA is currently analyzing two safety concerns utilizing its SRM process related to transit worker safety: RWP and transit worker assault prevention. FTA has observed that transit agencies have worked to improve transit worker safety in both safety concern areas through new technologies, increased training, and the establishment of new rules and procedures.

Rail Transit Roadway Worker Protection

An RWP program is a rail transit agency's (RTA) approach to ensuring

This Request For Information (RFI) solicits input from the public regarding transit worker safety mitigations, including potential minimum safety standards for Roadway Worker Protection (RWP) programs and transit worker assault prevention.

Webinar Agenda

- RFI on Transit Worker Safety 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

Introduction



Frank Hackett
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Office of Transit Safety and Oversight

Background (1 of 3)



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

Analyzing Transit Worker Safety utilizing SRM process to address the RWP and transit worker assault safety concerns



FTA seeks public input about the use of RWP redundant protections and transit worker assault prevention.



FTA believes that the transit industry's input is important to understanding risks to transit workers and the potential need for safety mitigation. FTA will use the input received to evaluate potential actions to enhance safety for transit workers.

Background: RWP (2 of 3)



RWP

- A rail transit agency's (RTA) approach to ensuring worker safety during tasks conducted on or about the transit roadway
 - Example: Track inspections



Redundant
Protections

- Protections beyond the workers' ability to detect a train



Physical Redundant
Protections

- Technological or mechanical interventions that physically stop a train from striking a roadway worker
 - Example: Derailer or shunt in the signal system



Procedural
Redundant
Protections

- Rules-based interventions that rely on worker training and compliance
 - Example: Use of foul time to clear the track for workers



Background: Transit Worker Assault (3 of 3)

- The Transit Advisory Committee for Safety (TRACS) recommended actions to address transit worker assault
- Average annual increase of 17 percent from 2010 to 2020 in the rate of all security events reported to the National Transit Database (NTD)



Transit
Operators

- Personnel (other than security agents) scheduled to be aboard vehicles in revenue operations
- Includes vehicle operators, conductors, and ticket collectors



Assault

- An unlawful attack by one person upon another

- Other transit workers (ex. station managers) who do not meet the NTD definition of operators but are public-facing also experience assaults in transit systems

Questions to the Public (1 of 7)



Topic: Roadway Worker Protection

1. How often do RTA workers work on or about the roadway while passenger trains or other equipment moves are made?
2. Which RTAs currently have an RWP Program?
 - a. How are these programs implemented?
 - b. What types of training and certifications are required?
 - c. What costs are associated with various programs?



Questions to the Public (2 of 7)



Topic: Roadway Worker Protection

3. What types of redundant protections (physical or procedural, as categorized by FTA) do RTAs use?
 - a. How do RTAs implement the requirements for redundant protections or what steps do RTAs take to determine what kinds of redundancies to implement?
 - i. Should only physical redundant protections, such as shunts or derailleurs, be required when train or equipment moves are permitted?
 - ii. Should procedural protections, such as foul time, be permitted in lieu of physical redundant protections?



Questions to the Public (3 of 7)



Topic: Roadway Worker Protection

4. How should RWP effectiveness be reviewed and measured by an RTA or other safety stakeholder?
 - a. How does an RTA review and measure RWP effectiveness?
5. What approaches to RWP have been most effective and least effective?
6. If FTA pursues requirements for RWP programs, what minimum requirements should be included?
 - a. Should the same requirements apply to each rail transit mode, as defined by the NTD?



Questions to the Public (4 of 7)



Topic: Roadway Worker Protection

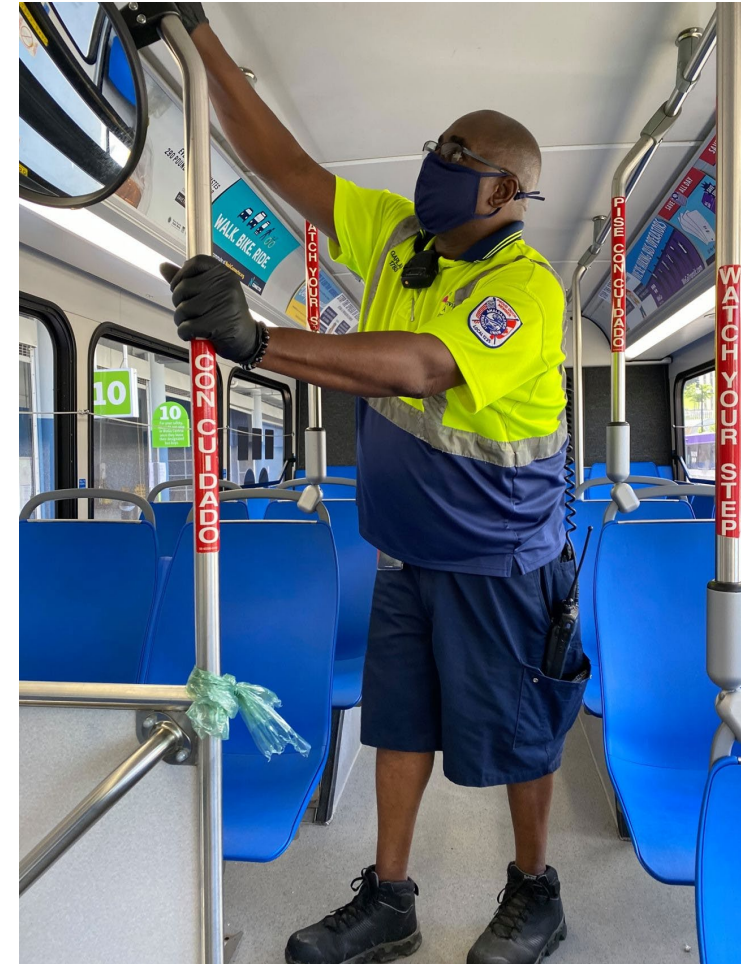
7. What other types of FTA actions might be beneficial to support roadway worker safety?
8. What information do RTAs collect on RWP that is not reportable to the NTD?
 - a. What internal thresholds do RTAs use for tracking roadway worker safety events other than those reportable to the NTD?
 - b. On average, how many additional roadway worker safety events occur per year that do not meet a current NTD reporting requirement?
 - c. What are or would be the costs associated with collecting and tracking these additional safety events?
9. What technology is available to increase roadway worker safety?
 - a. How can FTA better support the development and implementation of these technologies?

Questions to the Public (5 of 7)



Topic: Transit Worker Assault Prevention

10. What types of interactions typically lead to transit worker assaults, including operator assaults?
- What actions could address and limit these types of interactions?
 - What approaches could prevent transit worker assaults?
 - What differences, if any, are there in approaches to preventing transit worker assaults across different types of transit systems or modes?



Questions to the Public (6 of 7)



Topic: Transit Worker Assault Prevention

11. If FTA pursues requirements to address transit worker assaults, what minimum requirements should be included?
 - a. How should the requirements apply to different transit system types or modes?
12. What other types of FTA actions might be beneficial to support transit worker assault prevention?
13. What information is collected on transit worker assaults that is not reportable to the NTD?
 - a. What internal thresholds do RTAs use for tracking transit worker assaults other than those reportable to the NTD?
 - b. On average, how many additional transit worker assaults occur per year that do not meet a current NTD reporting requirement?
 - i. How many of these additional transit worker assaults are operator assaults?
 - c. What are or would be the costs associated with tracking these additional assaults?

Questions to the Public (7 of 7)



Topic: Transit Worker Assault Prevention

13. What technology is available to address transit worker assaults, including operator assaults?
 - a. How can FTA better support the development and implementation of these technologies?



Dates and Addresses

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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>.

Thank You!

Thank you for joining today's webinar!

[Federal Register: Request for Information on Transit Worker Safety](#)





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