

UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Special Directive No. 22-16

Special Directive Under 49 U.S.C. § 5329 and 49 CFR Part 670

Required Actions Regarding Transit Worker Assault

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

SUMMARY: FTA issues this Special Directive to the Massachusetts Bay Transportation Authority (MBTA) to collect information on whether and how the transit agency has assessed, is mitigating, and is monitoring transit worker assault safety risk. This Special Directive requires MBTA to submit requested documentation within 60 days regarding whether and how the transit agency is managing transit worker assault safety risk.

FOR FURTHER INFORMATION, CONTACT: For program matters, Paulina Orchard, Director, FTA Office of System Safety, telephone (202) 366-6153 or Paulina.Orchard@dot.gov; for legal matters, Heather Ueyama, Attorney-Advisor, telephone (202) 366-7374 or Heather.Ueyama@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Assaults on transit workers are a significant and growing concern in the transit industry. From 2008 to 2021, the National Transit Database (NTD) documented an average of 241 transit worker assault major events¹ per year, including 192 per year occurring in or on transit vehicles, 44 per year occurring in transit revenue facilities, and five per year occurring in other non-public locations, such as maintenance shops and yards. The number of reported transit worker assaults per 100 million vehicle revenue miles (VRM) increased by an average of eight percent per year from 2008 to 2021—a 121 percent total increase from the 2008 transit worker assault rate.

This data may significantly underestimate the true number and rate of assaults on transit workers. Today, NTD reporting requirements focus on the most serious events—those that meet the NTD “major event” reporting threshold, as defined by the NTD reporting manual.² The Bipartisan Infrastructure Law, enacted as the [Infrastructure Investment and Jobs Act of 2021](#), significantly expands the data that FTA will collect through the NTD on transit worker assaults in the future.

¹ A major event reported as an assault, defined in the NTD as an unlawful attack by one person upon another, or homicide where a transit worker received immediate medical attention away from the scene or died within 30 days of the event. This includes NTD reporters that are required to report detailed safety and security data to the NTD (full reporters). Full reporters include all rail transit agencies and all urban transit providers with more than 30 vehicles operated in maximum service. Full reporters account for approximately 86% of all public transit service reported to the NTD (as measured by vehicle revenue miles). Note: Assaults on transit workers are not captured as a separate category from other assaults. FTA distinguishes worker assaults as those assaults that result in a worker injury or worker fatality.

² [2022 NTD Safety and Security Reporting Policy Manual \(dot.gov\)](#)

On May 24, 2019, FTA issued a [notice](#) in the Federal Register alerting transit agencies to the need to address the risk of transit operator assault when identified through the processes required under the Public Transportation Agency Safety Plan (PTASP) regulation at [49 CFR part 673](#). The PTASP regulation requires transit agencies to develop and implement Safety Management Systems (SMS) and associated processes for all elements of a public transportation system. In cases where a transit agency identifies hazards associated with operator assault, the PTASP regulation requires the agency, as part of its SMS, to use its documented safety risk management processes to assess the associated safety risk and, based on the results of the safety risk assessment, identify safety risk mitigations or strategies as necessary to address the safety risk. The agency would use these mitigations or strategies to reduce the likelihood and/or severity of the potential consequences related to transit worker assaults, based on the agency's assessment of the risk. The PTASP rule became effective on July 19, 2019, and all applicable transit providers certified to having an Agency Safety Plan in place on or before July 20, 2021.

FTA is concerned because the number and rates of transit worker assaults per full-time transit workers and per 100 million VRM have continued to increase. As part of FTA's efforts to ensure that agencies adequately implement the SMS processes to manage transit operator assault risk that are required by the PTASP regulation and explained by the subsequent transit operator assault notice, FTA analyzed transit worker assault data submitted to the NTD between 2016 and 2021. Through this analysis, FTA has determined that MBTA and eight other transit agencies accounted for 79% of all transit worker assaults reported to the NTD. In addition, these transit agencies each reported an average of five or more transit worker assaults to the NTD per year between 2016 and 2021, with no clear downward trend in assaults during this time period, especially from 2019 to 2021.

This Special Directive will enable FTA to determine whether and how MBTA is addressing transit worker assault risk using its SMS processes and to determine if additional FTA intervention is necessary to mitigate the risk of transit worker assault.

DIRECTIVE AND REQUIRED ACTIONS:

Within 60 days of the issuance of this Special Directive, MBTA must provide answers to the attached questions and submit the requested documents to FTA. This information must be submitted via email to FTASystemSafety@dot.gov.

Petition for Reconsideration

Within 30 days of the issuance of this Special Directive, MBTA may petition for special approval to take actions not in accordance with this Special Directive or may petition for reconsideration. Any such petition must be submitted in accordance with [49 CFR § 670.27](#).

In accordance with [49 CFR § 670.27\(g\)](#), the FTA Administrator reviews and disposes of petitions for reconsideration. MBTA must transmit any petition to the Administrator via email to FTASystemSafety@dot.gov.

Enforcement

FTA may take enforcement action for any violation of this Special Directive or the terms of any

written plan adopted pursuant to this Special Directive in accordance with FTA's authorities under 49 U.S.C. § 5329, including but not limited to (1) directing MBTA to use Federal financial assistance to correct safety deficiencies; (2) withholding up to 25 percent of financial assistance to recipient under 49 U.S.C. § 5307; and (3) issuing restrictions or prohibitions as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury.

Issued on: October 4, 2022



Veronica Vanterpool
Deputy Administrator
Federal Transit Administration
U.S. Department of Transportation

Part 1 Instructions (Overview and Safety Risk Assessment):

This document presents a series of questions related to your agency's Safety Management System (SMS) and actions taken related to transit worker assault.

Please submit a response that provides all the requested information below, including any SMS documentation from the last three years for submission to FTA as authorized under 49 CFR 673.31.

1. Agency Contact Information (49 CFR 673.23)

- a. Please provide name and contact information (phone and email) for your agency's:
- Accountable Executive; and
 - Chief Safety Officer

2. Agency Safety Plan (49 CFR 673.11 & 673.13)

- a. Please provide information related to your agency's current Agency Safety Plan (ASP), including:
- i. Date of Accountable Executive signature;
 - ii. Date of ASP approval (Board of Directors or Equivalent Authority);
 - iii. Date of State Safety Oversight Agency (SSOA) ASP approval (for rail transit agencies); and
 - iv. A copy of your current ASP and any referenced materials that document your agency's Safety Risk Management (SRM) processes, including any safety risk matrices or other methodologies used to assess safety risk.

3. Safety Risk Assessment (49 CFR 673.25)

- a. Please tell us whether your agency has conducted a safety risk assessment related to transit worker assault³.
- i. Provide dates when any such safety risk assessments were completed.
 - ii. Please describe whether your agency considered different methods of assault, such as firearm discharge, in your analysis, and whether you conducted different analyses based on method of assault.
 - iii. Provide your findings or results of any such safety risk assessments, including likelihood and severity determinations and risk ratings.

³ A major event reported as an assault, defined in the NTD as an unlawful attack by one person upon another, or homicide where a transit worker received immediate medical attention away from the scene or died within 30 days of the event. This includes NTD reporters that are required to report detailed safety and security data to the NTD (full reporters). Full reporters include all rail transit agencies and all urban transit providers with more than 30 vehicles operated in maximum service. Full reporters account for approximately 86% of all public transit service reported to the NTD (as measured by vehicle revenue miles). Note: Assaults on transit workers are not captured as a separate category from other assaults. FTA distinguishes worker assaults as those assaults that result in a worker injury or worker fatality.

- iv. Submit any materials that document your safety risk assessment with your response. *Documentation should include key information related to your safety risk assessment based on the SRM process defined in your agency's ASP, such as definition of hazards and potential consequences, likelihood and severity determinations, and risk rating.*
- b. Please tell us if your agency plans to conduct a safety risk assessment related to transit worker assault in the future, and if so, when.

Part 2 Instructions (Safety Risk Mitigations):

*Please provide information as requested below for **each** current or planned safety risk mitigation or strategy to address transit worker assault risk at your agency.*

Note: Example mitigations include, but are not limited to:

- Operator Area Protective Barriers
- Surveillance/Penalties Signage
- Video Surveillance and Audio Surveillance
- Emergency Alarms
- Automatic Vehicle Location
- Operating Procedures
- Policing Strategies
- Communication Protocols

4. Transit Worker Assault Risk Mitigations (49 CFR 673.25 & 673.27)

a. Mitigation Name and Description

- i. Please describe each current or planned safety risk mitigation that your agency has identified to address transit worker assault risk. *For example, if your agency has installed barriers as a mitigation, note that not all barriers are alike – please provide sufficient detail for FTA to understand the specific mitigation.*
- ii. Please describe the applicability of such mitigations across your system. *For example, please clarify if a mitigation only applies to one mode of transit service or only to certain vehicle types. Where possible, please provide counts and percentages to define mitigation applicability.*
- iii. Please describe how the agency believes the mitigation does or will affect safety risk as determined through the agency's safety risk assessment. *For example, mitigations may reduce the likelihood or the severity of a potential consequence, resulting in a revised safety risk rating. Please describe the anticipated level of safety risk following full implementation of the mitigation.*

b. Mitigation Implementation Status

- i. Please describe your agency's progress toward implementing the mitigation. *For example, implementation may be planned but has not begun, implementation may be*

complete, or implementation may be partially complete. If implementation is partially complete, please provide data (percentages or counts) that indicates current progress toward full mitigation implementation.

- ii. If the mitigation is not yet fully implemented, please describe the specific implementation activity remaining and any implementation activity deadlines defined by the agency.

c. Mitigation Effectiveness Monitoring

- i. Please describe how your agency is monitoring or plans to monitor the effectiveness of the mitigation. *For example, please describe any analyses that your agency will perform to confirm that the mitigation has been effective in reducing safety risk. If your agency has established any associated safety performance indicators and/or targets to monitor mitigation effectiveness, please provide these details.*
- ii. If your agency has implemented the mitigation (partially or fully), please provide any materials that document the results from your agency's efforts to monitor the effectiveness of the mitigation in addressing transit worker assault risk. *For example, your agency may have performed data analyses to confirm that the mitigation is in fact addressing the safety risk associated with transit worker assault as anticipated.*

Required Documentation Submission Checklist:

The list below summarizes all documentation required with your submission, as noted above in Parts 1 and 2.

- **Official response:**
 - Please provide an official response that answers each of the questions identified above.
 - Your agency may use its own format for the response. Please note that the questions use a numbering system to help ensure a comprehensive response.
 - Please note that responses should include information requested under section 4 above for *each* planned or current transit worker assault safety risk mitigation.
- **ASP (from 2.a.iv):**
 - Please provide a copy of your current ASP and any referenced materials that document your agency's Safety Risk Management processes, including any safety risk matrices or methodologies used to assess safety risk.
- **Transit worker assault safety risk assessment documentation (if conducted) (from 3.a.iv):**
 - Submit any materials that document your safety risk assessment with your response. *Documentation should include key information related to your safety risk assessment*

based on the SRM process defined in your agency's ASP, such as definition of hazards and potential consequences, likelihood and severity determinations, and risk rating.

- **Mitigation effectiveness monitoring documentation (if available) (from 4.c.ii):**
 - If your agency has implemented a mitigation (partially or fully), please provide any materials that document the results from your agency's efforts to monitor the effectiveness of the mitigation in addressing transit worker assault risk. For example, your agency may have performed data analyses to confirm that the mitigation is in fact addressing the safety risk associated with transit worker assault as anticipated.