MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION

LOTS

SAFETY WORKSHOP: BIPARTISAN INFRASTRUCTURE LAW REQUIREMENTS AND PTASP UPDATES

OFFICE OF LOCAL TRANSIT SUPPORT

SEPTEMBER 22, 2022

wsp

Purpose of Workshop

1. Review BIL Safety Committee Requirement
2. Review BIL Requirements Confirmation Form
3. Describe PTASP Update Process
4. Review PTASP Update Schedule
5. Preview Upcoming Requirements for Reporting Operator Assaults to NTD

Agencies Serving Urbanized Areas

Some BIL safety requirements affect only agencies that provide service in Large Urbanized Areas (UZAs), others affect only Small UZAs

LARGE UZAs (>200,000)	LOTS AGENCIES
Baltimore	Annapolis Transit
Baltimore	Howard Transit
Baltimore	Anne Arundel Transit
Baltimore	Baltimore City DOT
Baltimore	Queen Anne's County
Baltimore	Baltimore County (Loop)
Washington, DC	Prince George's County
Washington, DC	Montgomery County
Aberdeen-Bel Air	Harford County
Philadelphia	Cecil County

SMALL UZAs (50,000-199,999)	LOTS AGENCIES
Cumberland, MD-WV-PA	Allegany County
Frederick, MD	Frederick County
Hagerstown, MD-WV-PA	Washington County
Lexington Park-California-Chesapeake Ranch Estates	Calvert County
Lexington Park-California-Chesapeake Ranch Estates	Saint Mary's County
Waldorf, MD	Charles County
Westminster-Eldersburg, MD	Carroll County
Salisbury, MD-DE	TCCLES

Agencies Serving Rural Areas Only

- Some Maryland LOTS are Rural subrecipients only
- These agencies do not receive §5307 funds and do not provide service in UZAs
- The BIL transit safety provisions are directed at §5307 recipients
- However, OLTS has determined that all LOTS should have safety responsibilities
- The three "Rural-only" LOTS will be treated as Small Urban agencies for the purpose of BIL requirements

RURAL (Non-Urban)	LOTS AGENCIES
NON-URBAN	Garrett County
NON-URBAN	Dorchester County - Delmarva Community Transit Talbot/Caroline/Kent Counties – Delmarva Community Transit
NON-URBAN	Town of Ocean City

BIL Safety Committee Requirement

Involving Frontline Employees

- Several BIL transit safety provisions focus on involving frontline employees (labor unions) in safety management
- The level of frontline employee/labor involvement differs between agencies that provide service in Large UZAs and those that provide service in Small UZAs and Rural areas

Agencies Serving Large UZAs	Agencies Serving Small UZAs/Rural Areas
Must establish a joint labor-management Safety Committee with 50% Union/50% Management representation	Develop PTASP in cooperation with frontline employee representatives
Safety Committee should participate in agency's safety risk management program (identify hazards, recommend mitigations, analyze effectiveness of mitigations)	
Safety Committee must approve PTASP before presenting to Board of Directors/Equivalent Authority	

Multiple Unions

- Some agencies may have more than one Labor Union representing their employees (including contractor employees).

One example: An agency's fixed route bus employees are represented by ATU, but the agency's demand response employees are represented by the Teamsters

- In this case, the Safety Committee Labor representatives must be selected by a labor organization that represents the plurality of the agency's frontline workforce.

- The union with the greatest number of agency employees (including contractor employees) will select employee representatives to serve on the Safety Committee.

However, that union may select any frontline employee representative, not just from their union's members.

No Union Representation

- Some agencies' frontline employees are not represented by a Labor Union
- Even if there is no Labor Union representation, an agency providing service in a Large UZA must establish a Safety Committee with 50% frontline employee representation
- In this instance, the agency may determine how frontline employee representatives are selected

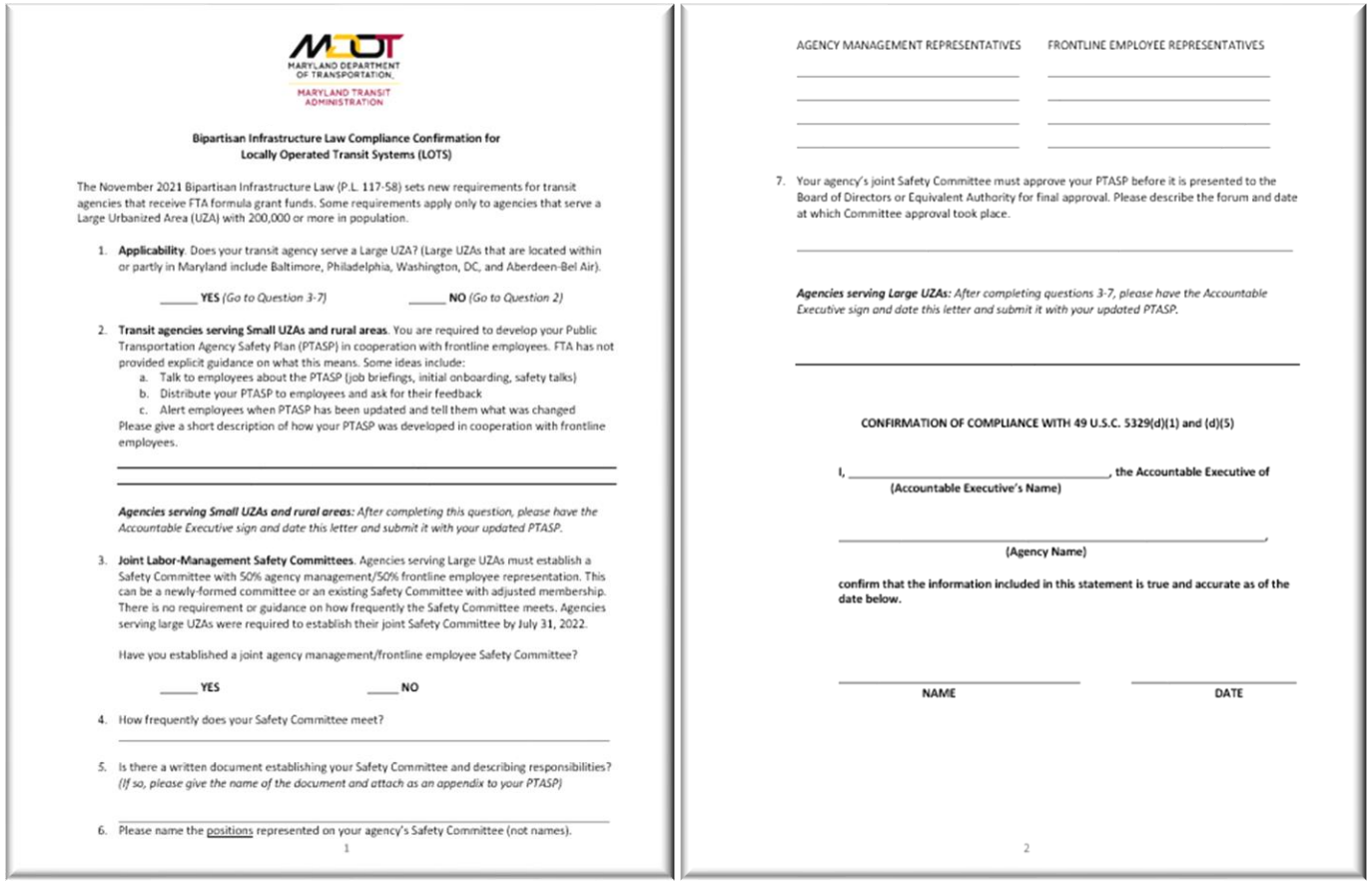
Developing the PTASP In Cooperation With Frontline Employee Representatives

- The BIL requires that agencies serving Small UZAs *(and for Maryland LOTS, also agencies serving Rural areas)* develop their PTASP in cooperation with frontline employee representatives
- FTA does not provide explicit guidance on what this looks like
- ***At a minimum***:
  - Talk to frontline employees about your PTASP (make it part of job briefings and toolbox talks)
  - Distribute the PTASP to employees and ask for their feedback
  - Alert employees when the PTASP has been updated, and tell them what was changed

BIL Compliance Confirmation Form

BIL Compliance Confirmation Form

- The 2021 Bipartisan Infrastructure Law (BIL) sets new requirements for transit agencies that receive FTA formula grant funds.
- BIL requirements differ between agencies that serve a Large Urbanized Areas (UZAs) with 200,000 or more in population, versus agencies that serve Small UZAs or rural areas.



MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION

Bipartisan Infrastructure Law Compliance Confirmation for Locally Operated Transit Systems (LOTS)

The November 2021 Bipartisan Infrastructure Law (P.L. 117-58) sets new requirements for transit agencies that receive FTA formula grant funds. Some requirements apply only to agencies that serve a Large Urbanized Area (UZA) with 200,000 or more in population.

1. **Applicability**. Does your transit agency serve a Large UZA? (Large UZAs that are located within or partly in Maryland include Baltimore, Philadelphia, Washington, DC, and Aberdeen-Bel Air).

   _____ **YES** *(Go to Question 3-7)* _____ **NO** *(Go to Question 2)*

2. **Transit agencies serving Small UZAs and rural areas**. You are required to develop your Public Transportation Agency Safety Plan (PTASP) in cooperation with frontline employees. FTA has not provided explicit guidance on what this means. Some ideas include:
   a. Talk to employees about the PTASP (job briefings, initial onboarding, safety talks)
   b. Distribute your PTASP to employees and ask for their feedback
   c. Alert employees when PTASP has been updated and tell them what was changed

   Please give a short description of how your PTASP was developed in cooperation with frontline employees.

   _____

   _____

   Agencies serving Small UZAs and rural areas: *After completing this question, please have the Accountable Executive sign and date this letter and submit it with your updated PTASP.*

3. **Joint Labor-Management Safety Committees**. Agencies serving Large UZAs must establish a Safety Committee with 50% agency management/50% frontline employee representation. This can be a newly-formed committee or an existing Safety Committee with adjusted membership. There is no requirement or guidance on how frequently the Safety Committee meets. Agencies serving large UZAs were required to establish their joint Safety Committee by July 31, 2022.

   Have you established a joint agency management/frontline employee Safety Committee?

   _____ **YES** _____ **NO**

4. How frequently does your Safety Committee meet?

   _____

5. Is there a written document establishing your Safety Committee and describing responsibilities? *(If so, please give the name of the document and attach as an appendix to your PTASP)*

   _____

6. Please name the positions represented on your agency's Safety Committee (not names).

1

AGENCY MANAGEMENT REPRESENTATIVES | FRONTLINE EMPLOYEE REPRESENTATIVES

_____ _____
_____ _____
_____ _____
_____ _____

7. Your agency's joint Safety Committee must approve your PTASP before it is presented to the Board of Directors or Equivalent Authority for final approval. Please describe the forum and date at which Committee approval took place.

   _____

Agencies serving Large UZAs: *After completing questions 3-7, please have the Accountable Executive sign and date this letter and submit it with your updated PTASP.*

_____

CONFIRMATION OF COMPLIANCE WITH 49 U.S.C. 5329(d)(1) and (d)(5)

I, _____, **the Accountable Executive of**
(Accountable Executive's Name)

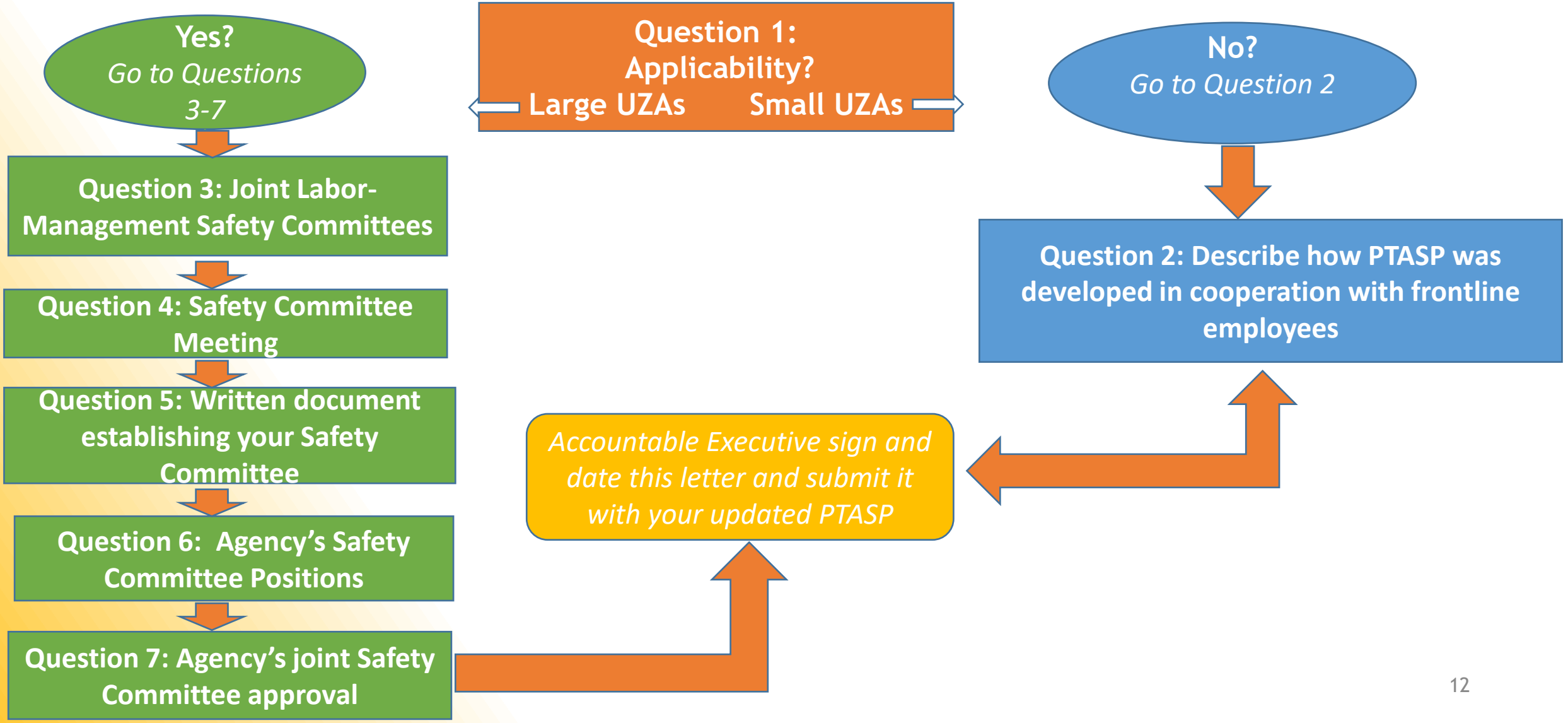
_____,
(Agency Name)

confirm that the information included in this statement is true and accurate as of the date below.

_____ _____
NAME **DATE**

2

BIL Confirmation Form Overview



BIL Confirmation Form – Question 1

All LOTS Agencies

Does your transit agency serve a Large UZA?

Large UZAs located within or partly in Maryland include Baltimore, Philadelphia, Washington, DC, and Aberdeen-Bel Air

- **If YES** *complete Questions 3-7*
- **If NO** *complete Question 2*

BIL Confirmation Form – Question 2

Agencies who serve Small UZAs and Rural Areas

- Must develop PTASP in cooperation with frontline employees
- FTA has not provided explicit guidance on what this means

  Some ideas include:

  - Talk to employees about the PTASP (job briefings, initial onboarding, safety talks)
  - Distribute your PTASP to employees and ask for their feedback
  - Alert employees when PTASP has been updated and tell them what was changed
- Please give a short description of how your PTASP was developed in cooperation with frontline employees

BIL Confirmation Form – Question 3

Agencies who serve Large UZAs

- Joint Labor-Management Safety Committees to be established by 7/31/2022
- 50% agency management/50% frontline employee representation
- Can be a newly-formed committee or an existing Safety Committee with adjusted membership
- Have you established a joint agency management/frontline employee Safety Committee?

BIL Confirmation Form – Question 4

Agencies who serve Large UZAs

- No FTA requirement or guidance on how frequently the Safety Committee meets

- How frequently does your Safety Committee meet?

BIL Confirmation Form – Question 5

Agencies who serve Large UZAs

- Is there a written document establishing your Safety Committee and describing responsibilities?

- If so, provide the name of the document and attach as an appendix to your PTASP

BIL Confirmation Form – Question 6

Agencies who serve Large UZAs

- Please name the positions represented on your agency's Safety Committee

  Use position titles, not names

AGENCY MANAGEMENT REPRESENTATIVES	FRONTLINE EMPLOYEE REPRESENTATIVES
_____	_____
_____	_____
_____	_____
_____	_____

BIL Confirmation Form – Question 7

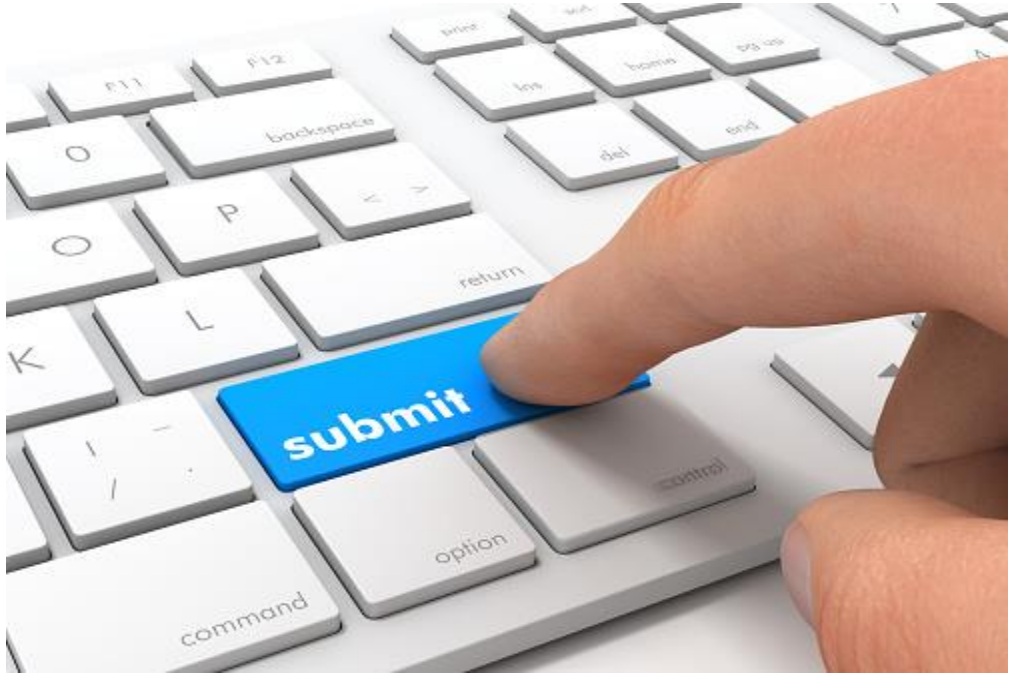
Agencies who serve Large UZAs

- Your agency's joint Safety Committee must approve PTASP before it is presented to the Board of Directors/Equivalent Authority for final approval

- Describe the forum and date at which Committee approval took place

BIL Confirmation Form - Submission

- All LOTS must complete the BIL Compliance Confirmation Form
- BIL Confirmation Form to be submitted with updated PTASP
- Due to OLTS by December 1, 2022



PTASP Update Process

What's Changed?

A lot has changed in the past year ….

Coordinated with frontline employees on PTASP

New Safety Performance Targets

Agency staffing changes

New Management-Labor Safety Committee

New vehicles/ Different type of vehicle

Collecting new data

Discontinued mask requirement

New training program

Changes in routes (new/discontinued route; service change)

New or updated operating rules

Reinstated fare collection

Interactive Activity – Let's Go Shopping!

Let's Go Shopping!

- There are 10 different "Change Badges" on the table
- Choose all the "Change Badges" that represent something that has changed at your agency since you last updated your PTASP
- If other staff from your agency are with you today, make the selections together

Back at our seats ….

- Who has the most "Change Badges"? *(This may involve candy)*
- How could some of your agency's recent changes impact safety?
- Can you identify where in the PTASP this change should be addressed?

PTASP Sec. 1 – Transit Agency Information

- Changes to name and title of Accountable Executive or Chief Safety Officer
- Changes to mode(s) of service
- Changes to operations and/or maintenance contractor

PTASP Sec. 2 – Plan Development, Approval, and Updates

Approvals and Certification of Compliance

- Signature and date for Accountable Executive approval
- Signature and date for Board of Directors or Equivalent Authority
- Accountable Executive must sign certification of compliance AFTER:
  - Safety Committee approval (if agency serves a Large UZA)
  - Board of Directors/Equivalent Authority approval

Version Number and Updates

- Note the PTASP version number
- Note the section or page where changes have been made
- Briefly describe the change made
- Note the date of the new PTASP revision

PTASP Sec. 3 – Safety Performance Targets

Safety Performance Targets

Specify performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.

Mode of Transit Service	Fatalities (total)	Fatalities (per 100k VRM)	Injuries (total)	Injuries (per 100k VRM)	Safety Events (total)	Safety Events (per 100k VRM)	System Reliability (VRM/failures)
Deviated/Fixed Route & Rural Shuttle	0	0	<2	<0.25	<2	<0.25	>8,106
ADA/Paratransit	0	0	<1	<0.28	<1	<0.28	>71,585

- Update Safety Performance Targets, if they have been adjusted
- Make sure you include both total numbers and rates for fatalities, injuries, and safety events
- System Reliability should be a VRM number (mean distance between failures)
- If Safety Performance Targets changed, describe how targets were communicated to MPO

PTASP Sec. 4 – Safety Management Policy

Any changes to:

- Safety Management Policy
- How safety management policy is communicated
- Titles, responsibilities of Accountable Executive, CSO (SMS Manager), or other Key Staff
- Employee Safety Reporting Program

PTASP Sec. 5 – Safety Risk Management

New BIL requirements should be reflected here:

- Risk Reduction Program
- Addressing Infectious Disease Exposure

New ways to identify risk?
New ways to assess risk?
New ways to mitigate risk?

Risk Reduction Program Focus Areas

The BIL Risk Reduction Program focuses on two areas:

Bus Accidents

Reduce vehicular and pedestrian accidents involving buses

Include measures to address visibility impairments for bus operators

Operator Assaults

Deploy assault prevention technologies, including barriers (when supported by a risk analysis)

Developing Your Risk Reduction Program

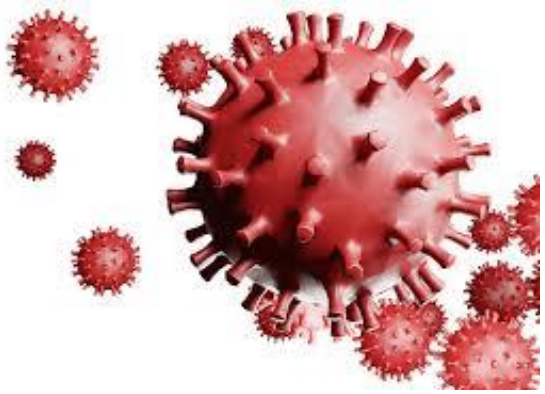
- Look for ways to include additional Fixed Route Bus/Demand Response accident and operator assault data tracking, risk assessment, and mitigation measures at your agency

- **Some ideas for Bus and Demand Response safety event risk reduction:**
  - Gather data regarding poor visibility/line of sight (especially when making turns)
  - Analyze bus collision data to determine types of events that are highest severity and/or most common
    (e.g., pedestrian strikes = very high severity; mirror strikes = most common)

- **Some ideas for Bus/Demand Response Operator Assault risk reduction:**
  - Gather data on assault and threat incidents
  - Work with local police to develop assault response strategies
  - Emphasize de-escalation, emotional intelligence in dealing with difficult passengers

Addressing Infectious Disease Exposure

- The BIL requires that Agency Safety Plans include strategies to minimize exposure to infectious diseases



- Strategies must be consistent with:
  - Centers for Disease Control and Prevention (CDC) guidelines; or
  - A State health authority

- Important to remember that this section of the BIL was developed while Covid-19 pandemic was at its height and mask mandate was in place

- FTA's specific language surrounding this provision is:

  "FTA encourages each transit agency to consider identifying mitigations or strategies related to exposure to infectious diseases through the Safety Risk Management Process described in the agency's ASP."

PTASP Sec. 6 – Safety Assurance

Monitor and Measure:

What safety data are you gathering that supports your Risk Reduction Program?

- How do you gather this data?

  (Inspections, camera footage review, employee reporting data, preventative maintenance records)
- Are you tracking operator assaults, both those that involve physical contact and those that are verbal abuse/threat/intimidation?

Accident Investigation:

Does your PTASP describe how you identify causal factors for accidents and other safety events?

PTASP Sec. 7 – Safety Promotion

Competencies and Trainings – De-escalation Training:

- BIL requires personnel directly responsible for safety, operations personnel, and maintenance personnel must complete de-escalation training
- Transit agencies may choose how they satisfy this requirement
- FTA provides free online de-escalation training through National Transit Institute *(3.5 hr. class)*
- OLTS is planning to provide online de-escalation training for LOTS agencies in early 2023

Safety Communication:

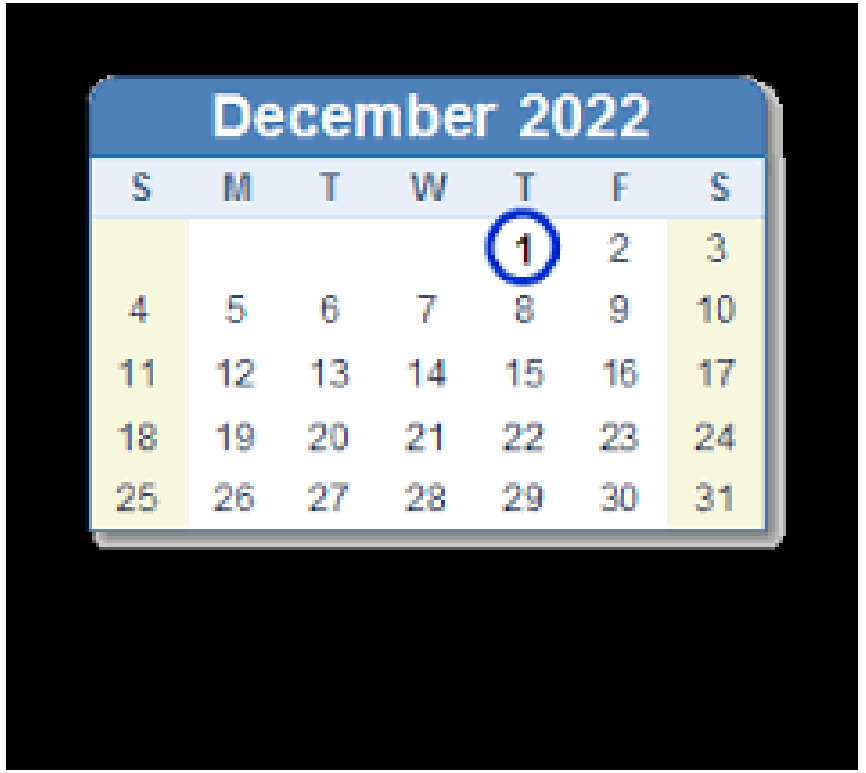
- How will you communicate updates to the PTASP to your employees?
- Are you regularly communicating your agency's employee safety reporting program information to employees?

PTASP Sec. 8 – Additional Information

Appendix Documents:

- Written document establishing your Safety Committee and describing responsibilities (if applicable)
- Minutes of meeting or other documentation of County/Board of Directors approval of 2022 PTASP
- Updated MOUs with area first responders or other emergency management documents

PTASP Update Schedule



PTASP Submission Deadline

- All LOTS agencies must update their 2022 PTASP and send the updated safety plans with all approval signatures and BIL Compliance Confirmation letter **to OLTS by December 1, 2022**
  - If LOTS agency serves a large UZA, the PTASP must be approved by the joint Safety Committee
  - PTASP must be signed by Accountable Executive
  - PTASP must be approved by Board of Directors/County Authority

Tracking and Reporting Operator Assaults

Current Status – LOTS Reporting on Operator Assaults

Currently, only NTD Full Reporters (30 or more vehicles) are required to report operator assaults

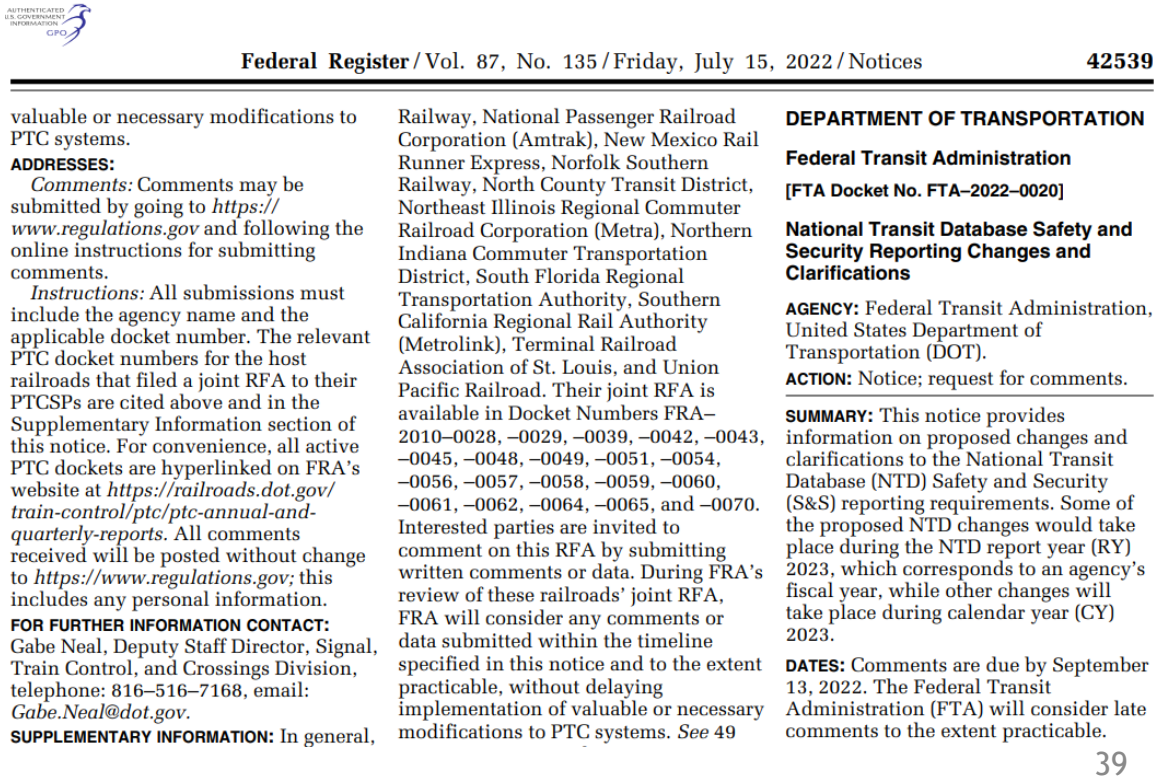
- Anne Arundel County
- Baltimore City DOT
- Charles County
- Howard County
- Prince George's County
- Montgomery County
- Frederick TransIT
- Shore Transit (TCCLES)

FTA is changing NTD reporting requirements – all agencies will be required to report operator assaults beginning in 2023

NTD Changes to Support Operator Assault Reporting

Federal Register Notice (7/15/2022) “NTD Safety and Security Reporting Changes and Clarifications” lays out proposed new requirements

Comment period expired Sept. 13, 2022



valuable or necessary modifications to PTC systems.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket numbers for the host railroads that filed a joint RFA to their PTCSPs are cited above and in the Supplementary Information section of this notice. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Deputy Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, Railway, National Passenger Railroad Corporation (Amtrak), New Mexico Rail Runner Express, Norfolk Southern Railway, North County Transit District, Northeast Illinois Regional Commuter Railroad Corporation (Metra), Northern Indiana Commuter Transportation District, South Florida Regional Transportation Authority, Southern California Regional Rail Authority (Metrolink), Terminal Railroad Association of St. Louis, and Union Pacific Railroad. Their joint RFA is available in Docket Numbers FRA–2010–0028, –0029, –0039, –0042, –0043, –0045, –0048, –0049, –0051, –0054, –0056, –0057, –0058, –0059, –0060, –0061, –0062, –0064, –0065, and –0070. Interested parties are invited to comment on this RFA by submitting written comments or data. During FRA's review of these railroads' joint RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to PTC systems. *See* 49

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2022–0020]

National Transit Database Safety and Security Reporting Changes and Clarifications

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

ACTION: Notice; request for comments.

SUMMARY: This notice provides information on proposed changes and clarifications to the National Transit Database (NTD) Safety and Security (S&S) reporting requirements. Some of the proposed NTD changes would take place during the NTD report year (RY) 2023, which corresponds to an agency's fiscal year, while other changes will take place during calendar year (CY) 2023.

DATES: Comments are due by September 13, 2022. The Federal Transit Administration (FTA) will consider late comments to the extent practicable.

NTD Changes

- **Full Reporters** – New S&S-40 Questions (Major events, must be submitted for each event)
- **Full Reporters** – New S&S-50 Questions (Non-major events, must be submitted monthly)
- **Reduced and Rural Reporters** – New S&S-60 Form with all Safety and Security data for Reduced and Rural Reports (annual, replaces current RR-20 form)

Reporting Agency	Transit System	Urban (5307)		Rural (5311)
		Full Reporter	Reduced Reporter	
Anne Arundel County	Anne Arundel Transit	✓		
Baltimore City Department of Transportation	Charm City Circulator	✓		
Annapolis Department of Transportation	Annapolis Transit		✓	
Washington County Transit	County Commuter		✓	
County Commissioners of Charles County, MD	VanGo	✓		✓
Howard Transit	RTA	✓		✓
Prince George's County Transit	TheBus	✓		✓
Montgomery County Transit	Ride-On	✓		✓
The Tri-County Council for the Lower Eastern Shore of Maryland	Shore Transit	✓		✓
Frederick County	Transit Services of Frederick County	✓		✓
Allegany County Transit	ACT		✓	✓
Board of County Commissioners of Calvert County	Calvert County Transit		✓	✓
Carroll County Department of Public Works	CTS		✓	✓
Cecil County Government	SSCT		✓	✓
Harford County	Harford Transit		✓	✓
St. Mary's Dept. of Public Works	St. Mary's Transit System		✓	✓
Queen Anne's County Department of Aging (QAC DOA)	County Ride		✓	✓
Baltimore County Department of Aging	CountyRide			✓
Dorchester County Council	Delmarva Com. Transit			✓
The County Commissioners of Caroline County, Maryland	Delmarva Com. Transit			✓

Operator Assault in LOTS

- 17 LOTS agencies participated in the July 2022 LOTS Safety webinar
- A majority of LOTS agencies who participated stated that they did not experience any operator assaults over the past year
- However, FTA is going to require that all agencies track and report operator assaults, whether they are physical assaults or non-physical assaults

Physical Assault on a Transit Worker	Non-Physical Assault on a Transit Worker
An assault that involves physical contact with the transit worker. Can include any physical contact with the victim from the attacker's body, a weapon, a projectile, or other item.	An assault that does not involve physical contact with the transit worker. Can include threats or intimidation that did not result in any physical contact.

SUMMARY

Things to Remember

1. Everyone needs to update their PTASP!
2. If you serve a large UZA, your Safety Committee must approve updated PTASP
3. If you serve a small UZA or rural area, your PTASP should be updated in cooperation with frontline employees
4. Prepare and sign the BIL Compliance Confirmation Form and submit it with your updated PTASP
5. All updated PTASPs must be approved by County government, Board of Directors, or Equivalent Authority
6. If your Safety Performance Targets are updated, you must share the new targets with your MPO
7. Your updated PTASP and BIL Compliance Confirmation Form are due to OLTS by December 1, 2022

Joyce Rose
WSP USA
Sr. Director, Rail & Transit Safety
joyce.rose@wsp.com
410-622-3612