



BEFORE THE U.S. FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

DOCKET NO. FTA– 2023–0007

JUNE 26, 2023

These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers. The SMART Transportation Division is an organization representing approximately 100,000 transportation employees with active bus members working as operators and mechanics, as well as rail members working in all operating crafts,

This is a response to the Federal Transit Administration's Notice of Public Rule Making and specifically the request for public comments on the formation of Public Transportation Agency Safety Plans (PTASPs). SMART-TD is excited to have the opportunity to participate in this highly important and historic effort to address the need for new and heightened safety protocols surrounding our nation's transit workers, passengers, and pedestrians alike.

In SMART-TD's role of representing roughly 9,000 bus members, we feel duty-bound to fully take advantage of the opportunity to participate in the formation of the PTASPs. Our members move our economy and provide quality of life to a large percentage of the country's population, and we are advocating making their workplace safe for them to perform their important duties without fear of being assaulted.

The United States Federal Transit Administration put out a study in December 2022 entitled "Update on Transit Worker Assault Prevention and Mitigation." This report looked at data from 2008 through 2021. In those 13 years, the FTA reports that there was an average of 241 assaults per year on transit workers throughout the country.

The study itself points out that, "This data includes only the most serious events, and may **significantly** underestimate the total number of assaults." Even this underestimation provided by your organization indicates that a transit worker is seriously physically assaulted in this country 2 out of every 3 days. In the two years since data was collected for this study, the trend has by no means slowed down. These statistics are eye-opening and shocking, but they do not even begin to tell the whole story. When our members are the victims of these violent assaults in their workplaces, there are life-altering ramifications.

In the weeks SMART-TD has been preparing this public comment, there have been two of our bus members in national headlines involving them being assaulted. On May 18, outside of Charlotte, North Carolina, one of our bus operators was confronted by a passenger armed with a handgun. A struggle ensued that put both men in the hospital with what was reported as life-threatening injuries.

Six days later, on May 24, a second SMART-TD bus operator was stabbed multiple times in the neck while on duty in the greater Los Angeles, Calif., area, again by a passenger.

When the FTA published this NPRM as part of Docket No. FTA-2023-0007, SMART-TD requested feedback from our bus operators and bus mechanics along with local SMART-TD leaders who are closely tied to our transit membership to better identify the gaps in safety they see every day.

SMART-TD is grateful to FTA for making the historic decision to establish enhanced safety protocols in public transit through the establishment of the PTASP program, and we want it to be known that SMART-TD takes our role in this process very seriously.

Through the mandates issued within the Infrastructure Investment and Jobs Act (IIJA), both chambers of the United States Congress, as well as President Biden, have weighed in on the topic of transit worker safety. Their intentions within the language that brought about the Notice of Public Rule Making (NPRM) associated with the changes to 49 USC § 5329 referring to the safety of transit workers is clear and unambiguous. The overriding goal was to create safety committees that were fair, equitable, and effective at bringing about tangible improvements to the safety of transit workers.

As SMART-TD represents a large percentage of the nation's skilled transit workforce, we would like to express our confusion as well as our outrage surrounding the execution of the IIJA's mandate as laid out by FTA's NPRM. SMART-TD is prepared to explain this stance as well as offer many proposed solutions to the safety issues facing transit workers that were brought to us by our bus operators and mechanics themselves.

In order to frame SMART-TD's argument, we will break down the three positions we take exception to within the NRPM, and that we don't feel are in the spirit of the legislative intent. We will also offer a comprehensive list of safety improvements we are putting forward in hopes that FTA would include them in the discussions with each of the safety committees.

Tiebreaking Procedures Within Labor-Management Safety Committees:

IIJA's intention for these committees is clearly to create real and effective strategies on how to best implement safety funding and to bring about tangible gains to the safety of transit workers, passengers, and pedestrians. To accomplish this goal, these committees were to be formed to bring institutional memory and working knowledge of the conditions on the ground to bear in these discussions and final decisions. The IIJA goes to great lengths to lay out a format that provides for equity between labor and management in order to create environments that are conducive to productive consensus building.

This being said, the membership of the committees being divided equally between labor and management is bound to come to loggerheads on a regular basis. This is true in the case of collective bargaining as well. The difference is that in collective bargaining, there is a prescribed mechanism in place to address stalemates via third-party mediation/arbitration. However, the PTASP process that FTA has rolled out does not.

SMART-TD holds the position that this oversight needs to be addressed at the federal level. If equity, fairness, and expedient progress are the goals of these committees, there must be a consistent way to break tied votes that reflects these values. It serves no purpose to form committees if each vote is destined to be deadlocked in an unbreakable tie pitting the parties against each other. Nor does it serve the intent of the legislation if these tied votes are settled in a manner that is heavy-handed and favors either side.

Within the NPRM itself, the language on this topic is vague and seems to defer to the parties in each transit authority or company to develop internal methods for settling tied votes. It is SMART-TD's opinion that this will lead to confusion, inequity, and enough gray area for management interests to bend these votes consistently in their direction.

Another large concern we have with the NPRM is that there are management representatives in the industry who are operating under the assumption they have the authority to unilaterally break ties.

With the prescribed even number of votes given to labor and management, giving this ability to either side is counterintuitive. If either party has the authority to force their will in the case of a tie, then forming these committees is a nonsensical exercise in spending tax dollars to provide a fig leaf to the companies and management providing the illusion they acted in good faith hand in hand with their workforce.

SMART-TD and the transit workers we represent do want to work in good faith towards the goal of increasing the safety of our bus operators and transit workers; however, we have no intention of being used as a prop in the companies' public relations campaigns. The topics being covered by these PTASPs are deadly serious. Our members are being assaulted. We feel the urgency and the sobriety of the situation at hand, and we do not have the time nor intention to play political games with these committees. The intention as stated by Congress and President Biden is equity, not the illusion of equity.

We hold this point to be among the most pivotal in the potential success or failure of this project.

Veto Power:

A second example of FTA's NPRM deviating from the course laid out by the IJIA is the issue of veto power being handed to the management of transit agencies and transportation companies. As detailed in the previous section, as it is currently structured, management has the advantage of breaking tied votes among the safety committees. In the unlikely event that management's representatives on the committee were swayed to vote with our labor representatives, the ability of management in general to veto the result of that vote makes a mockery of the process.

If tied votes are broken by management, and management also has the ability to systematically ignore the committee findings in addition to that power, these committees become difficult to justify. SMART-TD has no interest in being part of double-headed coin tosses, and we don't collect participation trophies.

The men and women that we represent are getting kicked, punched, spit on, stabbed, and shot at. We are not involved in this process to be placated. We are investing in this process to safeguard our members.

Management has had every opportunity afforded to them to address these issues through the years and has proven incapable or unwilling to make the necessary effort. For this reason, Congress in a bipartisan manner designed a process where our bus operators and transit members

have an opportunity to bring their own experience and acumen to the table in efforts to protect themselves and their coworkers.

This equity is erased by offering management veto power. Our members are absorbing 100% of the liability for the safety results these committees produce. Giving them a legitimate 50% of the power is not an inordinate request and is in line with the legislation it was born from. To give those who will live and die with the consequences of the outcome less than a fair shot at being taken seriously as a partner shows a disconnection with IJJA's intention and disrespect to the essential workers who move our nation's economy.

Compliance Oversight:

This program is instituting many new statutory requirements on transit agencies. In order to ensure compliance with these requirements, FTA, in its role as a federal regulator and the implementing agency, needs to provide a mechanism to monitor and enforce said compliance.

Our members cannot afford to permit circumstances where a transit agency is not willing to comply with the requirements of this vital program. SMART-TD sees it as pivotal to the transformative potential of this program that there be incentives for the transit agencies to participate in good faith, and if necessary, the withholding of federal funds from agencies that do not. There are already reports of widespread hesitation on the part of some transit systems' management to meet their statutory requirements.

In a circumstance where labor's efforts to do the work needing to be done are met with either inability or unwillingness to do the same on management's part, there needs to be a means to remedy this. As it stands today, there are no teeth to the statutes. It is SMART-TD's belief that this runs contrary to Congressional intentions when writing this portion of the IJJA.

With the assistance of SMART-TD's leaders and members in the field we have developed a list of safety features, programs, and best-demonstrated practices that would bring heightened levels of safety to our members, their passengers, and pedestrian traffic.

For clarity and in order to avoid redundancy, SMART-TD has grouped our proposals into 5 categories, as follows:

- Pedestrian Safety
- Operator Safety
- Mechanics Safety
- Public Safety
- Health Safety

Some of the proposals that SMART-TD is putting forward in this public comment reach into more than one of these categories; however, we will only list each proposal only once in the comment.

PEDESTRIAN SAFETY

The fact of the matter is that the safety of pedestrians is largely dependent on awareness. The bus operators absolutely must be aware of all pedestrians and the pedestrians must be cognizant of when and in what direction the bus is going to move. In order to accomplish these two goals, there are five proposed safety standards that SMART-TD is proposing for the design of public buses.

1. **There needs to be a redesign of buses that changes the placement of rearview mirrors.** Some of the buses in use today have rearview mirrors that are placed in a position that creates multiple blind spots for our operators. These mirrors need to be large and placed in locations where they create a full spectrum of vision for the operators to have at their disposal.
2. **Back-up cameras need to be redesigned or placed in a location on the bus that is less prone to damage.** Many of our operators do not use their backup cameras on a daily basis because it is rare that they back up in their average shift. However, when they do need to back up, they often find that the camera in place to assist reverse movements of their 50-foot-long vehicle is not functioning. The current camera placement is exposed and often is damaged in the regular use of the bus or even in the process of washing the buses. Many of the operators who consulted with SMART-TD also identified that verifying the working condition of these backup cameras is not part of the pre-trip inspections, nor their post-trip inspections. Therefore, the first indication that these cameras are not in working order comes at the moment the operator is in need of its services.
3. **Windshields on buses need to be redesigned to reduce blind spots created by sun glare.** In terms of pedestrian safety, this is the point that was brought up in the highest percentage of SMART-TD's communications surrounding this public comment. The glare created by the design of some of the bus model's windshields is a common thread in discussions with our operators. These professional drivers are quick to point out that this is a large-scale problem for them to safely perform their duties on a regular basis.
4. **Farebox placement needs to be regulated to keep them out of the operator's line of view.** This problem comes into play when operators are making right-hand turns, and prevents them from seeing the path of the bus unencumbered. Lowering the farebox out of the line of the operator's site line is a simple and important change that allows them to better safeguard the pedestrians in close proximity to their buses.

5. **Audible announcements alerting pedestrians of the bus's intended movements.** Based on the number of pedestrians who are unaware of the turn signals on the bus and their tendency not to yield to the bus when it is going to begin to move or execute a turn, and in light of the blind spots created by the design of the buses our operators are working with, SMART-TD feels that it is a common-sense improvement for pedestrian traffic that the buses are equipped with audible announcements that the bus is about to start moving forward, or that it is about to turn. We would like this announcement to be loud enough for pedestrians to hear over the headphones and earbuds they often are using, and for the announcement to be triggered by the turn signal and also by the bus beginning to move. As our bus operators are often hampered by the lack of 360-degree awareness that is brought on by glare or blind spots, SMART-TD feels this is a necessary safety feature to allow pedestrians to advocate for themselves and to add a safety redundancy to the crosswalk signage around the country.

OPERATOR SAFETY

In order to be completely transparent, Operator Safety is the lynchpin of SMART-TD's vision for the FTA's proposed PTASP program. SMART-TD holds the safety, health, and well-being of our members paramount to all other issues. In speaking with our operators, as well as the SMART-TD representatives of our bus members at large, SMART-TD has boiled our concerns and input on this highly important aspect of the FTA's request for public comments down to 8 main recommendations.

1. **Fully enclosed protective barriers around bus operators.** In speaking with our operators, this was the first topic many of them brought up. Many of them currently have an operator barrier that is 75% enclosed. The result is that the barrier serves to create an illusion of safety rather than safety itself.

These $\frac{3}{4}$ barriers allow for enough access to the bus operator that they are still vulnerable to being punched, kicked, have coffee or other things thrown at them, or be stabbed, and or shot at. As one of our operators put it, "Being somewhat closed off is the worst-case scenario for our safety. It creates a scenario where passengers on the bus see it as a challenge to them. They say things to us like, 'You think you're safe in there?' or, 'Do you think I can't get to you in there?'"

Essentially, the unintended consequence of the current barriers seems to be similar to waving a red cape in front of angry bulls. Those passengers who are prone to violence against operators are in some ways more likely to have verbal and or

physical alterations with the operator due to their perception of what the partial barrier implies.

In order to truly ensure the safety of our country's bus operators is to fully enclose them in a protective barrier. This matter is of the highest importance in our current climate of escalating violence against transit workers. SMART-TD is aware that this act alone still allows for certain vulnerabilities for our members as well as creating another. The list of proposals SMART has listed under the heading of Operator Safety, when taken in its entirety, will serve to shore up these peripheral issues.

2. **Doors should be installed on the left side of the operator's workstation to allow bus operators to enter and exit the vehicle without interacting with the passengers.** The goal of keeping bus operators physically separated from their passengers is the overriding theme of SMART-TD's vision for the PTASP program to ensure the heightened safety of our bus members. In connection with the need for the operators to be fully protected by being encased in a barrier, they will need a method of entering and exiting the bus. A door in the operator's workstation allows them to enter and exit the bus from the left, keeping them free from physical interactions with passengers while making the installation of the fully protective safety barrier around the operator practical.
3. **Bus operator barriers should be constructed using bulletproof materials.** This item is self-explanatory; however, SMART-TD would like to point out that this is an essential piece to the puzzle FTA is actively working towards solving. In the security camera footage and news coverage of assaults occurring on buses, one of the reoccurring themes is the shattered glass of the barrier surrounding the bus operator. The bullet holes in the glass point out the need for our bus members to be safeguarded from the rising trends of gun violence that plague the transit industry.

If SMART-TD's bus operators were secured behind fully enclosed, and bulletproof barriers, they would be much safer serving the public.

4. **All buses should be equipped with two-way radios enabling the operators to communicate with colleagues on other buses as well as their dispatchers and safety personnel.** The majority of bus systems whose workforce SMART-TD represents do not have a form of two-way communication readily available to the bus operators. This fact proves itself to be both inconvenient and unsafe for bus operators on a regular basis.

Bus operators have expressed to SMART-TD in relation to this NPRM that they feel isolated from any form of help or institutional support while on their route due to the lack of ability to communicate with anyone outside of their bus while it is moving. While the bus is moving, the operators are required to have their personal cell phones turned off and stored out of the driver's reach. For this reason, if there is any form of emergency necessitating the operator to speak to their dispatcher/police or EMS, the operator needs to stop the bus and make a phone call on their own phone. As cell phones are not provided by the carriers, and they are not required as a condition of employment, it is not a given that the operator even has this option.

Currently if a bus operator encounters an unsafe condition on his/her route, they have no mechanism to communicate that condition to the other operators in the area. Having all public buses equipped with two-way radio communication is a simple fix to this issue. It would empower our members to be better stewards of their own and their coworkers' safety. It would also allow them to notify their dispatchers of emergency conditions on the bus.

5. **In addition to two-way radio communications, bus operator safety would also benefit from the installation of silent alarms on all public buses.** While handling unruly passengers, there are times when the last thing our operators want to do is to escalate the situation by making the problematic passenger aware that they have involved the authorities. If the bus operators had the ability to alert the police or their dispatchers that there is an emergency occurring on the bus, they could have emergency personnel en route to the bus while the operator continues to work towards de-escalating the situation. This upgrade in transit safety could very easily prove critical in life-threatening scenarios.

6. **Additional and universal de-escalation training is needed for all bus operators.** There was a time when de-escalation training was common in the transit industry. Unfortunately, that time has passed, and our bus operators report that many of them have not had de-escalation training in 5-8 years. Some of the operators have never received it. If safety is of importance to the transit industry, this training absolutely has to play a central role in that effort. One of the bus operators informed SMART-TD that the management at his company will occasionally pull an operator or two aside and have an informal training on de-escalation that satisfies the requirement for the managers of that particular company. This operator told me that the training isn't thorough and that it is aimed at the wrong portion of the workforce at his company. The managers who

give these safety briefs work standard hours and therefore they give the training to the operators whose hours align with their own.

The problem as this member explained is that the newer bus operators work the overnight shifts, and they are the operators that stand to benefit most from the training. Their seniority dictates that they primarily work the shifts with the highest number of incidents, and by definition, they have the least amount of experience on the job. This circumstantial omission of our most-vulnerable members from the training meant to keep them safe is intolerable.

SMART-TD is requesting that a concerted effort to provide a uniform curriculum for de-escalation training be made standard throughout the industry for all bus companies that fall under the regulatory umbrella of the FTA. We would like to add that this training be made mandatory for these companies' entire roster of employees in the field. In the words of one of our bus members who reached out to SMART-TD, "We need someone to force these companies to bring back de-escalation training and to do it in a way where their employees know they take it seriously."

7. In addition to all of these safety measures, bus operators need to be empowered to defend themselves if they are being assaulted.

Currently, it is a universal truth in the bus industry, that if a bus operator leaves his/her seat that operator has lost their job. They face punitive punishment for leaving the seat to de-escalate a developing scenario or even to defend a passenger from an active assault. If and when our operators are being personally assaulted, they are put in a position where they literally have to stay seated and accept the assault or lose their employment without question for trying to defend themselves. SMART-TD feels this is an arbitrary effort on the part of the bus companies to avoid bad press and also monetary liability. It is easy to understand those motivations; however, there has to be room in these policies to place some value on the physical well-being of our nation's bus operators.

The fact that these men and women are powerless to defend themselves is also a known quantity among bus passengers. The people on the bus who are inclined to commit an assault are fully aware that our operator is literally a "sitting duck." This puts our members at a distinct disadvantage in any adversarial scenario. It is not fair that our bus operators are put in a vulnerable scenario where they have to render themselves powerless in life-or-death situations in an effort to remain gainfully employed.

8. Finally, our bus operators need to have an Employee Assistance Program, (EAP) for operators involved in assaults or other critical incidents as well as paid time off to address physical and emotional health needs following the incident.

The statistic previously mentioned from the FTA's 2022 study showed that transportation workers are victimized by physical assaults 241 times a year on average. One of the base premises of the call for PTASPs to be created was that pedestrians are being struck by buses at an alarming rate. Both of these scenarios result in physical and emotional damage for the bus operator involved. When these incidents occur, it is pivotal that proper professional care be available for these operators as well as that they are given the required time to address their needs after such traumatic events.

As it stands today, some transit agencies have EAP programs available, but only if the operator knows to request those services. There is nothing proactive on the part of these companies in the way they address either the physical or psychological traumas of their operators. The unfortunate truth is that when operators need time off due to the trauma experienced through an assault or having struck a pedestrian, most agencies require the operator to use their own sick time. If they do not have sick days accrued, they are out of luck. Without options to receive the treatment they need, the option these men and women are left with is to continue to report to work. This is not only an issue of the operator's well-being, but it manifests itself as a public safety issue. Task overload is already an issue for our operators and to ask them to safeguard their passengers, pedestrians, and other motorists while they are dealing with the distractions of psychological trauma is a dangerous proposition for all involved.

Considering that these traumas have been brought on in the line of executing their job duties, it is more than fair to assume that their physical and mental health needs should be accommodated by their employer. It is a punitive punishment to force these professionals to use their earned and collectively bargained-for sick time to obtain the care they need to heal from a workplace event.

PASSENGER SAFETY

In addition to our bus operators, the passengers are also vulnerable to violent crime while on a bus. This is not lost on SMART-TD. Passenger safety needs to be seriously addressed in FTA's programming for multiple reasons. First, the public's safety is at stake, and second, if we hope to bolster ridership in an effort to keep these transit companies solvent, the public must feel confident in their safety while using public transportation. SMART-TD is acutely aware of the

importance of this aspect of the PTASPs, and we have prepared five action items for FTA to consider.

1. SMART-TD is advocating for FTA to use some of the allotted federal funds to create or bolster police programs for both large- and mid-sized transit markets. Having an enhanced police presence on America's buses will be an effective deterrent to the rash of assaults that are now occurring. The problem is not isolated to major metropolitan areas or any one time of day. We need to make a concerted effort to analyze the need for policing on a broader scale for public transit.
2. Announcements over loudspeakers at bus stations informing the public of enhanced laws prohibiting assaults on transit workers as well as alerting passengers to maintain situational awareness. Public address announcements should also be used to deliver messages about rider etiquette.
3. "Call 9-1-1" alerts to be displayed on the destination and or the next stop signs. In light of the bus operators not having two-way communication with emergency personnel or their dispatcher, it is key that along with a silent alarm, they be able to solicit this assistance from the passengers. With this capability, our operators will be able to empower the people on the bus to assist in directing the proper authorities to the bus in an effort to expedite assistance during an emergency.
4. Passenger education ad campaign with safety procedures and practices to be posted inside of bus terminals as well as on posters in the buses themselves.
5. Allow for armed security on every bus via local law enforcement or other applicable law enforcement agencies.

MECHANICS SAFETY

In addition to representing many of this nation's bus operators, SMART-TD is also proud to represent bus mechanics. It is our belief that any comprehensive attempt by FTA to create safety in public transportation must include these valuable members of the workforce. The two safety overlays SMART-TD sees as necessary for the mechanics working to safeguard our country's transportation network are as follows.

1. FTA needs to create a certification program to re-educate our mechanics on how to safely repair electric and alternative fuel buses. This is not only imperative for the safety of the mechanics but also will ensure the safety of the bus passengers and operators as well as the public. We need to know that these large and specialized vehicles are maintained correctly to avoid them from becoming prone to breakdowns and malfunctions that could occur on public streets.

It is also highly important that mechanics know how to perform their tasks safely while working with new technology. SMART-TD does not want our mechanics to be

injured or killed because of a lack of training in working on buses powered by natural gas or through large-scale electrical charges. These two power sources are becoming more prevalent every day, and we need to make sure our men and women are equipped to handle the vehicles professionally and without unnecessary risk to their wellbeing.

2. SMART-TD is requesting that FTA intervene with the current practice of bus manufacturers voiding warranties on their vehicles if a mechanic from the transportation agency that purchased the bus works on them. We understand that mechanics are not permitted to address detected problems on many of their buses even if they affect the safety of the passengers/operators due to their company's concerns over voiding these manufacturers' warranties. The end result is that these buses remain in regular service with known and potentially dangerous issues that could have otherwise been easily addressed. This is a disservice to the transit companies, their employees, and most importantly creates unnecessarily dangerous conditions for all involved.

PUBLIC POLICY

As FTA is aware, public policy is the origin of public safety. This is the premise for the PTASP that SMART-TD is commenting on. Through the introduction of the NPRM associated with this Docket No. FTA-2023-0007, FTA has taken a significant step toward using public policy to address what we are all aware is a growing problem in our country. That problem is the rise in the number and severity of transit worker assaults and assaults, in general, occurring on public transportation. With SMART-TD and FTA's common goal in mind, there are 2 public policies we would like to partner with FTA in championing.

1. SMART-TD is advocating for increased federal penalties for assaults on transit workers. We hope to elevate the crime of assaulting a public transit employee to the level of a felony. SMART-TD feels that increasing the classification and penalties associated with these crimes would be in line with the vulnerability of the bus operators and the level of risk that the public is put in when these crimes occur on public transportation. These increased penalties should include being banned from the use of public transportation indefinitely, as showing a willingness and capability to commit these crimes against one of our brothers or sisters should disqualify a person from being given an opportunity to repeat their offenses going forward. These stipulations have been successfully added to state legal codes in both New York and New Jersey. There is a legal precedent for this type of ban, and SMART-TD would like to see this line of defense enacted on a federal level so it can protect our members nationwide.
2. An additional public policy change that would be internal to FTA is that SMART-TD is advocating for the creation and mandatory involvement in a nationwide database to

collect and analyze reports of incidents of assault on public transportation. If all of the nation's public transit providers were mandated to report to FTA any and all assaults that bus operators or other public transit employees report, it would be more possible for SMART-TD and all other interested parties to analyze and look for trends that are capable of being affected. This strategy would also empower the front-line employees of transit agencies to take a more active role in telling the story of what they are up against in their day-to-day work. SMART-TD would also like to see FTA compile these reports and make them available at regular intervals.

HEALTH SAFETY

During the COVID-19 pandemic, our SMART-TD bus members and transit workers nationwide were correctly viewed as being essential, if not heroic, workers. They were in constant close contact with the public in an effort to keep the basic necessities of life accessible in their communities. As our country and the world is steadily moving past the grip of the coronavirus, it is important that our leaders and government officials act upon the lessons learned from the national vulnerabilities that were exposed. With this in mind, SMART-TD is proposing 2 permanent adjustments to safety protocols on public transportation.

1. In order to reduce the amount of contact SMART-TD transit workers are exposed to, we would like FTA to mandate a cashless fare system be put in place nationwide. Technology is available that makes this both possible and practical. The reduction of health risks for the nation's transit workers would be a tremendous return on investment. One of the most common issues our transportation agencies and companies have reported is that they have difficulties meeting their necessary staffing levels. Keeping the employees they do have healthy and available to work should prove beneficial to them in both the short and long term.

Additionally, cashless fare systems alleviate the burden of bus operators and transit workers in general from handling cash transactions. This duty is not only time-consuming, but these transactions are one of the leading friction points that leads to disturbances and assaults.

2. The second health safety proposal SMART-TD is putting forward is mandating face masks be worn by all employees and passengers on all forms of public transportation. The enclosed areas on America's commuter trains, busses, and trolleys have poor air circulation. With members of the public constantly rotating through their vehicles, the odds of transit workers bearing the brunt of the next health crisis are very high.

COVID-era masking protocols proved to be a useful tool in our country's efforts to keep public transportation available during the years of turmoil the pandemic caused. SMART-TD is not asking for a new policy to be drawn up on the part of FTA on this

topic. We request that we move forward permanently adhering to the mask policy FTA employed in 2020-2022.

Conclusion

SMART-TD is thankful to FTA for moving forward with the creation of Public Transportation Agency Safety Plans, and we are happy for the opportunity to play a role in the public comment process associated with it. This process FTA is embarking on is a clear demonstration of its commitment to public safety and an acknowledgment that our transit workers need to see tangible changes in their levels of personal safety.

As a union, we look forward to forging a path that creates safer and healthier environments for our members to work in. These essential workers cannot continue to be expected to risk their lives and livelihoods each day by showing up to work. A successful and mission-focused collaboration built by FTA, transportation employee unions, and the nation's transportation companies/agencies, is what this moment calls for, and that is exactly what SMART-TD is ready to be part of. This being said, the facts on the ground and the number of assaults that continue to occur dictate that now is not a time to conduct studies. It is in fact time to take decisive action.

The proposals offered as part of this public comment would move this country and industry in the right direction. SMART-TD is advocating for these common-sense initiatives to be acted upon quickly and universally. It is our recommendation that adherence to the program that is the final product of this FTA NPRM be directly tied to eligibility for federal funding of transportation agencies without exceptions. This is the only way change will occur with any form of expediency.

As we plan and form exploratory committees, bus and transit workers in our nation are being assaulted 2 out of every 3 days by your own account. This cannot be viewed as acceptable. As the working conditions of transit workers nationwide deteriorate and the public continues to be more and more emboldened toward violence, the calls for a safety standdown grow louder and more widespread. FTA needs to use the funding provided to it by Congress and President Biden through the Infrastructure Investment and Jobs Act (IIJA) to provide for equipment, infrastructure, and policy changes that reimagine what safety for our transit workers looks like.

Swift actions are required to bring this transformation into reality quickly. SMART-TD looks forward to being a part of these changes.

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We thank the FTA and appreciate it allowing us the opportunity to comment on behalf of our membership.



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