



Foothill Transit

# Executive Board Meeting AGENDA

## SPECIAL EXECUTIVE BOARD MEETING

### **STUDY SESSION**

8:00 AM, AUGUST 19, 2019

Foothill Transit Administrative Office

2<sup>nd</sup> Floor Conference Room

100 South Vincent Avenue

West Covina, CA 91790

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: MEMBERS BARAKAT, BOYER, CALAYCAY, HERRERA, STERNQUIST
4. APPROVAL OF AGENDA
5. Foothill Transit Safety and Security Program Review  
*Recommended Action: Receive and file the Foothill Transit Safety and Security Program Review.*
6. EXECUTIVE DIRECTOR COMMENT
7. BOARD MEMBER COMMENT
8. ADJOURNMENT

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Public Comment: Members of the public shall have the right to address the Board on any item of interest which is within the jurisdiction of the Board before or during the Board's consideration of the item. Presentation shall not exceed two minutes in length. Action may be taken on any item identified on the agenda. Persons wishing to comment should submit a "Request to Speak" form to the Secretary. Note: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA.

The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementary prior to the meeting by calling (626) 931-7300 extension 7204 or at the agency's offices located at 100 S. Vincent Ave., Suite 200, West Covina, CA 91790. Documents, including PowerPoint handouts, distributed to Board Members by staff or Board Members at the meeting will simultaneously be made available to the public upon request.



8:00 AM, August 19, 2019  
2<sup>nd</sup> Floor Conference Room, 100 South Vincent Avenue, West Covina, CA 91790  
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**A Meeting of the Governing Board  
is scheduled for  
Friday, August 23, 2019 at 7:45 a.m.**

**A Meeting of the Executive Board  
is scheduled for  
Friday, August 23, 2019 at 9:00 a.m.**

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In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please contact the Executive Director’s office at (626) 931-7300 extension 7204, at least 48 hours prior to the meeting.

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Si necesita servicios de traducción, por favor póngase en contacto con la oficina del Director Ejecutivo en el (626) 931-7300, extensión 7204, al menos 48 horas antes de la reunión.

如果需要翻译服务, 请至少于会议前48小时致电高级主任办公室: ( 626 ) 931-7300 分机 7204。

Nếu Quý vị có yêu cầu dịch vụ dịch thuật, xin vui lòng liên hệ với văn phòng Giám đốc Điều hành tại (626) 931-7300 số lẻ 7204, ít nhất 48 giờ trước khi cuộc họp.

Kung nangangailangan ka ng mga serbisyo sa pagsasalín, pakisuyong makipag-ugnayan sa opisina ng Executive Director sa (626) 931-7300 extension 7204, ng hindi bababa sa 48 oras bago ang pulong.

번역 서비스가 필요하시면 미팅 최소 48시간 이전에 임원 사무실로 (626-931-7300, 내선 번호 7204) 전화주시기 바랍니다.

翻訳サービスが必要な方は、会議の48時間前までに(626) 931-7300 内線 7204のエグゼクティブディレクター事務所にご連絡ください。

إن كنت بحاجة إلى خدمات ترجمة، برجاء الاتصال بالمدير التنفيذي للمكتب على رقم (626)931-7300 (الرقم الداخلي 7204) قبل الاجتماع بـ 48 ساعة على الأقل.

Եթե Ձեզ թարգմանչական ծառայությունների են հարկավոր, հանդիպումից առնվազն 48 ժամ առաջ խնդրում ենք զանգահարել Գործադիր տնօրենի գրասենյակ (626) 931-7300 լրացուցիչ՝ 7204 հեռախոսահամարով:

ប្រសិនបើលោកអ្នកស្នើសុំសេវាកម្មបកប្រែភាសា សូមទាក់ទងមកករិយាល័យនាយកប្រតិបត្តិ តាមលេខទូរស័ព្ទ៖ (626) 931-7300 លេខបន្តបន្ត 7204 ដែលមានរយៈពេលយ៉ាងតិច 48 ម៉ោង មុនពេលកិច្ចប្រជុំ។

در صورت نیاز به خدمات ترجمه، لطفاً حداقل 48 ساعت قبل از جلسه ملاقات با مدیر اجرایی دفتر به شماره (626)931-7300 داخلی 7204 تماس حاصل فرمایید.

หากคุณต้องการบริการการแปลภาษากรุณาติดต่อสำนักงานผู้อำนวยการบริหารที่ (626) 931-7300 ต่อ 7204, อย่างน้อย 48 ชั่วโมงก่อนที่จะมีการประชุม



August 19, 2019

To: Executive Board

Subject: **Foothill Transit Safety and Security Program Review**

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### **Recommendation**

Receive and file the Foothill Transit Safety and Security Program Review.

### **Analysis**

Foothill Transit's mission is to be the premier public transit provider committed to safety, courtesy, quality, responsiveness, efficiency, and innovation. In addition, listed first among our organizational values is Safety: We educate, encourage, and endorse a strong culture of safety at all levels of the organization, valuing the responsibility entrusted in us by the communities that we serve.

In keeping with Foothill Transit's organizational focus on safety, we have developed a robust safety and security program that is implemented in partnership with our two transit operations contractors and our customer service and facilities maintenance contractor.

In the area of safety, Foothill Transit's foremost focus is on reducing accidents, and in particular the frequency and severity of preventable vehicle collisions. Foothill Transit's performance target in this area is 0.8 preventable vehicle collisions per 100,000 miles and the annual performance for FY16-17, FY17-18, and FY18-19 has been 0.78, 0.85, and 0.80, respectively. Along with all other FTA grantees, Foothill Transit's safety performance is reported on an annual basis to the National Transit Database (NTD). Preventable Vehicle Collision data is one of the eight Key Performance Indicators monitored and reported to the Board each month, and Foothill Transit's performance ranks among the best within the American Bus Benchmarking Group (ABBG) of which Foothill Transit is one of 24 members representing transit properties from across the nation.

Other safety hazards, such as passenger slips and falls, staff injuries, number of incidents resulting in lost time, amount of time lost as a result of workplace injuries, etc. are also tracked and addressed by a standing safety management team comprised of Foothill Transit and contractor staff. This team meets each month to discuss potential hazards such as non-standard curb heights, areas with protruding tree branches, intersections with restricted visibility, etc. and to review all safety related incidents and identify strategies to address them.



To ensure continued organization-wide focus on safety, a number of strategies are employed. At the beginning of each week, the administrative team takes part in a safety briefing provided by Foothill Transit's Safety Compliance Coordinator. These and other safety topics are reinforced throughout the building by way of posted signage in common areas of the building. Each Board meeting also begins with a Safety Message, and visiting groups are briefed on emergency procedures. On an annual or semi-annual basis, staff take part in a number of safety focused drills and exercises. These include earthquake preparedness drills, fire drills, active shooter training, cardio-pulmonary resuscitation training, automatic external defibrillator training, fire extinguisher training, etc.

As a service to its members, the American Public Transportation Association (APTA) offers a Bus Safety Management Program (BSMP) Audit that is designed to assess the effectiveness of a transit agency's safety practices and identify areas for improvement. The audit program has been in existence for 23 years, and it has recently been updated to include Safety Management Systems (SMS)-based criteria to reflect requirements from the Federal Transit Administration (FTA), including those most recently published in the Public Transportation Agency Safety Plan (PTASP) at 49 U.S.C. Part 673. The rule was finalized and adopted by the FTA on July 19, 2018 with a targeted implementation date of July 19, 2019 and a requirement that public transit agencies develop and adopt their PTASP by July 19, 2020 (*Attachment 1*)

Prior to finalization of the rulemaking and at our request, APTA's safety audit team completed a review of Foothill Transit's bus safety program in August of 2017. Some of the elements focused upon in the program include hazard identification and resolution, accident and incident investigation and reporting, emergency response planning, training and coordination, safety data acquisition and analysis, inter-departmental coordination, and employee safety programs. Although the PTASP rulemaking process was ongoing and the rule was not yet finalized, the BSMP audit included those requirements that were being proposed at the time. The requirements in the final rule are generally consistent with those included in the initial proposed rule. At the August 25, 2017 Executive Board Meeting, staff presented the results of the APTA BSMP Review (*Attachment 2*).

Subsequent to that review, staff drafted the attached Safety Management System Plan (*Attachment 3*) in anticipation of the release of the final PTASP rule and FTA guidance.

The FTA is currently conducting workshops across the country to provide guidance to grantees and to ensure effective dissemination of the PTASP requirements, including a discussion of how they are to be integrated with



SMS requirements. Foothill Transit's Deputy Executive Director and Safety Compliance Coordinator are scheduled to participate in the August 20 session to get the most up-to-date information related to PTASP and SMS implementation. This information will be used in finalizing Foothill Transit's SMS Policy and Program document for consideration by the Foothill Transit Executive Board at the September 27 board meeting.

In addition to the recently added PTASP requirements, the FTA conducts a comprehensive review every three years to "assess management practices and program implementation to ensure that the FTA programs are administered in accordance with FTA requirements and are meeting program objectives." Safety compliance, including Drug and Alcohol Program compliance is one of the areas evaluated during this triennial review process. During Foothill Transit's most recent FTA Triennial Review in 2017, there were no deficiencies identified in the area of Safety.

Foothill Transit's operations and maintenance contractors are responsible for conducting random and post-accident drug and accident testing, and Foothill Transit's Safety Compliance Coordinator randomly monitors the testing process to ensure compliance by both transit service contractors and by their testing contractors. In 2016, as part of their regular grantee oversight, the FTA conducted an audit of Foothill Transit's Drug and Alcohol Program and found no deficiencies.

Foothill Transit's contracted operations allows the organization to benefit from the national and international experience of its transit operations contractors. As part of the proposal evaluation process, the evaluation team reviews the safety plans of each respondent to our transit operations request for proposals. Attached to this report are Transdev's and Keolis' Safety Plans (*Attachments 4 through 9*). These Safety Plans address each contractor's Drug and Alcohol Testing Program, their Drug-Free Workplace Policy, their Injury and Illness Prevention Program, as well as other general safety topics. The leadership teams of Transdev and Keolis will be present at the August 19 Study Session to provide an overview of these plans as well as their corporate and local safety efforts on behalf of Foothill Transit.

Foothill Transit's membership in the ABBG allows us to benefit from and share lessons learned with our transit colleagues. As part of our ABBG reporting, Foothill Transit tracks and in concert with our two transit service contractors, works to reduce passenger injuries, third-party injuries, staff injuries, incidents causing staff lost time, staff time lost from incidents, collisions on property, and preventable and non-preventable collisions on the road.



In 2007, with the implementation of Foothill Transit's Computer Aided Dispatch and Automatic Vehicle Location (CAD/AVL) system, onboard cameras were installed. The camera systems have been upgraded with the transition to Foothill Transit's current CAD/AVL system provided by Avail Technologies. There are nine cameras on each 35-foot coach, eight or nine on each 40-foot coach depending on the coach series and bus manufacturer, and 11 on each 60-foot articulated coach. The cameras offer multiple views of the interior of the coach as well as exterior views of the rear, curbside, street side, and forward facing views. Each bus is equipped with an event button and a silent alarm system (SAS) to enable drivers to record safety and life threatening events that occur inside and outside of the bus.

When buses return to their respective operating facility, a connection is established via an access point which connects to the Wi-Fi at each operating location. Once a connection is established, the bus will then begin to upload the video to the server. Videos can also be downloaded for review of events related to customer comments and complaints. The priority of the downloads are SAS events and law enforcement requests for video.

In 2016, Foothill Transit began including coach operator barriers on newly-procured buses. The barriers are currently installed on 94 of Foothill Transit's 340 compressed natural gas buses. No operator barriers have yet been identified that can be installed on the Proterra battery electric buses. This is a function of the current configuration of the driver compartment and the design parameters of the currently available coach operator barriers. Studies on the effectiveness of operator barriers in reducing incidents of operator assaults are currently underway, and along with Foothill Transit's experience, will inform future strategies to enhance coach operator and customer safety.

In the area of system security, several strategies and approaches are employed. For the past seven years, Foothill Transit has contracted with the Los Angeles County Sheriff's Department to provide law enforcement services as requested. At least six times each year, Sheriff's deputies are deployed randomly on buses in service and at transit centers to observe and act on any security issues they encounter. The officers provide Foothill Transit with an after action report on what they observed while conducting the bus rides. Officers address and report on any violations and enforcement of the Foothill Transit policies, including but not limited to fare evasion, graffiti, alcohol consumption, and any other disruptive behavior that may occur while the bus is in service. With the help of both contractors as well as with the use of our TransTrack Business Intelligence System and comments received via Elerts and Social Media, a patrol schedule is created that targets service lines and areas that present the most challenges.



In 2012, Foothill Transit engaged the Department of Homeland Security's Transportation Security Administration (TSA) Surface Transportation Division to provide a Threat and Vulnerability Assessment of our Facilities and Operations. This service is provided without cost by the TSA.

Recommendations provided by the TSA team were used to inform Foothill Transit's deployment of closed circuit camera systems and facility access systems. On an ongoing basis, our local TSA Field Representative works with our two operations and maintenance contractor to enhance system security. The TSA has conducted tabletop exercises involving local law enforcement and fire department personnel, and through their Security Enhancement Through Assessment (SETA) program they regularly conduct undercover exercises at both operations and maintenance facilities and follow up with Foothill Transit and contractor management personnel to implement practices to strengthen system security.

On July 1, 2019, Foothill Transit launched our very own Foothill Transit Watch app that was developed by ELERTS Corporation. The application was developed as a two-way incident management system deployed at the operations and dispatch centers of both of our transit service contractors. Members of the public and employees can quickly report concerns using their mobile phone. A two-way real-time text chat is established between the dispatcher and the person who is reporting the issue. This type of communication allows Foothill Transit to respond much more quickly to problems that are occurring in our service area.

ELERTS also allows Foothill Transit to be part of the See Something Say Something initiative that is sponsored by the Department of Homeland Security. See Something Say Something encourages customers to be watchful and vigilant of suspicious activity in and around transit stations and on transit vehicles. ELERTS developed the Foothill Transit Watch app to facilitate our participation in the See Something Say Something initiative.

Sincerely,

Roberto Estrella  
Safety Compliance Coordinator

Doran J. Barnes  
Executive Director

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 673**

[Docket No. FTA–2015–0021]

RIN 2132–AB23

**Public Transportation Agency Safety Plan**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Transit Administration (FTA) is publishing a final rule for Public Transportation Agency Safety Plans as authorized by the Moving Ahead for Progress in the 21st Century Act (MAP–21). This final rule requires States and certain operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop Public Transportation Agency Safety Plans based on the Safety Management System approach. Operators of public transportation systems will be required to implement the safety plans. The development and implementation of safety plans will help ensure that public transportation systems are safe nationwide.

**DATES:** The effective date of this rule is July 19, 2019.

FTA's Office of Transit Safety and Oversight (TSO) will host a series of webinars to discuss the requirements of the Public Transportation Agency Safety Plan (PTASP) final rule. The first two webinars will be held at 2 p.m. on Wednesday, July 25, 2018 and Tuesday, July 31, 2018.

**ADDRESSES:** To register for webinars and for information about future webinars, please visit <https://www.transit.dot.gov/about/events>.

FTA is committed to providing equal access for all webinar participants. If you need alternative formats, options, or services, contact [FTA-Knowledge@dot.gov](mailto:FTA-Knowledge@dot.gov) at least three business days prior to the event. If you have any questions, please email [FTA-Knowledge@dot.gov](mailto:FTA-Knowledge@dot.gov).

**FOR FURTHER INFORMATION CONTACT:** For general information, contact [PTASP\\_QA@dot.gov](mailto:PTASP_QA@dot.gov). For program matters, contact Adrienne Malasky, Office of Transit Safety and Oversight, (202) 366–1783 or [Adrienne.Malasky@dot.gov](mailto:Adrienne.Malasky@dot.gov). For legal matters, contact Michael Culotta, Office of Chief Counsel, (212) 668–2170 or [Michael.Culotta@dot.gov](mailto:Michael.Culotta@dot.gov). Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

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**I. Executive Summary**

*A. Purpose of Regulatory Action*

The public transportation industry remains among the safest surface transportation modes in terms of total reported safety events, fatalities, and injuries.<sup>1</sup> Nonetheless, given public

<sup>1</sup> See United States Department of Transportation, Bureau of Transportation Statistics, "Table 2–1: Transportation Fatalities by Mode 1960–2016," at [https://www.bts.gov/archive/publications/national\\_transportation\\_statistics/table\\_02\\_01](https://www.bts.gov/archive/publications/national_transportation_statistics/table_02_01); and "Table



transportation service complexities, the condition of transit equipment and facilities, turnover in the transit workforce, and the quality of policies, procedures, and training, the public transportation industry remains vulnerable to catastrophic accidents.

This rule outlines requirements for Public Transportation Agency Safety Plans that would carry out explicit statutory mandates in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141; July 6, 2012) (MAP–21), which was reauthorized by the Fixing America's Surface Transportation Act (Pub. L. 114–94; December 4, 2015) (FAST Act) and codified at 49 U.S.C. 5329(d), to strengthen the safety of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53. This rule requires the adoption of Safety Management Systems (SMS) principles and methods; the development, certification, implementation, and update of Public Transportation Agency Safety Plans; and the coordination of Public Transportation Agency Safety Plan elements with other FTA programs and rules, as specified in 49 U.S.C. 5303, 5304, and 5329.

#### B. Legal Authority

In Section 20021 of MAP–21, which is codified at 49 U.S.C. 5329, Congress directed FTA to establish a comprehensive Public Transportation Safety Program, one element of which is the requirement for Public Transportation Agency Safety Plans. Pursuant to 49 U.S.C. 5329(d), FTA must issue a final rule requiring operators of public transportation systems that receive financial assistance under Chapter 53 to develop and certify Public Transportation Agency Safety Plans.

#### C. Summary of Major Provisions

##### 1. Summary of the Final Rule

This rule adds a new part 673, "Public Transportation Agency Safety Plans," to Title 49 of the Code of Federal Regulations. The rule implements the requirements of 49 U.S.C. 5329(d).

One year after the effective date of this rule, each State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53, must certify that it has established a comprehensive Public Transportation Agency Safety

Plan (PTASP). 49 U.S.C. 5329(d)(1). At this time, the rule does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310 (Section 5310), 49 U.S.C. 5311 (Section 5311), or both 49 U.S.C. 5310 and 49 U.S.C. 5311. Large transit providers must develop their own plans, have the plans approved by their Boards of Directors (or equivalent authorities), and certify to FTA that those plans are in place and comply with this part. Small public transportation providers that receive Urbanized Area Formula Program under 49 U.S.C. 5307 may have their plans drafted or certified by the State in which they operate. A small public transportation provider may opt to draft and certify its own plan.

At a minimum, and consistent with 49 U.S.C. 5329(d), each Public Transportation Agency Safety Plan must:

- Include the documented processes and procedures for the transit agency's Safety Management System, which consists of four main elements: (1) Safety Management Policy, (2) Safety Risk Management, (3) Safety Assurance, and (4) Safety Promotion, as discussed in more detail below (49 CFR 673.11(a)(2));
- Include performance targets based on the safety performance criteria established under the National Public Transportation Safety Plan (49 CFR 673.11(a)(3));
- Address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and National Public Transportation Safety Plan (49 CFR 673.11(a)(4)); and
- Establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan (49 CFR 673.11(a)(5)).

Each rail transit agency must include in its Public Transportation Agency Safety Plan an emergency preparedness and response plan, as historically required by FTA under the former regulatory provisions of the State Safety Oversight rule at 49 CFR part 659 (49 CFR 673.11(a)(6)).

A transit agency may develop one Public Transportation Agency Safety Plan for all modes of its service, or it may develop a Public Transportation Agency Safety Plan for each mode of service that is not subject to safety regulation by another Federal entity. 49 CFR 673.11(b). A transit agency must maintain records associated with its Public Transportation Agency Safety Plan. 49 CFR 673 subpart D. Any rail fixed guideway public transportation system that had a System Safety

Program Plan (SSPP) compliant with the former regulatory provisions of 49 CFR part 659 as of October 1, 2012, may keep that plan in effect until one year after the effective date of this rule. 49 CFR 673.11(e). A transit agency that operates passenger ferry service regulated by the United States Coast Guard (USCG) or rail fixed guideway public transportation service regulated by the Federal Railroad Administration (FRA) is not required to develop a Public Transportation Agency Safety Plan for those modes of service. 49 CFR 673.11(f).

States and transit agencies must make their safety performance targets available to States and Metropolitan Planning Organizations (MPO) to aid in the planning process, and to the maximum extent practicable, States and transit agencies must coordinate with States and MPOs in the selection of State and MPO safety performance targets. 49 CFR 673.15.

On an annual basis, transit agencies and States must certify compliance with this rule. 49 CFR 673.13.

##### 2. Summary of Public Comments

On February 5, 2016, FTA issued a Notice of Proposed Rulemaking (NPRM) for Public Transportation Agency Safety Plans. 81 FR 6344 (<https://www.gpo.gov/fdsys/pkg/FR-2016-02-05/pdf/2016-02017.pdf>). The public comment period closed on April 5, 2016. FTA received approximately 647 comments from approximately 77 entities, including States, transit agencies, trade associations, and individuals.

The majority of the comments addressed the administration of the rule. Over 100 comments focused on definitions, with the vast majority of those commenters requesting FTA to align terms and definitions with the terms and definitions that FTA recently finalized in other rules, such as the State Safety Oversight rule at 49 CFR part 674 and the Transit Asset Management rule at 49 CFR part 625. FTA received nearly 300 comments on issues relating to (1) the effective date and compliance date of the rule; (2) the drafting and certification of safety plans on behalf of recipients of FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program at 49 U.S.C. 5310 and other smaller recipients; (3) clarification of FTA's oversight process; (4) the need for FTA's technical assistance; (5) documentation and recordkeeping; and (6) the applicability of the rule.

FTA received over 80 comments on SMS. Many of the commenters expressed support for SMS, particularly given its flexibility and scalability.

1–40: U.S. Passenger Miles (Millions) 1960–2015," at [https://www.bts.gov/archive/publications/national\\_transportation\\_statistics/table\\_01\\_40](https://www.bts.gov/archive/publications/national_transportation_statistics/table_01_40).

Some commenters requested clarification of the flexibility and scalability of SMS, and to that end, they requested that FTA develop and issue a safety plan template. Other commenters requested clarification regarding specific provisions of SMS. In the NPRM, FTA sought comments on alternative regulatory frameworks to SMS, and in response to this request, FTA received no comments.

Detailed comment summaries and responses are below.

### 3. Summary of the Major Changes to the Rule

In response to the public comments, FTA made a number of changes to the rule. Below is a summary of those changes, which are discussed in more detail in the sections that follow.

#### Section 673.1 Applicability

In the NPRM, FTA proposed to apply the rule to every "State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53." FTA specifically asked the public whether the rule should apply to recipients and subrecipients of funds under FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program at 49 U.S.C. 5310 (Section 5310). FTA also specifically asked the public for alternative regulatory frameworks that satisfy the statutory requirements of 49 U.S.C. 5329 and are tailored to fit the needs of smaller operators of public transportation.

FTA received numerous comments in response to these questions and the regulatory proposal. Several commenters suggested that FTA exempt Section 5310 recipients from the rule because they are smaller non-traditional transit providers. Several commenters suggested that FTA adopt a more streamlined and simplified approach that is more tailored for smaller operators. At least one commenter suggested that FTA exempt subrecipients of Section 5311 Rural Area Formula Program funds from the rule.

In light of these public comments and the need for further evaluation, FTA is deferring regulatory action at this time on operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. This deferral will provide FTA time to further evaluate information and safety data related to these systems to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these systems. Thus,

this final rule does not address operators of public transportation systems that only receive Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311.

#### Section 673.5 Definitions

FTA updated the definitions of the terms "Accountable Executive" and "Transit Asset Management Plan," and FTA changed the term "Performance Criteria" to "Performance Measure," in an effort to align these terms and definitions with those in FTA's Transit Asset Management rule at 49 CFR part 625, which was published on July 26, 2016. FTA updated the definition of the term "Safety Risk Management," added the term "Rail Fixed Guideway Public Transportation System," and changed the term "Safety Risk" to "Risk" in an effort to align these terms and definitions with those in FTA's State Safety Oversight rule at 49 CFR part 674, which was published on March 16, 2016. FTA clarified in its definition of "Safety Management System Executive" that it means a "Chief" Safety Officer or an equivalent. FTA changed the term "Safety Risk Evaluation" to "Safety Risk Assessment" to add clarity to the final rule.

In the NPRM, FTA proposed to define "operator of a public transportation system" to exclude operators that "provide service that is closed to the general public and only available for a particular clientele." This language was intended to narrow the type of Section 5310 recipients that would be subject to the rule. In light of FTA's decision to defer action on the applicability of the rule to all Section 5310 recipients and subrecipients—including operators that "provide service that is closed to the general public and only available for a particular clientele"—FTA is removing this language from the definition of "operator of a public transportation system."

In the NPRM, FTA proposed to define "Small Public Transportation Provider" to mean "a recipient or subrecipient of Urbanized Area Formula Program funds under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in revenue service and does not operate a rail fixed guideway public transportation system." In response to public comments and for consistency with the Transit Asset Management Rule (81 FR 48889), FTA changed the definition of the term "Small Public Transportation Provider" to mean 100 or fewer vehicles in "peak" revenue service, as opposed to revenue service generally.

#### Section 673.11(a)(6) General Requirements: Emergency Preparedness and Response Plans

Based on public comments, FTA will provide rail transit agencies with the option to either include an emergency preparedness and response plan as a section of their Public Transportation Agency Safety Plan, or they may incorporate an existing emergency preparedness and response plan into their Public Transportation Agency Safety Plan by reference.

#### Section 673.11(d) General Requirements; § 673.13 Certification of Compliance: The Drafting and Certification of Public Transportation Agency Safety Plans on Behalf of Section 5310 Recipients and Subrecipients

In the NPRM, FTA proposed to require States to draft and certify safety plans on behalf of certain recipients and subrecipients of funds under Section 5310 and the Section 5311 Formula Grants for Rural Areas Program. In light of the public comments from these recipients requesting exemptions from the rule and a more streamlined and tailored regulatory approach for smaller operators, and given FTA has decided to defer action on applicability of the rule to Section 5310 and Section 5311 recipients and subrecipients, FTA does not need to require States to draft and certify safety plans for those recipients and subrecipients at this time.

#### Section 673.23(a) Safety Management Policy

In the NPRM, FTA proposed to require transit agencies to develop a written Safety Management Policy, which would include safety performance targets. FTA received numerous comments noting that FTA also was proposing to require transit agencies to set safety performance targets in the General Requirements section of the rule, so the requirement in the Safety Management Policy section appeared redundant. FTA agrees, and to eliminate any redundancies, FTA deleted that requirement from the Safety Management Policy section of the rule.

#### Section 673.25 Safety Risk Management

In response to comments, FTA revised its Safety Risk Management requirements to add clarity to the safety hazard identification, safety risk assessment, and safety risk mitigation processes in the final rule.

#### Section 673.27 Safety Assurance

In the NPRM, FTA proposed to require all transit agencies to develop

and implement a comprehensive Safety Assurance process. FTA proposed to require all transit agencies to develop and implement processes for (1) safety performance monitoring and measurement, (2) management of change, and (3) continuous improvement.

FTA received comments seeking clarity on one of the requirements related to safety performance monitoring and measurement, specifically, the requirement for each transit agency to “[m]onitor its operations to identify hazards not identified through the Safety Risk Management process established in § 673.25 of this subpart.” 49 CFR 673.27(b)(2) (as proposed in the NPRM). Some commenters suggested that this requirement appeared redundant and duplicative of each of the requirements under Safety Risk Management. FTA agrees with these commenters, and to add clarity, reduce redundancy, and lower burdens, FTA eliminated this requirement from the final rule.

More significantly, FTA received numerous comments requesting a reduction in the regulatory requirements for small public transportation providers. Given the limited administrative and financial resources available to small public transportation providers, FTA believes that a reduction in their regulatory burdens is appropriate. To that end, and to address the concerns expressed by commenters, FTA eliminated significant Safety Assurance requirements for all small public transportation providers. In the final rule, small public transportation providers only need to develop processes for safety performance monitoring and measurement. Small public transportation providers are not required to develop and implement processes for management of change and continuous improvement. FTA believes that these changes in the final rule will reduce their burdens significantly. Rail fixed guideway public transportation systems and recipients and subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53 that have more than one hundred vehicles in peak revenue service must develop and implement Safety Assurance processes that include all of the regulatory requirements under 49 CFR 673.27, specifically, processes for safety performance monitoring and measurement, management of change, and continuous improvement.

#### Section 673.29(a) Safety Promotion

In the NPRM, FTA proposed to require transit agencies to establish comprehensive safety training programs for staff and contractors directly responsible for “the management of” safety. FTA received several comments expressing confusion over this requirement and the requirements of FTA’s proposed Safety Certification Training Program Rule, which applies to staff and contractors who responsible for safety “oversight” on rail transit systems. In an effort to respond to the commenters and to eliminate confusion, FTA struck the language “the management of” from the rule, so it now requires safety training for staff and contractors who are “directly responsible for safety.”

#### Section 673.31 Safety Plan Documentation

In the NPRM, FTA proposed to require transit agencies to maintain their safety plan documents for a minimum of three years. To add clarity in the final rule, FTA is requiring transit agencies to maintain safety plan documents for three years “after they are created.”

Also, in the NPRM, FTA proposed to require a number of additional records related to a Public Transportation Agency Safety Plan. Specifically, FTA proposed to require transit agencies to maintain records related to (1) safety risk mitigations, (2) results of safety performance assessments, and (3) employee safety training. FTA received numerous comments requesting reduced recordkeeping burdens. FTA also received numerous comments, in general, from smaller transit operators requesting reduced regulatory burdens.

Upon review of these comments, FTA has eliminated the recordkeeping requirements in proposed 49 CFR 673.33 in their entirety. FTA believes that the records developed and maintained in accordance with 49 CFR 673.31 are sufficient to ensure that transit agencies are complying with the requirements of the statute and this final rule. FTA believes that this change in the final rule significantly will reduce the administrative, financial, and regulatory burdens on all transit operators.

#### D. Costs and Benefits

As discussed in greater detail below, FTA was able to estimate some but not all of the rule’s costs. FTA was able to estimate the costs for transit agencies to develop and implement Public Transportation Agency Safety Plans,

which are approximately \$41 million in the first year, and \$30 million in each subsequent year, with annualized costs of \$31 million discounted at 7 percent. These costs result from developing and certifying safety plans, documenting SMS processes and procedures, implementing SMS, and maintaining records. FTA was not able to estimate the costs of actions that transit agencies would be required to take to mitigate risk as a result of implementing this rule, such as vehicle modifications, additional training, technology investments, or changes to operating procedures and practices. It is not possible for FTA to anticipate the strategies and actions agencies may adopt to address safety risks, or the time period over which these actions would occur.

FTA was unable to quantify the rule’s benefits. To estimate safety benefits, one would need information regarding the causes of safety events and the factors that may cause future events. This information is generally unavailable in the public transportation sector, given the infrequency and diversity of the type of safety events that occur. In addition, one would need information about the safety problems that agencies are likely to find through implementation of their safety plans and the actions agencies are likely to take to address those problems. Instead of quantifying benefits, FTA estimated the potential safety benefits. The potential safety benefits are an estimate of the cost of all bus and rail safety events over a future 20-year period. The estimate is an extrapolation of the total cost of bus and rail events that occurred from 2010 to 2016.

Table 1 below shows the summary of the Costs and the Potential Benefits. The benefits of the rule primarily will result from mitigating actions, which largely are not accounted for in this analysis. FTA has not estimated the benefits of implementing the rule without mitigating actions, but expects they are unlikely to be large. Estimated costs for agencies’ safety plans include certain activities that could yield safety improvements, such as improved communication, identification of hazards, and greater employee awareness, as well as increased accountability at the higher echelons of the organization. It is plausible that these activities alone could produce accident reductions that surpass the cost of developing the plan, though even greater reductions could be achieved in concert with other mitigating actions.

TABLE 1—SUMMARY OF THE COSTS AND THE POTENTIAL BENEFITS IF ADDITIONAL UNQUANTIFIED MITIGATION INVESTMENTS OCCUR  
(2016 Dollars)

	Current dollar value	7% Dis-counted value	3% Dis-counted value
Qualitative Benefits .....	<ul style="list-style-type: none"> <li>• Reduced bus and rail safety incidents with mitigation actions.</li> <li>• Reduced delays in operations.</li> </ul>		
Estimated Costs (20-Year Estimate) .....	\$602,485,710	\$323,732,747	\$450,749,898
Unquantified Costs .....	<ul style="list-style-type: none"> <li>• Investments associated with mitigating safety risks (such as additional training, vehicle modification, operational changes, maintenance, and information dissemination).</li> </ul>		
Estimated Cost (Annualized) .....	.....	30,558,081	30,297,473

**II. Background**

On July 6, 2012, the President signed into law MAP-21 (Pub. L. 112-141). MAP-21 authorized a number of fundamental changes to the Federal transit programs at 49 U.S.C. Chapter 53. This rule addresses the Public Transportation Agency Safety Plan within the Public Transportation Safety Program authorized under 49 U.S.C. 5329. This authority was reauthorized when the President signed into law the FAST Act on December 4, 2015.

The Public Transportation Safety Program consists of several key elements: The National Public Transportation Safety Plan, authorized by 49 U.S.C. 5329(b); the Public Transportation Safety Certification Training Program, authorized by 49 U.S.C. 5329(c); the Public Transportation Agency Safety Plans, authorized by 49 U.S.C. 5329(d); and the State Safety Oversight Program, authorized by 49 U.S.C. 5329(e). FTA has issued rules and guidance, and it will continue to issue rules and guidance, to carry out all of these plans and programs under the rulemaking authority of 49 U.S.C. 5329 and 5334(a)(11).

On October 3, 2013, FTA issued an Advance Notice of Proposed Rulemaking (ANPRM) for Public Transportation Agency Safety Plans, the National Public Transportation Safety Plan, the Safety Certification Training Program, and a new Transit Asset Management System. 78 FR 61251 (<http://www.gpo.gov/fdsys/pkg/FR-2013-10-03/pdf/2013-23921.pdf>). Through the ANPRM, FTA sought comments on 123 questions related to the implementation of the public transportation safety program and transit asset management; 42 of the 123 questions specifically were related to Public Transportation Agency Safety

Plans. The public comment period for the ANPRM closed on January 2, 2014. In response to the ANPRM, FTA received comments from 167 entities, including States, transit agencies, trade associations, and individuals.

Following a comprehensive review of the comments, FTA issued several NPRMs for safety and transit asset management. In particular, FTA issued the NPRM for Public Transportation Agency Safety Plans on February 5, 2016. In this NPRM, FTA addressed comments related to the 42 questions in the ANPRM on Public Transportation Agency Safety Plans, specifically, question numbers 8-10, 17-31, 33-44, 47, 107-110, 112, and 116-121. Through the NPRM, FTA proposed to create a new part 673 in Title 49 of the Code of Federal Regulations, which would require each operator of a public transportation system to develop and implement a Public Transportation Agency Safety Plan. FTA proposed specific requirements for these safety plans in accordance with 49 U.S.C. 5329(d), including the following minimum requirements:

- An approval by the transit agency's board of directors, or an equivalent entity, and a signature from the transit agency's Accountable Executive;
- Documented processes and procedures for an SMS, which would include a Safety Management Policy, a process for Safety Risk Management, a process for Safety Assurance, and Safety Promotion;
  - Performance targets based on the safety performance measures set out in the National Public Transportation Safety Plan;
  - Compliance with FTA's Public Transportation Agency Safety Plan and FTA's Public Transportation Safety Program; and
  - A process and timeline for conducting an annual review and

update of the plan. In addition, rail transit agencies would be required to include an emergency preparedness and response plan in their Public Transportation Agency Safety Plans.

In light of the public interest in this rulemaking, and in an effort to provide guidance on the proposal and to solicit well-informed comments, FTA conducted numerous public outreach sessions and a webinar series related to the NPRM. Specifically, on February 12, 2016, FTA conducted public outreach for tribes and hosted a Tribal Technical Assistance Workshop wherein FTA presented its proposed rule and responded to technical questions from tribes. FTA subsequently delivered the same presentation during a webinar series open to all members of the public on February 24, March 1, March 2, and March 3. On March 7, FTA delivered the same presentation at an outreach session hosted by the National Rural Transit Assistance Program, which also was open to all members of the public. During each of these public outreach sessions and the public webinar series, FTA received and responded to numerous technical questions regarding the NPRM. FTA recorded the presentations, including the question and answer sessions, and made available the following documents on the public docket for this rulemaking (Docket FTA-2015-0021): (1) FTA's PowerPoint Presentation from the public outreach sessions and public webinar series (<https://www.regulations.gov/document?D=FTA-2015-0021-0012>); (2) a written transcript of FTA's public webinar of March 1, 2016 (<https://www.regulations.gov/document?D=FTA-2015-0021-0010>); (3) a consolidated list of every Question and FTA Answer from the public outreach sessions and public webinar series (<https://www.regulations.gov/>

document?D=FTA-2015-0021-0041); and (4) the results of polling questions from FTA's public outreach sessions (<https://www.regulations.gov/document?D=FTA-2015-0021-0011>). FTA also uploaded onto YouTube an audiovisual recording of its webinar from March 1, 2016. The video is available at the following link: <https://www.youtube.com/watch?v=FBj5HRatwGA&feature=youtu.be>.

### III. Notice of Proposed Rulemaking and Response to Relevant Comments

As stated above, FTA issued an NPRM for Public Transportation Agency Safety Plans on February 5, 2016. 81 FR 6344 (<https://www.gpo.gov/fdsys/pkg/FR-2016-02-05/pdf/2016-02017.pdf>). The public comment period for the NPRM subsequently closed on April 5, 2016. FTA received approximately 647 comments from approximately 77 entities, including States, transit agencies, trade associations, and individuals. FTA reviewed all of the comments and took them into consideration when developing today's final rule. Some comments were outside the scope of this rulemaking and FTA did not respond to comments that were outside the scope.

FTA received a number of comments related to the definitions of terms that are defined in other safety rulemakings. For example, FTA received comments on the terms, "Accident," "Incident," and "Occurrence," which FTA defined in the NPRM to provide clarity regarding the types of safety "Events" that a transit agency should investigate, and these terms are defined in the State Safety Oversight (SSO) rulemaking. Given that the Public Transportation Agency Safety Plan rule has a more inclusive universe of stakeholders than the SSO rule, FTA is including responses to the majority of the comments that it received related to these and other definitions included in other safety rules, but in this final rule, FTA does not respond to comments related to reporting thresholds and other requirements under the final SSO rule. On March 16, 2016, FTA issued a final rule for State Safety Oversight (see <https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05489.pdf> for a discussion of comments received on these terms), and FTA has adopted definitions found in that rulemaking in this rulemaking, where appropriate. Similarly, FTA received several comments related to the definition of the term "State of Good Repair," which FTA was required to define in a rulemaking for transit asset management pursuant to 49 U.S.C. 5326. On July 26, 2016, FTA issued a final rule for Transit

Asset Management wherein FTA defines the term "State of Good Repair," and FTA has adopted that definition in this rulemaking. Please review the preamble of the Transit Asset Management final rule for FTA's responses to the comments that it received related to the proposed definition of "State of Good Repair" (see <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>). Relatedly, a number of commenters noted inconsistencies with the definitions throughout FTA's several safety rulemakings. In response, FTA has aligned the definitions in today's rule with other safety rulemakings and the Transit Asset Management final rule to ensure consistency.

Below, the NPRM comments and responses are subdivided by their corresponding sections of the proposed rule and subject matter.

#### A. Scope and Applicability of Public Transportation Agency Safety Plans

##### 1. Section 5310, Section 5311, Small Section 5307, and Tribal Operators

*Comments:* Several commenters supported FTA's proposal to require States to draft and certify safety plans on behalf of recipients and subrecipients of FTA financial assistance through the Enhanced Mobility of Seniors and Individuals with Disabilities Program at Section 5310. Several commenters also supported FTA's proposal only to apply this rule to Section 5310 recipients and subrecipients that provide service open to the public, and not to apply this rule to Section 5310 recipients and subrecipients that provide service closed to the public and only available for a particular clientele.

Several commenters recommended that FTA exempt all Section 5310 recipients and subrecipients from this rule. These commenters asserted that many Section 5310 operators are not traditional transit agencies—they are human service organizations with a small transportation service, and they do not have sufficient staff, money, or resources to implement all aspects of a safety plan. One commenter stated that recipients and subrecipients of FTA financial assistance under Section 5310 and Section 5311 should not be considered operators of public transportation, and thus, they should not be subject to this rule. Several commenters also requested that tribal transit operators be excluded from the requirements of this rule.

A few commenters asserted that the proposed delineation between "general public" and "closed door" is ambiguous. These commenters

expressed concern that many smaller Section 5310 recipients may decide to discontinue transit service, thus reducing mobility for seniors and individuals with disabilities.

One commenter stated that any new regulations should be tailored for small operators, and that FTA should avoid adding additional requirements and regulatory burdens. This commenter requested that FTA consider an exemption for transit agencies that operate fewer than 30 vehicles in peak revenue service. Another commenter suggested requiring a limited set of streamlined and simplified requirements, without identifying what those requirements might be.

*Response:* FTA appreciates the comments that it received regarding the proposed applicability of this rule. Pursuant to the statutory requirements of 49 U.S.C. 5329(d), "each recipient or State" is required to draft and certify a safety plan. The statute defines "recipient" to mean "a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under [49 U.S.C. Chapter 53]."

Notwithstanding this definition, and in light of the public comments and need for further evaluation, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. Further evaluation of information and safety data related to these operators is needed to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators. Consequently, the rule does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311.

FTA disagrees with the suggestion to create a threshold of 30 vehicles in peak revenue service, and it is adopting the definition of "operator of a public transportation system" as "a provider of public transportation as defined under 49 U.S.C. 5302(14)."

FTA agrees with the commenters who suggested that the final rule should be tailored for small operators and that the final rule should have simplified requirements. To that end, and as discussed in more detail below, FTA eliminated several significant requirements related to Safety Assurance for all small public transportation providers. Additionally, FTA eliminated requirements for Safety Assurance and a series of recordkeeping

requirements for all transit operators, regardless of size, in an effort to reduce their administrative, financial, and regulatory burdens.

## 2. Commuter Rail and Passenger Ferry Service

*Comments:* Several commenters supported FTA's proposal to exclude from this rule rail fixed guideway public transportation (commuter rail) service regulated by FRA. Several commenters requested FTA to clarify that the rule applies to rail transit systems not subject to regulation by FRA. Three commenters requested FTA to clarify what it means to exclude rail transit agencies subject to regulation by another Federal agency. One commenter urged FTA to ensure that the rule does not duplicate the efforts of State Safety Oversight Agencies (SSOAs) and overly burden transit agencies.

One commenter suggested that FTA replace the term "commuter rail system" with the term "passenger rail system." This commenter stated that the term "commuter" is not defined in the rule, leaving no context for determining what types of rail systems would be excluded. The commenter also asserted that rail transit agencies might provide passenger rail service that is subject to FRA regulations, but that service may not be considered "commuter" service, thus resulting in a too-narrow description of "commuter" and a contradiction to FTA's intent to prevent "duplicative, inconsistent, or conflicting regulations."

Several commenters supported FTA's proposal to exclude from this rule passenger ferry service regulated by USCG. Two commenters expressed support for the exclusion of USCG-inspected ferry vessels from the proposed rule. However, these commenters suggested that FTA should revise the term "passenger ferries" to clarify that the exclusion refers to passenger-only ferry vessels and ferry vessels that carry both passengers and vehicles (the commenters suggested the phrase "ferry as defined by title 46 United States Code 2101(10b)"). Additionally, this commenter urged FTA to clarify that the exclusion of USCG-inspected vessels applies to subparts C and D of the proposed rule, in addition to subpart B.

*Response:* FTA appreciates the support for its proposal to exclude passenger rail service regulated by FRA and passenger ferry service regulated by USCG from the requirements of this rule. As discussed throughout this document, this rule applies to each operator of a public transportation system, including rail fixed guideway

public transportation passenger rail service that is not regulated by another Federal agency. To further clarify, to the extent that an operator of a public transportation system provides passenger rail service that is regulated by FRA and rail fixed guideway public transportation service that is not regulated by FRA, this rule only would apply to that portion of the rail fixed guideway public transportation service that is not regulated by FRA.

FTA appreciates the concerns regarding the use of the term "commuter rail system," which is not defined in this rule, and the suggestion to replace the term "commuter rail system" with the term "passenger rail system." Instead, in an effort to use terms consistently throughout all of FTA's rules and regulations, FTA is replacing the term "commuter rail system" with the term "rail fixed guideway public transportation" and is adopting the definition of this term as used in FTA's new State Safety Oversight (SSO) rule at 49 CFR part 674.

With respect to passenger ferry service, FTA clarifies that this rule would not apply to any passenger ferry service that is regulated by USCG, including passenger ferry service and ferry service that involves the transportation of both passengers and vehicles. The exclusion of ferry service regulated by USCG applies to the rule in its entirety.

## 3. Contracted Service

*Comments:* Several commenters requested FTA to clarify how the rule would apply to transit agencies that contract for transit service. A commenter stated that the proposed elements of PTASPs are being implemented in the majority of transit systems operated by contractors, but contractors generally do not have direct relationships with transit agencies' top leadership. A commenter requested that FTA clarify how contracted agencies should divide roles and responsibilities and implement SMS without having to revisit existing contractual agreements. This commenter also encouraged FTA to provide additional technical assistance to assist agencies operating in contract environments in the development and implementation of PTASPs. Another transit agency urged FTA to clarify the extent to which the implementation and administration of SMS principles could be delegated to contractors. One commenter stated that if inter-city bus service is contracted, then the contractor, not the transit agency, should have primary responsibility for safety and compliance with the rule.

Two commenters asked FTA to clarify the rule's application to paratransit service. One of these commenters requested clarification as to how the rule would apply to an instance where a contractor provides paratransit service for a Section 5311 recipient and a separate Section 5310 recipient.

*Response:* As noted above, the statutory provisions of 49 U.S.C. 5329(d) require each "State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under [49 U.S.C. Chapter 53]" to draft and certify a safety plan. Consequently, this rule applies to FTA's recipients and subrecipients, unless the transit operator only receives Section 5310 and/or Section 5311 funds. To the extent that a recipient or subrecipient contracts for transit service, FTA will defer to the recipient or subrecipient to ensure that each of the requirements of this rule are being satisfied through the terms and conditions of its contract, including the identification of safety roles and responsibilities. Ultimately, under the statute, each FTA recipient or subrecipient has the responsibility to ensure compliance with this rule and to certify compliance annually—not a contractor.

Similarly, paratransit service—whether general public or ADA complementary, and including contracted paratransit service—is subject to this rule, unless the transit operator only receives Section 5310 and/or Section 5311 funds. To the extent that a contractor provides paratransit service for multiple FTA recipients, each FTA recipient ultimately has responsibility for ensuring that its transit operation complies with this rule.

## B. Definitions

### 1. Accident

*Comment:* Several commenters expressed concerns with the proposed definition of "Accident." Many of these commenters expressed concern with the phrase "a report of a serious injury to a person" within the definition of Accident. One commenter stated that "serious injury" relies on information that a transit agency is unlikely to possess or be able to validate. Another commenter expressed that this phrase would significantly increase transit agencies' notification and follow-up burdens. One commenter stated that the term "Accident" is a bias-laden term which suggests that an undesirable event could not be foreseen, prevented, or avoided. This commenter also asserted that the continued use of this

term diminishes advances made by safety and risk management professionals to adopt and promote bias-free language describing and categorizing incidents. Another commenter suggested that the proposed definition offers several categorizations for accidents without regard to cause, circumstance, or affected environment.

Several commenters suggested alternatives for the proposed definition of "Accident." A commenter recommended using the threshold for accident notification in the former SSO rule at 49 CFR 659.33: "[M]edical attention away from the scene for two or more individuals." Another commenter proposed that the definition for "Accident" should include a threshold of at least \$100,000, otherwise every minor collision would be reportable in accordance with 49 CFR part 674, creating a burden on rail transit agencies' resources. This commenter suggested that accidents which result in property damage of \$100,000 or less be classified as "incidents," and be reportable to the SSOA and FTA, with a corresponding report to the National Transit Database (NTD) within thirty days. Another commenter remarked that the proposed definition of "Accident" should be more applicable to rail and bus/paratransit operations by using separate definitions for train and bus/paratransit accidents. For bus/paratransit, the commenter recommended that FTA should use the current Federal Motor Carrier Safety Administration (FMCSA) definition for "Accident" found in 49 CFR part 390. The commenter suggested that FTA could use an amended version of their proposed definition for "Accident" for rail operations that replaces "a report of serious injury to a person," with "injuries requiring immediate medical attention away from the scene for two or more individuals."

*Response:* FTA included the definition of "Accident" in the proposed rule because the term appears in the definition of "Event" which is mentioned in the Safety Assurance section of the NPRM (a transit agency must develop a process to "[i]nvestigate safety events to identify causal factors"). FTA defined "Event" as an "Accident, Incident, or Occurrence," and to provide guidance to the industry on these terms, FTA defined them in its safety rules. Notably, FTA finalized a definition for "Accident" in its new SSO rule at 49 CFR part 674, and FTA is adopting that definition in today's rule to ensure consistency throughout FTA's regulatory framework for safety.

FTA did not propose any reporting or notification requirements in this rule.

FTA established reporting and notification requirements in the new SSO rule at 49 CFR part 674 and FTA's NTD Reporting Manual. Today's rule requires transit agencies to develop safety plans, and this rule outlines the requirements for those plans. Accordingly, FTA will not amend those notification and reporting requirements through today's rule.

FTA disagrees with the commenter who suggested that the phrase "serious injury" will increase transit agencies' notification and follow-up burdens; this language should simplify, streamline, and make consistent any follow-up process. FTA also disagrees with the commenter who stated that the term "Accident" is a bias-laden term. Its use is intended to define the universe of safety Events that must be investigated. FTA disagrees with the suggestion that the proposed definition offers several categorizations for Accidents without regard to cause, circumstance, or affected environment. FTA has offered clarification on this term in Appendix A to the new SSO rule at 49 CFR part 674 (<https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05489.pdf>).

FTA acknowledges that a transit agency may have difficulty ascertaining a precise type of injury due to medical privacy laws. FTA does not expect transit agencies to violate any medical privacy laws to determine whether an injury is serious. FTA does not expect transit agencies to seek medical records of individuals involved in Accidents that may have resulted in serious injuries.

FTA disagrees with the commenter who recommended using the threshold for accident notification in 49 CFR 659.33, "medical attention away from the scene for two or more individuals," as FTA believes that a serious injury to a single person is of sufficient concern to warrant designation as an "Accident." Additionally, ambulance transportation away from the scene may not necessarily be an accurate indicator of the actual gravity of the Event, given the possibility of ambulance operators transporting individuals with minor injuries.

FTA disagrees with the commenter who suggested that the definition of "Accident" include a threshold of at least \$100,000, and that Events which result in property damage of \$100,000 or less be classified as "Incidents." FTA did not utilize the original \$25,000 threshold for "Accident" in the SSO rule because most collisions involving rail transit vehicles exceeds \$25,000 in property or equipment damage and FTA believes that any threshold for property damage is arbitrary when determining

whether an Event qualifies as an Accident. Removal of the \$25,000 threshold also eliminates any need to separate rail transit property from non-rail transit property when making an assessment of damages.

Finally, FTA disagrees with the commenter who suggested that the proposed definition of "Accident" be made more applicable to rail and bus/paratransit by using separate definitions for train and bus/paratransit accidents. FTA intends to be consistent with its definitions, especially since this final rule applies to all operators of public transportation systems.

## 2. Incident

*Comments:* One commenter stated that the proposed definition of "Incident" seems broad and undefined, asserting that under the proposed definition, any reported injury could be classified as an Incident. Another commenter asked how to distinguish between medical transport for serious and non-serious injuries. A commenter asked FTA to clarify what is considered "damage to facilities, equipment, rolling stock, or infrastructure" and how "damage" would be assessed to determine qualification for an Incident. Additionally, the commenter asked how a transit agency would differentiate damage and a simple mechanical issue, and whether every defect found on an inspection would now be considered "damage." This commenter also remarked that the terms "personal injury" and "injury," which are used in the definition for "Incident," are not defined. A commenter suggested that the definition of "Accident" would be the better place to include one or more injuries requiring medical transport away from the scene.

One commenter asked whether a transit agency must track Incidents. Another commenter stated that the Appendix to 49 CFR part 674 requires rail transit agencies to report Incidents to FTA using NTD within thirty days; the commenter asked whether transit agencies providing bus transportation also must report bus-related incidents to FTA using NTD.

*Response:* FTA included the definition of "Incident" in the proposed rule because the term appears in the definition of "Event" which is mentioned in the Safety Assurance section of the NPRM (a transit agency must develop a process to "[i]nvestigate safety events to identify causal factors"). FTA defined "Event" as an "Accident, Incident, or Occurrence," and to provide guidance to the industry on these terms, FTA defined them in its safety rules. Notably, FTA finalized a

definition for "Incident" in its new SSO rule at 49 CFR part 674, and FTA is adopting that definition in today's rule to ensure consistency throughout FTA's regulatory framework for safety.

FTA disagrees with the commenter who stated that the definition of "Incident" is broad and undefined and that any reported injury could be classified as an Incident. As discussed in more detail in response to the comments on the definition for "Serious Injury," FTA believes that there is a clear delineation between "serious injury" and "non-serious injury."

FTA provided guidance in Appendix A to 49 CFR part 674 on how to define "damage to facilities, equipment, rolling stock, or infrastructure" and how "damage" would be assessed to determine qualification for an Incident. In Appendix A, "damage" that meets the Incident threshold is any non-collision-related damage to equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency. Ultimately, each transit agency must assess the safety risk associated with any damage to its equipment facilities, equipment, rolling stock, or infrastructure, and whether it meets the definition of Accident, Incident, or Occurrence.

FTA does not believe that it is necessary to define "injury" or "personal injury" in this rule, and it defines "Serious Injury" for purposes of establishing a threshold by which an Event would be considered an Accident instead of an Incident. In today's rule, FTA has revised the definitions of "Accident" and "Incident" to make them consistent with FTA's SSO rule at 49 CFR part 674. Under the updated definitions, one or more "serious injuries" is the threshold for Accident and one or more non-serious injuries requiring medical transport away from the scene is considered an Incident.

Under FTA's new SSO rule at 49 CFR part 674, a rail transit agency must track and report an "Incident" through NTD, as has been the historical practice. Furthermore, a transit agency also must report Incident information for other modes to FTA through NTD. Please refer to the NTD Reporting Manual for further information on what information is collected on safety Events as well as Accidents and Incidents, for both rail transit and bus agencies.

### 3. Occurrence

*Comments:* One commenter asked how damage would be differentiated from mechanical issues or normal wear-and-tear. This commenter asked FTA to clarify the relationship between "Occurrence" and "Injury" given that

neither "personal injury" nor "injury" are defined in the rule. Another commenter asked FTA to define "disrupt transit operations." Finally, one commenter recommended omitting the proposed definition because it is too broad and does not serve a clear purpose.

*Response:* FTA included the definition of "Occurrence" in the proposed rule because the term appears in the definition of "Event" which is mentioned in the Safety Assurance section of the NPRM (a transit agency must develop a process to "[i]nvestigate safety events to identify causal factors"). FTA defined "Event" as an "Accident, Incident, or Occurrence," and to provide guidance to the industry on these terms, FTA defined them in its safety rules. Notably, FTA finalized a definition for "Occurrence" in its new SSO rule at 49 CFR part 674, and FTA is adopting that definition in today's rule to ensure consistency throughout FTA's regulatory framework for safety.

FTA believes that there is a clear distinction between damage and mechanical issues or normal wear and tear. Damage is physical harm done to something or someone.<sup>2</sup> Mechanical issues and normal wear and tear are not the result of something or someone inflicting harm on equipment, facilities, equipment, rolling stock, or infrastructure.

A disruption to transit operations could be any interference with normal transit service at an agency. An Occurrence is a safety Event that only involves a disruption of transit service. A safety Event that results in a serious or non-serious injury would not be an Occurrence.

FTA disagrees with the commenter who suggested that FTA should omit the proposed definition of "Occurrence" because it does not serve a clear purpose. The definition helps identify the universe of activity that a transit agency should investigate because it could present a safety risk.

### 4. Serious Injury

*Comments:* Several commenters stated that transit agencies would not be able to obtain enough information about injuries to classify them as "serious," given Federal Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. These commenters suggested that HIPAA privacy regulations prevent transit agencies from obtaining personal medical information from individuals involved in accidents. One commenter

<sup>2</sup> See Merriam-Webster's Collegiate Dictionary (11th edition).

remarked that, in their experience, hospital staff refused to provide personal medical information to a transit police officer.

One commenter recommended that FTA should explain how transit agencies and SSOAs can comply with this definition, and this commenter suggested that FTA create the legal authority for States to do so, or develop an alternative approach. A commenter remarked that if FTA has authority to obtain this type of information, then FTA should do so on its own accord. The commenter asked if it would meet one of the exemptions from the Government in the Sunshine Act if FTA collects information. One commenter asked how FTA would address and reconcile the proposed definition with other applicable Federal policies and regulations.

One commenter asked whether FTA would expect transit agencies, States, and SSOAs to obtain contact information for every individual involved in an accident, and then monitor local hospitals or contact these individuals in the seven-day period to determine if anyone involved in the accident had to be hospitalized for more than 48 hours as a result of this accident. Finally, one commenter asked whether a doctor would be required to respond to every transit event that has the possibility of being classified as an accident to triage the situation and determine whether the event meets the definition of an accident.

Several commenters expressed concern about the definition of "Serious Injury" and its associated burden on transit agency staff. A commenter concluded that the proposed definition would require transit agencies, States, and SSOAs to step outside their training to practice some form of medicine—for which they are not licensed—to comply with the proposed rule, unless transit agencies, States, and SSOAs are expected to hire trained medical personnel as a part of their programs. The commenter stated that transit agency staff may not be aware of the nature or extent of an individual's injury, and these staff may only know that an individual was transported away from the scene for medical attention with very limited ability (and no authority) to confirm the individual's injury status. A commenter stated that, in order to meet a similar FRA requirement, the commenter expends considerable resources following up on individual claims, and is sometimes unable to properly classify events for months or years after the event date. The commenter concluded that the resources needed to gather this



proposed information would be burdensome, as the volume of passengers is much greater for FTA.

A commenter asserted that transit agency staff could report certain findings on their initial incident reports, but this effort would be burdensome, and the transit agency staff would have to rely on eyewitness reports rather than medical professionals' opinions, rendering the effort unreliable. The commenter asked whether an initial patient/scene assessment would suffice, or whether a definitive medical diagnosis would be required.

Several commenters suggested alternatives to the proposed definition of "Serious Injury." Two commenters recommended that FTA use the definition in the former SSO rule at 49 CFR 659.33, which states that an accident involves injuries if there is a need for "immediate medical attention away from the scene for two or more individuals." According to these commenters, verifying transport away from the scene would have several benefits, such as: Not requiring transit agencies, States, and SSOAs to practice medicine to classify events; avoiding HIPAA complications; allowing events classified as accidents and incidents to be reported and investigated in a timely manner; being a more reasonable threshold for injury definitions; requiring only easily attainable information; and its alignment with NTD reporting requirements.

One commenter questioned how FTA determined the classification for "serious" and questioned how serious an injury could be if no medical treatment was sought for seven days. The commenter stated that FTA needs to define "serious" and remove the subjectivity of whether or not an injury is serious. Two commenters asked for the value of defining "Serious Injury" (that is, why does FTA want to collect this information and how would it enhance overall safety). One commenter recommended that FTA remove this definition from all of its safety rules.

*Response:* Through the Safety Assurance section of today's rule (49 CFR 673.27), FTA requires each operator of a public transportation system to develop a process for conducting investigations of safety events to identify causal factors. FTA defines the word "Event," to mean an "Accident, Incident, or Occurrence," and FTA defines "Accident" to mean, among other things, "a report of a serious injury to a person." To provide guidance to the industry on this term, FTA defined "Serious Injury" in its safety rules, including its new SSO rule at 49 CFR part 674. FTA is adopting the

definition of "Serious Injury" from the new SSO rule to ensure consistency throughout FTA's regulatory framework for safety.

FTA has addressed comments regarding its proposed definition of "Serious Injury" in the final SSO rule at 49 CFR part 674 (<https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05489.pdf>) and in its responses to the definition of "Accident," above. FTA acknowledges that a transit agency may have difficulty ascertaining a precise type of injury due to medical privacy laws, such as HIPAA. FTA does not expect transit agencies to violate these laws in order to obtain the information needed to determine whether an injury is serious, and it does not expect transit agencies to request the medical records of individuals involved in safety Events that may be classified as Accidents resulting in Serious Injuries. Nor does FTA expect transit agency staff to undergo medical training in order to determine whether an injury meets the threshold of "serious." Instead, FTA expects safety personnel to exercise a common sense approach when evaluating injuries. As several commenters noted, some injuries may be readily known or observable at the scene of an event, in which case, a transit agency may make a determination as to whether an injury is serious. Other injuries may not be apparent until the individual undergoes a medical examination, in which case the injury would be deemed "serious" only if a transit agency becomes aware that the injury meets the threshold for seriousness. FTA believes that a transit agency may utilize these approaches when determining the seriousness of an injury, and it does not believe that it needs to reconcile the definition of "Serious Injury" with other laws.

Given the ability of transit agencies to make observations at the scenes of safety events and to evaluate data and information collected at these scenes, FTA does not believe that any burdens of this rule are unreasonable. FTA does not expect transit agencies to monitor local hospitals or contact individuals involved in safety events within the seven day period to determine if the individuals were hospitalized for more than 48 hours. FTA is not requiring doctors to respond to every safety Event that has the possibility of being classified as an Accident to triage the situation and determine whether the event meets the definition of an Accident, and FTA is not requiring transit agencies to hire medical personnel. In today's rule, FTA is requiring transit agencies to develop a

process for conducting safety investigations.

#### 5. Accountable Executive

*Comments:* FTA received numerous comments regarding its proposed definition of "Accountable Executive." Several commenters provided input on the definition of "Accountable Executive" as it relates to "Chief Safety Officer." One commenter stated that, according to the proposed rule, the Accountable Executive is responsible for implementing and maintaining the SMS; however, this should be a primary responsibility of the Chief Safety Officer. Another commenter asked whether an Accountable Executive would experience a conflict of interest if he or she also serves as the Chief Safety Officer or SMS Executive, as allowed under proposed 49 CFR 673.23(d)(2), because the duties also involve operational, financial, and other responsibilities that may be in conflict with safety responsibilities.

Several commenters recommended that FTA clarify in the final rule that State officials are not "Accountable Executives" unless the State is a transit operator, and if so, only with respect to the State's activities as a transit operator. Several commenters asked whether the Accountable Executive is the chief elected official, such as a county executive or mayor, in cases where the transit operator is a county or city government. A transit agency, with a general manager who is responsible for the day-to-day aspects of the transit system and a chief administrator who is responsible for the administrative aspects of the organization, asked how it would designate a single Accountable Executive who meets all of the criteria of 49 CFR part 673.

A few commenters expressed concerns about the overlapping and burdensome responsibilities of the Accountable Executive, which may not allow for sufficient attention to safety. Several commenters said the proposed definition may give an elected official or board chair the designation of an Accountable Executive despite serving at a policy, rather than an operational, level. A transit agency argued that the proposed definition is ambiguous and inconsistent with the proposed National Public Transportation Safety Plan, and some definitions state that the Accountable Executive is in charge of an asset management plan, while other areas omit this requirement. One commenter asserted that the job duties of planning staff are inherently much different from maintenance staff activities, and staff should report to their respective managers instead of a

single executive. Similarly, a commenter stated that, in some instances, a transit agency's reporting structure is shaped by State or local laws to promote a separation of duties and financial checks and balances, and these important governmental tenets should not be disrupted by the new safety requirements. Several commenters suggested that the definition of Accountable Executive may not be applicable in some non-traditional transit agency hierarchies.

Several commenters suggested that the Accountable Executive should be a general manager, president, or equivalent officer who is responsible for safety, asset management, and human resources, but not have full control over the budgeting process. Another commenter stated that that proposed definition may be inappropriate because having one Accountable Executive for SMS, the asset management plan, and the safety plan is ineffective because the Accountable Executive should be represented by different individuals for each regulatory program. The commenter recommended that FTA define an Accountable Executive to be "an individual who is responsible for the Safety Management System and Agency Safety Plan, who shall be required to have a role in the [transit asset management plan] and investment prioritization for the respective agency."

*Response:* Each transit operator must identify an Accountable Executive within its organization who ultimately is responsible for carrying out and implementing its safety plan and asset management plan. And to be clear, a State that drafts a plan on behalf of another recipient or subrecipient is not the Accountable Executive for those transit operators.

An Accountable Executive should be a transit operator's chief executive; this person is often the president, chief executive officer, or general manager. FTA understands that at many smaller transit operators, roles and responsibilities are more fluid. However, FTA believes that, even in circumstances where responsibilities are either shared or delegated, there must be one primary decision-maker who is ultimately responsible for both safety and transit asset management. It is a basic management tenet that accountabilities flow top-down. Therefore, as a management system, safety and transit asset management require that accountability reside with an operator's top executive.

FTA received numerous comments on its proposed definition of "Accountable Executive" in its rulemaking on transit asset management, and FTA directs

readers to the final Transit Asset Management rule at 49 CFR part 625 for further information (<https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>).

#### 6. Chief Safety Officer

*Comments:* One commenter agreed with FTA that a Chief Safety Officer should not serve in other service, operational, or maintenance capacities. Several commenters agreed with FTA's proposal to allow Section 5310, Section 5311, and small public transportation providers to designate as the Chief Safety Officer a person who also undertakes other functions. Several commenters asked FTA to clarify the term "adequately trained."

One commenter expressed concern that FTA may be assuming that any rail transit agency is large enough to merit its own Chief Safety Officer with no additional operational or maintenance responsibilities, indicating that this requirement is burdensome because a rail transit agency would have to hire or contract a separate Chief Safety Officer for a limited role. The commenter suggested that FTA should permit an exemption for small rail transit agencies similar to the exemption for small public transportation providers to resolve this concern. This commenter also asked FTA to clarify whether a Chief Safety Officer has to be in the direct employ of a rail transit agency and whether he or she could be a part-time employee.

A commenter stated that FTA has proposed, but not promulgated, training rules for SSOA managers, Federal employees, and transit agency staff who are responsible for safety oversight, and argued that these training requirements also should apply to a Chief Safety Officer prior to designation by the Accountable Executive.

One commenter stated that the terms "Chief Safety Officer" and "Safety Officer" are inconsistently used, and the term "Safety Officer" was not defined in the NPRM. To rectify this inconsistency, the commenter, who concluded that it is implied that the Safety Officer is the Chief Safety Officer, suggested that FTA should replace the term "Safety Officer" with "Chief Safety Officer."

*Response:* FTA appreciates the support from commenters regarding its proposed definition of "Chief Safety Officer." Given the different sizes of transit operators, and given the varying operating environments of transit systems across the nation, FTA is deferring to each transit operator to determine the level of training that is adequate for their Chief Safety Officer.

FTA disagrees with the commenter who suggested that a Chief Safety Officer at a rail transit agency should be able to have multiple roles within the organization. Given the more complex operating environments of rail transit systems and the increased safety risks in these environments, FTA will not allow the Chief Safety Officers for rail transit agencies to have additional operational and maintenance responsibilities; it is necessary to have a single individual wholly dedicated to ensuring safety. FTA believes that this role should be a full-time responsibility at rail transit agencies, unless a rail transit agency petitions FTA to allow its Chief Safety Officer to serve multiple roles given administrative and financial hardships with having a single, dedicated, and full-time Chief Safety Officer.

Finally, FTA notes that all references to the term "Safety Officer" in the NPRM were intended to mean the term "Chief Safety Officer."

#### 7. Operator of Public Transportation System

*Comments:* One commenter suggested that an "Operator of a Public Transportation System" should be "any organization, agency, or company that operates, or contracts someone to operate, any mode of transportation that is used by the general public in a defined city, State, or region."

*Response:* The proposed rule defines "Operator of a Public Transportation System" as "a provider of public transportation as defined under 49 U.S.C. 5302(14), and which does not provide service that is closed to the general public and only available for a particular clientele." Given that FTA is deferring action regarding the applicability of this rule to Section 5310 recipients, FTA has changed this definition in the final rule to be "a provider of public transportation as defined under 49 U.S.C. 5302(14)." The additional language—"and which does not provide service that is closed to the general public and only available for a particular clientele"—is not needed since the rule is not applicable to Section 5310 recipients at this time. FTA believes that the proposed definition is sufficiently broad to encompass the categories of transit providers referenced in the commenter's definition. FTA does not agree that the definition needs to specify that an operator provide service in a defined city, State, or region.

#### 8. Rail Transit Agency

*Comments:* The proposed rule defines a "Rail Transit Agency" as "any entity that provides services on a rail fixed

guideway public transportation system." One commenter asked FTA to clarify whether the proposed definition applies equally to a public transit operator and a contracted private firm that operates and maintains services on a rail fixed guideway public transportation system.

*Response:* This rule applies to any operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53, including rail transit operators that receive FTA funds and are not regulated by FRA, unless the operator only receives Section 5310 and/or Section 5311 funds. The application of this rule extends to contracted private firms that operate public transportation and receive FTA funds, but it does not extend to private contractors that provide service that is not public transportation.

#### 9. Performance Target, Safety Performance Target, and Performance Criteria

*Comments:* One commenter remarked that the proposed definition for "Performance Target" needs clarity. Another commenter stated that FTA should consider deleting the proposed definition for "Performance Target," because the proposed definition for "Safety Performance Target" is more appropriate for this safety-related rule. This commenter also suggested revising the definition of "Safety Performance Target" to "a specific level of measurable performance for a given safety performance criteria over a specified timeframe."

FTA proposed to define "Performance Criteria" as "categories of measures indicating the level of safe performance within a transit agency." One commenter stated that this definition is confusing and possibly inconsistent with the proposed National Public Transportation Safety Plan. The commenter stated that the terms "Criteria" and "Measures" appear to be synonymous, and proposed the following definition for "Performance Criteria": "Categories of safety performance measures that focus on the reduction of safety events, both for the public who use or interface with the rail system, and employees who operate and maintain the system."

*Response:* As appropriate, FTA has incorporated into this rule definitions that appear in other rulemakings undertaken pursuant to 49 U.S.C. 5329 and 5326, as well as the final joint FHWA/FTA Planning Rule which was published May 27, 2016 (see <https://www.gpo.gov/fdsys/pkg/FR-2016-05-27/pdf/2016-11964.pdf>). Accordingly, FTA

has revised the definition of "Performance Target" and added the definition of "Performance Measure" to match the definitions used in the joint FHWA/FTA Planning rule and FTA's Transit Asset Management rule.

To avoid redundancy, FTA is deleting the definition for "Safety Performance Target" and keeping the definition of "Performance Target," since these terms are one and the same for purposes of this rule.

FTA had to reconcile the use of similar terms throughout its statutory authorizations for safety and asset management, including the terms "criteria" and "measures." Although Congress used two different terms throughout 49 U.S.C. Chapter 53, it intended these terms to be synonymous. In the NPRM, FTA proposed to define "Performance Criteria" to mean "categories of measures indicating the level of safe performance within a transit agency," but to eliminate confusion in this final rule, FTA removes that term, replaces it with the term "Performance Measure," and incorporates the definition of "Performance Measure" as used in FTA's Transit Asset Management rule. Consequently, FTA uses the term "Performance Measure," in the place of "Performance Criteria," throughout this final rule.

#### 10. Small Public Transportation Provider

*Comments:* The proposed rule defines "Small Public Transportation Provider" as "a recipient or subrecipient of Urbanized Area Formula Program funds under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in revenue service and does not operate a rail fixed guideway public transportation system."

Several commenters requested FTA to clarify that the "100 buses in revenue service standard" applies only to recipients of Section 5307 funds, and not recipients of Section 5310 or 5311 funds. One commenter asked whether the threshold of 100 vehicles in revenue service refers to total revenue fleet vehicles, peak vehicles, or something else. Another commenter that operates commuter rail service regulated by FRA, but has fewer than 100 buses in revenue service, asserted that they met the definition of a "Small Public Transportation Provider." The commenter stated it posed this assertion to FTA during a webinar for this rulemaking on March 2, 2016, and it requested that FTA clarification the application of the rule to its scenario.

A couple of commenters remarked that the proposed definition for "Small

Public Transportation Provider" differed between related rulemakings and notices, specifically the TAM proposed rule and FTA's Circular 9030.1E. Commenters noted that the TAM rule's reference to "in revenue service" is a typical definition in the industry and should be adhered to across all proposed rulemakings.

Other commenters suggested that the definition include providers with "100 or fewer fixed-route vehicles," or be based on the service area's population rather than the number of buses. Additionally, one commenter suggested that vanpool fleets that are not open to the general public should be counted as revenue service vehicles.

Several commenters noted that significant differences exist between rail transit operators, large bus operators, and smaller operators, particularly in the ways in which they conduct business and in the rate of accidents and the consequences of those accidents. One commenter stated that the categories in the proposed rule are too broad and rigid and could have unintended consequences for small operators. The commenter remarked that the rigidity of a "two-tier system" could cause a Section 5307 recipient, with under 100 vehicles, to have their oversight provided by the State. Another commenter stated that the two-tier system does not take into account a Section 5311 recipient that may serve multiple counties with over 100 vehicles. The commenter remarked that there is no definition for this type of system within the "tiers" and that the Section 5311 recipient might be bumped into a higher category. One commenter suggested adding a third tier for systems operating fifty or fewer vehicles and no rail fixed guideway public transportation service to provide States with the opportunity to implement SMS scalable to the size and complexity of the transit organization.

*Response:* FTA appreciates the comments that it received regarding its proposed definition for "Small Public Transportation Provider." FTA agrees with the commenters who suggested that FTA align this definition with the definition in the final TAM rule, and FTA agrees with the commenters who suggested that FTA create the threshold for Small Public Transportation Providers based on vehicles utilized in peak revenue service, as opposed to revenue service in general, as peak revenue service is a threshold commonly used in the transit industry. Therefore, in today's final rule, FTA defines "Small Public Transportation Provider" to mean "a recipient or subrecipient of Federal financial

assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system."

#### 11. Requests for New Definitions

*Comments:* One commenter requested that FTA add new definitions for the term "safety performance assessment." One commenter recommended that FTA clarify whether the term "Public Transportation Vehicle" includes rail, bus, paratransit, maintenance, and non-revenue vehicles. Several commenters recommended that FTA define the term "Transit Provider" as follows: "A State is not considered to be a transit provider by virtue of passing on funds to subrecipients under 49 U.S.C. 5310, 5311, or 5339, administering these programs, developing and implementing a TAM plan, or safety plan or certifying a safety plan, or taking any other steps required of a State by Chapter 53 of title 49, United States Code or other Federal statute, or by this or other FTA rules."

*Response:* For purposes of implementing this rule, FTA does not find it necessary to further define the term "safety performance assessment." Generally, this term refers to a transit agency's evaluation of its success of managing safety risks. To the extent there is any confusion over this term, FTA will provide technical assistance.

FTA notes that a public transportation vehicle may include rail, bus, paratransit, maintenance, and non-revenue vehicles, as the term is utilized in the definition of "Accident."

Finally, FTA did not propose to define the term "Transit Provider" in the NPRM, and FTA believes that the term is sufficiently descriptive and does not need to be defined in this rule.

#### C. General Requirements

*Comments:* Several commenters provided high-level feedback regarding the general requirements for PTASPs as proposed in 49 CFR 673.11. One commenter suggested that FTA should clearly emphasize that these elements are minimum requirements and that a transit agency should be able to enhance its SMS and incorporate tools and best practices that are proven to be effective, particularly given the adaptability, scalability, and flexibility of SMS.

One commenter asserted that the combination of the general requirements for each written safety plan, along with the requirements to "establish SMS processes," results in a lack of clarity regarding the required contents of the actual document that a transit agency would consider to be its safety plan. This commenter stated that FTA should

provide at least the same degree of specificity with regard to the required contents of a transit agency's written safety plan that FTA provided for SSPPs under the former SSO rule at 49 CFR part 659.

*Response:* As discussed throughout today's final rule, SMS is scalable and flexible, and it can be adapted to any transit agency's unique operating environment. The requirements in the rule provide the skeleton framework for safety plans, and FTA encourages transit agencies to incorporate tools and best practices that effectively mitigate and eliminate safety risks throughout their systems.

To be clear, each written safety plan must include the documented processes and procedures related to SMS, and the written plan must include each of the other requirements as outlined in the rule. FTA intentionally drafted broad, non-prescriptive requirements for SMS in an effort to develop a safety framework that could fit within the thousands of unique transit operating environments across the nation.

#### 1. Role of the Accountable Executive

*Comments:* Pursuant to FTA's proposed provisions at 49 CFR 673.11(a)(1), each transit agency's Accountable Executive must sign the agency's safety plan and subsequent updates thereto. One commenter supported this provision and asserted that the requirement is essential for SMS and for maintaining a positive safety culture. Another commenter agreed that the Accountable Executive with budgetary authority should review and approve the safety plan.

A couple of commenters asked whether the Accountable Executive must be the same individual for purposes of approving the agency's safety plan and the agency's transit asset management plan, and they asked whether the Accountable Executive must be the individual explicitly "responsible for implementing SMS." These commenters also inquired about the Accountable Executive's role for municipal government agencies, and they asked whether the head of a city's department of transportation, the head of a city's department of public works, or a city manager may serve as the Accountable Executive for a municipal government agency, as opposed to a city's mayor.

*Response:* As a preliminary matter, FTA distinguishes the role of the Accountable Executive from the role of a Board of Directors, or an Equivalent Authority. Pursuant to 49 CFR 673.11(a)(1), the Accountable Executive must sign the safety plan; the Board of

Directors or an Equivalent Authority must approve the safety plan in accordance with 49 U.S.C. 5329(d)(1)(A).

Given the varying sizes and natures of transit systems, FTA defers to those systems in their designation of an Accountable Executive, so long as that single individual has the ultimate responsibility and accountability for the implementation and maintenance of the SMS of a public transportation agency; responsibility for carrying out the agency's transit asset management plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's public transportation agency safety plan and the agency's transit asset management plan. For municipal government agencies, that individual could be a county executive or a mayor, or it could be the head of a city's department of transportation, the head of a city's department of public works, or a city manager. FTA has offered this non-exhaustive list of examples of Accountable Executives for illustrative purposes only. And while many individuals within a transit agency may be responsible for "implementing" SMS, the Accountable Executive is the individual with the ultimately responsibility for SMS implementation at the agency.

#### 2. Approval of a Public Transportation Agency Safety Plan

*Comments:* Pursuant to FTA's proposed provisions at 49 CFR 673.11(a)(1), each transit agency would be required to have its safety plan, and subsequent updates thereto, approved by the agency's Board of Directors, or an Equivalent Authority. One commenter supported this provision, indicating that this activity is essential for SMS and for maintaining a positive safety culture.

Several commenters asserted that the agency's Accountable Executive, not the Board of Directors, would be the more appropriate entity to approve the safety plan. These commenters stated that a Board of Directors, which can consist of limited-term elected officials, are not subject to the same training requirements as the Accountable Executive, and do not have the operational knowledge and expertise suitable for the review and approval of a safety plan. One of these commenters suggested that the Accountable Executive have top-level ownership of the safety plan, with a stipulated responsibility to educate and report to the Board of Directors on the agency's safety program.

Several commenters asked questions about the implementation of this

provision for agencies that lack Boards of Directors. A couple of commenters asked if transit agencies can request FTA to approve their "Equivalent Authorities," or whether they must wait for an FTA oversight review to determine whether their Equivalent Authorities are consistent with the rule. A couple of commenters had specific questions regarding the adequacy of an Equivalent Authority. One example involved a streetcar being owned by a city, but being operated and maintained by a non-profit organization with its own Board of Directors. Another example involved a State Department of Transportation which does not have a Board of Directors, but instead, has an Administrator/CEO. One commenter asked FTA to provide a clear example of an "Equivalent Authority" if a recipient does not have a Board of Directors. Similarly, another commenter asserted that a State may have difficulty identifying an Equivalent Authority because a subrecipient may be a parish or county that does not necessarily have a Board of Directors. Another commenter recommended that an Equivalent Authority should have a thorough knowledge of a transit agency's daily operations and the authority to obtain operational and safety data so that it could provide safety oversight.

One commenter asked about the measure of "approval" for the Board of Directors, and inquired as to what that approval would denote in terms of safety responsibility.

Another commenter observed that a transit agency with rail and bus operations must have its safety plan approved by the SSOA for purposes of its rail operations, and suggested that FTA would have to approve the safety plan for purposes of its bus operations. This commenter expressed concern that, unless there are very clear guidelines for the review and approval of the safety plans, there is the potential for conflicting views and approvals, including approval of one operation and not the other.

*Response:* FTA appreciates concerns from commenters indicating that members of a transit agency's Board of Directors may not be fully educated in safety; however, through the statutory provisions of 49 U.S.C. 5329(d)(1)(A), Congress required each transit agency's Board of Directors, or an Equivalent Authority, to approve the agency's safety plan. Through the Safety Management Policy provisions of 49 CFR 673.23 and the Safety Promotion provisions of 49 CFR 673.29, each transit agency is required to identify individuals who are responsible for

safety in their organization and to ensure that those individuals are adequately trained, including staff and executive leadership, and this requirement should extend to a transit agency's Board of Directors.

If a transit agency does not have a Board of Directors, then an Equivalent Authority may approve its safety plan. An Equivalent Authority is an entity that carries out duties similar to that of a Board of Directors, including sufficient authority to review and approve a safety plan. For example, an Equivalent Authority could be the policy decision-maker/grant manager for a small public transportation provider; the city council and/or city manager for a city; a county legislature for a county; or a State transportation commission for a State. Given the varying sizes and organizational structures of the thousands of recipients and subrecipients throughout the country, FTA is not providing a prescriptive definition of this term, and it is deferring to each transit agency to identify who would be an Equivalent Authority for its system. FTA intends its list of examples to be non-exhaustive and illustrative only.

The approval of the safety plan should mean that the Board of Directors or the Equivalent Authority accepts the safety plan as satisfactory, that the safety plan complies with each of the requirements of this rule, and that the safety plan effectively will guide the transit operator with the management of safety risks.

Finally, to clarify, FTA does not intend to collect and "approve" safety plans. FTA intends to ensure that transit agencies comply with this rule by reviewing their safety plans through FTA's existing Triennial Reviews and State Management Reviews. Through these oversight processes, FTA may collect various documents, including safety plans, to ensure compliance with this part, but FTA will not provide regular "approvals" of the plans. SSOAs, however, must approve the safety plans of rail fixed guideway public transportation operations within their jurisdictions.

### 3. Documentation of SMS Processes and Activities

*Comments:* Pursuant to FTA's proposed provisions at 49 CFR 673.11(a)(2), each transit agency would be required to document its processes and activities related to SMS in its safety plan. One commenter sought clarity regarding whether the safety plan must detail the processes and activities, or just indicate that such processes and activities exist. Another commenter

asked which documents should be included in the safety plan, specifically whether the safety plan should include documents that are generated by the results of ongoing SMS activities, or only those documents which formally present a description of SMS processes.

*Response:* Each safety plan must include documented SMS processes; it is not sufficient to merely indicate in the safety plan that SMS processes exist. Through the practice and implementation of SMS, each transit agency may generate data and other documentation, but the safety plan itself must document each of the processes as outlined in this rule. FTA is providing discretion to each transit agency to decide for itself whether it will incorporate processes and documented activities beyond those required in today's final rule.

### 4. Safety Performance Targets

*Comments:* Pursuant to FTA's proposed provisions at 49 CFR 673.11(a)(3), each transit agency would be required to identify in its safety plan performance targets based on the safety performance measures that FTA establishes in the National Public Transportation Safety Plan. One commenter supported FTA's proposed list of safety performance measures as outlined in the National Public Transportation Safety Plan, but several commenters recommended that FTA expand the list of performance measures. One commenter recommended that FTA reduce its proposed list of safety performance measures to align with the safety outcomes that transit agencies currently report to NTD. One commenter stated that the proposed definition of "Performance Criteria" is confusing and inconsistent with the National Public Transportation Safety Plan. The commenter stated that the terms "Criteria" and "Measures" are synonymous, and proposed the following alternate definition: "categories of safety performance measures that focus on the reduction of safety events, both for the public who use or interface with the rail system, and employees who operate and maintain the system." Several commenters requested that FTA provide agencies with additional guidance on the four basic safety performance measures.

One commenter asked whether the safety plan must contain specific quantitative performance targets for all performance measures. This commenter stated that specific quantitative targets would pose challenges for transit agencies and that all targets should be

broad and not static to allow agencies to adjust their targets as new information dictates. Several commenters requested FTA to allow transit agencies to update and revise their safety plans if FTA alters or adjusts performance measures.

*Response:* FTA appreciates the comments that it received regarding its proposed safety performance measures; however, the proper vehicle for addressing these comments is through the notice and comment process tied to FTA's proposed National Public Transportation Safety Plan (RIN 2132-ZA04). The National Public Transportation Safety Plan will identify FTA's safety performance measures, not today's rule for Public Transportation Agency Safety Plans. The Public Transportation Agency Safety Plan rule only requires transit agencies to set performance targets based on the performance measures established in the National Public Transportation Safety Plan. FTA will address all of the comments related to safety performance measures in the National Public Transportation Safety Plan, including the above-referenced comments that were directed to this rulemaking.

FTA notes that in the NPRM for this rule, FTA used the term "Performance Criteria," which it proposed to define as "categories of measures indicating the level of safe performance within a transit agency." FTA used this term because the language of 49 U.S.C. 5329 uses the term "Performance Criteria." Other parts of FTA's authorizing statute, such as the Transit Asset Management provisions of 49 U.S.C. 5326, use the term "Performance Measures." FTA believes that Congress intended the terms "Performance Criteria" and "Performance Measures" to be synonymous. To eliminate confusion over distinctions between these terms and to ensure consistency with the use of these terms throughout FTA's programs, FTA has removed the term "Performance Criteria" from today's final rule and replaced it with the term "Performance Measure."

Finally, in accordance with the statutory requirements of 49 U.S.C. 5329(d)(1)(E), each transit agency must include in its safety plan, "performance targets based on the safety performance criteria and state of good repair standards." These targets must be specific numerical targets set by transit agencies themselves. FTA emphasizes, however, that the safety plan is intended to be a living document that evolves over time. FTA expects transit agencies to modify their safety plans, and to adjust their performance targets, as they collect data and implement SMS. Indeed, the performance targets

may change from year to year, or more frequently, as safety data may necessitate.

#### 5. Future Requirements in FTA's Public Transportation Safety Program and National Public Transportation Safety Plan

*Comments:* One commenter requested FTA to provide guidance on what it means to "address" the requirements and standards in its Public Transportation Safety Program and National Public Transportation Safety Plan. Another commenter expressed concern that FTA has not established formal standards for these requirements, and requested FTA to establish minimum measures and targets for safety performance and improvement.

*Response:* In today's final rule, FTA is requiring each transit agency to address—more specifically, to ensure that it is complying with—all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program at 49 CFR part 671 and the National Public Transportation Safety Plan. In particular, each transit agency must identify safety performance targets based on the performance measures that FTA establishes in the National Public Transportation Safety Plan. Additionally, FTA encourages transit agencies to adopt any voluntary minimum safety performance standards established in the National Public Transportation Safety Plan, until mandatory standards are established, in which case each transit agency must fully comply with those safety performance standards. To the extent that FTA amends its Public Transportation Safety Program Rule or the National Public Transportation Safety Plan in the future, FTA expects each transit agency to amend its safety plan, as appropriate.

#### 6. Process and Timeline for Annual Review and Update

*Comments:* One commenter asked FTA to clarify if the timeline for the annual review process is determined by each transit agency, or whether there is a particular date by which an annual review and update is required.

Several commenters disagreed with the proposed requirement that the plans be updated annually. Some commenters suggested that safety plans only need to be updated every two years because the requirement for an annual update of safety plans is excessive and burdensome. Several of these commenters asserted that if annual action is needed, an annual review and status report would be less resource intensive. A few commenters suggested

that safety plans need only to be updated every two years, unless there is a significant policy or change in condition (such as a fatality) that warrants a change. Another commenter recommended the same approach, but with updates required every three years rather than two years. One commenter suggested alternative review schedules ranging from every two years to every five years. One commenter suggested that organizations which meet various criteria should be placed on a five year review plan and they should be required to submit any requested updates to policies for review and approval.

One commenter asserted the review requirement should be consistent with FTA's proposed rule for Transit Asset Management Plans, which would require each transit agency to update its Transit Asset Management Plan at least once every four years. Additionally, this commenter suggested that the rule should require an update of a safety plan in any year when risk assessments result in the need for substantial mitigation, or if there are significant changes to asset inventory, condition assessments, or investment prioritization.

A couple of commenters asked about the required annual update as it may relate to a rail transit agency's SSPP annual reviews. A commenter asked whether the process for conducting annual reviews would likely be similar to the SSPP annual reviews, including requirements that an Accountable Executive would perform the review and that a transit agency document all updates and revisions. A commenter suggested that the proposed requirement to conduct an annual review and update the safety plan, as needed, differed from the requirement to conduct a formal annual internal audit of the SSPP.

A commenter expressed concern with FTA's decision to publish the National Public Transportation Safety Plan with no schedule for revision, which would cause transit agencies to continuously update their safety plans to coincide with any changes in FTA guidance documents. This commenter further encouraged FTA to define prescriptive elements of the annual review and update process to better guide agencies.

*Response:* Pursuant to the statutory provisions of 49 U.S.C. 5239(d)(1)(D), each operator of a public transportation system must develop a safety plan which includes "a process and timeline for conducting an annual review and update of the safety plan." In light of this statutory language, today's final rule requires each transit agency to establish a process and timeline for conducting a review and update of its

safety plan, and this review and update must occur at least annually. 49 CFR 673.11(a)(5).

Given the diversity in transit systems across the country, and given each transit agency's unique operating environment, FTA is deferring to each transit agency to determine, for itself, the frequency of its safety plan reviews and updates each year, and the process for doing so. Each transit agency must certify compliance with these requirements through its annual

Certifications and Assurances to FTA. FTA disagrees with the commenters who proposed that the annual review period for the safety plans be changed to a less frequent time period, such as two years, three years, four years, or five years. The statutory provisions of 49 U.S.C. 5329(d)(1)(D) do not provide that latitude. Notwithstanding the statute, as a matter of a best safety practice, FTA believes that each transit agency should annually review its process for hazard identification and risk analysis in an effort to prevent safety events. As a transit agency collects data through the hazard identification and risk analysis processes, the transit agency should be evaluating its safety performance targets to determine whether they need to be changed, as well.

FTA agrees with the commenter who suggested that along with an annual review, a transit agency should update its safety plan at any point when risk assessments result in the need for substantial safety mitigation, or if there are significant changes to asset inventory, condition assessments, or investment prioritization.

Regarding the annual reviews of SSPPs, FTA notes that under its new public transportation safety program, the requirements for SSPPs under the former regulatory provisions of FTA's SSO rule at 49 CFR part 659 have been eliminated. Today's requirement for a PTASP under 49 CFR part 673 replaces the old requirement for an SSPP under 49 CFR part 659. Therefore, annual reviews of the PTASP now will be required, and SSPPs will become obsolete for rail transit agencies one year after the effective date of this final rule.

Finally, regarding the National Public Transportation Safety Plan, FTA will update the National Public Transportation Safety Plan when it believes it is necessary to do so, based on safety needs in the public transportation industry. FTA notes that it must make any changes to the National Public Transportation Safety Plan through the public notice and comment process, and the transit industry will have the opportunity to

provide input on any changes to this document. Furthermore, FTA believes that changes to the National Public Transportation Safety Plan will not necessarily cause transit agencies to update their PTASPs. Currently, the National Public Transportation Safety Plan and the Public Transportation Agency Safety Plans are linked through the requirements for performance targets in agency safety plans based on the performance measures in the National Public Transportation Safety Plan.

#### 7. Emergency Preparedness and Response Plans

*Comments:* Pursuant to the proposed provisions of 49 CFR 673.11(a)(6), each rail transit agency would be required to include an emergency preparedness and response plan in its safety plan. Although a commenter noted that there is no statutory language in 49 U.S.C. 5329 which requires emergency preparedness and response plans, the commenter agreed that this type of plan is important and should be included in safety plans. One commenter supported the requirement that transit agencies develop a plan for the delegation of responsibilities during an emergency, but encouraged FTA to include in the final rule a requirement that ensures transit agencies provide adequate training for workers responsible for tasks during emergencies.

Two commenters suggested that FTA should provide transit agencies with the option of separating their safety plans and their emergency preparedness and response plans, developing them as two separate documents. One of these commenters suggested that these documents are fundamentally different and the emergency preparedness and response plan contains information that should not be widely distributed. One of these commenters suggested that some transit agencies that have not previously complied with 49 CFR part 659 may have difficulty developing a robust emergency preparedness and response plan. This commenter also stated that FTA should take into consideration the time and resources needed to develop a comprehensive emergency response plan by publishing templates for these plans, offering assistance to those transit agencies developing them for the first time, and extending the implementation deadline for this final rule. Another commenter requested clarification regarding whether this final rule would require a System Security Plan and an emergency preparedness and response plan to be separate documents.

One commenter suggested that FTA revise the rule to allow a transit agency to include or reference the emergency

preparedness and response plan in its safety plan. This commenter said this revision would be consistent with the intent of FTA in the Section-by-Section Analysis portion of the NPRM which states that this section would require that each rail transit agency "include, or incorporate by reference" the emergency preparedness plan in its safety plan.

Another commenter asked FTA to clarify the relationship between the emergency preparedness and response plans required in this rule to the emergency preparedness and response plans required in the former SSO provisions of 49 CFR 659.19(k).

*Response:* Although the statutory provisions of 49 U.S.C. 5329 do not require emergency preparedness and response plans, FTA's State Safety Oversight Rule historically has required rail transit agencies to have emergency preparedness and response plans as part of their SSPPs. Since rail transit agencies already have these plans in place, FTA is carrying over the requirement for those plans into today's rule. FTA's intent is to make transit safer, not to make transit less safe by eliminating historical requirements that have proven to be effective. FTA acknowledges the potential burdens on transit agencies that do not have these plans in place, and therefore, FTA only is requiring emergency preparedness and response plans from rail transit agencies, which should already have them in place. FTA agrees with the commenter who suggested that these plans are important, as recent safety events have demonstrated the need and utility of emergency preparedness and response plans, particularly for rail transit systems.

FTA agrees that rail transit agencies should develop plans to include the delegation of responsibilities during an emergency. FTA is deferring to transit agencies on how to document their emergency preparedness and response plans, and FTA will allow transit agencies to combine, include, incorporate by reference, or separate their emergency preparedness and response plans and their safety plans.

FTA is issuing templates and guidance for safety plans concurrently with the issuance of today's final rule. FTA intends to develop guidance specific to emergency preparedness and response plans in the future. FTA also will provide technical assistance to rail transit agencies that are modifying or developing emergency preparedness and response plans.

FTA notes that it no longer is requiring System Security Plans as previously required for rail transit agencies under the former regulatory

provisions of 49 CFR part 659—the responsibility for the oversight of transit security resides with the U.S. Department of Homeland Security's Transportation Security Administration (TSA). However, to the extent that a transit agency has a security plan, FTA will allow a transit agency to incorporate the security plan into its safety plan, if the transit agency desires.

In light of the above, FTA is revising the language in today's final rule to match the intent referenced in the NPRM's Section-by-Section Analysis, which states that each rail transit agency is required to "include, or incorporate by reference" an emergency preparedness and response plan in its safety plan. FTA directs readers to its SSPP–PTASP Crosswalk interim guidance document for further information on the relationship between SSPPs and PTASPs ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/PTSP\\_NPRM\\_SSPP\\_Side\\_by\\_Side.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/PTSP_NPRM_SSPP_Side_by_Side.pdf)). Additional guidance will be forthcoming, and FTA will post it on its website (see <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-oversight-tso>).

## 8. Multiple Modes of Transit Service

*Comments:* A few commenters supported FTA's proposed flexibility for transit agencies to develop one safety plan for all modes of transit. A couple of commenters stated that they would develop one safety plan for all modes. One of these commenters stated that updating and monitoring several plans is unrealistic and increases the workload and approval processes. This commenter also asked if FTA would issue rules specific to locally operated transit systems.

A couple of commenters encouraged the use of one safety plan that encompasses all modes of transportation. A commenter stated that if a transit agency develops one safety plan for all transportation modes, then that transit agency should identify those portions of its system that are regulated by another Federal entity and include any additional requirements from those Federal entities in the safety plan.

One commenter suggested that safety plans for all transit modes creates a difficult regulatory process for SSOAs, since SSOAs have regulatory authority over the rail mode only. This commenter recommended that FTA require rail transit agencies to develop a separate plan for rail, since the safety plan must be submitted to the SSOA for review and approval. Alternatively, the commenter requested that FTA include specific processes for SSOAs and rail

transit agencies when dealing with a single plan covering multiple modes.

*Response:* FTA agrees with and appreciates the commenters who would like the flexibility to either have one safety plan or multiple safety plans for multiple modes of transit service. As FTA stated in the NPRM, it intends to allow flexibility and choice so that transit agencies may draft multiple plans or only one plan, as there are many different sizes and types of transit agencies—a single plan may work better for some agencies, whereas multiple plans for multiple modes of transit service may work better for others (especially the larger transit agencies that have multiple divisions and operate commuter rail, heavy rail, light rail, bus, and other transit modes).

FTA disagrees with commenters who would like to develop a single plan for all modes of transportation service, particularly service that is regulated by another Federal entity, such as FRA. Other Federal regulators may have specific requirements for safety plans that fall under their jurisdiction that may conflict with this final rule. Notably, FRA's statutory and regulatory framework for rail safety provides data protection in safety plans; FTA's statutory and regulatory framework does not. FTA is concerned that combining PTASPs and FRA-regulated safety plans would result in a loss of that data protection for the rail safety covered by FRA. Therefore, FTA will not allow a transit agency to combine its PTASP with a safety plan for service regulated by another Federal agency.

FTA disagrees that SSOAs will have difficulty approving safety plans that address rail and bus service. Indeed, SSOAs have regulatory authority over rail transit service only, and SSOAs should review only the rail components of safety plans. FTA will provide additional guidance and training in the future to assist SSOAs with their review and oversight of PTASPs and SMS.

## D. State and Transit Agency Roles

### 1. Large Transit Agencies

*Comments:* One commenter recommended that the rule detail the requirements applicable to large transit agencies.

*Response:* Pursuant to this rule, every operator of a public transportation system—large and small—must comply with each of the requirements outlined in today's final rule, unless the operator only receives Section 5310 and/or Section 5311 funds. All sections and requirements of this rule as outlined in 49 CFR part 673 are applicable to large transit agencies, specifically, rail fixed

guideway public transportation systems and recipients and subrecipients of FTA funds under 49 U.S.C. Chapter 53 that operate more than 100 vehicles in peak revenue service.

## 2. Small Public Transportation Providers, Section 5311 Providers, and Section 5310 Providers

### 2.1. States Must Draft and Certify Safety Plans on Behalf of Small Public Transportation Providers

#### 2.1.1. Option for State-Wide or Agency-Specific Safety Plans

*Comments:* Several commenters responded to FTA's question as to whether FTA should require States to draft a single state-wide plan; individual safety plans for each Section 5310, Section 5311, and small public transportation provider located within that State; or defer to the State's preference. A few commenters recommended that each State should have the flexibility to choose whether the State will develop and certify a single state-wide plan or draft individual safety plans on for each agency. One commenter stated that the State should be required to draft an umbrella plan for more than just "small public transportation providers" and an agency can choose to use that plan or develop their own plan that complies with the overarching plan. Another commenter stated that state-wide plans should be generic and that States should develop an SMS that would be flexible enough to meet the needs of each of the individual transit agencies within their jurisdictions. This commenter also asked what might happen when a transit agency's safety plan differs from another transit agency's safety plan drafted by their State. One commenter suggested a "hybrid" approach whereby the State may draft a single safety plan, and include appendices that incorporate unique situations for certain transit agencies. Another commenter suggested that if a State develops a state-wide plan, then all transit providers should be required to provide copies of their plans and self-certifications to the State.

One commenter asserted that small urban and rural operations likely will be different, and if a State must draft separate safety plans for each transit agency, then this effort will be burdensome. On the other hand, the commenter asserted, if the State drafts only a single safety plan for all transit agencies under this regulatory provision, then the safety plans may be ineffective and meaningless.

In response to FTA's question as to how a single state-wide safety plan could respond to the Safety Risk



Management component of SMS (such as the identification of risks and hazards for each unique transit agency), several commenters stated there are already processes in place at State Departments of Transportation that can integrate individual SMS components of Safety Risk Management for small bus public transportation providers to enable the drafting of a state-wide agency safety plan.

*Response:* To provide maximum flexibility for States and transit providers, FTA is deferring to the States and the small public transportation providers within those States to determine whether each State will draft and certify a single state-wide safety plan for all small public transportation providers or whether it will draft and certify multiple individualized safety plans for each of these transit operators. FTA recommends as a best practice that each State draft and certify individualized safety plans on behalf of each of these small public transportation providers given the inherently unique safety concerns, issues, hazards, and risks for each transit operator. If a State drafts a single state-wide safety plan, then the State must ensure that the plan clearly identifies each transit operator that the plan will cover, the names of the Accountable Executives and Chief Safety Officers, the safety performance targets for each transit operator (and determined in conjunction with each operator), and the hazard identification, risk analysis, Safety Assurance, and other SMS processes for each transit operator (and developed in conjunction with each transit operator).

FTA notes that, in this rule, States are not required to draft and certify safety plans on behalf of transit operators that only receive Section 5310 and/or Section 5311 funds. As discussed above, FTA is deferring regulatory action regarding the applicability of this rule on these operators until a later date.

#### 2.1.2. Drafting and Certifying Safety Plans for Small Section 5307 Providers

*Comments:* Several commenters suggested that States should not be required to draft and certify safety plans for small Section 5307 providers in large urbanized areas because these providers are not subrecipients of funds apportioned to States, they have a direct funding relationship with FTA, States do not review their grant applications, States do not review their NTD reports, and States do not provide their oversight.

A few of these commenters only supported the requirement that States draft and certify safety plans on behalf

of open door Section 5310 and Section 5311 subrecipients. A couple of commenters supported the requirement that a State draft and certify safety plans on behalf of small Section 5307 providers operating 100 or fewer vehicles, as long as the final rule clarifies that the "100 vehicles in revenue service" criteria applies only to Section 5307 recipients, not Section 5310 or Section 5311 recipients.

*Response:* FTA notes that 49 U.S.C. 5329(d)(3)(B) provides that States may draft or certify safety plans on behalf of "small public transportation providers" that receive Section 5307 funds, even though, for recipients in large urbanized areas, no funding relationship exists between the States and those small Section 5307 recipients. In response to comments and to ensure consistency across FTA's safety rules and Transit Asset Management rule, FTA is defining "small public transportation provider" to mean "a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system." A small Section 5307 provider may opt to draft and certify its own safety plan.

FTA notes that it received numerous comments requesting reduced requirements for small public transportation providers. Given their limited resources, FTA believes that a reduction in requirements for small public transportation providers is appropriate, and to that end, FTA eliminated Safety Assurance requirements for all small public transportation providers under 49 CFR 673.27(a).

#### 2.2. Other Comments

*Comments:* One commenter expressed a concern about potential conflicts of interest regarding the drafting and certifying of safety plans. This commenter stated that if a State drafts and certifies a safety plan on behalf of a transit operator, and if the State is also the grant manager for the transit agency using the safety plan, then the State may monitor compliance with the safety plan that it drafted through grant compliance reviews. The commenter suggested that this situation may create a conflict of interest, similar to the conflict of interest that would arise if an SSOA drafted and certified a safety plan on behalf a rail transit agency subject to its jurisdiction.

One commenter asked whether a small transit provider may continue to use its safety plan drafted by its State if it grows to a size where it no longer

would be considered small. In this scenario, the commenter asked how much time the transit provider would have to draft and certify a new safety plan.

One commenter recommended that FTA clarify the definition of the term "State" so that SSOAs would not draft or develop a transit agency's safety plan if a conflict of interest exists. Additionally, the commenter suggested adding the following language at the end of section 49 CFR 673.11: "the State Safety Oversight Agency cannot be involved in the development of the Public Transportation Agency Safety Plans they are charged with overseeing."

*Response:* FTA disagrees with the commenter who suggested that a potential conflict of interest would exist if a State drafted and certified a safety plan on behalf of a small transit provider. The funding relationships created by Congress differ from the new safety relationships in 49 U.S.C. 5329(d). From a federal perspective, the State has no role in safety enforcement or oversight of small Section 5307 providers. For rail transit agencies, the SSOAs serve in a different, independent role, and they are required by 49 U.S.C. 5329(e) to provide enforcement. Moreover, as a legal matter, the statutory provisions of 49 U.S.C. 5329(d) require States to draft and certify safety plans on behalf of small Section 5307 providers.

If a transit agency grows in size so that it no longer is considered "small," then it would have one year to draft and certify its own safety plan. The safety plan developed by the State would remain in effect until the transit agency drafts its own safety plan.

Finally, FTA does not agree that the rule text should be clarified to distinguish between a State's role and an SSOA's role in the development and certification of safety plans. The rule provides that a State must draft and certify safety plans only on behalf of small public transportation providers that do not operate rail service, and that an SSOA must review and approve a rail transit agency's safety plan.

#### 3. Small Transit Providers May Draft and Certify Their Own Safety Plans

*Comments:* Many commenters asserted that, when a transit agency "opts out" of the state-wide safety plan and drafts and certifies its own plan, then the final rule should clarify that the State has no further obligation related to the safety plan.

One commenter observed that the "opt out" provision places the decision on a State's responsibilities in the hands

of its subrecipients instead of the State, which is where that responsibility exists in the context of funding relationships. The commenter recommended that FTA clarify in the final rule that the State is responsible for its own safety plan and for those of its subrecipients, and that the determination of whether the State will draft plans for its subrecipients remains at the discretion of the State.

*Response:* If a transit agency "opts out" and decides to draft and certify its own safety plan, then the State has no further responsibility regarding that safety plan and the transit agency may seek guidance and technical assistance directly from FTA. FTA disagrees with the commenter who suggested that States should have the discretion to draft and certify safety plans. In an effort to reduce the administrative and financial burdens of small public transportation providers, and given the statutory requirements of 49 U.S.C. 5329(d), FTA is requiring States to draft and certify safety plans on behalf of small Section 5307 recipients and subrecipients. FTA is providing those recipients and subrecipients with the discretion to "opt out" of this arrangement (however, the State will not have the option to "opt out," as this discretion lies with the small transit operator).

#### 4. Direct and Designated Recipients Drafting and Certifying Safety Plans on Behalf of Smaller Transit Providers

*Comments:* Several commenters responded to FTA's question about whether a Section 5310 recipient should draft and certify their own safety plans if they are direct recipients, instead of having the States draft and certify their safety plans on their behalf. Many commenters stated that the designated or direct recipient should have this responsibility for themselves, given the fact that they do not receive their funds through the State under recent changes to the Section 5310 program under the FAST Act. One commenter supported the idea of having designated recipients draft and certify their own safety plans, as well as their subrecipients, only if the plans are based on templates provided by FTA. One commenter asked whether the State or the transit agency should be responsible for reviewing safety plans when a subrecipient receives funding through the transit agency and not the State.

*Response:* FTA appreciates the comments that it received regarding this issue. In light of the public comments that FTA received regarding the application of this rule to Section 5310 and Section 5311 recipients, FTA is deferring regulatory action regarding the

applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. Further evaluation of information and safety data related to these operators is needed to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators. At this time, the rule does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311. Consequently, States are not required to draft and certify safety plans on behalf of operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds.

Consistent with the statutory provisions of 49 U.S.C. 5329(d)(3)(B), a State still has the responsibility of drafting and certifying safety plans on behalf of small Section 5307 recipients, unless they opt to draft and certify their own safety plans. To ease the burdens with these efforts, FTA is issuing a safety plan template with today's rule to assist States and smaller operators with the drafting and certification of their plans.

#### E. Existing System Safety Program Plan Is Effective for One Year

##### 1. General Comments

*Comments:* A couple of commenters suggested that the final SSO rule and the proposed PTASP rule are contradictory in terms of implementation deadlines, and they recommended that FTA allow an SSPP to remain in effect until an SSOA has approved a rail transit agency's new PTASP. One of these commenters stated that FTA should remove all requirements involving SSPPs from the final PTASP rule. One commenter asked if a rail transit agency must keep its SSPP and reference it in its PTASP.

*Response:* FTA acknowledges that the compliance dates in the final SSO rule at 49 CFR part 674 differ from those in the PTASP rule at 49 CFR part 673. These compliance dates are creations of statute. Pursuant to 49 U.S.C. 5329(e)(3), each State must have an SSO program compliant with the new SSO rule within three years after the effective date of that final rule. Pursuant to 49 U.S.C. 5329(d)(1), each operator of a public transportation system must have a PTASP compliant with the new PTASP rule within one year after the effective date of this final rule.

Although these compliance dates differ, an SSOA can apply the regulatory requirements of the PTASP rule and

ultimately review and approve a PTASP based on those requirements, even if it has not fully developed its new program standard in accordance with the new SSO rule. As demonstrated through the SSPP-PTASP Crosswalk that FTA posted to this rulemaking docket, the substantive elements of the old SSPPs carry over into the SMS portions of PTASPs. The same basic requirements exist, albeit, reshuffled into a different format that is intended to more effectively address safety risks. Finally, the staff of SSOAs have been taking training courses in SMS in accordance with the interim rule for the Public Transportation Safety Certification Training Program. Given the above, FTA expects each SSOA to review and approve each PTASP of a rail transit agency within its jurisdiction, even if it has not fully complied with the new SSO rule at 49 CFR part 674.

Ultimately, the SSPP will become obsolete one year after the effective date of this final rule, and an agency's PTASP will replace the SSPP. However, if a transit agency would like to maintain the SSPP and use it as a reference document, it may do so. FTA only will conduct oversight, including Triennial and State Management Reviews, to ensure that a transit agency's PTASP complies with this rule, not its former SSPP. Given the April 15, 2019 deadline for updated SSO Programs under 49 CFR 674.11, FTA believes that the effective date and compliance date of today's final rule will provide rail transit agencies and their SSOAs with more time to harmonize their safety plans and program standards before they are finalized.

##### 2. One-Year Compliance Timeframe

*Comments:* Several commenters provided input on the one-year compliance timeframe for the proposed rule. One commenter expressed support for the one-year compliance period, but stated that transit agencies may need more than one year to draft their safety plans, hire and train the necessary personnel, and certify the plan.

Some commenters stated that FTA should provide a longer compliance/implementation period for the rule. Several of these commenters remarked that the proposed compliance period is aggressive and may lead to rushed or subpar safety plans with limited SMS training for staff. The commenters also suggested that a longer compliance period may be necessary given the requirements for a signature from the Accountable Executive and approval from a Board of Directors. One commenter suggested that,

notwithstanding Federal requirements, State legislatures may not be able to amend State safety requirements prior to the compliance deadline for this rule, which may force some transit agencies to create two safety plans for purposes of Federal and State law, or be in non-compliance with the Federal and State laws.

Most commenters provided suggestions for an alternative compliance deadline, with many commenters suggesting that FTA extend the compliance deadline to two years. Several commenters suggested that FTA extend the compliance deadline or allow for a multi-part implementation or a transitional grace period for agencies to show progress with the development of their safety plans. A couple of commenters recommended that FTA extend the compliance period until one year after FTA issues templates for safety plans. One commenter stated that the compliance deadline for this rule should be tied to the finalization of the National Public Transportation Safety Plan. Several commenters also suggested aligning the compliance deadline of this rule with the two-year compliance deadline for the Transit Asset Management rule.

*Response:* As a preliminary matter, FTA notes that many commenters referred to the "implementation" deadline of this final rule, as opposed to the rule's "compliance" deadline. The compliance deadline is the date by which transit operators and States must comply with the final rule and have a safety plan in place. FTA emphasizes that this rule implements a statutory requirement that each operator of a public transportation system draft and certify a safety plan within one year after the effective date of this final rule. The safety plan must include all of the information, processes, and procedures as outlined in this rule. FTA expects each operator of a public transportation system to "implement" the processes and procedures outlined in its safety plan after it drafts and certifies that plan in accordance with this rule. That implementation should take place continually, and the implementation, particularly the implementation of SMS, should mature over time. But to comply with this rule, each operator of a public transportation system must draft and certify a safety plan within one year after the effective date of this final rule—that one-year deadline is the "compliance" deadline for this rule.

The one-year compliance deadline was created by the statutory provisions of 49 U.S.C. 5329(d)(1), and FTA does not have the flexibility to extend it. Nevertheless, FTA does not expect that

all transit agencies will have fully implemented SMS one year after the effective date, but rather, FTA expects that transit agencies will have the processes and procedures put in place for SMS, including hazard identification, risk analysis, and the Safety Assurance procedures as outlined in Subpart C of this rule. The full implementation of SMS may take longer, in some cases years to fully mature in large multi-modal transit agencies. FTA is providing more guidance on how a transit agency may fully implement a mature SMS in the National Public Transportation Safety Plan, and it intends to provide additional guidance and technical assistance to the industry in the future.

FTA appreciates the comments that it received suggesting that transit agencies may need more than one year to certify compliance with the rule. Although, by statute, the compliance deadline must be one year from the rule's effective date, FTA has discretion on setting the effective date itself. In response to the public comments and in an effort to assist the industry with meeting the requirements of this rule, FTA is making the effective date one year after its publication date. As a result, transit agencies will have a total of two years (one year from the publication date to the effective date, plus another year from the effective date to the compliance deadline) to certify that they have safety plans meeting the requirements of 49 CFR part 673.

#### F. Certification of Safety Plans

*Comments:* Several commenters requested additional information on how agencies may certify compliance with this rule and what this certification means. One commenter remarked that the rule contains neither a definition nor an explanation of the term "certification" or "certify." Two commenters questioned how an agency may certify their safety plans if FTA may adopt additional performance measures in the future.

One commenter expressed concern with self-certification, asserting that self-certification is not a reliable method for establishing effective safety management by public transportation providers. This commenter suggested that each transit agency should submit its safety plan to FTA for approval and certification so that FTA could verify that the plan satisfies the statutory and regulatory requirements.

Several commenters expressed concern over the one-year certification timeline, indicating that one year may not be enough time for transit agencies to certify compliance with the rule. One

commenter suggested that FTA lengthen the certification period to two years, which would provide agencies with additional time and align the certification deadline for the compliance deadline for developing transit asset management plans as outlined in the TAM rule.

One commenter urged FTA to clarify the process by which a State should certify a safety plan on behalf of a Section 5310, Section 5311, or small Section 5307 recipient or sub-recipient. Additionally, the commenter asked who would conduct oversight on a safety plan if a small transit agency opts out of any plan developed by a State.

*Response:* As a statutory matter, pursuant to 49 U.S.C. 5329(d)(1), each recipient or State must "certify" that the recipient or State has established a comprehensive agency safety plan. Pursuant to 49 U.S.C. 5323(n), each recipient must submit to FTA a list of "Certifications and Assurances" as part of the grant award and oversight process during each fiscal year. FTA will use this existing Certifications and Assurances process to satisfy the statutory requirement for safety plan certifications. FTA has added a section to the list of Certifications and Assurances to address safety. FTA will issue future guidance on how States can certify safety plans and transit asset management plans on behalf of transit operators.

To the extent that FTA amends the National Public Transportation Safety Plan in the future, or any of its regulatory requirements in general, FTA will amend the annual list of Certifications and Assurances, as necessary.

FTA appreciates concerns regarding the self-certification process; however, FTA does not have the resources to collect and review hundreds of safety plans each fiscal year. Consequently, FTA intends to utilize its existing risk-based approach to oversight by using its Triennial Reviews and State Management Reviews to ensure compliance with this rule. FTA notes that it does not need to wait to review a safety plan every three years. FTA may review an agency's safety plan whenever it deems necessary.

As noted above, in response to the public comments and in an effort to assist the industry with meeting the requirements of this rule, FTA is making the effective date one year after its publication date. As a result, transit agencies will have a total of two years from the rule's publication date to certify that they have safety plans meeting the requirements of 49 CFR part 673.

### G. SSOA Review and Approval of PTASPs for Rail Transit Systems

*Comments:* Pursuant to the proposed provisions at 49 CFR 673.13(a), each SSOA would be required to review and approve a PTASP developed by a rail fixed guideway system. Some commenters expressed concern with the one-year deadline that a transit agency has to certify its PTASP and the three-year deadline that an SSOA has to comply with the new SSO rule at 49 CFR part 674. One commenter recommended that FTA should allow rail transit agencies to certify compliance with the PTASP rule one year after the relevant SSOA develops its program standard pursuant to 49 CFR part 674. Several commenters questioned whether a rail transit agency must submit its PTASP to the SSOA by one year after the PTASP final rule's effective date, or whether the SSOA must approve the agency's PTASP by one year after the PTASP rule's effective date. Several commenters urged FTA to clarify whether SSOAs must update their program standards prior to approving rail transit safety plans since most SSOAs will be operating under a program standard based on 49 CFR part 659 when the PTASP final rule becomes effective.

A few commenters requested FTA to clarify the role of an SSOA with respect to PTASP certification. One commenter suggested that a PTASP should not be executed without SSOA approval. Several commenters suggested that FTA develop guidance for obtaining SSOA approval and a resolution process for situations in which a rail transit agency certifies compliance and then an SSOA does not approve the safety plan. Several commenters requested clarification of an SSOA's approval power and role, with a couple of these commenters encouraging FTA to modify the rule's text to make clear that SSOAs only have authority over rail transit systems. One commenter recommended that FTA require transit agencies that operate rail and bus service to develop separate safety plans for rail and bus service so that it is easier for SSOAs to approve the plans for rail safety.

A few commenters stated that FTA should define the SSOA's role and responsibilities in approving plans that contain modes of service not subject to state specific oversight rules, such as rules for bus transit. The commenters argued that while SSOAs are responsible for the review and approval of rail transit plans, FTA's proposed rule only specifies that bus agencies will self-certify.

Several commenters expressed concerns over the requirement to have the transit agency's Board of Directors and the SSOA approve the safety plan, fearing that this two-tiered review process could subject plans to conflicting evaluation criteria, which could weaken plans and cause delays in implementation.

One commenter suggested that FTA should clarify that SSPPs will become obsolete.

*Response:* As a preliminary matter, FTA notes that the comments above regarding state safety oversight are more appropriately addressed through FTA's SSO rule at 49 CFR part 674, which governs the activities of SSOAs. FTA's PTASP rule governs the activities of operators of public transportation systems. Nevertheless, to provide the industry with additional clarification regarding the role of SSOAs, FTA provides the responses below.

Through FTA's new SSO rule at 49 CFR part 674, each SSOA has a great deal of flexibility regarding the timing of its approval of a PTASP within its jurisdiction. Pursuant to the new rule, each SSOA is obliged to "adopt and distribute a written SSO program standard" consistent with the National Public Transportation Safety Plan and the PTASP rule (49 CFR 674.27(a)); "explain" an SSOA's "role . . . in overseeing" a rail transit agency's "execution of its Public Transportation Agency Safety Plan" (49 CFR 674.27(a)(4)); and "describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of [a rail transit agency's] accountable executive" (49 CFR 674.27(a)(4)). Given these requirements, an SSOA could choose to "approve" a PTASP at virtually any point in time, and as often as it might like. FTA expects each SSOA to develop its program standard in consultation with the rail transit agencies within the SSOA's jurisdiction. FTA intends to provide deference to the State decision makers on this matter.

Optimally, an SSOA would have its program standard in place before reviewing the merits of a rail transit agency's PTASP, but it is not necessary, as a matter of law. An SSOA still operating under the old SSO rule at 49 CFR part 659 and transitioning to the new SSO rule at 49 CFR part 674 still can judge the adequacy of a rail transit agency's PTASP by applying the standards and regulatory requirements set forth in the new rules at 49 CFR parts 673 and 674.

Through the new SSO rule, FTA addresses scenarios in which an SSOA does not approve a PTASP. Pursuant to

49 CFR 674.29(c), "In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation, and allow the [rail transit agency] an opportunity to modify and resubmit its . . . Plan for the SSOA's approval." This mechanism should lead to negotiations that resolve disagreements between an SSOA and a rail transit agency. In those instances in which an SSOA and a rail transit agency continue to disagree in good faith, FTA may step into the dispute to help the issue. If a rail transit agency is comfortable certifying its own compliance with the rules, but it receives objections or disapprovals from its SSOA, then FTA could take regulatory enforcement action under the Public Transportation Safety Program rule at 49 CFR part 670 (see <https://www.gpo.gov/fdsys/pkg/FR-2016-08-11/pdf/2016-18920.pdf>), as necessary and appropriate, to ensure compliance with the PTASP rule.

It is abundantly clear in 49 U.S.C. 5329(e) and FTA's new SSO rule at 49 CFR part 674 that an SSOA only has jurisdiction over a "rail fixed guideway public transportation system" that is not subject to regulation by FRA. Consequently, when reviewing a PTASP for an agency that operates rail fixed guideway public transportation and bus public transportation, an SSOA should focus its review on the rail fixed guideway public transportation system only, given the fact that as a legal matter, Federal law does not give an SSOA the authority to regulate the safety of bus systems. Unless provided by State law, an SSOA has no legal authority to compel a transit agency to change its safety practices for bus operations. FTA disagrees with the commenters who believe that FTA should require separate safety plans for rail and bus; FTA will defer to each transit agency to decide whether it is more appropriate for their system to have a single plan covering rail and bus (and other modes of transit) or whether to have multiple plans for each mode of transit.

Finally, FTA re-emphasizes that every operator of a public transportation system subject to this rule, or State, must certify compliance with this rule, whether it provides rail transit service, bus transit service, or other modes of transit service. SSPPs will become obsolete one year after the effective date of this final rule.

### H. Safety Performance Targets and Performance-Based Planning

*Comments:* Pursuant to the proposed provisions at 49 CFR 673.15, each

transit agency or State would be required to make its safety performance targets available to States and MPOs to aid in the planning process, and each transit agency or State would be required to coordinate with States and MPOs in the selection of safety performance targets.

Several commenters generally supported the coordination provisions. One commenter supported flexibility in the target-setting process and coordination of targets between the State, regional, and transit agency levels. One commenter was encouraged that FTA acknowledged the vital role of the planning process in safety management and recommended that the Transit Asset Management Plans also be included in the coordination process.

A couple of commenters asked FTA to explain the purpose of communicating safety performance targets to States and MPOs. One commenter asked FTA to clarify the MPO's role in the planning process, stating that if an MPO has any approval or review authority of safety performance targets, then an MPO should be required to have the same safety expertise and training as an SSQA.

Several commenters asked whether a transit agency only would be required to make its targets available to a State and an MPO, or whether it also would be required to make the supporting performance data pertaining to those targets available to a State and an MPO. One commenter suggested that FTA avoid creating this requirement or to make a general requirement that transit agencies cooperate with States and MPOs in the planning process.

Several commenters expressed concerns with requiring coordination among planning organizations. They argued that this coordination would be unreasonably burdensome on some transit agencies. Several commenters argued that these provisions are not required by statute and that MPOs generally do not operate transit service and do not have transit operations and safety expertise or experience. Several commenters suggested that coordination should be revised to a "consultation" requirement. One commenter recommended that FTA delete these requirements, and that planning coordination should be encouraged through guidance instead.

Several commenters requested clarification on how a State or transit agency should coordinate with MPOs and States to select safety performance targets. One of these commenters argued that if by "coordination," FTA's intent is that a transit agency share its PTASP (which will include performance

targets) with States and MPOs, then FTA should clearly state such a requirement. Additionally, the commenter stated that the proposed rule did not specify which State agencies, other than MPOs, transit agencies are expected to coordinate with.

Several commenters asked which accountability measures will be used to ensure that coordination is occurring "to the maximum extent practicable." One commenter asked what recourse an MPO would have if the State or transit operator chooses not to coordinate on target setting, claiming there is not a "practicable" way to do so. The commenter argued that the rule must recognize that target setting across multiple functions and dimensions would require an extremely robust degree of coordination and suggested removing that phrase.

One commenter stated that the proposed rule does not identify the responsibilities of the State in the planning process. Another commenter asked whether States and MPOs would be required to keep confidential any information related to safety performance targets.

One commenter stated that it is unclear how the development of performance targets at the State and MPO levels will impact individual transit agency targets in the future, particularly when FTA may develop safety performance targets under a separate NPRM. This commenter also said it is unclear how the State and MPO safety performance targets would impact individual transit agency safety plans, as these are to be determined at the local level by each individual transit agency.

*Response:* FTA appreciates the comments that it received in support of its proposed safety performance target provisions. FTA emphasizes that these requirements are rooted in the statutory provisions of 49 U.S.C. 5329(d)(1)(E), which requires each operator of a public transportation system subject to this rule to include in its PTASP "performance targets based on [FTA's] safety performance criteria and state of good repair standards." Moreover, the statutory provisions of 49 U.S.C. 5303(h)(2)(B) and 49 U.S.C. 5304(d)(2)(B) further require that "[s]election of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections . . . 5329(d)" and "[s]election of performance targets by a State shall be coordinated with the relevant metropolitan planning organizations to ensure consistency to

the maximum extent practicable." Since these activities are required by law, FTA will not merely encourage these practices through guidance, as some commenters requested. FTA will require these practices as a legal matter. Moreover, FTA emphasizes that the PTASP rule only governs the activities of operators of public transportation systems. The recent FTA/FHWA joint planning rule 23 CFR part 450 governs the planning activities of transit agencies, States, and MPOs. FTA refers readers to the Final Rule dated May 27, 2016, for further guidance on the roles and responsibilities of States and MPOs in the planning process (see <https://www.gpo.gov/fdsys/pkg/FR-2016-05-27/pdf/2016-11964.pdf>).

In response to the question as to whether a transit agency only would be required to make its safety performance targets available to a State and an MPO, or whether it also would be required to make the supporting performance data pertaining to those targets available to a State and an MPO, FTA defers to the State and local processes developed by States and MPOs. FTA only requires that transit agencies coordinate with States and MPOs to the maximum extent practicable to assist those States and MPOs with the selection of Statewide and regional safety performance targets. At a minimum, FTA requires each operator of a public transportation agency to make its safety performance targets available to States and MPOs.

To ensure that a transit agency complies with these requirements, FTA intends to utilize its existing Triennial Reviews and State Management Reviews. FTA intends to ensure that MPOs comply with the joint planning rule through the existing MPO certification process.

Finally, FTA notes that it is not developing safety performance targets for the industry—it is developing safety performance measures by which each operator of a public transportation system, and each State and MPO, must set targets. These targets are intended to guide transit agencies, States, and MPOs with the prioritization of transportation investments. The goal is for the prioritization of capital investments that help meet safety performance targets and state of good repair targets.

#### *I. Safety Management Systems*

##### **1. Safety Management Policy: General Comments**

*Comments:* Numerous commenters expressed general support for the proposed Safety Management Policy provisions of 49 CFR 673.23.

*Response:* FTA appreciates the support from the transit industry on Safety Management Systems, and specifically the Safety Management Policy provisions of 49 CFR 673.23.

### 1.1. Safety Management Policy Statement

*Comments:* Several commenters encouraged FTA to allow for maximum flexibility in safety management policy statements and urged FTA to allow deviation in policy adoption whenever consistent with the overarching principles of SMS.

A few commenters expressed concern regarding the inclusion of safety performance targets in the safety management policy statement. One commenter suggested that it is inappropriate to include specific safety performance targets in an overarching safety management policy statement and suggested deleting the requirement from the rule. This commenter also suggested that FTA replace the term SMS with PTASP where references to safety performance targets are made. Another commenter urged FTA to clarify that the intent of including safety performance targets in the safety management policy statement is not to require annual updates of the target values, but rather, the measures that the targets address.

*Response:* FTA agrees with the commenters who suggested that the inclusion of safety performance targets in the safety management policy statement is unnecessary, and FTA has updated the rule text, accordingly. The location of this requirement under the "Safety Management Policy" section of this rule is redundant, given the fact that FTA is requiring each transit agency to establish safety performance targets through the "General Requirements" section of this rule at 49 CFR 673.11(a)(3). If a transit agency wishes to include its safety performance targets in its safety management policy, it may do so, although it may identify those targets in another section of its safety plan. The rule text in 49 CFR 673.23 now reads, "A transit agency must establish its organizational accountabilities and responsibilities and have a written statement of safety management policy that includes the agency's safety objectives."

To clarify, during a transit agency's annual review and update of its safety plan (which is required under 49 CFR 673.11(a)(5)), a transit agency may need to update its safety performance targets based on the data and safety conditions at that time, but a transit agency may not necessarily need to alter its target values each year. A transit agency only

needs to examine them and decide, for itself, whether it should amend them.

### 1.2. Employee Reporting Program

*Comments:* Numerous commenters expressed support for FTA's proposed employee reporting program. Several commenters urged FTA to provide more detail on the requirements for employee reporting programs. Two commenters suggested that FTA encourage transit agencies to establish "close call" reporting programs. Another commenter requested guidance from FTA on how reports from employee reporting programs would be protected from disclosure.

One commenter supported non-punitive employee reporting, but stated that disciplinary actions for employee safety behaviors are the subject of collective bargaining at the majority of transit systems. As such, the commenter stated that collective bargaining agreements may affect disciplinary actions in employee reporting programs.

*Response:* FTA appreciates the support for employee reporting programs and believes it is an essential part of a transit agency's SMS. Pursuant to 49 CFR 673.23(b), FTA is requiring each transit agency to "establish a process that allows employees to report safety conditions to senior management," and FTA is providing significant latitude and flexibility to transit agencies to determine their own processes for the reporting of safety conditions. These reporting processes could include hotlines, web-based reporting systems, form-based reporting systems, or direct reporting to management, but ultimately, each transit agency must decide the process and procedures that will work best within that individual agency.

"Close call" reporting systems are a type of employee reporting, and FTA strongly supports the establishment of close call reporting systems, although these systems are not required.

Currently, FTA does not have statutory protections in place to protect safety information from public disclosure, as is the case with FRA and the System Safety Programs required of commuter and intercity passenger railroads under 49 CFR part 270 (see <http://www.fra.dot.gov/eLib/Details/L18294>). FTA requested these protections through the "Grow America Act". Following this request, in Section 3021 of the FAST Act, Congress authorized a study "on evidentiary protection for public transportation safety program information." The results of this study will help inform the need to develop statutory and regulatory protections for safety data.

Finally, FTA acknowledges that disciplinary actions for employee safety behaviors may be the subject of collective bargaining agreements throughout the country. Consequently, many transit agencies may need to work with their labor unions to establish employee safety reporting programs that fit the needs of management and a transit agency's operational and maintenance staff.

### 1.3. Safety Accountabilities and Responsibilities

*Comments:* Two commenters expressed concern over the requirement that each transit agency employ an Accountable Executive and either a Chief Safety Officer or an SMS Executive. These commenters argued that this requirement could be overly burdensome for rural, specialized, tribal, or small transit systems where the administrative staff could be limited to only a single executive. One commenter suggested that FTA add language in the final rule that requires small transit agencies to hire necessary safety personnel. Another commenter urged FTA to clarify whether the Chief Safety Officer must be a direct employee of the transit agency or whether the Chief Safety Officer may be a position held by a part-time employee.

A few commenters provided input on the role of the Chief Safety Officer and other SMS executives. One commenter urged FTA to clarify the role of the Accountable Executive in relation to the Chief Safety Officer and the transit agency's Chief Executive Officer. The commenter argued that the proposed rule would require the Accountable Executive to implement and maintain SMS, but that responsibility should belong to the Chief Safety Officer. One commenter suggested that FTA identify the link between the transit agency's Chief Safety Officer or SMS Executive and the operations and asset management departments, which is integral for a successful SMS.

*Response:* FTA appreciates the comments that it received regarding the Accountable Executive and the Chief Safety Officer (or SMS Executive), however, FTA is requiring that each transit agency identify individuals to fill these positions in its system. FTA clarified in the NPRM for this rule, and it is clarifying again here, that at many smaller transit agencies, roles and responsibilities may be more fluid and shared. Nevertheless, even in circumstances where responsibilities are either shared or delegated, each transit agency must identify a single primary decision-maker, or "Accountable Executive," who is ultimately

responsible for controlling the human and financial resources necessary to maintain and implement the transit agency's safety plan and transit asset management plan.

FTA acknowledges that small transit agencies may not have many executive staff, and therefore, FTA is allowing small Section 5307 recipients and subrecipients to identify a Chief Safety Officer, or "SMS Executive," that may serve other functions, such as operations, maintenance, and grant administration. For these transit agencies, the Chief Safety Officer may be a full-time employee of the transit system who has responsibility for duties other than safety, a part-time employee of the transit system, or a contracted employee. To illustrate, in a small bus agency, the general manager or operations manager may be the same individual as the Chief Safety Officer or SMS Executive.

Given the increased safety risks and complex operations associated with rail transit systems, FTA is requiring each rail transit agency to identify a single full-time Chief Safety Officer solely dedicated to safety. These Chief Safety Officers cannot have responsibilities other than safety. Similarly, FTA expects bus transit systems that operate more than 100 vehicles in peak revenue service to have a dedicated Chief Safety Officer, given the increased safety risks in those systems, although, this is not a requirement.

The role of the Accountable Executive in relation to the Chief Safety Officer and transit agency's CEO may vary from system to system. In many cases, as a transit agency's CEO or president or general manager, that individual likely will serve as the Accountable Executive. The Accountable Executive and the Chief Safety Officer are responsible for implementing and maintaining a transit agency's SMS, although at smaller transit agencies, this individual may be the same person. Ultimately, as noted above, the Accountable Executive must be the individual with the authority to dedicate the human and financial resources to maintain and implement a transit agency's safety plan and transit asset management plan. The Accountable Executive should oversee, and the Chief Safety Officer should have a strong working relationship with, the operations and asset management departments at a transit agency in order for SMS to be successful and effective.

## 2. Safety Risk Management

### 2.1. Safety Risk Management: General Comments

*Comments:* Two commenters supported the general inclusion of a safety risk management process in a safety plan as detailed in the NPRM, but expressed concern about the level of data collection and assessment activities required. The commenters recommended that FTA provide best practices and technical assistance to assist States and transit agencies with the preparation and execution of safety risk management processes. Similarly, a commenter expressed concerns over the data requirements of the proposed rule, noting that the commenter's organization employs hazard identification and tracking logs, but the organization now would have to incorporate into its SMS the data obtained through these systems. The commenter asked FTA to clarify if it would need to apply a safety risk management process for paratransit services, and this commenter asked where transit asset management fits into the safety risk management process.

While stating that safety risk management is an essential component of SMS, a commenter asserted that the proposed provisions at 49 CFR 673.25 do not specify that hazard analysis, risk assessment, or safety certification is required for new and major capital projects. Additionally, the commenter suggested that the rule fails to address configuration management or risk assessments to system alterations, and it does not require transit agencies to consider the results of asset condition assessments while performing safety hazard identification activities. This commenter also asserted that the proposed rule suggests, but would not require, that the results of asset condition assessments and SMS analysis be considered in the determination of whether an asset meets the SGR standards under FTA's Transit Asset Management rule at 49 CFR part 625.

One commenter asked what the phrases "new operations of service to the public" and "new operations or maintenance procedures" mean, as used in the section-by-section analysis of the proposed 49 CFR 673.25(a). Additionally, the commenter stated that the definition of safety risk management is unclear.

Two commenters encouraged FTA to allow flexibility in the hazard identification and risk management processes. One of these commenters stated that transit agencies should be encouraged to incorporate existing

hazard identification and risk management processes, and evaluate any new processes that may be more effective. The other commenter asked whether a transit agency must develop its own safety risk management process, or whether FTA will establish a nationwide model.

One commenter remarked that there are organizational pressures exerted on the safety staff and other personnel who participate in the safety risk management process to rate safety risk as low as possible. This commenter expressed a hope that with the full implementation of SMS in an organization, these types of organizational pressures would dissipate under a positive safety culture, but cautioned that the development of a positive safety culture could take five to six years, or even longer, in many organizations.

*Response:* FTA appreciates the support from the industry on the proposed safety risk management process. FTA intends this process to be flexible, and it avoided prescriptive requirements in this rule. For example, the level of data collection and assessment activities will vary from agency to agency. For some transit agencies, data collection and analysis processes could be conducted using computer software programs; at other transit agencies, especially at smaller transit agencies, the data collection and analysis processes could involve a transit agency's management team, staff, and bus operators meeting in a room and discussing the most significant safety hazards and evaluating any associated risks. FTA has produced a safety plan template with this final rule, and it should assist transit agencies with the development of Safety Risk Management processes and considerations. To be clear, this rule applies to any transit service not regulated by another Federal agency, including general public and ADA complementary paratransit service, so each transit service provider will need to develop a safety plan which includes a Safety Risk Management process.

Also, each transit agency must apply its Safety Risk Management processes—and all other SMS processes—to all elements of its operations, including the design, construction, and operation of major capital projects, New Starts and Small Starts projects, and any other extension or expansion of transit service. These requirements extend to any "new operations or maintenance procedures," meaning, any new operations or maintenance processes for railcars, buses, track, facilities, or other service or infrastructure undertaken by

a transit agency. FTA is providing a great deal of flexibility here and is allowing systems to determine the hazards and risks for which it will prioritize and mitigate from an individual agency level. A transit agency also must apply its Safety Risk Management process to its existing operations and maintenance procedures, and all other aspects of its system. Pursuant to 49 CFR 673.5, FTA is defining the term "Safety Risk Management" to mean "a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk." FTA outlines the scope of necessary procedures within Safety Risk Management 49 CFR 673.25.

With respect to condition assessments, FTA expects each transit agency to consider the results of its condition assessments undertaken pursuant to its Transit Asset Management plan when it conducts SMS activities. For example, if an asset does not meet a transit agency's state of good repair targets, then the transit agency may conduct Safety Risk Management activities and analysis to determine whether the asset presents a safety hazard and any safety risks. The transit agency could mitigate any risks and prioritize investments in its capital plan, accordingly. In an effort to provide flexibility and scalability, FTA defers to each transit agency to determine for itself its own processes and procedures for these activities.

FTA agrees with commenters who suggested that transit agencies should be encouraged to incorporate existing hazard identification and risk management processes, and utilize any new processes that may provide a more effective means of identifying and addressing safety hazards and safety risks. FTA is providing a safety plan template, technical assistance, and guidance to assist transit agencies with the development and implementation of Safety Risk Management, and it is not applying a one-size-fits-all model for the industry since safety hazards and safety risks vary significantly nationwide.

One of the goals of this rule is create stronger and more positive safety cultures within transit agencies, and FTA expects that a transit agency's personnel would not feel pressure to rate all safety risks as low as possible. To the extent this sentiment exists within a transit agency, FTA anticipates that these types of practices would dissipate as a transit agency implements its SMS over time. FTA agrees that it may take a few months to even a few years to fully implement a mature SMS,

and FTA will provide guidance and technical assistance to the industry, as necessary.

## 2.2. Safety Hazard Identification and Analysis

*Comments:* One commenter suggested that FTA clarify the distinction between safety hazard analysis and safety risk evaluation. This commenter asserted that FTA should articulate this distinction because the concepts of evaluation and analysis are used interchangeably in common language. Another commenter asked FTA to define the term "consequence."

A commenter encouraged FTA to establish standard processes for hazard identification and provided FTA with the hazard analytical methods and safety risk determination techniques adapted from the U.S. Department of Defense's Military Standard 882 series of standards as a model for national standardization. Similarly, one commenter suggested that FTA specify that transit agencies must utilize data and information from oversight authorities, including FTA, when conducting hazard identification and risk analysis.

*Response:* In an effort to provide clarity to the Safety Risk Management process, FTA has amended the terminology used in the final rule. A transit agency must develop a Safety Risk Management process that is comprised of three steps: (1) Safety hazard identification, (2) safety risk assessment, and (3) safety risk mitigation. A transit agency must first identify potential hazards throughout its system, and then it must analyze these hazards to determine whether they present safety risks and safety consequences. After a transit agency identifies and analyzes potential hazards and consequences, the agency must undertake activities to assess and prioritize the safety risk associated with the potential consequences of the identified safety hazards, in accordance with 49 CFR 673.25(c). This process includes an evaluation wherein the transit agency assigns a level of probability and severity to the consequences, and then develops mitigation, as necessary and appropriate. FTA encourages transit agencies to utilize computer software programs for safety risk assessment and mitigation, although smaller transit operators may not need them.

FTA has taken efforts to avoid requiring prescriptive processes for hazard identification and risk analysis. FTA encourages transit agencies to review the U.S. Department of Defense's Military Standard 882 (available at

<http://www.system-safety.org/Documents/MIL-STD-882E.pdf>) and utilize the hazard analytical methods and safety risk determination techniques, to the extent appropriate, but FTA is not mandating that transit agencies adopt any particular method of process for hazard identification and risk analysis—FTA is providing transit agencies with flexibility given the large range of sizes and types of operators nationwide. Finally, FTA will not specify the type of data and information that oversight authorities must share with transit agencies. Oversight authorities and transit agencies will need to make these decisions for themselves.

## 3. Safety Assurance

### 3.1. Safety Assurance: Safety Performance Monitoring and Measurement

*Comments:* Pursuant to the proposed provisions at 49 CFR 673.27(b)(2), each operator of a public transportation system would be required to monitor its operations to identify any potential safety hazards not previously identified through the Safety Risk Management process outlined in proposed 49 CFR 673.27. One commenter suggested that FTA delete this requirement because, presumably, transit agencies already would have established activities to identify potential safety hazards as part of their Safety Risk Management processes. One commenter suggested deleting the word "any" in the requirement because the word suggests that safety risk mitigations may not exist and/or the transit agency's Safety Risk Management Process is broken. One commenter asked what type of hazards might not be identified in the Safety Risk Management process and asked whether the proposed requirement indicates a flaw in the Safety Risk Management process.

A couple of commenters requested clarification of the term "safety event" as used in proposed 49 CFR 673.27(b)(4). Specifically, a transit agency asked if a "safety event" in this provision is the same as "Event" as defined in the proposed rule. If the terms are the same, then the commenter asked whether a transit agency would have to develop a process for investigating "Accidents," "Incidents," and "Occurrences." Additionally, the commenter asked to whom it should report a "safety event," if anyone.

Two commenters asserted that this aspect of SMS appears one-size-fits-all, perhaps appropriate for a large agency operating a rail system but burdensome for small-urban, rural, specialized, and



tribal transit agencies. Several commenters recommended that FTA should establish minimal monitoring requirements for Section 5310, Section 5311, and small Section 5307 recipients. These requirements should be scalable and reflect the size and scope of these organizations.

*Response:* FTA appreciates the comments that it received regarding the Safety Assurance processes proposed in the NPRM. FTA agrees with the commenter who suggested that the requirement for transit agencies to continually monitor their operations to identify any potential safety hazards that it might not have captured when undertaking its Safety Risk Management process is a redundant requirement. FTA has eliminated this requirement for all transit operators in the final rule.

Under the proposed provisions for Safety Assurance at 49 CFR 673.27(b)(4), a transit agency would be required to establish a process to: "Investigate safety events to identify causal factors." FTA proposed the following definition for the word, "event," as used throughout the rule: "Accident, Incident, or Occurrence." Therefore, each transit agency must develop procedures for investigating Accidents, Incidents, and Occurrences.

As discussed throughout this rulemaking, SMS is scalable, and FTA is providing transit agencies with great latitude and flexibility in developing procedures for investigating Events. For example, a small bus operator may develop a simple process for investigating the cause of a bus accident. The process may involve an on-site examination of the vehicle and the scene, a review of any video recordings from cameras mounted inside or outside of the bus, an interview with the bus operator and witnesses at the scene, and a toxicology test for the bus operator. A large rail operator may need to develop a more robust process for investigating the cause of a rail car accident, involving communications between safety and operating divisions of the transit agency, a shutdown of track operations, the deployment of designated safety inspectors and engineers, a comprehensive investigative report, etc. FTA is not prescribing any particular process for investigating safety events, but it notes that, as part of the larger safety management process, it is critical for transit agencies to identify and understand the causes of the Accidents, Incidents, and Occurrences in their systems so that the circumstances leading to the Events can be mitigated and prevented in the future.

FTA notes that its reporting requirements for safety events are outlined in the National Transit Database Reporting Manuals (see <https://www.transit.dot.gov/ntd>). Rail transit agencies should follow the notification and reporting requirements of the new SSO rule at 49 CFR part 674, including Appendix A to that rule. FTA is not requiring any reporting through this PTASP rule.

Finally, FTA agrees with the commenters who recommended that FTA should establish minimal monitoring requirements for smaller transit operators. Consequently, in today's final rule, FTA has eliminated many of the Safety Assurance requirements for all small public transportation providers. Small public transportation providers only would need to develop procedures for safety performance monitoring and measurement; they would not need to develop procedures for management of change and continuous improvement. FTA believes that these revisions reduce the administrative, financial, and regulatory burdens for small transit providers significantly and help them transition to the new part 673. Rail fixed guideway public transportation systems, and FTA recipients and subrecipients that operate more than 100 vehicles in peak revenue service, would be required to develop safety plans that include all of the processes under Safety Assurance, namely, safety performance monitoring and measurement, management of change, and continuous improvement.

### 3.2. Safety Assurance: Management of Change

*Comments:* One commenter emphasized the importance of the proposed provisions at 49 CFR 673.27(c) involving the management of change and assessing changes that may introduce new hazards or impact a transit agency's safety performance. This commenter suggested moving these requirements from the Safety Assurance provisions of the rule to the Safety Risk Management provisions of the rule, indicating that this relocation would elevate the importance of the requirement. One commenter requested clarification regarding which changes might impact a transit agency's safety performance.

Another commenter encouraged FTA to include Management of Change within the SMS context, stating that safety within the scope of capital projects, acquisitions, procurements, and system changes only fully can be measured and verified through system safety engineering practices and

principles. This commenter argued that Management of Change within the context of SMS should include effective safety management procedures and processes to ensure that plans, policies, procedures, and practices effectively are measured and incorporated into an overall Management of Change program. One commenter expressed confusion over the provision for transit agencies to map updates of their safety plans to Safety Assurance instead of Safety Management Policy.

*Response:* The Safety Assurance element of SMS involves the continual monitoring of a transit agency's safety performance. Safety Assurance activities serve as a check on the Safety Risk Management of a transit agency. The procedures are designed to ensure that safety risk mitigations are effective, to collect safety performance data that will help a transit agency predict future safety events and mitigate or eliminate them, and to analyze the potential safety risks of any new practices or procedures adopted by a transit agency. For these reasons, the "Management of Change" activities are housed within Safety Assurance. Each transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance, and if the transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process. FTA disagrees with the commenter who suggested that moving these procedures from Safety Assurance to Safety Risk Management will elevate their importance—ultimately, these all are requirements for safety plans. FTA is providing each transit agency with great latitude and flexibility in developing these procedures and identifying the types of changes in its system that could impact safety performance. These changes may include changes to the design of a new public transportation system, service changes to the existing public transportation system, new operational or maintenance procedures, new organizational changes, and changes to internal standard operating procedures, such as changes to procurement or safety management processes. Each of the SMS procedures are equally important and are designed to work together as a system for managing safety risks in a transit agency.

In response to the commenter who encouraged FTA to include Management of Change within the SMS context, FTA makes clear that all of the activities within Safety Assurance—Safety Performance Monitoring,

Management of Change, and Continuous Improvement—are core components of SMS.

Finally, as noted above, under today's final rule small public transportation providers are not subject to the management of change requirements under Safety Assurance. These requirements only apply to rail fixed guideway public transportation systems and FTA recipients and subrecipients that operate more than one hundred vehicles in peak revenue service.

### 3.3. Safety Assurance: Continuous Improvement

*Comments:* One commenter sought clarification on the term "continuous improvement," and another commenter recommended replacing the term "continuous" in proposed 49 CFR 673.27(d) with "continual" because "continuous" suggests no room to backslide. Additionally, the commenter suggested replacing the phrase, "If a transit agency identifies any deficiencies . . .," in proposed 49 CFR 673.27(d)(2) with the phrase, "When a transit agency . . .," to maintain consistency with the spirit of SMS.

One commenter stated that transit agencies have developed practices for a variety of safety oversight programs to assess and ensure continuous improvement of safety performance. The commenter encouraged FTA to allow transit agencies to continue the development and execution of effective system safety oversight functions, such as safety audits, observations, inspections, assessments, and data analysis, in order to strengthen this component and work towards fully achieving the SMS model.

*Response:* FTA notes the suggested changes to the verbiage in 49 CFR 673.27(d), but these suggestions are stylistic in nature, and offer no substantive amendments to the regulatory text.

FTA appreciates the commenter who noted the various safety oversight programs that transit agencies have developed over the years to manage safety risk. FTA is providing transit agencies with great latitude and flexibility in developing procedures for managing safety risk, and through the requirements outlined in today's rule, transit agencies should be developing procedures for conducting safety observations, inspections, assessments, and data analysis. FTA expects that the continual efforts tied to safety implementation will improve a transit system's safety performance by reducing, mitigating, and preventing safety outcomes.

Finally, as noted above, under today's final rule small public transportation providers are not subject to continuous improvement requirements under Safety Assurance. These requirements only apply to rail fixed guideway public transportation systems and FTA recipients and subrecipients that operate more than one hundred vehicles in peak revenue service.

### 4. Safety Promotion

*Comments:* Several commenters supported the establishment of a comprehensive safety training program, including refresher training, through the Safety Promotion element of SMS. Several commenters provided input on or asked questions about the types of employees who would be subject to training. A few commenters expressed concern with the phrase "directly responsible for the management of safety," asserting that this language is vague and could be interpreted inconsistently. One commenter stated that FTA should replace this phrase with the terminology in FTA's proposed Public Transportation Safety Certification Training Program rule at 49 CFR 672.13, which requires transit agencies to "designate its personnel who are directly responsible for safety oversight and ensure that they comply with the applicable training requirements." Another commenter expressed concern that this phrase could be misinterpreted by transit agencies to imply that only management or safety department employees would be subject to a comprehensive safety training program. The commenter suggested that safety training should include all levels of employees at a transit agency and recommended that FTA change this language to cover all employees and contractors. One commenter, however, stated that transit agencies should not be required to train contractors. Another commenter suggested that the terminology used to describe categories of employees is not consistent with the terminology used in 49 CFR part 674, without qualification. Another commenter stated the rule should specify that the training program should apply to the Accountable Executive.

Several commenters recommended that FTA not apply the training requirements to Section 5310 and Section 5311 operators, arguing that the development and implementation of a training program would be a financial and administrative burden. These commenters suggested that FTA should only mandate driver safety training for these operators. Another commenter indicated that live, face-to-face training

is preferred, but noted that this type of training is difficult to schedule and suggested that FTA provide online training and host workshops for the industry.

Several commenters requested additional clarification regarding the proposed training provisions. One commenter asked if FTA would "grandfather" in existing agency safety training programs. Another commenter asked what constitutes a "comprehensive safety training program" and whether FTA foresees any minimum requirements for this program. Another commenter asked whether FTA would provide further guidance on the specific types of safety training that it would require. One commenter believed that FTA's intent is to create a single, comprehensive training program, but references to training throughout the rule make that unclear. One commenter suggested that Safety Promotion could include certifications and evaluations, including a driver report card and/or a professional transit driver program.

*Response:* FTA appreciates the comments that it received supporting the safety training program. FTA emphasizes that this program is a statutory requirement under 49 U.S.C. 5329(d)(1)(G), which requires each operator of a public transportation system to establish "a comprehensive staff training program for the operations personnel and personnel directly responsible for safety" and includes "completion of a safety training program" and "continuing safety education and training."

Given the unique operating environments and operating systems of each transit agency, FTA is providing great latitude and flexibility in complying with these provisions. Each transit agency should determine for themselves the classes of employees who are directly responsible for safety in that unique system. These employees could include vehicle operators, maintenance staff, dispatchers, the Chief Safety Officer, the Accountable Executive, and other agency staff and management who have direct responsibility for safety. The training program should cover all levels of employees and contractors, and FTA disagrees with the commenter who suggested that these provisions should not apply to contractors. In many systems, contractors have direct responsibility for safety, particularly in circumstances where a transit agency contracts for service, and it is critical that these individuals have training in safety.

In response to the commenters who recommended that FTA not apply the training requirements to Section 5310 and Section 5311 operators, FTA notes that it is deferring regulatory action regarding the applicability of this rule to these recipients and subrecipients until a later time. FTA is providing the industry with template safety plans and training courses, including online training courses, to assist small and large transit agencies with the development of training programs.

In response to the question regarding whether FTA would "grandfather" in existing safety training programs, FTA does not find a need to do so. Certainly, transit agencies can use existing safety training programs, or augment those programs, so long as they meet the requirements in this rule. FTA is not issuing any prescriptive requirements regarding these training programs because it does not believe that a one-size-fits all approach is appropriate. FTA agrees with the commenter who suggested that Safety Promotion could include certifications and evaluations, including a driver report card and/or a professional transit driver program, although FTA is not requiring this type of documentation. Ultimately, each transit agency must determine what is best for its system. Finally, FTA agrees with the commenters who stated that the language in this section could be "misinterpreted by transit agencies to imply that only management or safety department employees would be subject to a comprehensive safety training program" and does intend to create confusion between today's rule and the Safety Certification Training Program rule. Therefore, FTA is updating the language in 49 U.S.C. 673.29 to state: "A transit agency must establish and implement a comprehensive safety training program for all agency employees and contractors directly responsible for safety in the agency's public transportation system."

#### 5. Scalability of SMS

*Comments:* Many commenters requested guidance and technical assistance on how SMS could be scaled for small transit providers. One commenter urged FTA to keep guidance and templates at a high level so that they can be tailored to fit the unique needs and circumstances of the broad range of transit agencies subject to the PTASP rule.

Several commenters stated that an appropriately scaled safety plan is particularly important in a zero fatality environment, and FTA should clarify that the transit agency, or the State, is responsible for deciding how to scale

the plan. These commenters suggested that FTA revise 49 CFR 673.21 by replacing "appropriately scaled" with "appropriately scaled by the provider, or if applicable, the State."

One commenter urged FTA to emphasize in the final rule that SMS provides flexibility and adaptability, and it urged FTA to avoid developing prescriptive and restrictive standards for transit agencies that may create major program gaps and limitations. Similarly, another commenter stated that FTA should allow for local choice in implementing SMS plans and programs, asserting that local flexibility would lead to greater and more comprehensive safety plans across individual systems.

Several commenters suggested that the rule lacks detail, and they indicated that FTA should add more detail to the various processes and procedures required, and that FTA should develop templates and associated technical assistance manuals where the requirements could be presented differently based on size, mode, and safety record. One commenter appreciated FTA's efforts to create a rule that considers each transit agency's uniqueness; however, this commenter concluded that the final rule should include identifiable and clearly stipulated requirements which can then be tailored to the individual characteristics of a transit agency.

*Response:* FTA appreciates the comments that it received regarding the need for technical assistance, guidance, and templates for safety plans. Concurrent with this final rule, FTA is issuing a safety plan template for the industry. FTA is not requiring transit agencies to use the template, but rather, FTA is releasing it as a guide to assist States and transit agencies with the development of their safety plans. Ultimately, each operator of a public transportation system must decide for itself the processes and procedures within the SMS framework that are most appropriate for its unique operating environment. A small bus operator may have simpler processes and procedures than a large rail operator. In situations where a State is drafting a safety plan on behalf of a small public transportation provider, the State and the small public transportation provider should work together and collaborate on the development of processes and procedures that are most appropriate for the operator.

FTA appreciates the comments noting the flexibility and adaptability of SMS, which FTA has emphasized throughout this rulemaking. FTA has taken great efforts to avoid the development of prescriptive and restrictive standards for

transit agencies that may create major program gaps and limitations.

Finally, FTA believes that the requirements in the rule satisfy the minimum requirements of the statute at 49 U.S.C. 5329(d), and if the requirements were any more prescriptive, transit agencies would not have the flexibility that they need to tailor their safety plans to their unique operating environments. If this were the case, the safety plans would be more difficult to develop, and ultimately, less useful in mitigating and preventing safety events. FTA believes that today's rule strikes an appropriate balance in providing a general framework for safety plans and for allowing flexibility and scalability for each individual transit agency.

#### 6. SMS and Safety Culture

*Comments:* A few commenters emphasized the need for communication between management and agency staff, and they noted the need for a healthy safety culture. One commenter supported the requirement that transit agencies use SMS principles to help achieve a high level of safety, and noted that, to achieve a high level of safety, management at transit agencies must listen to and incorporate the input from their frontline workers and their unions who have daily, firsthand experiences and in-depth knowledge of the transit systems. One commenter acknowledged that training and communication are key components of an effective SMS, but also noted that listening to employees, seeking their feedback, and ensuring a positive culture of safety in their work are also important components of SMS. Another commenter stated that local unions may present administrative challenges in adopting a positive and healthy safety culture.

*Response:* FTA appreciates the comments that it received regarding the need for a positive and healthy safety culture, and each of the requirements of this rule is designed to help ensure a positive safety culture at each transit agency. FTA wholeheartedly agrees that communication between management and staff, including labor unions, is critical in achieving a positive and healthy safety environment and in reducing safety events. One of the key requirements in today's rule is an employee reporting program, which will allow the frontline staff who have in-depth knowledge of the transit system to report unsafe conditions to management without fear of reprisal. FTA believes that these programs will help support a positive safety culture within transit organizations.

## J. Safety Plan Documentation and Recordkeeping

### 1. Safety Plan Documentation

*Comments:* Two commenters recommended that transit agencies should keep their safety plan documents for more than three years. One of these commenters recommended that transit agencies be required to retain documentation for a minimum of fifteen years, or at least five triennial review cycles. Another commenter asserted that the data contained in the safety plan documentation would be valuable in determining historical trends in a transit agency's safety performance over time, so extending the minimum retention period would allow for more robust historical assessments.

*Response:* FTA recognizes the value associated with having access to years of data to assist with assessing historical trends. However, such a requirement must be balanced against the costs associated with maintaining such data over an extended timeframe as suggested by the commenter. With that in mind, FTA believes its proposal that transit agencies maintain documents required by this part for a minimum of three years is reasonable relative to cost and effort, and also aligns well with the three year period for Triennial Reviews and State Management Reviews. This requirement would not bar those transit agencies desiring to maintain documents beyond three years from doing so, and FTA would encourage this practice. Accordingly, the proposed three year minimum requirement is included in the final rule.

### 2. Safety Plan Records

*Comments:* Several commenters asked which records should be maintained related to training. One commenter asserted that employee training records under the Public Transportation Safety Training Certification Program are already stored in FTA's training portal. Another commenter stated that its agency maintains a Learning Management System to schedule and track training, and this commenter questioned whether this existing system is sufficient or whether the agency will need to keep additional records. One commenter urged FTA to require transit agencies to maintain additional records beyond what is required in the proposed rule.

One commenter requested clarification on whether the requirements to keep training records apply to locally operated transit systems. One commenter stated that it will maintain records on the SMS

requirements for transit agencies that utilize a safety plan drafted by a State.

*Response:* FTA notes that the training required under the Public Transportation Safety Certification Training Program at 49 CFR part 672 is required of those who are "directly responsible for safety oversight" of the public transit system. FTA has developed a web portal to maintain the training records for those subject to the requirements of that rule. Today's final PTASP rule requires the development of a comprehensive staff training program for operations personnel and personnel who are "directly responsible for safety." Thus, there are two different types of safety training requirements, applicable to different employees of a transit system.

The requirements of today's final rule include the completion of a safety training program and continuing safety education and training. Such training may or may not also include training requirements in accordance with the Public Transportation Safety Certification Training Program Rule at 49 CFR part 672. FTA emphasizes that each transit agency will have discretion and flexibility with regard to the requirements of the safety training program under this part. FTA encourages transit agencies to maintain training records to the maximum extent practicable, but in today's final rule, FTA is not requiring transit agencies to maintain these records and it has removed Section 673.33 "Safety Plan Records" in its entirety for all transit agencies. Specifically, transit agencies are not required to maintain records of safety risk mitigations, results from safety performance assessments, and employee training. FTA believes that this revision from the NPRM to the final rule responds to the industry's concerns regarding recordkeeping and it significantly will reduce the administrative and financial burdens for all transit operators.

### 3. Other Comments on Documentation and Recordkeeping

*Commenters:* Numerous commenters stated that transit agencies need data protection for the information in their safety plans. The commenters argued that SMS, by its nature, requires full and open review, evaluation, and prioritization of risk, and the possibility that these safety reviews could be released through the Freedom of Information Act (FOIA), State sunshine laws, or obtained through judicial proceedings serve as a barrier to well-documented and robust self-examination. The commenters encouraged FTA to state its intent to

protect agency analyses to the full extent possible and pursue full authority to exempt safety analyses from discovery and use in judicial proceedings. One commenter suggested that FTA incorporate a confidentiality provision into the rule similar to the provisions in the old SSO rule at 49 CFR part 659.

One commenter suggested that the rule should acknowledge disclosure laws differ between States and that the rule should be written so that transit agencies are not required to disclose records to plaintiffs or allegedly injured parties if a State law does not require them to do so.

*Response:* When FTA first promulgated its SSO rule in 1995, FTA recognized that rail transit agencies often face litigation arising from accidents, and that the release of accident investigation reports can compromise both the defense of litigation and the ability of agencies to obtain comprehensive, confidential analyses of accidents. Thus, the former SSO rule at 49 CFR 659.11 provided that a state "may withhold an investigation report that may have been prepared or adopted by the oversight agency from being admitted as evidence or used in a civil action for damages." Courts are left to determine whether to admit investigation reports into evidence for litigation, in accordance with the relevant State law and the courts' rules of evidence.

Unlike NTSB accident reports, which cannot be admitted into evidence or used in civil litigation in a suit for damages arising from an accident, there is no such protection for data under FTA's safety rules (see 49 U.S.C. 1154(b) regarding NTSB investigations). Rather, States may enact statutes regarding the admissibility into evidence of accident investigation reports or safety data and analysis conducted in compliance with FTA requirements. FTA emphasizes that any protections must be based on State, not Federal, law and rules of evidence.

With regard to safety records in the possession of FTA, FTA will maintain the confidentiality of accident investigations and incident reports to the maximum extent permitted under Federal law, including the various exemptions under FOIA. Documents submitted to FTA are subject to FOIA and are generally releasable to the public upon request. However, unlike other Federal safety regulatory agencies such as FRA and FAA, Congress has yet to provide FTA with statutory authority to otherwise exempt safety-related information from disclosure. Section 3021 of the FAST Act authorized FTA to undertake a study to determine

whether data protection is necessary. FTA notes that its confidential treatment of information would not preempt State law; therefore, transit agencies still would be required to comply with their State's laws regarding the treatment of such information and should exercise their use of this provision accordingly.

#### 4. Database Systems

*Comments:* One commenter expressed concern over integrating existing database systems and requested clarification from FTA on how to do so. The commenter urged FTA to clarify which data categories FTA expects to add to existing databases to capture information, and provide additional information on how it will support additional data management systems that agencies will need to acquire as a result of the rule.

*Response:* Each transit agency will have to determine for itself how it will integrate databases. FTA supports the use of data management systems if a transit agency determines that these systems are necessary to manage safety risks. However, FTA does not foresee transit agencies having to integrate or create new databases, necessarily, in order to comply with the requirements of 49 CFR part 673.

#### 5. Staffing and Resources as a Result of Documentation and Recordkeeping

*Comments:* Two commenters expressed concern that the documentation and recordkeeping requirements in the proposed rule will produce a need for additional staffing and stretch already limited resources. The commenters stated that recordkeeping and documentation must be scalable.

*Response:* FTA understands that agencies will need to expend resources to comply with the documentation requirements. FTA has sought to minimize the rule's paperwork burdens and agrees that such requirements for documentation and recordkeeping must be scalable. To this end, FTA has eliminated many of its proposed recordkeeping requirements in their entirety. Specifically, transit agencies are not required to maintain records of safety risk mitigations, results from safety performance assessments, and employee training. FTA believes that this revision from the NPRM to the final rule responds to the industry's concerns regarding recordkeeping and it significantly will reduce the administrative and financial burdens for all transit operators. FTA reiterates that service providers within the public transportation industry can vary greatly

based on size, complexity, and operating characteristics. Transit agencies need safety processes, activities, and tools that scale to the size, complexity, and uniqueness of their systems, and SMS provides such an approach. Therefore, FTA believes that the documentation that is kept for a smaller bus agency may be less voluminous and less complex than those of large rail or multi-modal transit agencies. Moreover, FTA is issuing a safety plan template concurrent with the issuance of this final rule. This template will reduce the burden on transit agencies in developing the documentation necessary (that is, the safety plan) to comply with this rule.

#### K. Funding

*Comments:* Several commenters asserted that the proposed rule results in additional costs relating to, among other provisions, reviews, training, software or software upgrades, and the scalability and implementation of SMS. The commenters expressed concern that these additional costs may impact their limited available resources and expressed concern that no additional resources would be provided to support the costs of achieving compliance. Several commenters remarked that this rulemaking seems like an unfunded mandate. These commenters also asked whether there would be additional Federal resources provided to implement the new safety plans. Another commenter asserted that costs related to oversight responsibilities should be eligible for reimbursement by States.

*Response:* FTA recognizes there are costs associated with implementing the requirements of this rule; however, this rule is a requirement of 49 U.S.C. 5329(d). FTA recognizes the need for increased investments in transit, but Congress determines the specific levels of funding available to FTA recipients. To this extent, FTA disagrees with those commenters who suggested that these requirements are an unfunded mandate. States and operators of public transportation systems may use Federal funding provided through the existing Section 5303, Section 5304, Section 5307, Section 5309, Section 5310, Section 5337, and Section 5339 programs to comply with the requirements in this rule, that is, developing and implementing their safety plans. Costs related to oversight by SSOAs are eligible for Federal reimbursement through the State Safety Oversight Grant Program created by 49 U.S.C. 5329.

In an effort to further reduce the administrative, financial, and regulatory

burdens on recipients, FTA will provide technical assistance in the form of templates and guidance documents to assist with the development of safety plans. FTA also is providing training courses to assist the industry with compliance with this rule. FTA has removed Section 673.33 "Safety Plan Records" from the final rule in response to comments from the industry and to reduce costs for individual transit systems. FTA is deferring action regarding the applicability of this rule to the smaller recipients and subrecipients that only receive Section 5310 and/or Section 5311 funds so that it can evaluate additional information and safety data to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

#### L. Staffing

*Comments:* Several commenters expressed concerns about the limited staff of many transit agencies and asserted that compliance with the proposed rule, notably the administrative requirements, would require agencies to hire more staff, including contractors or expert consultants, thus increasing costs. One commenter expressed that medium-sized transit agencies may have difficulty absorbing the costs that may be necessary to hire more than one individual without additional funding. One commenter expressed concern that placing increasing requirements on State Department of Transportation staff could create unintended consequences, such as a reduction in work quality or causing staff to forego other critical work.

*Response:* FTA understands the concerns expressed by some commenters about the staffing resources needed to comply with the rule. Irrespective of the Federal funding stream, FTA continues to believe the scalability and flexibility in safety plan development will not unduly burden any particular transit agency. Given the scalability of SMS, transit agencies may have to reorganize existing staffing resources instead of hiring additional ones. Moreover, to reduce staffing burdens on transit agencies and States, FTA is issuing a safety plan template concurrent with this final rule. In accordance with 49 U.S.C. 5329(d), FTA also is requiring that States draft and certify plans on behalf of small public transportation providers which will further reduce the burden on smaller agencies. FTA is deferring action regarding the applicability of this rule to smaller recipients and subrecipients that only receive Section 5310 and/or

Section 5311 funds so that it can evaluate additional information and safety data to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

#### M. Enforcement and Oversight

##### 1. Triennial Reviews and State Management Reviews

*Comments:* A few commenters preferred FTA's review of safety plans as part of the existing Triennial Review and State Management Review oversight processes, rather than annual reviews. One commenter asked FTA to provide more clarity on the State Management Review process. One commenter suggested that FTA could utilize findings from these oversight reviews for purposes of informing the transit industry on safety trends and best practices.

A few commenters expressed concern that FTA may conduct oversight and enforcement of this rule outside of the traditional Triennial Review and State Management Review processes, but FTA did not explain how this additional oversight may impact transit agencies and SSOAs. The commenters recommended that FTA issue guidance explaining this additional oversight so that States, SSOAs, and transit agencies can effectively anticipate and respond to this process, and so that FTA may administer it consistently nationwide. Commenters suggested that FTA should detail procedures for additional reviews or audits outside the normal review schedule, including an advanced notice process and an identification of roles for the SSOAs.

One commenter asked whether and to what extent reviewers could reject performance targets during the Triennial Review process. Another commenter asked about the consequences of a transit agency's failure to meet its safety goals.

*Response:* As a preliminary matter, pursuant to the statutory provisions of 49 U.S.C. 5329(d)(1)(D), each operator of a public transportation system is required to conduct an annual review and update of its safety plan. This annual review and update is a process to be undertaken by each transit agency independent of the triennial oversight process conducted by FTA. FTA will issue future guidance on any changes to the Triennial Review and State Management Review processes, including the role of an SSOA, to the extent necessary. FTA will not use the National Public Transportation Safety Plan to inform the industry how it will

conduct the Triennial Review or State Management Review processes.

FTA will conduct additional oversight and enforcement of this rule outside of the Triennial Review and State Management Review processes as necessary and appropriate. FTA notes that its new Public Transportation Safety Program rule at 49 CFR part 670 outlines its authority to conduct investigations, inspections, audits, and examinations on transit systems. FTA will make oversight and enforcement determinations on a case-by-case basis.

Finally, FTA Triennial and State Management reviewers will not "reject" a transit agency's safety performance targets; however, they will ensure that each transit agency has identified safety performance targets based on the safety performance measures established in the National Public Transportation Safety Plan. To the extent that a transit agency does not meet its safety goals, then using its safety plan as guide, the transit agency must determine for itself which efforts it must undertake to do so.

##### 2. State Oversight

*Comments:* One commenter stated that a State may reasonably be required to provide oversight in drafting a safety plan, but for some States with multiple responsibilities and multiple recipients and subrecipients of Section 5310 and Section 5311 funds, the additional responsibility of oversight of small Section 5307 operators could be daunting. One commenter remarked that incorporating oversight of public transit systems into the existing SSO program would require additional trained personnel.

*Response:* As discussed above, FTA is not requiring States to provide oversight of safety plans. States only are required to draft and certify the safety plans on behalf of small Section 5307 operators (unless the operator decides to draft and certify its own safety plan). FTA is responsible for providing oversight and enforcement of all safety plans, and it will utilize the existing Triennial Review and State Management Review processes to do so (with the exception of SSOAs, which have primary safety oversight and enforcement responsibility over rail transit systems). To ease the burden on States, FTA is issuing a safety plan template with this final rule. Also, as discussed above, there is no Federal legal authority for an SSOA to provide safety oversight of a bus system, and this rule does not contemplate an SSOA taking on that role.

##### 3. Other Comments

*Comments:* One commenter encouraged FTA to provide standard thresholds that it would use to determine the need for a safety audit, this way, FTA would not appear to be arbitrary or inconsistent. This commenter also recommended that FTA provide each transit agency with the opportunity to answer questions and provide additional information to assist safety oversight reviewers.

One commenter asked if FTA would analyze the public's role in collisions rather than concentrating its oversight on transit agencies, arguing that, without addressing the public's interaction with the transit system, transit agencies may risk Federal funding if they do not meet their safety performance targets. Additionally, the commenter asked if FTA would have funding available for purposes of education (internal and external to include educating the public on safety), engineering (highway and vehicle designs), and enforcement if a transit agency fails to meet its safety performance targets.

*Response:* Through MAP-21 and the FAST Act, Congress provided FTA with significant authority to conduct oversight, inspections, investigations, audits, examinations, and testing, as well as enforcement actions. (49 U.S.C. 5329(f)-(g)). FTA has issued a new regulation at 49 CFR part 670 entitled the "Public Transportation Safety Program" rule. FTA directs readers to that rulemaking for issues related to safety audits conducted by FTA.

FTA has identified NTD reporting thresholds for an "Incident," and those thresholds can be found in Appendix A to FTA's new SSO rule at 49 CFR part 674 (<https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05489.pdf>). These thresholds do not limit FTA's authority to conduct a safety audit in the case of an Incident.

FTA notes that the statutory framework of 49 U.S.C. 5329(d) authorizes FTA to regulate operators of public transportation systems, not the riding public. Nevertheless, through the SMS framework, each transit operator is required to develop processes and procedures for addressing safety risks in all aspects of their systems, and therefore, they must consider the public's role and interaction with their systems when identifying hazards and evaluating risks.

Finally, as discussed throughout this final rule, FTA does not have control over its annual funding levels and appropriations. However, FTA supports the use of Federal funding for purposes

of education, engineering, and enforcement activities, and these types of activities may fall within the scope of eligibility for various funding programs under 49 U.S.C. Chapter 53.

#### N. NTD Reporting

*Comments:* One commenter recommended that FTA continue collecting additional safety reporting data through existing programs such as the NTD, which is currently used by transit agencies to report safety incidents.

Another commenter remarked that 49 CFR part 673 does not discuss reporting to FTA through NTD. Additionally, the commenter asked if FTA intends to substantially change the NTD reporting requirements upon the effective date of the proposed PTASP rule.

*Response:* During this rulemaking, FTA issued a "Notice of Request for Comments on Updates to National Transit Database Safety Information Collection" (<https://www.gpo.gov/fdsys/pkg/FR-2014-08-21/pdf/2014-19787.pdf>). FTA issued a "Supplemental Notice and Response to Comments on National Transit Database" (<https://www.gpo.gov/fdsys/pkg/FR-2015-11-18/pdf/2015-29384.pdf>). FTA issued final reporting requirements on July 26, 2016, and they are available here: <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-17075.pdf>. Through today's final rule, FTA is not requiring any reporting of any information to any entity.

#### O. Security

*Comments:* Several commenters expressed concerns that the proposed rule did not address security, including terrorism, trespassing, vandalism, assaults, robberies, and cyber threats on transit systems. One commenter suggested that FTA address security and safety of the general public in this rule.

One commenter stated that the TSA is unable to establish cybersecurity requirements for transit control systems due to lack of funding and expertise. This commenter warned that the U.S. Department of Transportation's focus on transportation safety must include an emphasis on transportation control system security to guarantee the safety of associated transportation systems.

One commenter stated that FTA should provide direction regarding security and terrorism preparedness, noting that these preparations should be coordinated with TSA.

*Response:* As a preliminary matter, TSA has the prerogative and responsibility for all rulemakings on security in public transportation. Specifically, under the Implementing

the Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53), the September 2004 Memorandum of Agreement between DOT and DHS, and the September 2005 modal annex between FTA and TSA, DHS is tasked with the responsibility for carrying out a national strategy for public transportation security to minimize security threats and to maximize the ability of public transportation agencies to mitigate damage from terrorist attacks and other major incidents. While this legislation and these agreements do not preclude transit agencies from implementing measures securing their assets, FTA is not requiring agencies to do so through this final rule. FTA recognizes, of course, that some of the steps that a transit agency takes to ensure the personal safety and security of its riders and employees will overlap with steps it takes to secure its system from a terrorist attack; for example, the steps an agency takes may be part of a threat and vulnerability assessment. FTA notes that a transit agency's expenses for safety and security will continue to be eligible for Federal reimbursement under 49 U.S.C. Chapter 53.

#### P. SSPP-PTASP Crosswalk

*Comments:* Although not a part of the PTASP NPRM, several commenters provided input on FTA's "Crosswalk Matrix: 49 CFR part 659.19 System Safety Program Plan Requirements with Proposed Requirements for Public Transportation Agency Safety Plans," which it uploaded onto the docket for this rule. FTA intended this document to provide additional guidance to rail transit systems as to how the 21 elements of an SSPP would fit within the new regulatory requirements for a PTASP.

Several commenters expressed concerns that the crosswalk lumps some SSPP elements into a few categories for PTASPs, and these commenters asserted that the six most complicated SSPP elements are listed under multiple pillars of SMS. A few commenters asserted that some of the 21 elements of SSPPs fit into other pillars of SMS. One commenter encouraged FTA to work with rail transit systems to better align this matrix and promote a better understanding of SMS. One commenter suggested that performance targets should be listed under Safety Assurance, rather than Safety Management Policy. Another commenter provided several detailed suggestions for revised mapping of the SSPP elements with SMS.

*Response:* FTA agrees that the new PTASP places the former elements of

SSPPs into fewer categories, and this is a result of a new statutory framework under 49 U.S.C. 5329. The statutory provisions of 49 U.S.C. 5329(d) provide specific requirements for PTASPs, and through the design of the new PTASP rule, FTA's intent is to ensure that rail transit systems will not become less safe than they were under the former SSO rule at 49 CFR part 659. Additional, more comprehensive guidance regarding the relationship between SSPPs and PTASPs is forthcoming, and FTA will post that guidance on its website (see <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-oversight-tso>).

FTA agrees that some of the SSPP elements may be listed under multiple elements of SMS, but FTA believes that this mapping most appropriately connects the PTASP requirements to former SSPP elements. FTA disagrees that safety performance targets should be included under Safety Assurance, rather than Safety Management Policy because safety performance targets guide the safety management decisions, investment decisions, and policy decisions of a transit agency, all critical tenets of Safety Management Policy. Notwithstanding this connection between the former SSPPs and PTASPs, FTA only is requiring transit agencies to set safety performance targets as part of the "General Requirements" section of this final rule (49 CFR 673.11(a)(3)); to avoid redundancy, FTA is not also establishing this requirement in the "Safety Management Policy" section, although, transit agencies may include safety performance targets in their Safety Management Policies if they so choose.

#### Q. Safety Performance Measures

*Comments:* Several commenters urged FTA to revise the performance measures proposed in the National Public Transportation Safety Plan. Multiple commenters urged FTA to delete the proposed "reliability" performance criterion for the following reasons: Transit agencies currently do not report reliability data to NTD; the reliability performance measure is redundant of the TAM rule; reliability is a maintenance-related measure, not a safety measure; reliability is not easily quantified; and reliability could vary considerably between transit agencies.

One commenter sought further guidance regarding FTA's four proposed safety performance measures. This commenter suggested that without additional detail, transit agencies would not be able to determine the standards by which FTA and SSOAs would measure and evaluate the

appropriateness of the safety performance targets established by the agencies.

*Response:* FTA appreciates the comments that it received regarding safety performance measures; however, FTA notes that today's rule does not establish safety performance measures—FTA's National Public Transportation Safety Plan establishes the measures. FTA is addressing comments regarding the safety performance measures in the notice and comment process for the National Public Transportation Safety Plan.

#### R. Technical Assistance and Guidance

*Comments:* Numerous commenters supported FTA's proposal to issue a safety plan template and to provide technical assistance to industry on the development and implementation of safety plans, particularly to address the scalability of SMS to different transit modes and system sizes.

Some commenters stated that FTA should allow transit agencies to attach an appendix to the safety plan template, which would allow a State to avoid drafting multiple unique plans and capture a few unique issues. Several commenters stated that FTA clearly should allow a State to draft a template statewide safety plan or a series of individual safety plans tailored for each unique transit agency. One commenter stated that a transit agency should have the ability to tailor guidance and templates to its own needs, as long as it satisfies the substantive requirements of the final PTASP rule. Another commenter stated that it was looking forward to receiving implementation and gap analysis checklists.

Several commenters noted that there is no mandated timeframe for when FTA will provide technical assistance tools and urged FTA to provide them in a timely manner. Several commenters urged FTA to make PTASP templates available in advance of any implementation deadline; some commenters urged FTA to make PTASP templates available concurrently with this final rule. One commenter suggested that, if FTA is unable to provide PTASP templates on the day that the final rule is published, then FTA should change the implementation deadline to be one year from the date that FTA issues PTASP templates. Another commenter stated that FTA should refrain from issuing a final rule until FTA develops guidance and PTASP templates. One commenter recommended that FTA provide technical assistance tools to States upon request.

Several commenters requested other forms of technical assistance, including an FTA-sponsored website featuring national-level safety performance measurement data, online training, safety workshops, examples of industry best practices, and lessons learned in implementing SMS.

*Response:* FTA appreciates the support from commenters regarding its development of a safety plan template and other guidance and technical assistance. FTA recognizes the administrative and financial burdens that this rule may impose on the industry, and FTA intends to reduce these burdens through templates, guidance, and technical assistance. Ultimately, the safety plan template, guidance, and technical assistance will help reduce, mitigate, and eliminate hazards and risks and will help make public transportation safer. For these reasons, today, FTA is issuing a template for safety plans concurrent with the issuance of this rule. The safety plan template is generic, minimalistic, and addresses each of the requirements of today's final rule. States and transit agencies can tailor the template to meet the needs of the numerous unique operating environments across the nation.

FTA is providing deference to States in the development of plans on behalf of operators of public transportation. A State may draft a single statewide safety plan, it may draft a unique safety plan for each individual transit operator, it may develop a generic statewide safety plan with a more tailored appendix outlining various processes and procedures for each unique transit operator, or it may develop another method for complying with the rule, so long as the statewide plan or the individualized plans satisfy each of the elements of this rule and contain each of the required processes and procedures for SMS. Transit agencies are free to tailor guidance and templates to meet their own needs, so long as their safety plans satisfy the requirements of this rule. If a State drafts a statewide safety plan, then each individual operator that it covers should keep its plan on file, and the plan should include the relevant and unique information for that particular operator, such as the names of the Accountable Executive and Chief Safety Officer and the operator's safety performance targets.

FTA notes that it has been developing a website through which it has been providing technical assistance, including information related to safety performance, training, examples of industry best practices, and lessons

learned in implementing SMS. The website is located at the following link: <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-oversight-tso>. FTA has been uploading information onto this website, including guidance and other forms of technical assistance, as it becomes available. FTA encourages the transit industry to utilize the tools on this website with its development and implementation of successful safety practices, and it also encourages the industry to provide feedback on this website, as it evolves, through the "Contact Us" tool at the following link: <https://ftawebprod.fta.dot.gov/ContactUsTool/Public/NewRequest.aspx>.

Finally, as mentioned above, in an effort to assist the industry with meeting the requirements of this rule, FTA is making the effective date one year after its publication date. As a result, transit agencies will have a total of two years from the publication date to certify that they have safety plans meeting the requirements of 49 CFR part 673.

#### S. Coordination With Other Entities

*Comments:* Two commenters expressed concern with the potential for inconsistency and duplication between FTA and FRA safety regulations. One commenter urged FTA to coordinate its NTD with FRA's Accident/Incident Report Generator.NET (AIRGNET) to establish consistent terminology, reporting requirements, audit requirements, training requirements, and safety plan requirements.

One commenter recommended that FTA adopt safety standards and methodologies developed by the U.S. Department of Defense, including system safety analytical methods to assess hazards and consequences and system safety engineering principles and techniques to develop and design mitigation. Two commenters encouraged FTA to establish an advisory committee of transit operators to assist with the development of policies and procedures for smaller operators.

*Response:* FTA makes clear through today's rule that transit agencies that operate a rail fixed guideway public transportation system subject to regulation by FRA do not have to develop safety plans for that mode of service. 49 CFR 673.11(f). FTA does not intend to issue safety regulations that conflict or are inconsistent with FRA's safety regulations, and to that end, FTA has coordinated and will continue to coordinate with FRA on the development and implementation of this rule. FTA also has taken great efforts to ensure that terminology,



definitions, reporting requirements, training requirements, and regulatory enforcement efforts are consistent with other Federal safety and reporting regulations to the maximum extent possible.

FTA appreciates the suggestion that it should adopt safety standards and methodologies developed by the U.S. Department of Defense, including system safety analytical methods to assess hazards and consequences and system safety engineering principles and techniques to develop and design mitigations; FTA is adopting the SMS approach to addressing safety risk, which is consistent with the approach taken by other modes within the U.S. Department of Transportation.

Finally, as FTA develops and issues guidance and best practices for safety, FTA intends to consult with the transit industry, including the Transit Advisory Committee for Safety, to the maximum extent practicable.

#### *T. Nexus Between the PTASP Rule and Other FTA Requirements*

*Comments:* Numerous commenters suggested that FTA clarify the nexus between the PTASP rule and other related FTA requirements, specifically, the National Public Transportation Safety Plan, the SSO rule, the Safety Certification Training Program rule, the Bus Testing rule, and the Transit Asset Management rule. These commenters recommended that FTA clearly define the link between the PTASP rule and other FTA requirements, especially the Transit Asset Management rule, to be consistent to avoid conflicting regulations. One commenter recommended that, to foster a strong culture of safety, FTA should extend data protection to asset management analyses.

One commenter urged FTA to reinforce the link between the PTASP rule and the SSO rule, arguing that FTA should work to strengthen and streamline the mitigation, reporting, and notification processes.

*Response:* FTA appreciates the comments that it received regarding the connection between the PTASP rule and other related FTA regulations. With respect to the National Public Transportation Safety Plan, FTA emphasizes that the Plan establishes safety performance measures to which each operator of a public transportation system must set performance targets in their safety plans, as required in the PTASP rule.

In the SSO rule, FTA requires each SSOA to develop a program standard which, among other things, establishes minimum safety standards for the safety

of all rail fixed guideway public transportation systems within its jurisdiction. FTA also requires each SSOA to approve the PTASP of every rail fixed guideway public transportation system within its jurisdiction. Each SSOA should review those safety plans to ensure that they are compliant with the PTASP rule, the National Public Transportation Safety Plan, and its own program standard. FTA notes that the PTASP rule does not add any additional notification or reporting requirements; those requirements are outlined in the SSO rule and the NTD Reporting Manuals.

In the Safety Certification Training Program rule, FTA establishes minimum training requirements for transit agency employees and contractors who are directly responsible for safety oversight of rail fixed guideway public transportation systems that receive FTA funds. In the PTASP rule, FTA requires each operator of a public transportation system to establish a comprehensive safety training program for all employees and contractors directly responsible for safety. In this section of the safety plan, a rail transit system also may include its training program for employees and contractors who are directly responsible for safety oversight.

In the Bus Testing rule, FTA requires recipients of FTA funds to test buses to ensure that they meet minimum performance standards, a scoring system, and a pass/fail threshold if they are using FTA funds to procure the buses. This rule exists separate and apart from the PTASP rule, but transit agencies may incorporate by reference into their safety plans any processes and procedures that they utilize for bus testing pursuant to the Bus Testing rule.

Finally, in the Transit Asset Management rule, FTA requires transit agencies to conduct asset inventories and then perform condition assessments on their assets. Those condition assessments should inform the SMS activities that a transit agency undertakes pursuant to its safety plan. To illustrate how these rules work together, if a transit agency finds through a condition assessment that an asset is not meeting its state of good repair standards, then the transit agency may conduct safety hazard identification and safety risk assessment analysis on that asset. The transit agency may mitigate any safety risks, as necessary, and it may reprioritize its capital plan in accordance with the FTA and FHWA Planning rule at 23 CFR part 450. FTA notes that it addressed any comments related to asset management in the final Transit Asset Management rule.

#### *U. Americans With Disabilities Act Issues*

*Comments:* One commenter stated that the proposed rule should not conflict with the Americans with Disabilities Act laws and regulations, and vice-versa. The commenter urged FTA to clarify how it will treat safety issues and incidents that may conflict with ADA requirements, remarking that agencies should not be subject to inspections, audits, examinations, investigations, directives, or other possible sanctions for adhering to ADA requirements.

*Response:* FTA does not intend the PTASP rule to conflict with the ADA and its implementing regulations, which are designed to prevent and eliminate discrimination. Nevertheless, to the extent that a transit agency is undertaking action to comply with the ADA—such as the construction of capital projects to make facilities ADA-compliant; the installation of accessible features on vehicles, platforms, and other transit facilities; and the provision of paratransit service—FTA expects that action to be undertaken safely and in accordance with this final rule and a transit agency's safety plan.

#### *V. Other Comments on the Rule*

*Comments:* One commenter suggested that all transit agencies should have safety plans only for maintenance and training, and that States should review safety plans only if a transit agency has safety issues. One commenter encouraged FTA to incorporate occupational health issues into the rule, focusing on driver assault, restroom breaks, and fatigue management. Another commenter encouraged FTA to join a "Journey to Safety Excellence—a cycle of improvement that aims for a continuous reduction of risk with a goal of zero harm," stating that integrating the principles of the "Journey to Safety Excellence" into workplace safety strategies can make a great difference in saving lives and preventing injuries. One commenter remarked that zero is the only goal that transit agencies should establish in their performance targets.

A commenter expressed disapproval for the guidelines FRA developed for rail vehicle crashworthiness, citing the Union International des Chemins de Fers (UIC), an international rail regulatory body, as an alternative example. This commenter urged FTA to use UIC as an example and expressed hope that FTA can serve as a role model for FRA.

*Response:* FTA disagrees with the commenter who suggested that all

transit agencies should have safety plans only for maintenance and training, and that States should review safety plans only if a transit agency has safety issues. FTA's authorizing statute at 49 U.S.C. 5329(d)(1)(B) mandates that each operator of a public transportation system establish "methods for identifying and evaluating safety risks throughout all elements of the public transportation system." This requirement would extend beyond mere maintenance and training, and in this final rule, FTA makes clear that transit agencies should address safety risks in all aspects of their systems, including maintenance, training, operations, construction of new facilities, rehabilitation of existing facilities, etc. Moreover, the statutory provisions of 49 U.S.C. 5329(d) require States to "draft" and "certify" safety plans on behalf of small Section 5307 operators. States cannot merely review plans if one of these transit agencies has "safety issues."

FTA appreciates the comment that it received regarding occupational health issues. To the extent that occupational health issues may be safety hazards and present safety risks, transit agencies should be addressing them through the SMS processes outlined in their safety plans. FTA will issue rules regarding operator assault in the future.

Regarding the establishment of "zero" as the only feasible goal in performance targets, FTA only is creating safety performance measures by which transit agencies are to set performance targets. FTA is not mandating any particular goal or target; it is deferring to each transit agency, MPO, and State and to set targets for each of their unique systems and geographical areas.

Finally, FTA notes that this final PTASP rule does not establish guidelines for rail vehicle crashworthiness. Please see the National Public Transportation Safety Plan, available on FTA's website, for more information regarding safety performance standards for public transportation vehicles.

#### W. Regulatory Impact Analyses

##### 1. Costs

*Comments:* One commenter concluded that FTA underestimated the costs associated with the implementation of the rule. Similarly, a transit agency estimated cost increases to ensure compliance with the rule.

Several commenters provided specific cost estimates related to the proposed requirements. One commenter remarked that upgrading its surveillance system on buses would cost approximately \$2

million and that it installed driver barriers in 30 new buses, at a cost of \$4,202 per barrier, totaling \$126,060. This commenter stated that the additional recordkeeping could require the purchase of new equipment and tracking software and the hiring and training of additional staff, which would result in costs of at least \$4 million. This commenter asserted that staffing at the administrative level would cost about \$85,000 annually and contractor personnel would cost about \$75,000 annually. This commenter asserted that training for administrative staff would cost about \$30,000 per person, and training for contractor personnel would cost about \$10,000 per person. One commenter estimated that it would cost a State \$200,000 annually to adequately perform any oversight responsibilities. One commenter estimated that its initial investment could reach at least \$1 million for a risk management information system, training, and personnel. One commenter stated that it could not estimate the cost of coordination with MPOs on the establishment of performance targets.

*Response:* FTA appreciates the comments on the costs of the proposed rule. It is a challenge to develop cost estimates for the rule that can be representative of any one agency given the differences in agency size, modes, location, and level of maturity of safety programs. The regulatory analysis acknowledges that mitigation costs of identified risks are not included in the estimated cost of the proposed rule. The cost of onboard surveillance systems and driver barriers are mitigation costs. Typically, a transit agency makes these types of investment decisions with the understanding that there will be benefits of the mitigation that exceed the costs of the mitigation. Today's rule does not recommend any specific mitigation, and does not require agencies to implement mitigations that have greater costs than benefits.

The annual personnel costs of recordkeeping cited by the commenter are considerably higher than the estimated cost in the proposed rule. FTA's cost estimate for this particular type of agency is \$20,000 for staff; \$15,000 for information technology; and \$4,000 for training, excluding travel costs. FTA cannot estimate costs for specific agencies, since FTA does not know how these costs would vary by size within each category. The larger the agency, the greater the amount of data and records that need to be maintained, with the possibility of significant economies of scale for certain recordkeeping tasks, but increased complexity in others, possibly requiring

more sophisticated systems than those of the smaller agencies. It is possible that a large transit agency may need one additional full time staff and a contractor (at a total cost of \$160,000 per year) to maintain records. Most likely, these individuals would be performing other duties. It also is possible that the initial set up costs may be higher for those who may not have the expertise in this area. FTA does not anticipate that these costs will be continual. Therefore, while FTA accepts that the cost estimates in the NPRM may be low for some agencies, FTA does not believe that the costs would be as high as suggested by the commenter and continuous into the future.

The commenter's estimated cost of \$200,000 for "oversight" is significantly higher than FTA's estimated total State cost estimate of \$18,000. FTA emphasizes it is not requiring States to conduct safety oversight through this rule; FTA is only requiring States to draft and certify safety plans on behalf of particular operators of public transportation systems. Moreover, with today's rule, FTA is providing a safety plan template which significantly will reduce costs to States and operators, particularly for the smaller operators. Therefore, FTA believes that the commenter overestimated the costs significantly.

The commenter's \$1 million estimate for a risk management information system and associated staff may not be unreasonable. FTA estimates annual costs in the range of \$15,000 to \$20,000 for information technology systems for rail transit agencies and for large bus operators that receive Section 5307 funds. FTA estimates additional staff costs for risk assessment and assurance activities of approximately \$60,000 per year for large Section 5307 operators. These costs would total \$1 million over a span of thirteen years, at which time information technology systems may need to be updated. It is possible that the costs would be higher during the initial years and significantly reduced in subsequent years. Also, it is possible that the information technology system will be used for multiple tasks, some of which may not be related to this rule.

##### 2. Benefits

*Comments:* One commenter questioned what benefit, if any, would be achieved from the rule if FTA is unable to provide evidence to show that the implementation of the rule would increase safety and reduce transit incidents. The commenter asserted that it seems unreasonable to require an "economically significant" expenditure of limited transit agency funds when

funds should be used for state of good repair and transit asset management needs. Another commenter concluded that FTA is premature in estimating economic benefits through the Regulatory Impact Analysis before this rulemaking is effective and implemented.

One commenter stated that a positive return on investment (ROI) may not be possible without adequate resources, and this commenter asserted that the NPRM does not specify whether an ROI would exceed a break-even point. The commenter asked to review actual results of implementing SMS to help justify the anticipated level of investment, suggesting that SMS should be piloted in a few transit agencies before being implemented nationally.

*Response:* As discussed in other sections of this rule and as discussed in more detail below, today's regulatory provisions are required by statute under 49 U.S.C. 5329(d), and FTA is implementing SMS in the least prescriptive way possible.

Safety Management Policy is the foundation of the organization's SMS. The safety management policy statement clearly states the organization's safety objectives and sets forth the policies, procedures, and organizational structures necessary to accomplish the safety objectives. It clearly delineates management and employee responsibilities for safety throughout the organization. It also ensures that management is actively engaged in the oversight of the organization's safety performance by requiring regular review of the safety policy by a designated Accountable Executive (general manager, president, or other person with similar authority). Within the context of the Public Transportation Agency Safety Plan, an organization's safety objectives will be articulated through the setting of performance targets based on, at a minimum, the safety performance measures established in the National Public Transportation Safety Plan. See 49 U.S.C. 5329(d)(1)(E).

Pursuant to the statutory requirements of 49 U.S.C. 5329(d)(1)(B) and (C), each agency's Public Transportation Agency Safety Plan must include "methods for identifying and evaluating safety risks throughout all elements of the public transportation system," and "strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions." Each of these requirements is consistent with the second component of SMS—Safety Risk Management—which requires the development of processes and activities to help the organization better identify

hazards associated with its operational systems. Once identified, a transit agency must evaluate the safety risk associated with the potential consequences of these hazards, and then institute mitigations, as necessary, to control the consequences or minimize the safety risk.

The statutory requirements of 49 U.S.C. 5329(d)(1)(B), (C), and (D)—"methods for identifying and evaluating safety risks throughout all elements of the public transportation system," "strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions," and "a process and timeline for conducting an annual review and update of the safety plan"—encompass the requirements of the third component of SMS: Safety Assurance. Safety Assurance requires an organization to monitor its safety performance, and it is designed to ensure that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of data. Through regular reviews and updates of its safety plan, a transit agency would evaluate changes to its operations that might introduce new safety risks. If a transit agency identifies safety risks through its safety performance assessments, then it must take action to correct any safety deficiencies. All of these efforts are intended to minimize the exposure of the public, personnel, and property to safety hazards and unsafe conditions. To minimize administrative, financial, and regulatory burdens under Safety Assurance, FTA has reduced requirements for small public transportation providers and has developed a minimal set of Safety Assurance provisions under 49 CFR 673.27.

The fourth component of SMS—Safety Promotion—involves the training, awareness, and communication that support safety. The training aspect of SMS is consistent with the statutory requirement of 49 U.S.C. 5329(d)(1)(G) for a comprehensive staff training program for operations personnel and personnel directly responsible for safety.

FTA is intending to implement 49 U.S.C. 5329(d) in the least prescriptive way possible by designing minimalistic regulatory requirements that mirror the relevant statutory provisions. By utilizing SMS in the regulatory framework, transit operators of varying sizes, complexities, and operating characteristics can build safety plans that are flexible and scalable to meet their unique safety needs. Through its scalability, SMS helps reduce the costs and burdens associated with developing

and implementing safety plans. Also, as noted above, FTA eliminated several significant Safety Assurance requirements for small public transportation providers in this final rule.

While FTA is unable to provide definitive evidence that the implementation of this rule would increase safety by reducing incidence of safety events, FTA fully anticipates that safety benefits will be realized if this rule is implemented. By adopting a systematic approach to safety through the development of the safety plan and the practice of SMS, transit agencies are expected to reduce the risk and probability of safety incidents. FTA expects that a proactive approach to managing safety risks is more effective than a reactive approach. The SMS approach to safety, which involves collecting data, predicting and mitigating future safety events, training, accountability, and open communication will reduce safety events and improve safety outcomes in the future. Indeed, state of good repair investments could prevent and mitigate future safety events.

FTA currently is conducting an SMS pilot program at a large multi-modal transit agency and is planning to implement two additional pilot programs for bus agencies to better understand how a transit agency would implement SMS. The results of these pilot programs will help inform FTA's efforts to provide guidance to the industry on SMS implementation. FTA notes that the benefits of SMS implementation may take years to be realized, and in turn, taking time for the benefits of SMS to be fully estimated and quantified.

In light of various public comments, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. FTA is deferring action pending further evaluation of additional information and safety data related to these operators to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

Six years after the compliance date for this rule, FTA plans to prepare a report evaluating the benefits and effectiveness of the regulatory framework provided by this rule. In this report, FTA plans to utilize the results of the pilot program and information gathered from oversight reviews, which will include an evaluation of the flexibility and scalability of the SMS framework in developing and implementing safety

plans. The results in this report will be made available for public comment to help inform any future amendments that may be needed to the regulatory framework that improves the PTASP process and furthers the goal of public transportation safety.

### 3. Regulatory Flexibility Act

*Comments:* Several commenters provided input on the rule's impact to small entities. Several commenters asserted that small to medium sized transit agencies face budget constraints and expressed concern that these agencies may need to hire additional staff to comply with the rule or reduce transit service.

Several commenters expressed concern that FTA crafted the NPRM with only rail transit systems in mind. One commenter stated that the excellent safety record of rural transit systems warrants a limited approach to Federal safety regulation regarding rural bus systems, which would enable operators to focus scarce resources on safely delivering transit services, not on regulatory compliance. The commenter warned that if FTA does not tailor the rule to small transit systems, then many small bus operators would have to shift funds and personnel from the actual delivery of service to compliance with safety rules. The commenter asserted that MAP-21 reduced the portion of Section 5311 funds available for program administration from 15 percent to 10 percent. The commenter noted that, in Senate Report 3638, the Senate Committee on Banking, Housing, and Urban Affairs indicated its intent that FTA take a "measured approach," and not a "one size fits all" approach, to safety.

One commenter stated that FTA's Regulatory Flexibility Act analysis is somewhat misleading, particularly where tribal governments are concerned. Due to the modest amount of funding available to tribes, the commenter concluded that the cost associated with developing a safety plan for tribal governments is much higher than FTA's estimate of 0.5 to 1.5 percent; the commenter asserted that the costs are closer to 5.5 to 15.5 percent.

*Response:* FTA has taken significant efforts to reduce the burden on small transit agencies. For small Section 5307 operators, FTA is requiring States to draft and certify their safety plans. FTA designed the requirements of today's rule, particularly the SMS requirements, to be scalable, flexible, and not prescriptive for small transit operators. Moreover, FTA developed a safety plan template for small operators to assist them with the development of their

plans. FTA is offering live and online training to small transit operators, and it is offering any technical assistance that might be needed. FTA notes that many small transit agencies already have processes and procedures in place that comply with the requirements of today's rule, and given the safety record of many smaller operators, significant mitigation may not be necessary. FTA emphasizes that the statutory requirements of 49 U.S.C. 5329 make the rule applicable to any operator of a public transportation system, and small operators are not excluded from the rule.

To accommodate small public transportation providers and to reduce their administrative, financial, and regulatory burdens, FTA made significant changes to its proposed regulatory framework in the NPRM. FTA eliminated a Safety Assurance requirement for all transit agencies to monitor their operations to identify hazards not identified through their Safety Risk Management processes. Also, FTA eliminated an entire section of recordkeeping requirements related to safety risk mitigation, safety performance assessments, and employee safety training. FTA further tailored the rule for small operators and reduced their requirements under Safety Assurance. Small public transportation providers only need to develop processes for safety performance monitoring and measurement; they do not need to develop processes for management of change and continuous improvement. Through the elimination of these requirements for small public transportation providers, and through this tailored approach, FTA believes that it has reduced their burdens significantly.

Finally, FTA notes that in light of various public comments, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. FTA is deferring action pending further evaluation of information and safety data related to these operators to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

### X. Tribal Issues

#### 1. Applicability of the Rule to Tribes

*Comments:* Several commenters suggested that some tribes operate modest public transportation systems and receive Federal financial assistance through either the discretionary or formula tribal transit programs under 49

U.S.C. 5311. One commenter stated that some tribes receive funds as subrecipients of States under 49 U.S.C. 5311, and therefore, FTA should exclude those subrecipients from this rule. The commenter also requested FTA to clarify the applicability of this rule to tribes. Finally, this commenter recommends that FTA's final rule exempt tribes from the definition of "recipient" under the proposed provisions of 49 CFR 673.1 until FTA has undertaken additional consultation with tribes and develops a template safety plan.

*Response:* FTA appreciates the commenter who stated that tribes operate modest public transportation systems, and in response, FTA has designed this rule to be as flexible and scalable as possible for smaller operators. In light of various public comments, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds, including tribal transit operators. FTA is deferring action pending further evaluation of additional information and safety data related to these operators to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

FTA has undertaken consultation with tribes throughout this rulemaking, and these efforts are described in more detail below.

#### 2. The State's Role in Tribal Safety Plans

*Comments:* A few commenters recommended that FTA require tribes to develop their own safety plans, even if they are a State's subrecipients under 49 U.S.C. 5311, unless a State voluntarily agrees to draft and certify a safety plan for a tribal subrecipient. Some commenters expressed concerns that a State's preparation of safety plans for tribes could interfere with tribal sovereignty. One commenter suggested that a State's interaction with a tribe in relation to a safety plan is unwarranted and inconsistent with the laws and treaties that govern the status and protections for tribes. The commenter asserted that the Tribal Transit Program funded under 49 U.S.C. 5311(c) is not a subset of the Section 5311 program; it is a separate and direct tribal program and the rules associated with its administration should be structured accordingly. Several commenters stated that there often are positive relationships between States and tribes, but FTA should not treat tribes as subcomponents of State transit systems given the independent status of tribes.

One commenter expressed concern that FTA would be less willing to provide technical assistance to tribes if States draft and certify their safety plans.

*Response:* FTA recognizes the administrative and financial burdens that this rule may impose upon smaller transit operators, such as tribes. In an effort to relieve this burden, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds, including tribal transit operators. FTA is deferring action pending further evaluation of information and safety data to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

### 3. Financial Impact on Tribes

*Comments:* Several commenters stated that the proposed rule would result in administrative costs to tribes, such as costs for additional staff time and resources. One commenter stated that, like many other smaller transit agencies, tribal transit managers may have many different roles and shared duties, so the requirement for an Accountable Executive may be problematic because the staff are not structured in the way the proposed rule seems to envision. The commenter said that compliance with the rule may require consultants or new staff to handle the extra reporting paperwork and separation of positions, which would be difficult with limited resources. This commenter recommended that FTA should incorporate the following language somewhere into its rule: "at agencies where such delineations exist between administrative positions."

Several commenters noted that some tribes receive limited funding. One commenter stated that the average annual apportionment for tribal transit agencies is almost \$220,000 and the average annual discretionary award is about \$77,000, and some of 100 tribes participating in the Tribal Transit Program have apportionments as low as \$4,000 annually. Several commenters argued that, for a tribe whose only source of Federal funding for its Tribal Transit Program is a \$25,000 grant, the compliance costs associated with this rule (such as personnel time and the possible need for outside consultants) could easily consume the entire grant. The commenter stated that, although States divide more than \$8.6 billion in Federal transit grants for Federal Fiscal Year 2016, tribes receive only \$30 million under the Tribal Transit

Program and an extra \$5 million for the discretionary Tribal Transit Program under 49 U.S.C. 5311.

*Response:* FTA acknowledges that many smaller transit operators, including tribes, may experience substantial costs in complying with this rule. In light of the potential financial burden on smaller operators, including tribes, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds. FTA is deferring action pending further evaluation of information and safety data related to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

### 4. Tribal Consultation

*Comments:* Several commenters expressed concern regarding FTA's consultation with tribes. Several commenters alleged that FTA conducted no consultation with tribes, including meetings, conference calls, or webinars. Several commenters suggested that FTA conduct additional consultation with tribes, particularly given their smaller sizes.

Several commenters disagreed with FTA's preliminary determination that the rule would not have a substantial direct effect on tribes or impose substantial direct compliance costs on tribes, which is the criteria that would trigger tribal consultation under Executive Order 13175 and the U.S. Department of Transportation's tribal consultation policy. One commenter stated that the rule would have direct effects on tribes by adding regulatory requirements on them, thus changing the relationship between tribes and the Federal government with respect to the inspection, investigation, audits, examinations, and testing of transit infrastructure and rolling stock. This commenter expressed concern that courts have emphasized the need for advance consultation with tribes on rulemaking efforts that may impact them, and cited *Wyoming v. Department of the Interior* in which the U.S. District Court for the District of Wyoming issued a preliminary injunction against Bureau of Land Management's hydraulic fracturing regulations because the agency failed to adequately consult with tribes.

Another commenter stated that the promulgation of this rule may conflict with the Tribal Self-Governance Program created by the FAST Act, and asserted that the Tribal Self-Governance Program requires a negotiated rulemaking committee to develop rules

and regulations for all modes of funding and U.S. Department of Transportation programs, led by the U.S. Department of Transportation's Deputy Assistant Secretary for Tribal Government Affairs.

One commenter suggested that, instead of requiring States to draft and certify safety plans on behalf of tribes, FTA should work with tribes to develop a model safety plan specifically for tribes.

*Response:* As a preliminary matter, FTA notes that it conducted extensive outreach with tribes throughout this rulemaking. Specifically, on February 12, 2016, FTA conducted public outreach for tribes and hosted a Tribal Technical Assistance Workshop wherein FTA presented its proposed rule and responded to numerous technical questions from tribes. FTA subsequently delivered the same presentation during a webinar series open to all members of the public on February 24, March 1, March 2, and March 3. On March 7, FTA delivered the same presentation at an outreach session hosted by the National Rural Transit Assistance Program, which also was open to all members of the public. During each of these public outreach sessions and the public webinar series, FTA received and responded to numerous technical questions regarding the NPRM. FTA recorded the presentations, including the question and answer sessions, and made available the following documents on the public docket for this rulemaking (Docket FTA-2015-0021): (1) FTA's PowerPoint Presentation from the public outreach sessions and public webinar series (<https://www.regulations.gov/document?D=FTA-2015-0021-0012>); (2) a written transcript of FTA's public webinar of March 1, 2016 (<https://www.regulations.gov/document?D=FTA-2015-0021-0010>); (3) a consolidated list of every Question and FTA Answer from the public outreach sessions and public webinar series (<https://www.regulations.gov/document?D=FTA-2015-0021-0041>); and (4) the results of polling questions from FTA's public outreach sessions (<https://www.regulations.gov/document?D=FTA-2015-0021-0011>). FTA also uploaded onto YouTube an audiovisual recording of its webinar from March 1, 2016. The video is available at the following link: <https://www.youtube.com/watch?v=FBj5HRatwGA&feature=youtu.be>.

FTA also notes that, in advance of publishing an NPRM, FTA sought comment from the transit industry, including tribes, on a wide range of topics pertaining to safety and asset management through an ANPRM. In the

NPRM, FTA asked specific questions about how today's rule should apply to tribal recipients and subrecipients of Section 5311 funds.

In light of the comments that FTA received from tribes throughout the rulemaking process, FTA is deferring regulatory action regarding applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds, including tribal transit operators. FTA is deferring action pending further evaluation of additional information and safety data to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

#### IV. Section-by-Section Analysis

##### Subpart A—General

###### 673.1 Applicability

This section explains that this regulation applies to all States, local governmental authorities, and other operators of public transportation systems that are recipients and subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53. At this time, the regulation does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311. In accordance with 49 U.S.C. 5329(d), a Public Transportation Agency Safety Plan is required of all operators of public transportation systems, whereas in the past, a "system safety program plan" only was required of rail fixed guideway public transportation systems, in accordance with the former regulatory provisions at 49 CFR 659.17. Each operator of a public transportation system must comply with today's rule within one calendar year of this rule's effective date.

###### 673.3 Policy

This section explains that FTA is utilizing the principles and methods of SMS as the basis for this regulation and all other regulations and policies FTA has issued and will issue under the authority of 49 U.S.C. 5329, to the extent practicable and consistent with law and other applicable requirements (such as those for regulatory review). FTA's standards for SMS are flexible and scalable and may be tailored to the size and operating complexity of the transit operator.

###### 673.5 Definitions

This section sets forth a number of definitions, many of which are based on the principles and methods of SMS.

Most notably, readers should refer to "Accountable Executive," "Hazard," "Operator of a Public Transportation System," "Safety Assurance," "Safety Management System," "Safety Management Policy," "Safety Promotion," "Safety Risk Management," and "Small Public Transportation Provider." In recent years, SMS has emerged as the preferable practice for enhancing safety in all modes of transportation, and the Secretary of Transportation instructed each of the Department's operating administrations to develop rules, plans, and programs to apply SMS to their grant recipients and regulated communities. Many of the SMS-related definitions in § 673.5 are similar to those set forth in FAA's SMS regulation, entitled "Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders," 14 CFR parts 5 and 119, 80 FR 1308, Jan. 8, 2015.

Additionally, a set of frequently asked questions about SMS are available on FTA's website at [http://www.fta.dot.gov/tso\\_15177.html](http://www.fta.dot.gov/tso_15177.html). FTA is incorporating these same definitions for SMS in its related rulemakings for the Public Transportation Safety Program and the Public Transportation Safety Certification Training Program, and FTA is incorporating these same definitions into the National Public Transportation Safety Plan.

FTA includes a definition for "Accountable Executive" that identifies the person at a transit agency that has the responsibility and accountability for the implementation of SMS and control and direction of the Public Transportation Agency Safety Plan and the Transit Asset Management Plan. FTA includes definitions for "Safety Risk Management," "Risk," "Safety Assurance," and "Safety Management Policy," all key terms to the implementation of SMS.

This section also defines a number of terms used repeatedly throughout the other safety programs authorized by 49 U.S.C. 5329. Some of these terms are included in FTA's new State Safety Oversight Rule at 49 CFR part 674, which was issued prior to today's final rule. FTA intends to have the same definitions for all terms utilized in its safety programs. Readers should refer, specifically, to the definitions of "Accident," "Event," "Hazard," "Incident," "Investigation," "Occurrence," "Transit Agency," and "Rail Transit Agency." FTA has updated its definitions of "Accountable Executive," "Safety Risk Assessment," "Safety Risk Management," and "Transit Asset Management Plan" to make them consistent with definitions

of these terms utilized in the SSO rule and the Transit Asset Management rule which were issued prior to today's final rule. FTA also added a definition of "Rail Fixed Guideway Public Transportation System," which it defined in its SSO rule.

Pursuant to 49 U.S.C. 5329(d)(3)(B), FTA must issue a rule that designates which 49 U.S.C. 5307 small public transportation providers may have States draft Public Transportation Agency Safety Plans on their behalf. This section defines "Small Public Transportation Provider" (in accordance with 49 U.S.C. 5329(d)(3)(B)) as "a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system."

FTA includes definitions for the terms "National Public Transportation Safety Plan," "Transit Asset Management Plan," and "Equivalent Authority," all of which are consistent with the use of those terms in the statutes and FTA's related rulemakings on safety and transit asset management.

##### Subpart B—Public Transportation Agency Safety Plans

###### 673.11 General Requirements

This section outlines the minimum elements to be included in a Public Transportation Agency Safety Plan. Pursuant to 49 U.S.C. 5329(d)(1), this section requires each operator of public transportation subject to this rule to develop and certify that it has a Public Transportation Agency Safety Plan consistent with this part. In accordance with 49 U.S.C. 5329(d)(3)(B), § 673.11(d) requires each State to draft the Public Transportation Agency Safety Plan for small transportation providers as defined in today's final rule. A State is not required to develop a Public Transportation Agency Safety Plan for a small public transportation provider if that agency notifies the State that it will develop its own plan.

In accordance with 49 U.S.C. 5329(d)(1)(A), § 673.11(a)(1) requires that each Public Transportation Agency Safety Plan, and any updates thereto, must be signed by the transit agency's designated Accountable Executive and approved by the transit agency's Board of Directors, or an Equivalent Authority. In today's final rule, the accountability for the contents of a Public Transportation Agency Safety Plan is formally elevated to the Accountable Executive and Board of Directors.

In accordance with 49 U.S.C. 5329(d)(1)(B), (C), (D), (E), (F), and (G), a transit agency must establish: Methods for identifying and evaluating safety risks throughout all elements of its public transportation system; strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions; a process and timeline for conducting an annual review and update of its safety plan; safety performance targets; a Chief Safety Officer who reports directly to the general manager, president, or equivalent officer; and a comprehensive staff training program for the operations personnel and personnel directly responsible for safety. These statutory requirements fit into the four key pillars of SMS: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. Consequently, FTA is requiring each transit agency to develop and implement an SMS under § 673.11(a)(2); this SMS will satisfy the statutory requirements of 49 U.S.C. 5329(d)(1)(B), (C), (D), (E), (F), and (G). FTA recognizes that a Public Transportation Agency Safety Plan for a large, multi-modal, complex public transportation system most likely will be more complex than that of a very small bus operator. The scalability of SMS will allow transit agencies to develop safety plans that will meet the unique needs of their operating environments. FTA established a minimal set of Safety Assurance requirements for small public transportation providers to minimize their administrative, financial, and regulatory burdens.

In accordance with 49 U.S.C. 5329(d)(1)(E), § 673.11(a)(3) requires that each Public Transportation Agency Safety Plan must include safety performance targets based on the safety performance measures established by FTA in the National Public Transportation Safety Plan. In the National Public Transportation Safety Plan, FTA is adopting four initial safety performance measures: (1) Fatalities, (2) Injuries, (3) Safety Events, and (4) System Reliability. These safety performance measures are intended to reduce safety events, fatalities, and injuries. These measures are broad so that they will be relevant to all public transportation modes, and they are intended to focus transit agencies on the development of specific and measureable targets, as well as the actions each agency would implement to improve their own safety outcomes. Through the SMS process, FTA expects transit agencies to develop their own performance indicators and regularly

monitor the performance of their systems to ensure that they are meeting their targets and improving safety outcomes. FTA expects transit agencies to evaluate their safety performances and determine whether they should change their safety performance targets at least annually when the transit agencies are reviewing and updating their Public Transportation Agency Safety Plans. A State or transit agency must make its safety performance targets available to States and Metropolitan Planning Organizations (MPO) to aid States and MPOs in the selection of their own performance targets.

Pursuant to § 673.11(a)(4), each Public Transportation Agency Safety Plan must address any standards or requirements, as applicable, set forth in FTA's Public Transportation Safety Program and FTA's National Public Transportation Safety Plan.

In accordance with 49 U.S.C. 5329(d)(1)(D), § 673.11(a)(5) requires that each transit agency must establish a process and timeline for conducting an annual review and update of its Public Transportation Agency Safety Plan.

Pursuant to § 673.11(a)(6), each rail transit agency must include, or incorporate by reference, in its Public Transportation Agency Safety Plan an emergency preparedness and response plan. Each emergency preparedness and response plan should address, at a minimum: The assignment of employee responsibilities, as necessary and appropriate, during an emergency; the integration of responses to all hazards, as appropriate; and processes for coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area. FTA understands that a transit agency may have developed an emergency preparedness and response plan that addresses these minimum requirements in accordance with regulations from other Federal and State agencies. Historically, FTA has required rail fixed guideway public transportation systems to have emergency preparedness plans through the former State Safety Oversight rule at 49 CFR 659.19(k). FTA intends to require rail transit systems to continue to implement the twenty-one elements of their SSPPs as required under the former provisions of 49 CFR part 659; FTA has repackaged the elements of SSPPs into the four elements of SMS required in today's rule. FTA is establishing the requirement for emergency preparedness and response plans in today's rule under § 673.11(a)(6), and the elements of SMS

in Subpart C cover remaining requirements. FTA has developed a crosswalk between each of the twenty-one elements of system safety program plans and each of the elements of SMS. FTA added this crosswalk to the docket and made the crosswalk available on its website as a guidance document at <http://fta.dot.gov/tso.html>. Additional, more comprehensive guidance regarding the relationship between SSPPs and PTASPs is forthcoming, and FTA will post that guidance on its website (see <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-oversight-tso>).

FTA notes that there are safety models that include emergency preparedness as a key element. For example, FAA requires certain air carriers to have emergency preparedness plans. See 14 CFR 5.27. Additionally, FRA recently issued a final System Safety Program rule under 49 CFR part 270 which requires railroads to have emergency preparedness plans (see <http://www.fra.dot.gov/eLib/Details/L18294>). Recent safety-related events have demonstrated the need for emergency preparedness plans in improving safety outcomes nationally.

In addition to the above general requirements, FTA expects a transit agency to comply with all other applicable Federal, State, and local requirements, laws, regulations, and codes as they may relate to safety.

Pursuant to § 673.11(b), a transit agency may develop one Public Transportation Agency Safety Plan for all modes of transit service, or it may develop separate Public Transportation Agency Safety Plans for each mode of service not subject to safety regulation by another Federal entity. If a transit agency has a safety plan for its commuter rail service, passenger ferry service, or aviation service, then the transit agency may not use that plan for purposes of satisfying 49 CFR part 673; the transit agency must develop a separate Public Transportation Agency Safety Plan consistent with this part.

Pursuant to § 673.11(c), each transit agency must maintain its Public Transportation Agency Safety Plan in accordance with the recordkeeping requirements of Subpart D.

Pursuant to § 673.11(d), each State must draft and certify a Public Transportation Agency Safety Plan on behalf of any small public transportation provider located inside of that particular State. A State is not required to draft a Public Transportation Agency Safety Plan if a small public transportation provider notifies the State that it will draft its own plan. In either instance, the transit agency must

ultimately implement and carry out its safety plan.

If a State drafts and certifies a Public Transportation Agency Safety Plan on behalf of a transit agency, and the transit agency later opts to draft and certify its own Public Transportation Agency Safety Plan, then the transit agency must notify the State, and the transit agency would have one year from the date of the notification to draft and certify a Public Transportation Agency Safety Plan that is compliant with this part.

Pursuant to § 673.11(e), any rail fixed guideway public transportation system that had an SSPP, in accordance with the former SSO rule at 49 CFR part 659 as of October 1, 2012, may keep that plan in effect until one year after the effective date of this final rule.

Pursuant to § 673.11(f), agencies that operate passenger ferries regulated by USCG or rail fixed guideway public transportation service regulated by FRA are not required to develop safety plans for those modes of service.

#### 673.13 Certification of Compliance

In accordance with 49 U.S.C. 5329(d)(1), § 673.13(a) provides that not later than one year after the effective date of the final rule, each transit agency must certify its compliance with the requirements of this part. For small public transportation providers, a State must certify compliance unless the provider opts to draft and certify its own safety plan. In those cases where a State certifies compliance for a small public transportation provider, this certification also must occur within one year after the effective date of this final rule.

In addition to certification, and consistent with the new SSO rule at 49 CFR part 674, each SSOA must review and approve each Public Transportation Agency Safety Plan for every rail transit system within its jurisdiction. In accordance with 49 U.S.C. 5329(e)(4)(iv), an SSOA must have the authority to review, approve, oversee, and enforce the implementation of the Public Transportation Agency Safety Plans of transit agencies operating rail fixed guideway public transportation systems.

Section 673.13(b) requires that each transit agency or State certify compliance with part 673 on an annual basis.

#### 673.15 Coordination With Metropolitan, Statewide, and Non-Metropolitan Planning Processes

In accordance with 49 U.S.C. 5303(h)(2)(B) and 5304(d)(2)(B), each State and transit agency must make its

safety performance targets available to States and Metropolitan Planning Organizations to aid in the planning process. Section 673.15(b) requires, to the maximum extent practicable, a State or transit agency to coordinate with States and Metropolitan Planning Organizations in the selection of State and MPO safety performance targets.

#### Subpart C—Safety Management Systems

##### 673.21 General Requirements

This section outlines the SMS elements that each transit agency must establish in its Public Transportation Agency Safety Plan. Under today's final, each transit agency must implement an SMS, and each transit agency should scale the SMS to the size, scope, and complexity of the transit agency's operations. Each transit agency must establish processes and procedures which include the four main pillars of SMS: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance; and (4) Safety Promotion. FTA expects that the scope and detail for each activity will vary based on the size and complexity of the system. FTA anticipates that activities, and documentation of those activities, for a small bus transit agency will be substantially less than those of a large multi-modal system. FTA has developed a minimal set of requirements under Safety Assurance for all small public transportation providers. To help clarify SMS development and implementation, FTA is issuing guidance and a safety plan template to the industry concurrent with today's final rule, and FTA designed these documents to accommodate the variance in transit system mode, size, and complexity.

##### 673.23 Safety Management Policy

Pursuant to § 673.23(a), a transit agency must establish the organizational accountabilities and responsibilities necessary for implementing SMS and capture these under the first component of SMS, Safety Management Policy. The success of a transit agency's SMS is dependent upon the commitment of the entire organization and begins with the highest levels of transit agency management. The level of detail for organizational accountabilities and responsibilities should be commensurate with the size and complexity of the transit agency.

The Safety Management Policy statement must contain the transit agency's safety objectives. These objectives should include a broad description of the agency's overarching

safety goals, which would be based upon that agency's unique needs.

Pursuant to § 673.23(b), a transit agency must include in its Safety Management Policy statement a process that allows employees to report safety conditions to senior management. This process must provide protections for employees who report safety conditions to senior management and a description of behaviors that are unacceptable and that would not be exempt from disciplinary actions. These procedures are critical for ensuring safety. A reporting program allows employees who identify safety hazards and risks in the day-to-day duties to directly notify senior personnel, without fear of reprisal, so that the hazards and risks can be mitigated or eliminated. NTSB has emphasized the need for transit agencies to have non-punitive employee safety reporting programs,<sup>3</sup> and this need was discussed at length in NTSB's Investigative Hearing on the WMATA Smoke and Electrical Arcing Incident in Washington, DC on June 23 and 24, 2015.<sup>4</sup>

Pursuant to § 673.23(c), the Safety Management Policy statement must be communicated throughout the transit agency, including the Board of Directors (or equivalent authority), and each transit agency must make its Safety Management Policy statement readily available to all of its employees and contractors.

Pursuant to § 673.23(d), each transit agency must establish its accountabilities, responsibilities, and organizational structure necessary to meet its safety objectives, particularly as they relate to the development and management of the transit agency's SMS. The level of detail in this section of the safety plan should be commensurate with the size and complexity of a transit agency's operations. At a minimum, a transit agency must identify an Accountable Executive, a Chief Safety Officer or SMS Executive, and agency leadership, executive management, and key staff who would be responsible for the implementation of a transit agency's safety plan.

<sup>3</sup> NTSB issued Safety Recommendation R-10/02 for the WMATA Metrorail train collision accident on June 22, 2009, found at: <http://www.nts.gov/investigations/AccidentReports/Reports/RAR1002.pdf>. Through this report, NTSB recommends that "FTA facilitate the development of non-punitive safety reporting programs at all transit agencies [in order] to collect reports from employees in all divisions within their agencies."

<sup>4</sup> See the NTSB's hearing materials at [http://www.nts.gov/news/events/Pages/2015\\_WMATA\\_Washington\\_DC\\_IHG\\_Agenda.aspx](http://www.nts.gov/news/events/Pages/2015_WMATA_Washington_DC_IHG_Agenda.aspx) and <http://dms.nts.gov/pubdms/search/document.cfm?docID=432379&docketID=57383&mkey=90596>.



### 673.25 Safety Risk Management

Pursuant to § 673.25(a), each transit agency must establish and implement its process for managing safety risk, including the following three steps: (1) Safety hazard identification, (2) safety risk assessment, and (3) safety risk mitigation, for all elements of its public transportation system, including changes to its public transportation system that may impact safety performance. At a minimum, FTA expects each transit agency to apply its safety risk management process to its existing operations and maintenance procedures, the design of a new public transportation system and other capital projects, changes to its existing public transportation system, new operations of service to the public, new operations or maintenance procedures, organizational changes, and changes to operations or maintenance procedures. Additionally, FTA expects each transit agency to develop measures to ensure that safety principles, requirements, and representatives are included in the transit agency's procurement process.<sup>5</sup>

Pursuant to § 673.25(b)(1), each transit agency must establish a process for safety hazard identification, including the identification of the sources, both proactive and reactive, for identifying hazards and their associated consequences. Activities for hazard identification could include formalized processes where a transit agency identifies hazards throughout its entire system, logs them into a database, performs risk analyses, and identifies mitigation measures. These activities also could include safety focus groups, reviews of safety reporting trends, and for smaller bus systems, it could mean holding a meeting with a few bus drivers, discussing hazards on the system, deciding which ones pose the greatest risk, and then developing mitigation.

A transit agency must apply its process for safety hazard identification to all elements of its system, including but not limited to its operational activities, system expansions, and state of good repair activities. FTA encourages transit agencies to take into account bicycle and pedestrian safety concerns, along with other factors, as agencies are conducting Safety Risk Management.<sup>6</sup> A transit agency should consider the results of its asset

condition assessments when performing safety hazard identification activities within its SMS. The results of the condition assessments, and subsequent SMS analysis, will inform a transit agency's determination as to whether an asset meets the state of good repair standards under 49 CFR part 625.

Pursuant to § 673.25(b)(2), each transit agency must include, as a source for safety hazard identification, data and information provided by an oversight authority and FTA.

Safety hazard identification activities should be commensurate with the size of the transit agency's operations. For example, the number of identified hazards for a small rural bus system may be less than the number of hazards identified for a large multi-modal system.

Pursuant to § 673.25(c), each transit agency must establish procedures for assessing and prioritizing safety risks related to the potential consequences of hazards identified and analyzed in § 673.25(b). Each transit agency must assess safety risks in terms of probability (the likelihood of the hazard producing the potential consequences) and severity (the damage, or the potential consequences of a hazard, that may be caused if the hazard is not eliminated or its consequences are not successfully mitigated).

Pursuant to § 673.25(d), each transit agency also must establish criteria for the development of safety risk mitigations that are necessary based on the results of the agency's safety risk assessments. For example, a transit agency may decide that the criteria for developing safety risk mitigations could be the identification of a safety risk, benefit-cost analysis, a system level change (such as the addition of new technology on a vehicle), a change to operational procedures, or the expansion of service. To further illustrate these examples, a transit agency may color code different levels of safety risk ("red" as high, "yellow" as medium, and "green" as minor) and develop different types of safety risk mitigations to correspond to those levels.

### 673.27 Safety Assurance

Pursuant to § 673.27(a), each transit agency must develop and implement a process for Safety Assurance. Rail fixed guideway public transportation systems and recipients and subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53 that operate more than one hundred vehicles in peak revenue service must develop processes for (1) safety performance monitoring and measurement, (2) management of

change, and (3) continuous improvement. Small public transportation providers only need to develop a process for safety performance monitoring and measurement. Each transit agency's safety assurance activities should be scaled to the size and complexity of its operations. Through these activities, each transit agency should accurately determine whether it is meeting its safety objectives and safety performance targets, as well as the extent to which it is effectively implementing its SMS. Each transit agency must conduct an annual review of the effectiveness of its safety risk mitigations.

Pursuant to § 673.27(b), each transit agency must identify the data and information that it will collect from its operations, maintenance, and public transportation services so that it may monitor the agency's safety performance as well as the effectiveness of its SMS. Each transit agency must monitor its operations and maintenance protocols and procedures, and any safety risk mitigations, to ensure that it is implementing them as planned.

Each transit agency must investigate safety events (as defined in this final rule) and any reports of non-compliance with applicable regulations, standards, and legal authority. Finally, each transit agency must continually monitor information reported to it through any internal safety reporting programs, including the employee safety reporting program.

Pursuant to § 673.27(c), rail fixed guideway public transportation systems and recipients and subrecipients that are subject to this rule and operate more than one hundred vehicles in peak revenue service must manage changes in their systems. These transit agencies must develop processes for identifying and assessing changes that may introduce new hazards or impact safety performance. If a transit agency determines that a change might impact safety, then the transit agency would need to evaluate the change using Safety Risk Management activities established under § 673.25. These changes would include changes to operations or maintenance procedures, changes to service, the design and construction of major capital projects (such as New Starts and Small Starts projects and associated certifications), organizational changes, and any other changes to a transit agency's system that may impact safety performance. Each rail transit agency should include a description of the safety certification process that it uses to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations

<sup>5</sup> See FTA's former State Safety Oversight rule at 49 CFR 659.19(u).

<sup>6</sup> The United States Department of Transportation is administering a bicycle and pedestrian safety initiative, and FTA encourages transit agencies to consider that initiative when developing their safety plans (see <https://www.transportation.gov/safer-people-safer-streets>).

for News Starts and other major capital projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.

Pursuant to § 673.27(d), rail fixed guideway public transportation systems and recipients and subrecipients that are subject to this rule and operate more than one hundred vehicles in peak revenue service must regularly assess their safety performance. If a transit agency identifies any deficiencies during a safety performance assessment, then it must develop and carry out, under the direction of the Accountable Executive, a plan to address the identified safety deficiencies. FTA expect each transit agency to conduct a safety performance assessment at least annually, and the safety performance assessment can be completed in conjunction with the annual review and update to its overall safety plan as required by 49 U.S.C. 5329(d)(1)(D) and 49 CFR 673.11(a)(5).

#### 673.29 Safety Promotion

This section requires each transit agency to establish competencies and training for all agency employees directly responsible for safety, and to establish and maintain the means for communicating safety performance and SMS information. Pursuant to § 673.29(a), each transit agency must establish a comprehensive safety training program. Through the safety training program, each transit agency must require each employee, as applicable, to complete training to enable the individual to meet his or her role and responsibilities for safety, and to complete refresher training, as necessary, to stay current with the agency's safety practices and procedures.

Pursuant to § 673.29(b), each transit agency must ensure that all employees are aware of any policies, activities, and procedures that are related to their safety-related roles and responsibilities. Safety communications may include information on hazards and safety risks that are relevant to the employee's role and responsibilities; explain reasons that a transit agency introduces or changes policies, activities, or procedures; and explain to an employee when actions are taken in response to reports submitted by the employee through the employee safety reporting program. FTA expects that each transit agency would define the means and mechanisms for effective safety communication based on its organization, structure, and size of operations.

#### Subpart D—Safety Plan Documentation and Recordkeeping

##### 673.31 Safety Plan Documentation

This section requires each transit agency to keep records of its documents that are developed in accordance with this part. FTA expects a transit agency to maintain documents that set forth its Public Transportation Agency Safety Plan, including those related to the implementation of its SMS such as the results from SMS processes and activities. For the purpose of reviews, investigations, audits, or other purposes, this section requires each transit agency to make these documents available to FTA, SSOAs in the case of rail transit systems, and other Federal agencies as appropriate. A transit agency must maintain these documents for a minimum of three years.

#### V. Regulatory Analyses and Notices

*Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and USDOT Regulatory Policies and Procedures*

Executive Orders 12866 and 13563 direct agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); tailor its regulations to impose the least burden on society; assess all costs and benefits of available regulatory alternatives; and, if regulation is necessary, to select regulatory approaches that maximizes net benefits—including potential economic, environmental, public health, and safety effects, distributive impacts, and equity. Executive Order 13563 also emphasizes the importance of harmonizing rules and promoting flexibility.

FTA drafted this final rule in accordance with the principles set forth in Executive Orders 12866 and 13563. FTA has determined that this final rule is a significant regulatory action due to significant public interest in the area of transit safety. However, this rule is not estimated to be "economically significant" within the meaning of Executive Order 12866.

As discussed in greater detail below, FTA was able to estimate some, but not all, of the rule's costs. FTA was able to estimate the costs for transit agencies to develop and implement Public Transportation Agency Safety Plans which are approximately \$41 million in the first year, and \$30 million in each subsequent year, with annualized costs of \$31 million discounted at 7 percent. These costs result from developing and

certifying safety plans, documenting the SMS approach, implementing SMS, and associated recordkeeping. FTA was not able to estimate the costs of actions that transit agencies would be required to take to mitigate risk as a result of implementing this rule, such as vehicle modifications, additional training, technology investments, or changes to operating procedures and practices.

FTA has placed in the docket a final Regulatory Impact Analysis (RIA) that analyzes the benefits and costs of the regulatory changes in accordance with Executive Orders 12866 and 13563, and United States Department of Transportation (USDOT) policy.

Through this final rule, FTA requires all operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop and implement Public Transportation Safety Plans in accordance with 49 U.S.C. 5329, using the SMS approach. As discussed above, FTA is deferring regulatory action at this time regarding recipients of FTA financial assistance under 49 U.S.C. 5310 and/or 49 U.S.C. 5311.

SMS is a flexible, scalable approach to safety that has been widely adopted across multiple modes of transportation in both the public and private sectors and overlaps significantly with the requirements included in 49 U.S.C. 5329. It employs a systematic, data-driven approach in which risks to safety are identified, then controlled or mitigated to acceptable levels. SMS brings business-like methods and principles to safety, similar to the ways in which an organization manages its finances, through safety plans, with targets and performance indicators, and continuous monitoring of safety performance throughout an organization.

In addition to responding to the specific statutory mandate, this final rule responds to National Transportation Safety Board (NTSB) recommendations regarding an expansion of SMS to reduce the risks of transit crashes. From 2004 to 2016, NTSB reported on eleven transit accidents that, collectively, resulted in 16 fatalities, 386 injuries, and over \$30 million in property damages. Although transit systems have historically been among the safest means of surface transportation, the transit industry is facing increased pressures at a time when ridership has grown, infrastructure is aging, and large numbers of the workforce are retiring. During that same 2004–2016 time period, transit agencies reported over 290,000 incidents and other events,

more than 2,600 fatalities, and over 301,000 injuries to the NTD.

This RIA provides quantitative estimates of the expected compliance costs associated with the rule. Costs for transit agencies were estimated based on the staff labor hours, information technology systems, and travel costs associated with implementing the requirements of the proposed rule, with adjustments for agency size and for agencies' existing level of maturity with SMS approaches. FTA estimated three main cost areas: (1) Developing and certifying safety plans; (2) implementing and documenting the SMS approach; and (3) associated recordkeeping. Staff time was monetized using data on wage rates and benefits in the transit industry. Over the 20-year analysis period, total costs are estimated at \$324 million in present value (using a 7% discount rate), or the equivalent of \$31 million per year.

As previously noted, FTA was unable to estimate the cost of actions that agencies would take to mitigate or eliminate safety problems identified through implementation of their safety plans. FTA is unaware of information sources or methods to predict with sufficient confidence the number or type of safety problems agencies will identify through implementation of their safety plans, or the number, type, and cost of actions that agencies will take to address such problems. For similar reasons, FTA also is unable to quantify the rule's benefits. FTA sought information from the public through the NPRM for this rulemaking that would assist FTA with analyzing the benefits and costs of actions by agencies to mitigate or eliminate safety problems such as the number, types, benefits, and costs of such actions, but FTA did not receive adequate data from the public to assist with this effort.

FTA calculated potential safety benefits that could be realized by bus and rail modes if safety management practices outlined in the rule are followed to identify and implement investment strategies to reduce safety risk. FTA monetized benefits using

information on transit crash costs, including direct costs and USDOT-standard statistical values for fatality and injury prevention. Although many other sectors report reductions in safety incidents after adopting SMS, it is not possible to transfer that experience to the transit industry due to the differences in organizational structures and practices.

FTA was unable to quantify the rule's benefits. To estimate safety benefits, one would need information regarding the causes of safety events and the factors that may cause future events. This information is generally unavailable in the public transportation sector, given the infrequency and diversity of the type of safety events that occur. In addition, one would need information about the safety problems that agencies are likely to find through implementation of their safety plans and the actions agencies are likely to take to address those problems. Instead of quantifying benefits, FTA estimated the potential safety benefits if additional unquantified mitigation investments occur. The potential safety benefits are an estimate of the cost of bus and rail safety events over a future 20-year period. FTA extrapolated the estimate based on the cost of bus and rail incidents that occurred from 2010 to 2016, assuming no growth in the number of incidents in the future.

The benefits of SMS primarily will result from mitigating actions. As previously stated, FTA could not account for the benefits and costs of such actions in this analysis. FTA has not estimated the benefits of implementing SMS without mitigating actions, but expects such benefits are unlikely to be large. Estimated costs for the Public Transportation Agency Safety Plans include certain activities that likely will yield safety improvements, such as improved communication, identification of hazards, and greater employee awareness. It is plausible that these changes alone could produce reductions in safety events that surpass estimated costs.

Under the performance management framework established by MAP-21, States, MPOs, and transit providers must establish targets in key national performance areas to document expectations for future performance. Pursuant to 49 U.S.C. 5303(h)(2)(B)(ii) and 5304(d)(2)(B)(ii), States and MPOs must coordinate the selection of their performance targets, to the maximum extent practicable, with performance targets set by transit providers under 49 U.S.C. 5326 (transit asset management) and 49 U.S.C. 5329 (safety), to ensure consistency.

In the joint FTA and FHWA Planning Rule, both agencies indicate that their performance-related rules would implement the basic elements of a performance management framework, including the establishment of measures and associated target setting. Because the performance-related rules implement these elements and the difficulty in estimating costs of target setting associated with unknown measures, the joint FTA and FHWA Planning Rule did not assess these costs. Rather, FTA and FHWA proposed that the costs associated with target setting at every level would be captured in each agency's respective "performance management" rules. For example, in its second performance management rule NPRM, FHWA assumes that the incremental costs to States and MPOs for establishing performance targets reflect the incremental wage costs for an operations manager and a statistician to analyze performance-related data.

The RIA accompanying the joint FTA and FHWA Planning Rule captures the costs of the effort by States, MPOs, and transit providers to coordinate in the setting of State and MPO transit performance targets for state of good repair and safety. FTA believes that the cost to MPOs and States to set transit performance targets is included within the costs of coordination. FTA requested comments on this issue through this rulemaking, and it received none.

A summary of the potential benefits and costs of this rule is provided in Table 2 below.

TABLE 2—SUMMARY OF THE COSTS AND THE POTENTIAL BENEFITS IF ADDITIONAL UNQUANTIFIED MITIGATION INVESTMENTS OCCUR

	Current dollar value	7% Discounted value	3% Discounted value
Bus Events (20-Year Estimate) .....	\$78,698,984,508	\$38,413,831,624	\$56,680,780,091
Rail Events (20-Year Estimate) .....	45,019,196,393	21,974,360,164	32,423,838,587
Total Potential Benefits (20-Year Estimate) .....	123,718,180,901	60,388,191,787	89,104,618,678
Qualitative Benefits .....	<ul style="list-style-type: none"> <li>• Reduced safety incidents with mitigation actions.</li> <li>• Reduced delays in operations.</li> </ul>		

TABLE 2—SUMMARY OF THE COSTS AND THE POTENTIAL BENEFITS IF ADDITIONAL UNQUANTIFIED MITIGATION INVESTMENTS OCCUR—Continued

	Current dollar value	7% Discounted value	3% Discounted value
Estimated Costs (20-Year Estimate) .....	602,485,710	323,732,747	450,749,898
Unquantified Costs .....	* Investments associated with mitigating safety risks (such as additional training, vehicle modification, operational changes, maintenance, and information dissemination).		
Estimated Cost (Annualized) .....		30,558,081	30,297,473

#### *Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)*

Executive Order 13771 applies to any action considered "significant" under Executive Order 12866 that imposes total costs greater than zero. Actions subject to Executive Order 13771 must be offset by the elimination of existing costs associated with at least two prior regulations. This final rule is an action under Executive Order 13771 because it is considered a "significant regulatory action" under Executive Order 12866.

#### *Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), FTA has evaluated the effects of this rule on small entities and has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The rule will affect approximately 625 small entities, most of which are small government entities and small non-profit organizations that operate public transportation systems in small-urbanized areas. Compliance costs will vary according to agency size and complexity, the extent of current SMS practices, and the extent of current asset management practices. Costs are illustrated by an example calculation for a small operator (less than one hundred non-rail vehicles in maximum revenue service) of a public transportation system that receives Formula Grants for Urbanized Areas under 49 U.S.C. 5307, for which compliance costs are approximately \$20,600 per agency (this estimate excludes the cost of mitigating actions). For the sake of comparison, while transit agency operations budgets vary significantly, the average for small Section 5307 agencies is around \$6.3 million per year. Thus, the estimated costs of the rule are around 0.3% of agency budgets for small Section 5307 agencies. FTA is minimizing the costs for smaller operators of public transportation systems by requiring the States in which they are located to draft and certify Public Transportation Agency Safety Plans on their behalf,

unless the operator chooses to develop and certify its own plan. Additionally, to lower the costs for smaller operators of public transportation systems, FTA is adopting the SMS approach to safety, which is scalable for the specific needs of a particular transit agency. To further reduce the burdens of this final rule, FTA tailored it by eliminating a series of Safety Assurance requirements specifically for small public transportation providers. As discussed in other sections of this document, small public transportation providers only need to develop Safety Assurance procedures for performance monitoring and measurement; they would not need to develop Safety Assurance procedures for management of change and continuous improvement. FTA also eliminated certain Safety Assurance and recordkeeping requirements for all transit operators, including small public transportation providers, to minimize the rule's costs. Concurrent with today's final rule, FTA is issuing a safety plan template with instructions and considerations to assist transit agencies with the development of their plans and to help reduce the overall costs associated with that effort.

Overall, while the rule may affect a substantial number of small entities, these impacts would not be significant due to the low magnitude of the costs. Moreover, FTA has designed the rule to allow flexibility for small entities. FTA is providing additional analysis of the Regulatory Flexibility Act's application to this rule in Regulatory Impact Analysis posted to the docket.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, March 22, 1995, 109 Stat. 48; codified at 2 U.S.C. 1501 *et seq.*).

Pursuant to 2 U.S.C. 1501(8), one of the purposes of the Unfunded Mandates Reform Act is to consider "the effect of . . . Federal statutes and regulations that impose Federal intergovernmental mandates." The term "Federal intergovernmental mandate" is defined

at 2 U.S.C. 658(5)(A)(i) to mean "any provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, except . . . a condition of Federal assistance."

Given the fact that FTA's authorizing statute at 49 U.S.C. 5329(d) makes the development and implementation of Public Transportation Agency Safety Plans a condition of FTA Federal financial assistance, and given that FTA is proposing to require transit agencies to annually certify that they have safety plans consistent with this rule as a condition of that Federal financial assistance, this rule will not impose unfunded mandates.

#### *Executive Order 13132 (Federalism)*

This final rule has been analyzed in accordance with the principles and criteria established by Executive Order 13132, and FTA has determined that this rule will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. FTA has also determined that this rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

#### *Executive Order 12372 (Intergovernmental Review)*

The regulations effectuating Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this rule.

#### *Paperwork Reduction Act (PRA)*

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. *et seq.*) (PRA), and the White House Office of Management and Budget's (OMB) implementing regulation at 5 CFR 1320.8(d), FTA is seeking approval from OMB for the Information Collection Request abstracted below. FTA acknowledges that this rule entails the collection of information to implement the Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329(d). Specifically, an operator of a public

transportation system must do the following: (1) Develop and certify a Public Transportation Agency Safety Plan; (2) implement and document the SMS approach; and (3) associated recordkeeping. As discussed above, FTA is deferring regulatory action at this time regarding recipients of FTA financial assistance under 49 U.S.C. 5310 and/or 49 U.S.C. 5311.

FTA sought public comments to evaluate whether the proposed collection of information is necessary for the proper performance of FTA's functions, including whether the information will have practical utility; whether the estimation of the burden of the proposed information collection is accurate, including the validity of the methodologies and assumptions used; ways in which the quality, utility, and clarity of the information can be enhanced; and whether the burden can be minimized, including through the use of automated collection techniques or other forms of information technology. FTA received no public comments on these issues.

Readers should note that the information collection would be specific to each operator of a public transportation system in an effort to facilitate and record the operator's safety responsibilities and activities. The paperwork burden for each operator

of a public transportation system will be proportionate to the size and complexity of its operations. For example, an operator of a rail fixed guideway system and a bus system may need to generate more documentation than an operator of a bus system only.

Also, readers should note that FTA has required rail fixed guideway public transportation systems to develop System Safety Program Plans and System Security Plans in accordance with the former regulatory requirements at 49 CFR part 659. FTA has collected information from States and State Safety Oversight Agencies regarding these plans, and FTA anticipates that operators of rail fixed guideway systems will utilize some of this documentation for purposes of developing Public Transportation Agency Safety Plans. Please see FTA's currently approved collection, 2132-0558, available at <http://www.reginfo.gov/public/do/PRAMain>.

*Type of Collection:* Operators of public transportation systems.

*Type of Review:* OMB Clearance. New Information Collection Request.

*Summary of the Collection:* The information collection includes (1) The development and certification of a Public Transportation Agency Safety Plan; (2) the implementation and documentation of the SMS approach; and (3) associated recordkeeping.

*Need for and Expected Use of the Information to be Collected:* Collection of information for this program is necessary to ensure that operators of public transportation systems are performing their safety responsibilities and activities required by law at 49 U.S.C. 5329(d). Without the creation of Public Transportation Agency Safety Plans, FTA would be unable to determine each State's compliance with 49 U.S.C. 5329(d).

*Respondents:* Respondents include operators of public transportation as defined under 49 U.S.C. 5302(14). FTA is deferring regulatory action at this time on recipients of FTA financial assistance under 49 U.S.C. 5310 and/or 49 U.S.C. 5311. The total number of respondents is 336. This figure includes 242 respondents that are States, direct recipients, rail fixed guideway systems that receive Urbanized Area Formula Program funds under 49 U.S.C. 5307, or large bus systems that receive Urbanized Area Formula Program funds under 49 U.S.C. 5307. This figure also includes 94 respondents that receive Urbanized Area Formula Program funds under 49 U.S.C. 5307, operate one hundred or fewer vehicles in revenue service, and do not operate rail fixed guideway service that may draft and certify their own safety plans.

*Frequency:* Annual.

ESTIMATED TOTAL ANNUAL BURDEN HOURS ON RESPONDENTS

	Total responses	Burden hours per response	Total annual burden
<b>Rail:</b>			
Development/Certification .....	60	48	2,862
Implement/Document .....	60	1,114	66,869
Recordkeeping .....	60	43	2,562
<b>Large 5307:</b>			
Development/Certification .....	127	48	6,123
Implement/Document .....	127	760	96,581
Recordkeeping .....	127	42	5,298
<b>Small 5307:</b>			
Development/Certification .....	94	19	1,773
Implement/Document .....	625	270	168,622
Recordkeeping .....	625	38	23,647
<b>States/Direct Recipients:</b>			
Development/Certification .....	55	40	2,206
Implement/Document .....	55	0	0
Recordkeeping .....	55	0	0
<b>Grand Total .....</b>	<b>336</b>	<b>2,422</b>	<b>376,543</b>

FTA calculated costs using the same methodology that it used for the Regulatory Impact Analysis. FTA summarized the PRA costs in the table

below. The total PRA cost of the rule is approximately \$33 million per year averaged over the first three years, which is an average of \$98,791 per

respondent per year, or \$38,256 per response per year.

PRA costs	Year 1	Year 2	Year 3	Total
<b>Rail:</b>				
Development/Certification .....	\$733,863	\$86,858	\$86,858	\$907,579

PRA costs	Year 1	Year 2	Year 3	Total
Implement/Document .....	9,366,439	6,651,817	6,651,817	22,670,072
Recordkeeping .....	1,179,917	1,179,917	1,179,917	3,539,750
Large 5307:				
Development/Certification .....	1,624,085	137,866	137,866	1,899,818
Implement/Document .....	9,235,788	6,593,697	6,593,697	22,423,182
Recordkeeping .....	1,830,066	1,830,066	1,830,066	5,490,199
Small 5307:				
Development/Certification .....	436,058	48,929	48,929	533,917
Implement/Document .....	12,166,099	9,118,251	9,118,251	30,402,601
Recordkeeping .....	3,565,974	3,565,974	3,565,974	10,697,922
States/Direct Recipients:				
Development/Certification .....	425,782	20,045	20,045	465,871
Implement/Document .....	0	0	0	0
Recordkeeping .....	183,333	183,333	183,333	550,000

### National Environmental Policy Act

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), requires Federal agencies to analyze the potential environmental effects of their proposed actions either through a Categorical Exclusion, an Environmental Assessment, or an Environmental Impact Statement. This rule is categorically excluded under FTA's NEPA implementing regulations at 23 CFR 771.118(c)(4), which covers planning and administrative activities that do not involve or lead directly to construction, such as the promulgation of rules, regulations, directives, and program guidance. FTA has determined that no unusual circumstances exist and that this Categorical Exclusion is applicable.

### Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations)

Executive Order 12898 directs every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations. The DOT's environmental justice initiatives accomplish this goal by involving the potentially affected public in developing transportation projects that fit harmoniously within their communities without sacrificing safety or mobility. FTA has developed a program circular addressing environmental justice in transit projects, Circular 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*. The Circular is designed to provide a framework to assist recipients as they integrate principles of environmental justice into their transit decision-making process. The Circular contains recommendations for State DOTs, MPOs, and transit providers on (1) how to fully engage environmental justice populations in

the transportation decision-making process; (2) how to determine whether environmental justice populations would be subjected to disproportionately high and adverse human health or environmental effects of a public transportation project, policy, or activity; and (3) how to avoid, minimize, or mitigate these effects. This rule will not cause adverse environmental impacts, and as a result, minority populations and low-income populations will not be disproportionately impacted.

### Executive Order 12630 (Taking of Private Property)

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Executive Order 12988 (Civil Justice Reform)

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Executive Order 13045 (Protection of Children)

FTA has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. FTA certifies that this rule will not cause an environmental risk to health or safety that may disproportionately affect children.

### Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under Executive Order 13175 (Nov. 6, 2000), and has determined that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not

preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Notwithstanding the above, FTA notes that it conducted extensive outreach with tribes throughout this rulemaking. Specifically, on February 12, 2016, FTA conducted public outreach for tribes and hosted a Tribal Technical Assistance Workshop wherein FTA presented its proposed rule and responded to numerous technical questions from tribes. FTA subsequently delivered the same presentation during a webinar series open to all members of the public on February 24, March 1, March 2, and March 3. On March 7, FTA delivered the same presentation at an outreach session hosted by the National Rural Transit Assistance Program, which also was open to all members of the public. During each of these public outreach sessions and the public webinar series, FTA received and responded to numerous technical questions regarding the NPRM. FTA recorded the presentations, including the question and answer sessions, and made available the following documents on the public docket for this rulemaking (Docket FTA-2015-0021): (1) FTA's PowerPoint Presentation from the public outreach sessions and public webinar series (<https://www.regulations.gov/document?D=FTA-2015-0021-0012>); (2) a written transcript of FTA's public webinar of March 1, 2016 (<https://www.regulations.gov/document?D=FTA-2015-0021-0010>); (3) a consolidated list of every Question and FTA Answer from the public outreach sessions and public webinar series (<https://www.regulations.gov/document?D=FTA-2015-0021-0041>); and (4) the results of polling questions from FTA's public outreach sessions (<https://www.regulations.gov/document?D=FTA-2015-0021-0011>). FTA also uploaded onto YouTube an audiovisual recording of its webinar

from March 1, 2016. The video is available at the following link: <https://www.youtube.com/watch?v=FBj5HRaIwGA&feature=youtu.be>.

FTA also notes that, in advance of publishing an NPRM, FTA sought comment from the transit industry, including tribes, on a wide range of topics pertaining to safety and asset management through an ANPRM. In the NPRM, FTA asked specific questions about how today's rule should apply to tribal recipients and subrecipients of Section 5311 funds.

In light of the comments that FTA received from tribes in response to the NPRM, and in an effort to further reduce the burdens of this final rule, FTA is deferring regulatory action regarding the applicability of this rule to operators of public transportation systems that only receive Section 5310 and/or Section 5311 funds, including tribal transit operators. FTA is deferring action pending further evaluation of information and safety data to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators.

#### *Executive Order 13211 (Energy Effects)*

FTA has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). FTA has determined that this rule is not a significant energy action under that Executive Order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

#### *Privacy Act*

Any individual is able to search the electronic form of all comments received on any FTA docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review USDOT's complete Privacy Act Statement in the *Federal Register* published on April 11, 2000 (65 FR 19477).

#### *Statutory/Legal Authority for This Rulemaking*

FTA is issuing this final rule under the authority of section 20021 of MAP-21, which requires public transportation agencies to develop and implement comprehensive safety plans. This authority was reauthorized under the FAST Act. The authority is codified at 49 U.S.C. 5329(d).

#### *Regulation Identification Number*

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN set forth in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### **List of Subjects in 49 CFR Part 673**

Mass transportation, Safety.

#### **K. Jane Williams,**

*Acting Administrator.*

■ For the reasons set forth in the preamble, and under the authority of 49 U.S.C. 5329(d) and 5334, and the delegations of authority at 49 CFR 1.91, FTA hereby amends Chapter VI of Title 49, Code of Federal Regulations by adding part 673 to read as follows:

### **PART 673—PUBLIC TRANSPORTATION AGENCY SAFETY PLANS**

#### **Subpart A—General**

- 673.1 Applicability.
- 673.3 Policy.
- 673.5 Definitions.

#### **Subpart B—Safety Plans**

- 673.11 General requirements.
- 673.13 Certification of compliance.
- 673.15 Coordination with metropolitan, statewide, and non-metropolitan planning processes.

#### **Subpart C—Safety Management Systems**

- 673.21 General requirements.
- 673.23 Safety management policy.
- 673.25 Safety risk management.
- 673.27 Safety assurance.
- 673.29 Safety promotion.

#### **Subpart D—Safety Plan Documentation and Recordkeeping**

- 673.31 Safety plan documentation.

**Authority:** 49 U.S.C. 5329(d) and 5334; 49 CFR 1.91.

#### **Subpart A—General**

##### **§ 673.1 Applicability.**

(a) This part applies to any State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53.

(b) This part does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311.

##### **§ 673.3 Policy.**

The Federal Transit Administration (FTA) has adopted the principles and

methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. FTA will follow the principles and methods of SMS in its development of rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329. This part sets standards for the Public Transportation Agency Safety Plan, which will be responsive to FTA's Public Transportation Safety Program, and reflect the specific safety objectives, standards, and priorities of each transit agency. Each Public Transportation Agency Safety Plan will incorporate SMS principles and methods tailored to the size, complexity, and scope of the public transportation system and the environment in which it operates.

##### **§ 673.5 Definitions.**

As used in this part:

*Accident* means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

*Accountable Executive* means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

*Chief Safety Officer* means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

*Equivalent Authority* means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a

recipient or subrecipient's Public Transportation Agency Safety Plan.

*Event* means any Accident, Incident, or Occurrence.

*FTA* means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

*Hazard* means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

*Incident* means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

*Investigation* means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

*National Public Transportation Safety Plan* means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

*Occurrence* means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

*Operator of a public transportation system* means a provider of public transportation as defined under 49 U.S.C. 5302(14).

*Performance measure* means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

*Performance target* means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

*Public Transportation Agency Safety Plan* means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

*Rail fixed guideway public transportation system* means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley,

inclined plane, funicular, and automated guideway.

*Rail transit agency* means any entity that provides services on a rail fixed guideway public transportation system.

*Risk* means the composite of predicted severity and likelihood of the potential effect of a hazard.

*Risk mitigation* means a method or methods to eliminate or reduce the effects of hazards.

*Safety Assurance* means processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

*Safety Management Policy* means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

*Safety Management System (SMS)* means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

*Safety Management System (SMS) Executive* means a Chief Safety Officer or an equivalent.

*Safety performance target* means a Performance Target related to safety management activities.

*Safety Promotion* means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

*Safety risk assessment* means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

*Safety Risk Management* means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

*Serious injury* means any injury which:

- (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;
- (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
- (3) Causes severe hemorrhages, nerve, muscle, or tendon damage;
- (4) Involves any internal organ; or
- (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

*Small public transportation provider* means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

*State* means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

*State of good repair* means the condition in which a capital asset is able to operate at a full level of performance.

*State Safety Oversight Agency* means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR part 674.

*Transit agency* means an operator of a public transportation system.

*Transit Asset Management Plan* means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

## Subpart B—Safety Plans

### § 673.11 General requirements.

(a) A transit agency must, within one calendar year after July 19, 2019, establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by the agency's Board of Directors, or an Equivalent Authority.

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

(3) The Public Transportation Agency Safety Plan must include performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.

(4) The Public Transportation Agency Safety Plan must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. Compliance



with the minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C) is not required until standards have been established through the public notice and comment process.

(5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

(6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

(b) A transit agency may develop one Public Transportation Agency Safety Plan for all modes of service, or may develop a Public Transportation Agency Safety Plan for each mode of service not subject to safety regulation by another Federal entity.

(c) A transit agency must maintain its Public Transportation Agency Safety Plan in accordance with the recordkeeping requirements in subpart D of this part.

(d) A State must draft and certify a Public Transportation Agency Safety Plan on behalf of any small public transportation provider that is located in that State. A State is not required to draft a Public Transportation Agency Safety Plan for a small public transportation provider if that agency notifies the State that it will draft its own plan. In each instance, the transit agency must carry out the plan. If a State drafts and certifies a Public Transportation Agency Safety Plan on behalf of a transit agency, and the transit agency later opts to draft and certify its own Public Transportation Agency Safety Plan, then the transit agency must notify the State. The transit agency has one year from the date of the notification to draft and certify a Public Transportation Agency Safety Plan that is compliant with this part. The Public Transportation Agency Safety Plan drafted by the State will remain in effect until the transit agency drafts its own Public Transportation Agency Safety Plan.

(e) Any rail fixed guideway public transportation system that had a System Safety Program Plan compliant with 49 CFR part 659 as of October 1, 2012, may keep that plan in effect until one year after July 19, 2019.

(f) Agencies that operate passenger ferries regulated by the United States

Coast Guard (USCG) or rail fixed guideway public transportation service regulated by the Federal Railroad Administration (FRA) are not required to develop agency safety plans for those modes of service.

#### **§ 673.13 Certification of compliance.**

(a) Each transit agency, or State as authorized in § 673.11(d), must certify that it has established a Public Transportation Agency Safety Plan meeting the requirements of this part one year after July 19, 2019. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by rail fixed guideway system, as authorized in 49 U.S.C. 5329(e) and its implementing regulations at 49 CFR part 674.

(b) On an annual basis, a transit agency, direct recipient, or State must certify its compliance with this part.

#### **§ 673.15 Coordination with metropolitan, statewide, and non-metropolitan planning processes.**

(a) A State or transit agency must make its safety performance targets available to States and Metropolitan Planning Organizations to aid in the planning process.

(b) To the maximum extent practicable, a State or transit agency must coordinate with States and Metropolitan Planning Organizations in the selection of State and MPO safety performance targets.

### **Subpart C—Safety Management Systems**

#### **§ 673.21 General requirements.**

Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

- (a) Safety Management Policy as described in § 673.23;
- (b) Safety Risk Management as described in § 673.25;
- (c) Safety Assurance as described in § 673.27; and
- (d) Safety Promotion as described in § 673.29.

#### **§ 673.23 Safety management policy.**

(a) A transit agency must establish its organizational accountabilities and responsibilities and have a written statement of safety management policy that includes the agency's safety objectives.

(b) A transit agency must establish and implement a process that allows employees to report safety conditions to senior management, protections for

employees who report safety conditions to senior management, and a description of employee behaviors that may result in disciplinary action.

(c) The safety management policy must be communicated throughout the agency's organization.

(d) The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals within its organization, as they relate to the development and management of the transit agency's Safety Management System (SMS):

(1) *Accountable Executive.* The transit agency must identify an Accountable Executive. The Accountable Executive is accountable for ensuring that the agency's SMS is effectively implemented, throughout the agency's public transportation system. The Accountable Executive is accountable for ensuring action is taken, as necessary, to address standard performance in the agency's SMS. The Accountable Executive may delegate specific responsibilities, but the ultimate accountability for the transit agency's safety performance cannot be delegated and always rests with the Accountable Executive.

(2) *Chief Safety Officer or Safety Management System (SMS) Executive.* The Accountable Executive must designate a Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of an agency's SMS. The Chief Safety Officer or SMS Executive must hold a direct line of reporting to the Accountable Executive. A transit agency may allow the Accountable Executive to also serve as the Chief Safety Officer or SMS Executive.

(3) *Agency leadership and executive management.* A transit agency must identify those members of its leadership or executive management, other than an Accountable Executive, Chief Safety Officer, or SMS Executive, who have authorities or responsibilities for day-to-day implementation and operation of an agency's SMS.

(4) *Key staff.* A transit agency may designate key staff, groups of staff, or committees to support the Accountable Executive, Chief Safety Officer, or SMS Executive in developing, implementing, and operating the agency's SMS.

#### **§ 673.25 Safety risk management.**

(a) *Safety Risk Management process.* A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk

Management process must be comprised of the following activities: Safety hazard identification, safety risk assessment, and safety risk mitigation.

(b) *Safety hazard identification.* (1) A transit agency must establish methods or processes to identify hazards and consequences of the hazards.

(2) A transit agency must consider, as a source for hazard identification, data and information provided by an oversight authority and the FTA.

(c) *Safety risk assessment.* (1) A transit agency must establish methods or processes to assess the safety risks associated with identified safety hazards.

(2) A safety risk assessment includes an assessment of the likelihood and severity of the consequences of the hazards, including existing mitigations, and prioritization of the hazards based on the safety risk.

(d) *Safety risk mitigation.* A transit agency must establish methods or processes to identify mitigations or strategies necessary as a result of the agency's safety risk assessment to reduce the likelihood and severity of the consequences.

#### § 673.27 Safety assurance.

(a) *Safety assurance process.* A transit agency must develop and implement a safety assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. Chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its safety assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must

include in its safety assurance process the requirements in paragraph (b) of this section.

(b) *Safety performance monitoring and measurement.* A transit agency must establish activities to:

(1) Monitor its system for compliance with, and sufficiency of, the agency's procedures for operations and maintenance;

(2) Monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended;

(3) Conduct investigations of safety events to identify causal factors; and

(4) Monitor information reported through any internal safety reporting programs.

(c) *Management of change.* (1) A transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance.

(2) If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process.

(d) *Continuous improvement.* (1) A transit agency must establish a process to assess its safety performance.

(2) If a transit agency identifies any deficiencies as part of its safety performance assessment, then the transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address the identified safety deficiencies.

#### § 673.29 Safety promotion.

(a) *Competencies and training.* A transit agency must establish and implement a comprehensive safety

training program for all agency employees and contractors directly responsible for safety in the agency's public transportation system. The training program must include refresher training, as necessary.

(b) *Safety communication.* A transit agency must communicate safety and safety performance information throughout the agency's organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

#### Subpart D—Safety Plan Documentation and Recordkeeping

##### § 673.31 Safety plan documentation.

At all times, a transit agency must maintain documents that set forth its Public Transportation Agency Safety Plan, including those related to the implementation of its Safety Management System (SMS), and results from SMS processes and activities. A transit agency must maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the agency uses to carry out its Public Transportation Agency Safety Plan. These documents must be made available upon request by the Federal Transit Administration or other Federal entity, or a State Safety Oversight Agency having jurisdiction. A transit agency must maintain these documents for a minimum of three years after they are created.

[FR Doc. 2018-15167 Filed 7-18-18; 8:45 am]

BILLING CODE P



# PRELIMINARY AUDIT REPORT

For

## FOOTHILL TRANSIT

WEST COVINA, CALIFORNIA

Conducted as a service of the  
Bus Safety Management Audit Program

\* \* \* \* \*

Brian Alberts, Director - Safety



Richard White, Acting President  
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION  
1300 I Street, NW  
Washington, DC 20005

### Safety review Background

The **Bus Safety Management Program (BSMP)** of the American Public Transportation Association (APTA) is designed to provide participating bus transit systems with a process for the review and effective implementation of a System Safety Program Plan (SSPP) that is specific to an individual system's needs. The Program also provides for a periodic safety review of the level to which a transit system has implemented its SSPP.

The Bus Safety Management Program was developed as a result of an identified need for stringent and codified safety guidelines for self-regulation among the bus transit systems. Senior Managers of bus agencies in North America, working with APTA and the Federal Transit Administration (FTA), adopted a formal Bus Safety Management Program. The program continues to contribute to the bus industry's ability to maintain effective self-regulatory safety programs.

### What This Safety Review Represents

The safety review for Foothill Transit was conducted August 15 - 18, 2017 by Robert Torres and William Kessler. The safety review was performed in accordance with the provisions of the APTA *Manual for the Development of Bus Transit System Safety Program Plans*. Agency Contact directed coordination for the meetings and interviews held with representatives from all major departments within the Foothill Transit organization.

This Preliminary Report represents the findings of the safety review relative to the Foothill Transit System Safety Program Plan. All APTA recommendations, unless related to established industry standards, are non-binding and may be accepted or rejected after management review by the Agency Authority. The Preliminary safety review Report period extends over the next 45 working days and allows Foothill Transit the opportunity to investigate the safety review findings and take corrective action to resolve as many findings as possible before the Final Report is issued. Supplemental forms have been included with this report that provide comments on findings for which the safety reviewers may either recommend corrective action to comply with the System Safety Program Plan or suggest enhancements to augment the present SSPP. The safety review team will receive any additional information from Foothill Transit to correct, clarify, or upgrade a finding prior to issuing the Final safety review Report.

### How To Respond to the Safety review

The numerical notations on the safety review Checklist determine the status of the observation by the safety review team and are defined as follows:

1: "Meets Plan Requirements" - This item complies with program standards set by the industry and requires no additional action by the transit system.

2: Non-Conformance: "Program Improvement Needed" - This item does not meet program standards set by the industry and requires immediate attention by the transit system, detailed in a Safety Improvement Plan.

The BSMP focuses on a bus system's System Safety Program Plan and the system's implementation of such plan. The safety review report prepared under the BSMP reviews the System Safety Program Plan and evaluates the extent to which a system's management processes are complying with the plan. The safety review report does not, nor is it intended to represent an in-depth review or safety review of the safety of the bus system itself or of its operations, and should not be relied on as such.

Foothill Transit must advise the APTA Safety office, during the Preliminary Report period, of any item that may be appealed. Any such items will be reviewed and, if not resolved, referred to the Bus Safety Committee for review and disposition. Safety Improvement Plans and Strategic Plans for items noted in the safety review findings as "2" are to be filed by Foothill Transit for inclusion in the Final safety review Report. The Safety Improvement Plans are based upon program guidelines and outline the measures a transit system will take to bring its System Safety Program into compliance with its written Plan and/or enhancements to strengthen that element. A schedule of proposed implementation dates are a part of the Safety Improvement Plan. The Safety Improvement Plan is issued with the Final Report and forms the basis for the post- safety review, along with any open items.

The safety review encompassed all elements of the Foothill Transit System Safety Program Plan and the means for its implementation. The safety review focused on reviewing processes, documents and records, and interviewing managers in each department to verify that all elements of the System Safety Program were developed, implemented, and reviewed on an ongoing basis.

The important aspect of the program is that it offers Foothill Transit the benefit of having an outside, independent evaluation of the extent to which its own management processes are tracking all the items necessary to maximize safety in the areas of operations, maintenance, training, inspections, and employee testing. While the Safety review Program does not evaluate the actual physical conditions of the transit system, the safety management practices are evaluated to help determine if its own System Safety Management Program is up to the accepted, contemporary standards.

Transit systems participating in the APTA Safety review Program will be expected to ensure that all the items contained in the "Checklist" portion of this document have been incorporated into their respective System Safety Program Plans. However, as it is fully realized that each system is somewhat unique and that respective System Safety Program Plans must allow for the characteristics of each system, this document does not prescribe an absolute format for System Safety Program Plans. Rather, it offers a suggested format along with the type of methodology that will accomplish the purposes of system safety. The final choice of methodology to ensure that these checklist items are accomplished will rest with each respective transit system. The methodology must, however, be demonstrable from a safety compliance assessment perspective and properly documented by the system.

It should be emphasized that the Foothill Transit System Safety Program Plan establishes the Safety philosophy of the entire organization and provides the means for implementation. A System Safety Program Plan could be implemented to:

- Establish a safety program on a system-wide basis;
- Provide a medium through which a property can display its commitment to safety;
- Provide a framework for the implementation of safety policies and the achievement of related goals and objectives;
- Satisfy federal and state requirements;
- Meet accepted industry guidelines and safety compliance assessment provisions; and
- Satisfy self-insurance provisions.

In order for this safety review to be effective the ensuing results must be used for positive, all-encompassing corrective actions. This does not occur if the safety review report is not an official document that is automatically provided to all appropriate levels of management. Various techniques such as safety review coordination meetings and management briefings can be used to make the process as unobtrusive as possible while still providing valuable input to each respective department being safety reviewed, as to areas of concern and possible safety improvements. No matter which method is chosen, it is important to design the process so it is construed as a positive force in the organization.

The safety review process is only a management tool that provides assistance in discovering possible problem areas. By itself, it should not be considered an internal regulatory or decision-making process. Final authority for all decisions always rest within the management structure as prescribed by the individual organization.

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**SAFETY REVIEW SUMMARY**

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The effort of Foothill Transit to achieve a strong degree of program implementation in all areas of system operation is due to the effectiveness of its management, and a strong commitment to voluntarily comply with all safety recommendations. All departments are encouraged to continue their efforts toward further developing and maintaining the elements of the Foothill Transit System Safety Program.


The safety review team found many of the essential elements of the Foothill Transit Safety Program Plan to be developed. Management is aware of the safety goals and objectives stated in the System Safety Plan; however, Foothill Transit is encouraged to continue the system wide implementation of all safety programs. Foothill Transit should continue to focus on the development of its SSPP; Training Programs; Configuration Management; Operator Rule Book; Job Hazard Analysis Updates; Procedures Review and Development and Internal safety review Program.

The safety review team verified, through documentation, the effective implementation of programs such as Management Goals and Objectives; Security Program Development; Maintenance Inspections; Contractor Oversight; Rules Compliance Reviews, Hazard Analysis, Data Trend Analysis; Interdepartmental and Interagency Coordination; Emergency Management Planning and Employee Safety.

Foothill Transit is commended on continuing efforts to improve system safety through route hazard analysis; MPACT process; operator ride program; mystery ride program. SCAT accident investigation program; new hire mentor program; emergency evacuation drills; departmental information analysis processes; asset management programs; expansion of video surveillance systems and safety and security awareness initiatives.

The safety review team expresses sincere gratitude for the assistance and cooperation afforded by the entire Foothill Transit staff and congratulates the Foothill Transit on a very successful safety review.


**August 2017 – BSMAP**

<b>AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BUS SAFETY MANAGEMENT PROGRAM</b>			
	<b>CONTROL: Foothill Transit 777-888</b>	1	<b>DATE OF SAFETY REVIEW August 15 – 18, 2017</b>
<b>FINDINGS AND OBSERVATIONS</b>		<b>SUPPLEMENTAL FORM</b>	

**GENERAL**

**Note:** This "General" section is intended to provide basic guidelines and/or a summary of findings as may apply to several areas of Foothill Transit. Please refer to the departmental pages that follow for additional details applicable to specific areas of responsibility.

1. The leadership of Foothill Transit demonstrates a strong commitment to safety and continual improvement. This is demonstrated by its participation in the APTA Bus Safety Management Audit Program. APTA commends Foothill Transit for participating in the Bus Safety Management Audit Program.
2. Within the Executive Summary, Mission Statement, and Transit Values of the Foothill Transit Business Plan and Budget for FY 2017-2018 it clearly states that safety is the number one priority. APTA commends Foothill Transit for its commitment to safety.
3. Foothill Transit does not have a written System Safety Program Plan, but their safety culture is visible. Management leads by example and visibly demonstrates its commitment to safety by starting the week with an all hands meeting and a safety message. APTA commends Foothill Transit for this commitment to safety.
4. Foothill Transit leads their Board Meetings with a safety message. Again, demonstrating a visible commitment to safety. APTA commends Foothill Transit for this commitment to safety.
5. Foothill Transit uses several performance indicators to evaluate Foothill Transit's achievement of its annual established goals. "Operate a Safe Transit System" is #1. Their target is .70 Preventable accidents per 100,000 miles. APTA commends Foothill Transit for having a safety goal and making it prominent part of the Business Plan.
6. Foothill Transit is a small transit agency that operates 38 routes from two (2) garages. Bus service is contracted and operated by Transdev and Keolis. APTA reviewed contract language and it is very thorough and detailed. The contract very clearly states that the contractor is responsible for the safety and security of the passengers and the Facilities and Equipment provided by Foothill Transit for the Contractor's use. The contract also states that System Security and Emergency Preparedness Plan is required. APTA commends Foothill Transit for clearly stating the responsibility of the contractors in their contracts.
7. The Customer Service and Operations Department is responsible for providing oversight of the two contractors. The department has a Quality Assurance section that conducts various maintenance and operation checks to ensure safe and quality service. APTA acknowledges this quality oversight measure.
8. Management communication between the contractors is "top and bottom" and is provided through Vital Factors monthly meeting. There is a strong emphasis on being a partner and working together to provide safe, courteous and quality service. APTA commends Foothill Transit for this effort.

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**GENERAL (cont'd)**

9. Foothill Transit is in the process of replacing their outdated CAD AVL system. Foothill Transit will outfit the entire bus fleet with updated data tracking and customer information equipment as well as replacement of the equipment located at both operations and maintenance facilities and the administrative offices. APTA commends Foothill Transit for this effort.
10. Foothill Transit has a very well planned bus replacement program. They will be replacing CNG and electric buses that have accumulated over 500,000 miles in service when they are replaced. They will be replaced with new CNG and electric buses. APTA commends Foothill Transit for this effort.

**Needs Improvement**


11. Foothill Transit does not have a written Safety Management Plan. A written Safety Management Plan should be developed with the following 4 components: 1. Safety Management Policy 2. Safety Risk Management 3. Safety Assurance 4. Safety Promotion. This follows Public Transportation Agency Safety Plan (49 U.S.C. Part 673) Rule.



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### TRANSDEV AND KEOLIS - JOINT EFFECTIVE PRACTICES

1. Both Keolis and Transdev are private sector transportation providers who have exemplary corporate run safety programs. Both locally managed operations at the two yards. Keolis in Pomona and Transdev in Arcadia, use the safety program administered from their respective corporate offices. Although program consistency is an important aspect of each corporate safety program, local management is given some autonomy regarding how they run their safety program (i.e. promotion, incentives). That being recognized, the practical workings of each safety enterprise are similar, albeit varying managerially between the two yards. Both transportation providers:
  - Use metrics to determine acceptable safety performance at each yard.
  - Conduct regularly scheduled safety meetings where employees can air unresolved safety concerns to the attention of management.
  - Have safety committees comprised of management and bargaining unit employees who review accidents and injuries. Trends, hazard identification, recommendations for abatement of hazards and site facility inspection results are also reviewed.
  - Solicit feedback and suggestions from employees and make safety recommendations to management regarding preventative and corrective actions.
2. Employ and Accident Review Board comprised of two management and bargaining unit representatives to determine accident preventability. Should a tie vote result in the determination, a jointly selected law enforcement officer with the appropriate training is used to break the tie. National Safety Council guidelines used to make that determination.
3. Both Keolis and Transdev have very good experience tested new Operator training programs with curriculum based on national training standards including classroom and Behind the Wheel (BTW) hours; conducted and documented all-inclusive road evaluations on each employee before the employee is released to revenue service and an additional evaluation within thirty days after his or her release from training into revenue service.
4. Management at both yards can terminate employees following a preventable accident depending on frequency and severity.
5. Employees who have a preventable accident must attend post-accident training prior to returning to duty.
6. To be considered and to remain a classroom and Behind the Wheel Trainer for new Operators. Trainers must meet rigorous minimum qualifications:
  - At least one-year experience in a transit Operator position
  - A very good attendance record, usually no more than one unexcused absence in the previous six months. An excellent customer service record
  - No preventable accidents or work related within the previous twelve months.

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**TRANSDEV AND KEOLIS - JOINT EFFECTIVE PRACTICES (CONT'D)**

- 7. After selection, the new trainer must satisfactorily complete all required BTW and classroom education components. In addition, BTW Trainers are evaluated annually by qualified Supervisors.

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### TRANSDEV - EFFECTIVE PRACTICES

1. Transdev has a written Transit System Security & Emergency Preparedness Program Plan (TSSEPPP). The plan was reviewed and it is complete and documents Arcadia processes and procedures that ensure compliance with standards and guidelines for all emergencies. APTA commends Transdev for a well written TSSEPPP.
2. Transdev has written Safety Policies and Procedures. The document was reviewed. The policies and procedures establish minimum standards of conduct, monitoring methods and reporting and record keeping requirements and communicate how Transdev and its employees will comply with or exceed applicable safety regulations. APTA commends Transdev for having well written safety policies and procedures.
3. Transdev has excellent corporate administered safety programs. For example, D.R.I.V.E Weekly Safety Tips. **Dedication** to Safety is everyone's responsibility. We must watch out for our co-workers. **Requirements** that everyone must follow in order for us to achieve Safety. **Instructions** on safety and training to prevent accidents and injuries is a key. **Value** impacts the safety of every Transdev employee, passenger and the general public. **Equipment** is an essential part to completing our mission. All tools and equipment must be maintained to ensure safety.
4. Transdev has strong corporate administered safety programs. APTA acknowledges Transdev for the administered safety programs from corporate.
5. Transdev has a monetary driven team safety incentive program comprised of eleven teams including supervision and Operators. At the end of the calendar quarter prior to the APTA safety assessment, \$13,000 had been paid to qualifying team members in monetary incentives. APTA commends the safety incentive program.
6. Transdev investigates all employee injuries that occur due to adverse behavior and can result in discipline. APTA acknowledges this practice.
7. Transdev has a Light Duty Program that is managed by Transitional Work Solutions. The company places injured employees in a program compliant with the injured employee's restrictions. Participation in the program cannot exceed 90 days. If the employee refused participation in the program, the employees Worker Compensation TTD benefits are curtailed. APTA commends Transdev for their Light Duty Program.
8. All Transdev locations including the Arcadia location receive an on-site annual safety audit from their corporate office. The audits produce detailed action plans for which managers are held accountable. APTA acknowledges this practice.
9. The Arcadia yard uses a Transdev nationwide shared database called "WebRisk" in which all accident and injury data is entered using prescribed and consistent procedures. The entered data allows for safety performance to be compared to comparable locations for the development of improvement plans. APTA commends Transdev for using the nationwide shared database to track accident and injury data.

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**TRANSDEV - EFFECTIVE PRACTICES (CONT'D)**

8. The corporate driven safety initiative, “300:29:1” is also used at the Arcadia Yard. It is based on the long-held safety principle that for every 300 unsafe behaviors performed, there are twenty-nine minor accidents and one serious accident. The program focuses employee attention on identifying and eliminating the small, unsafe acts that can accumulate and can lead to an accident. APTA commends Transdev for commends this practice.

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**KEOLIS - EFFECTIVE PRACTICES**

1. At the time that the audit was conducted at Foothill Transit, Keolis had only obtained the transit service contract at Foothill's Pomona Yard on July 1, 2017. This made doing a more systematic assessment of the property's locally managed safety program somewhat problematic. This being recognized, local management proactively implemented an eight-hour training program for all employees.
2. Upon assuming the contract, it was learned that eight employees were on administrative light duty with medical restrictions due to work related injuries. Immediately, local management obtained the services of a medical provider developing a three-way exchange of information between management, the injured employee and the medical facility. At the time of the APTA audit only one employee was on light duty performing administrative tasks. APTA commends Keolis for managing the light duty program and returning employees back to work.
3. DriveCam<sup>®</sup> is a tool used by Keolis that combines video based coaching by local management to Operators that contains predictive analytics to reduce unsafe driving behaviors before a collision occurs. APTA commends Keolis for using Drive Cam on their buses.
4. After an evaluation of the location's existing safety program, the safety management discovered a trend involving passenger falls resulting in personal injury claims. Further investigation discovered that the primary cause was due to bus acceleration before some passengers were seated. Subsequently, a special emphasis program was promoted and implemented that curtailed the trend. APTA commends Keolis for quickly identifying the trend and initiating action.
5. Keolis has a Corporate Policy and Procedures for Safety, Claims & Risk Management. The policy and procedures has a Safety Policy signed by the President and Chief Executive Officer of Keolis Transit America. The document was reviewed and was complete and demonstrates their commitment to safety. APTA commends Keolis for having a written Corporate Policy and Procedures for Safety, Claims & Risk Management.

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit		Auditors: Robert Torres and Bill Kessler		COMPONENT 1: SAFETY POLICY & PROCEDURES	
Checklist					
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
1.1	Safety Plan developed <ul style="list-style-type: none"> <li>Approved and signed by CEO/GM/Board</li> <li>Represents updates to the Strategic Safety Plan and current Mission, Vision, Values</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
	Safety Plan reviewed annually (minimum) and updated as needed	4		Agency has not developed SSPP due to usage of contractor partners	
1.3	Safety Plan communicated throughout the organization	4		Agency has not developed SSPP due to usage of contractor partners	
1.4	Safety Policy clearly stated, disseminated, and applied <ul style="list-style-type: none"> <li>Reviewed periodically</li> <li>Incorporated in training</li> <li>Establishes safety as a core value</li> <li>Communicated throughout the organization / open input process</li> <li>Departmental management Stakeholders the primary plan author</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.5	Authority outlined for the development of the Safety Plan and Department Safety Plans <ul style="list-style-type: none"> <li>Supported by legal, financial, political and regulatory resources to meet plan objectives</li> <li>Exceeds minimum regulatory requirements</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.6	Authority / responsibility for implementing Safety Plan defined <ul style="list-style-type: none"> <li>Interface between Agency and contract services defined</li> <li>Any external Operating/Maintenance Agreements or MOUs establish safety and security roles</li> </ul>		2	No Safety Plan has been developed by Foothill, but services are included in agreement with contractors.	
1.7	SP purpose: <ul style="list-style-type: none"> <li>Identifies organizational safety philosophy</li> <li>Meets regulatory requirements</li> <li>Meets industry standards/ audit provisions</li> <li>Employee involvement at all levels with safety plan development and implementation</li> <li>Initiates a risk based systems approach to safety management and safety engineering</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.8	Establish a positive safety culture: <ul style="list-style-type: none"> <li>Processes established to promote a proactive safety culture as an organizational core value.</li> <li>Reporting Culture, Just Culture, Flexible Culture, Learning Culture</li> <li>Organization proactively fosters open communications to discuss safety</li> <li>Means to measure effectiveness of safety culture established (assessments, surveys, focus groups, etc.)</li> <li>Organizational commitment to continuous improvement</li> </ul>		1		


## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements - with Continuous Improvement Opportunities
- 3 - Non-conformance. Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

<b>APTA BUS SAFETY MANAGEMENT PROGRAM</b>		<b>CONTROL: 777-888</b>		<b>DATE OF REVIEW</b> August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		<b>COMPONENT 1:</b> <b>SAFETY POLICY &amp; PROCEDURES</b>		Checklist	
<b>ITEM</b>	<b>ITEM DESCRIPTION</b>	<b>S</b>	<b>M</b>		
1.9	SP scope identifies: <ul style="list-style-type: none"> <li>• Safety policies needed to support the SP</li> <li>• Framework for implementation of safety policies and related goals and objectives</li> <li>• An organizational commitment to continuous improvement in safety</li> <li>• Implementation process, achieving a positive safety culture and ongoing assessment of effectiveness of safety culture</li> <li>• Involvement of employees at all levels via committees or other means with safety plan development and implementation</li> <li>• Process in place to allow safety concerns to be reported in a non-punitive manner with feedback/follow-up to employees provided by management</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.10	Relationship of system safety process to operational risk defined <ul style="list-style-type: none"> <li>• Departments aware of responsibilities for the implementation of SP</li> <li>• Safety definitions included and/or referenced where applicable</li> <li>• Plan disseminated to all departments</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	

STATUS COLUMN DEFINITIONS:


- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Unsubstantiated Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

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 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 1: SAFETY POLICY & PROCEDURES		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
1.11	Safety Program goals and objectives are clearly stated <ul style="list-style-type: none"> <li>• Long-term, with broad and continued relevance</li> <li>• Meaningful with specific/desired results identified</li> <li>• Achievable</li> <li>• Integrated with corporate mission vision and values</li> <li>• Are properly specific and endorsed by management</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.12	Role of each department/division identified in the attainment and support of overall goals and objectives <ul style="list-style-type: none"> <li>• Safety Action Plan developed and implementation monitored for effectiveness</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.13	Objectives of Plan are clearly stated and include performance measurements <ul style="list-style-type: none"> <li>• Quantifiable, using proper scales or values as KPIs</li> <li>• Performance appraisal systems evaluate safety performance</li> <li>• Policies disseminated to all employees</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.14	Roles, responsibilities and authorities are defined <ul style="list-style-type: none"> <li>• Internal and external safety communications/feedback on effectiveness and implementation</li> <li>• Status reports to top management as part of regular meetings</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.15	Policies/procedures for implementation of Safety Plan objectives and accountability <ul style="list-style-type: none"> <li>• Updates established and tracked</li> <li>• Policies disseminated to all employees</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.16	Roles, responsibilities and authorities are defined <ul style="list-style-type: none"> <li>• Key positions at senior management level including the accountable Executive and Chief Safety Officer as applicable</li> <li>• Independent authority in reporting to GM/CEO</li> <li>• Agency key management staff having responsibilities for the development and application of the SP are defined</li> <li>• Committee membership and Charter defined</li> <li>• Relationship of transit system to local/outside jurisdictions</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
1.17	Documented strategic planning/review process for updating, correcting and modifying Safety Plan based on feedback on effectiveness of processes <ul style="list-style-type: none"> <li>• Process and frequency of review established to include an annual review (minimum)</li> <li>• Change/modification/approval procedure described</li> <li>• Interdepartmental / Inter-agency coordination established</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	

## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - (Efficient Practice) (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunities
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)



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		Client Member: Foothill Transit		Checklist	
Auditors: Robert Torres and Bill Kessler		COMPONENT 2: SAFETY RISK MANAGEMENT			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
2.1	Hazard Management SOP/documented process in place: <ul style="list-style-type: none"> <li>Hazard identification / analysis / resolution methods established</li> <li>Specialized areas of Hazard Management practiced (fire, security, collision, JHA/JSA, PPE, health, environmental etc.)</li> <li>Mitigation process applied throughout system lifecycle</li> <li>Scheduled program reviews conducted to determine effectiveness of procedures and to detect changes in frequency or severity ratios.</li> <li>Coordination with all safety processes established including inspections, audits, customer reports, post-accident investigations, loss control reports, etc.</li> <li>Method established to analyze and perform trend analysis of information gathered (lessons learned, KPIs, regional crime data, state of good repair, etc.)</li> <li>Training provided on hazard management</li> <li>Human factors are included in analysis of hazards to identify safe behaviors and potential areas for human error occurrences</li> <li>Training provided on hazard identification, analysis, and controls</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
2.2	Procedures on Corrective Action Plans developed and documented: <ul style="list-style-type: none"> <li>Method for tracking "open" items to closure</li> <li>Open items are ranked, prioritized, and scheduled for actions toward resolution</li> <li>Assigned responsibility for mitigations and performance review</li> <li>Completion is formally accepted</li> <li>Historical files on "closed" hazards maintained</li> <li>Routine evaluations performed to determine status of hazards</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
2.3	Applying Risk Based Analysis solutions to engineering, management process, and human error prevention: <ul style="list-style-type: none"> <li>Risk based processes are used effectively</li> <li>Re-evaluation performed (new equipment, new procedures, post-accident, etc.)</li> <li>Risk analysis embedded in the safety culture to target high consequence events</li> <li>Controls are appropriate for hazards and established with measurable safety margins (alert when drifting toward failure)</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
2.4	Hazard Identification <ul style="list-style-type: none"> <li>Process established to identify, report, and document hazards including hazard consequences</li> <li>Method established to perform trend analysis of information</li> <li>Method established to assess safety data provided by regulators</li> </ul>		3	A hazard identification process is in place for Foothill and its contractors but there is no SSPP.	

## STATUS COLUMN DEFINITIONS:


- 1 – **Conforms with Safety Plan Requirements – Effective Practice (See S F)**
- 2 – **Conforms with Safety Plan Requirements with Comments/Improvement Opportunities**
- 3 – **Non-conformance; Improvement Needed (See S F)**
- 4 – **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

	Client Member: Foothill Transit	<b>COMPONENT 2: SAFETY RISK MANAGEMENT</b>	Checklist
	Auditors: Robert Torres and Bill Kessler		

ITEM	ITEM DESCRIPTION	S	M	REMARKS
2.5	Risk Evaluation and Categorization <ul style="list-style-type: none"> <li>Formal / Informal analysis methods established and documented</li> <li>Risk severity and probability assessed through a predetermined matrix</li> <li>Risk mitigation process defined and applied throughout the system lifecycle</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners
2.6	Hazard Tracking and Resolution <ul style="list-style-type: none"> <li>Establish methods and processes to identify mitigations or strategies to reduce the likelihood and severity of consequences identified from agency risk assessments</li> <li>Resolution methods documented and reviewed</li> <li>Use of consolidated hazard log</li> <li>Routine evaluations performed to determine the status of documented hazards</li> <li>Historical files on "closed" hazards maintained</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners
2.7	Tracking Open Items List <ul style="list-style-type: none"> <li>Method established to track open items to closure do not allow duplicates or loss of data</li> <li>Open items are ranked, prioritized, and scheduled for actions leading to resolution</li> <li>Responsibility assigned for mitigation actions</li> <li>Status reviewed to ensure appropriate closure and schedule adherence</li> <li>Completion is formally accepted with or without residual risk</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners


STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - (Best Practice (See S.F.))
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

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 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.1	Documented policy/process in place for investigating accidents <ul style="list-style-type: none"> <li>• Accident investigation criteria established for employees, contractors and passengers</li> <li>• Accident investigation criteria established for Occupational and Operational accidents</li> <li>• Significant Event (Near-miss) policy documented</li> <li>• Post-accident critique conducted</li> <li>• Post-accident drug and alcohol testing procedures applied</li> <li>• Field reports prepared and verified with proper sign-off</li> <li>• Supervisor report on cause and corrective action reviewed by management</li> <li>• Hazard analysis performed based on accident cause(s)</li> </ul>		2	Contractor provides with the exception of hazard analysis.	
3.2	Training provided on basic accident investigation procedures / techniques <ul style="list-style-type: none"> <li>• General training provided to all employees on occupational accidents</li> <li>• Specialized training provided for operational accidents</li> <li>• Advanced training provided for designated investigators including Human Factors investigation procedures</li> <li>• Retraining and refresher training offered</li> </ul>		3	Contractor provides with improvement needed in: <ul style="list-style-type: none"> <li>• Specialized training provided for operational accidents</li> <li>• Specialized training provided for operational accidents</li> <li>• Advanced training provided for designated investigators including Human Factors investigation procedures</li> </ul>	
3.3	Internal/External notification procedures established <ul style="list-style-type: none"> <li>• Documented with SOPs/PIs</li> <li>• Protocol clearly defined for reporting to government agencies and internally</li> </ul>		4	Agency has not developed SSPP due to usage of contractor partners	
3.4	Documented and accurate completion of accident forms by employees <ul style="list-style-type: none"> <li>• Protocols and training provided for employees assigned to complete reports</li> <li>• Lessons learned are documented and communicated throughout the organization</li> <li>• Additional training considered where human error and procedural error are identified</li> <li>• Accident trend analysis is performed and disseminated and incorporated as applicable within agency training programs</li> </ul>		3	Contractor provides with improvement needed in: <ul style="list-style-type: none"> <li>• Lessons learned documented and communicated throughout the organization</li> <li>• Accident trend analysis is performed and disseminated and incorporated as applicable within agency training programs</li> </ul>	


## STATUS COLUMN DEFINITIONS:

- 1 - A contractor meets all applicable Regulatory and/or Best Practice (See S.F. 1)
- 2 - Complies with Safety Plan Requirements and Continuous Improvement Opportunity
- 3 - Non-conformance, Improvement Needed (See S.F. 1)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.1	Responsibilities defined for providing, receiving, processing, analyzing, report and disseminate safety data. <ul style="list-style-type: none"> <li>Employee / contractor / customer accidents</li> <li>Vehicle accidents</li> <li>Regulatory / safety hazard reports generated and maintained internally and externally</li> <li>Near Miss / Close Call data actively pursued</li> <li>Benchmarking process in place</li> <li>Lessons learned programs used effectively</li> </ul>	3		Contractor provides with improvement needed in: <ul style="list-style-type: none"> <li>Near Miss / Close Call data actively pursued</li> <li>Benchmarking process in place</li> <li>Lessons learned programs used effectively</li> </ul>	
3.6	Safety data collection and reporting (tracking / trend analysis and data interpretation). <ul style="list-style-type: none"> <li>Corrective actions documented</li> <li>Trend analysis performed</li> <li>Process in place for evaluating effectiveness</li> <li>Information Systems / Technology support functions defined</li> </ul>	3		Contractor provides with improvement needed in all areas.	
3.7	Key Performance Indicators for Safety and Security identified: <ul style="list-style-type: none"> <li>Safety performance targets and metrics are developed to assess safety performance and disseminated appropriately</li> <li>Units of measure appropriate (leading vs. lagging)</li> <li>Measurement tied to departmental objectives and performance appraisal system</li> <li>Corrective action assessed for effectiveness</li> <li>Top management using data to lead organization &amp; in decision making in support of the safety continuous improvement process</li> </ul>	3		Safety performance indicators are used by all parties, but additional units of measuring safety performance need to be developed by Foothill for transference to contractors.	
3.8	Risk Management Plans / Procedures adopted for Loss Prevention and Control: <ul style="list-style-type: none"> <li>Business Continuity of Operations Plan</li> <li>Disaster Recovery Plan</li> <li>Integration and collaboration with other departments to manage organizational risk</li> <li>Means of mitigating operational risk to as low as reasonably practicable</li> </ul>	3		Foothill needs to develop the following: <ul style="list-style-type: none"> <li>Business Continuity of Operations Plan</li> <li>Disaster Recovery Plan</li> </ul>	


## STATUS COLUMN DEFINITIONS:

- 1 – Conforms with Safety Plan Requirements (Effective From 8/15/17-8/18/17)
- 2 – Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 – **Non-conformance, Improvement Needed (See S.F.)**
- 4 – **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.9	Change management process is documented and utilized. <ul style="list-style-type: none"> <li>Identifies all stakeholders, including safety, in decisions affecting safety critical elements.</li> <li>Tied to the hazard management process</li> </ul>		3	Foothill does well in preparing, equipping and supporting employees regarding organizational success and outcomes. It needs to apply the same to produce a robust SSPP.	
3.10	Change Control Process <ul style="list-style-type: none"> <li>Change review and control procedure established</li> <li>Authority for making configuration changes and process to incorporate changes defined</li> <li>Schedule for implementation of changes</li> <li>Incorporated into Document Control</li> </ul>		2	Foothill's change control process is noteworthy but needs additional attention in the area of document control (safety) set in motion by its Special Projects Manager.	
3.11	Standards/Design Control <ul style="list-style-type: none"> <li>Safety and Security Design Criteria manual developed</li> <li>Include deviations or waivers from regulatory requirements</li> <li>If no standards exist for safety critical processes/equip. reference design criteria and controls and retain documentation</li> </ul>		4	Agency has not developed SSPP due to usage of contractor partners	
3.12	System Modification Process <ul style="list-style-type: none"> <li>Policy documents scope and responsibilities</li> <li>Control authority established for procedures, practices, facility, equipment, systems, manuals, rules, etc.</li> <li>Procedures for making configuration changes to the components, processes and practices found on the safety critical items list</li> <li>Demonstration or pilot projects managed</li> <li>Acceptance and sign-off/approval includes safety/security</li> <li>Incorporated into Document Control</li> </ul>		3	Improvement needed in most if not all areas regarding this sub-element.	
3.13	Quality Assurance / Quality Control Process <ul style="list-style-type: none"> <li>Quality Policy documented</li> <li>Authority and responsibility for QA / QC defined</li> <li>Quality management standard adopted (ISO or other)</li> <li>Inter-department coordination identified</li> <li>Process controls established</li> <li>Training and qualifications of staff documented</li> <li>Inspection, test, and non-conformance procedures followed</li> </ul>		1	May have one the best organizational QA programs as it pertains to the transit industry due to its unique usage of dual contractors for transit service.	


## STATUS COLUMN DEFINITIONS:

- 1 - Continues to meet Safety Plan Requirements - Effective Practice (See S.F. 4)
- 2 - Complies with Safety Plan Requirements with Continuous Improvement Opportunities
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
	Client Member: Foothill Transit	COMPONENT 3: SAFETY ASSURANCE		Checklist	
	Auditors: Robert Torres and Bill Kessler				
		S	M		
3.14	Document Control Program <ul style="list-style-type: none"> <li>• Document life cycle management policy/procedure</li> <li>• List established of safety critical documents to be controlled</li> <li>• Established procedure for review, approval, and issuance of new and revised controlled documents</li> <li>• Identification of changes and revisions (change page)</li> <li>• Identification and control of external documents, e.g. vendor supplied documents, technical change bulletins.</li> <li>• Prevent unintended use of obsolete documents</li> <li>• Access controls for viewing, copy, distribution, removal</li> <li>• Digital content management</li> <li>• Document retention / destruction procedures</li> </ul>			3	Needs additional attention in the area of document control (safety) set in motion by its Special Projects Manager but not finished.
3.15	Safety & Security Certification Plan documented and reviewed by management <ul style="list-style-type: none"> <li>• Safety &amp; security committees (SSRC, FLSSC, etc.) established for all new starts and extensions</li> <li>• Certifiable elements identified (SCIL)</li> <li>• Design and construction conformance</li> <li>• Test and verification plan</li> <li>• Hazard tracking in place</li> <li>• Formal certification steps documented with sign-off</li> <li>• Open items reviewed</li> </ul>			4	Agency has not developed SSPP due to usage of contractor partners
3.16	Safety & Security Certification applied to new starts, extensions, and major system modifications			4	Agency has not developed SSPP due to usage of contractor partners. Security is supplied by law enforcement in the communities that they provide service.


## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - (All items Positive (See S F))
- 2 - Conforms with Safety Plan Requirements with Outstanding Improvement Opportunities
- 3 - Non-conformance; Improvement Needed (See S F)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.17	Safety audit program established and documented to ensure all organizational elements, equipment, procedures, and functions are performing as intended from a system safety perspective <ul style="list-style-type: none"> <li>• Internal audit procedure developed/implemented</li> <li>• Audit schedules established/followed</li> <li>• Checklists prepared and distributed to operating units</li> <li>• Training provided to audit staff</li> <li>• Effective Practices identified</li> <li>• Program deficiencies/potential hazards and weaknesses identified</li> <li>• Corrective actions identified/tracked for closure</li> <li>• Improvement recommendations made to system safety program</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
3.18	Key elements of the organization are identified by top management for achievement, recognition, or awards. <ul style="list-style-type: none"> <li>• Internal programs</li> <li>• Industry recognition</li> </ul>	3		Needs development.	
3.19	Management Review Process <ul style="list-style-type: none"> <li>• Top level management/corporate commitment and structure to oversee inputs and outputs</li> <li>• Formal documented review process</li> <li>• Assess internal and external audit findings/key performance indicators to organizational goals</li> <li>• Action plans used to track and verify status of improvements identified in assessment reports</li> <li>• Follow up meetings held between management staff to discuss individual audit findings</li> <li>• Review organizational philosophy (mission, vision, values) and adjust strategic plan for safety improvement</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
3.20	Document control established for internal audit program, including recommendations and follow up actions	3		Needs development.	

## STATUS COLUMN DEFINITIONS:


- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.21	Inspections conducted on a regular basis <ul style="list-style-type: none"> <li>• Checklist of items to document inspection</li> <li>• Tools and equipment included in inspection process</li> <li>• Frequency of inspections detailed</li> </ul>		3	Needs development by contractors with documents forwarded to Foothill.	
3.22	Inspections tracked, including work orders and findings/recommendations (quality assurance) <ul style="list-style-type: none"> <li>• Supervisor spots checks of inspections (quality control)</li> <li>• Tracking performed on repairs with trends / follow-up established</li> </ul>		1		
3.23	Systems Maintenance Plan <ul style="list-style-type: none"> <li>• State of good repair identified</li> <li>• Deferred Maintenance policy documented</li> <li>• Formalized process for controlling workarounds</li> <li>• Shift turn-over process documents safety status</li> <li>• Calibration program</li> <li>• Other system processes defined</li> </ul>		3	Contractor provides with improvement needed in: <ul style="list-style-type: none"> <li>• Formalized process for controlling workarounds</li> <li>• Shift turn-over process documents safety status</li> <li>• Calibration program</li> </ul>	
3.24	SOPs, PIs and/or Directives developed for employee tasks <ul style="list-style-type: none"> <li>• Integrated with JHA/JSA</li> <li>• Based on industry standards</li> <li>• Job safety briefings conducted</li> </ul>		3	Contractors should be responsible for compliance of this element with oversight by Foothill.	
3.25	Formalized training for employee tasks documented. <ul style="list-style-type: none"> <li>• Licenses/certifications obtained</li> <li>• System in place to track employee training</li> <li>• Vendor training documentation reviewed / approved</li> </ul>		2	Contractors do provide training but this element should be included in the annual audit to assure compliance.	
3.26	Safety meetings conducted/audited <ul style="list-style-type: none"> <li>• Attendance sheets maintained/frequency noted</li> <li>• Minutes/summaries prepared</li> <li>• Status reports sent to senior management</li> </ul>		2	Contractors conduct meeting but minutes to be forwarded to Safety Compliance.	
3.27	Procurement and System Maintenance inspections (Scheduled QA/warranty inspections/surveillance): <ul style="list-style-type: none"> <li>• In-house / contracted overhauls, maintenance, and repairs</li> <li>• Reports generated/document control established, including sign-off authority</li> <li>• Corrective actions documented and tracked to closure</li> <li>• Guidelines for OEM/after-market parts &amp; equipment</li> <li>• Protocols for procurement, warranty, and system maintenance</li> </ul>		1		

## STATUS COLUMN DEFINITIONS:


- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunities
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)



APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.35	Checklist and schedule for conducting inspections of: <ul style="list-style-type: none"> <li>Vehicles (revenue/non-revenue)</li> <li>Tools &amp; equipment (forklifts, safety equipment)</li> <li>Plant equipment (in ground lifts/fire suppression systems)</li> </ul>	1			
3.36	Vehicle Calibration program in place <ul style="list-style-type: none"> <li>Precision instruments identified within program</li> <li>Tools and instruments tagged/marked</li> <li>Calibration tests documented</li> <li>Expiration date tracking process used</li> <li>Formal procedure to remove/destroy out of spec tools</li> </ul>	1		Note: Assure that equipment used to calibrate tools and instrument has been calibrated with appropriate documentation available for annual audit.	
3.37	Formalized training program/policy for Vehicle employee tasks <ul style="list-style-type: none"> <li>License /certifications</li> <li>System to track employee training</li> <li>Notification established for training/re-training needs</li> <li>On-the-Job training (OJT) documented</li> <li>Evaluations conducted for students and instructors</li> </ul>	2		Foothill needs documentation provided by contractors as it pertains to tracking all employee training. This should be a key element as a part of the annual audit.	
3.38	Written work instructions or verbal task assignments include job safety briefing <ul style="list-style-type: none"> <li>JSA/JHA conducted for routine assignments</li> <li>Employees assigned are trained and competent</li> </ul>	2		JSAs/JHAs need to be conducted for routine assignments. At a minimum should verbal task assignments include job safety briefing.	
3.39	Vehicle Procurement and System Maintenance Inspections (Scheduled QA/warranty inspections/surveillance): <ul style="list-style-type: none"> <li>In-house/contracted overhauls, maintenance, and repairs</li> <li>Reports generated/document control established, including sign off authority</li> <li>Corrective actions documented and tracked to closure</li> <li>Guidelines for OEM/after-market parts &amp; equipment</li> <li>Protocols for procurement, warranty, and system maintenance</li> </ul>	1			
3.40	Vehicle SOPs/PIs or directives for testing repaired equipment (quality assurance) <ul style="list-style-type: none"> <li>System established to identify items that need repair (safety critical)</li> <li>Supervisor spot checks of repaired items</li> <li>References made to supporting documentation</li> </ul>	2		Assure that it is included in SSPP the requirement to identify items that need repair (safety critical).	


## STATUS COLUMN DEFINITIONS:

- 1 - Fully Compliant with Safety Plan Requirements (License Plates 4872 X 1)
- 2 - Complies with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance, Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.41	Vehicle System modification review and approval process documented on new or modified/updated equipment <ul style="list-style-type: none"> <li>• Training for maintenance staff</li> <li>• Maintenance manuals provided</li> <li>• Safety critical documents/elements identified</li> <li>• Exception monitoring in place</li> <li>• Approval/sign-off obtained</li> <li>• Engineering coordination established</li> </ul>	1			
3.42	Vehicle Change control/documentation process utilized <ul style="list-style-type: none"> <li>• Safety certification</li> <li>• Quality Assurance/Quality Control</li> <li>• Configuration management</li> </ul>	2		Assure safety certification is a part of the annual audit as it pertains change control and documentation.	
3.43	Vehicle Safety meetings conducted <ul style="list-style-type: none"> <li>• Attendance sheets maintained/frequency noted</li> <li>• Minutes/summaries prepared</li> <li>• Status reports sent to senior management</li> </ul>	2		Assure that attendance sheets and summaries are forwarded to Safety Compliance.	
3.44	Contractors used for maintenance repair <ul style="list-style-type: none"> <li>• SOPs and training on Bus vehicle safety sensitive items</li> <li>• Method in place to monitor contract work</li> <li>• Inspections/acceptance program (QA)</li> </ul>	1			
3.45	Vehicle Asset Management System in place <ul style="list-style-type: none"> <li>• Vehicle assets with safety critical function identified in plan</li> <li>• Frequency of determining service condition</li> <li>• Method of determining acceptable ranges of service condition that support levels of state of good repair</li> </ul>	1		Assure that all vehicle assets with safety critical function identified in the SSPP.	


## STATUS COLUMN DEFINITIONS:

- 1 - Conformance with Safety Plan Requirements / Effective Practice (See S.F.)
- 2 - Conformance with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance: Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.46	Rules and procedures reviewed and kept current <ul style="list-style-type: none"> <li>• Process/schedule established for reviews/updates</li> <li>• Results documented/distributed</li> <li>• Safety and security critical rules and procedures identified</li> <li>• Authority for issuing rules/policies defined</li> <li>• All rules/procedures in effect are held in a central location as controlled documents with copies maintained in each department as needed</li> <li>• Document controls for safety and security critical rules, procedures are incorporated within Configuration Management</li> </ul>		3	Entire element needs attention	
3.47	Administrative procedures in place to assure that safety and security critical rules, procedures, practices are given special recognition and/or precedence over others that may conflict <ul style="list-style-type: none"> <li>• Awareness or promotion programs (posters, bulletins, rule of the day/week, monthly theme, etc.)</li> <li>• Formal method established to allow safety rules or procedures to be challenged and corrected before work begins.</li> <li>• "Whistle Blower" provisions extended to safety and security issues outside normal chain of command</li> </ul>		3	Awareness and promotion programs are being used by contractors. No procedure in place to modify safety rules or procedures, or provisions in place to submit a safety complaint without fear of retaliation.	
3.48	Safety and Security involved in the approval/review of policies, rules & procedures affecting safety, health, fire, environment or security (as appropriate)		2	Foothill Safety Compliance is kept informed by contractors regarding safety rule/procedure changes implemented by contractor.	
3.49	Competency in following safety critical rules and procedures evaluated on an established frequency <ul style="list-style-type: none"> <li>• Training and post-training Ride Checks/Ghost Rider programs for Operating employees</li> <li>• Efficiency/proficiency testing programs in place for safety sensitive duties; evaluations documented and maintained</li> <li>• Failures require additional investigation for root cause and reinstruction or retest to establish correction in knowledge or behavior</li> <li>• Trend analysis performed to monitor program effectiveness</li> </ul>		2	Root cause analysis not used during accident/incident/injury investigation process. Trend analysis needs more data included to increase program effectiveness.	


## STATUS COLUMN DEFINITIONS:

- 1 – Conforms with Safety Plan Requirements (Effective Practices (See S.F.))
- 2 – Conforms with Safety Plan Requirements with Comments (Improvement Opportunities)
- 3 – Non-conformance; Improvement Needed (See S.F.)
- 4 – Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE Checklist	
3.50	Safety critical functions governed by polices, rules or procedures incorporated into hiring, promotion, and succession planning practices <ul style="list-style-type: none"> <li>• Job descriptions</li> <li>• Performance Appraisals</li> <li>• Background checks</li> <li>• Drug/alcohol testing</li> <li>• New employees/Contractors</li> <li>• Transferred and/or promoted employees</li> <li>• Criteria established for physical demands, medical conditions</li> </ul>	1	Contractors utilize all practices within this element.		
3.51	Documented guidelines establish required knowledge and skills needed for adherence to rules, procedures and safe work practices <ul style="list-style-type: none"> <li>• Incorporated within training programs</li> <li>• Competency evaluated in formal employee or contractor performance reviews</li> <li>• Supervisorial and management training and competency measures in place and tracked</li> <li>• Information from JSA/JHAs reviewed and revised as needed</li> <li>• Procedural effectiveness systematically analyzed and reviewed for human factor impacts</li> </ul>	2	The core strength of this element lies in competency evaluated in formal employee or contractor performance reviews. Other sub-elements need improvement.		


## STATUS COLUMN DEFINITIONS:

- 1 – Conforms with Safety Plan Requirements – (Effective Practice) (See S.F.)
- 2 – Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 – Non-conformance; Improvement Needed (See S.F.)
- 4 – Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 3: SAFETY ASSURANCE Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
3.52	Contracting for Services <ul style="list-style-type: none"> <li>Safety plan reviewed as a contract deliverable</li> <li>Safety personnel qualifications established</li> <li>Specifications reviewed for safety/security requirements, roles, and responsibilities</li> <li>Reports provided on safety performance and cite frequency</li> <li>Contractor evaluations documented</li> </ul>		2	Security requirements, roles and responsibilities need added clarification regarding role in overall safety and security presence.	
3.53	Contracting for Infrastructure, Equipment / Materials <ul style="list-style-type: none"> <li>Safety, QA, support documents reviewed</li> <li>Controlled storage/waste disposal; Emergency spill control</li> <li>SDS sheet updates and distribution control</li> <li>Safety department involved in procurement process, when required (i.e., chemicals, safety equipment, etc.)</li> <li>Procurement process policy/procedure referenced where applicable</li> <li>Safety specification review of special/substitute/replacement parts and/or equipment</li> <li>Shelf-life policy coordination</li> </ul>		1		
3.54	Construction Management <ul style="list-style-type: none"> <li>Construction safety plan includes system operational hazards</li> <li>Construction safety manual developed and construction safety training required for management</li> <li>Written stop work policy established for safety critical tasks that pose immediate danger to life or health</li> <li>Scheduled work site safety/security reviews</li> <li>Work site planning formalized (site specific work plans)</li> </ul>		4	Unable to review due to that no construction project has been recently completed nor scheduled.	
3.55	Safety department involved in the procurement process when required (i.e. chemicals, safety equipment) <ul style="list-style-type: none"> <li>Procurement policies and procedures address items identified as safety critical</li> <li>Quality Assurance is in place for safety critical items</li> <li>Items evaluated for HS&amp;E regulatory compliance &amp; industry stds.</li> </ul>		1		
3.56	Procured materials <ul style="list-style-type: none"> <li>Safety critical items identified and QA policies, procedures established</li> <li>Proper storage and shelf life</li> <li>Hazardous materials are properly stored, labeled and handled</li> <li>Obsolescence planning performed to remove or relocate equipment or acquire new technology</li> </ul>		1		

## STATUS COLUMN DEFINITIONS:

- 1 - Confirms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Confirms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance: Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 4: SAFETY PROMOTION Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
4.1	Documented formal program in place for training employees <ul style="list-style-type: none"> <li>• Training policy established</li> <li>• New hires/Contractors/Vendors</li> <li>• On-the-Job Training</li> <li>• Training simulation and/or computer-based training applications</li> </ul>	1		Training simulation not a part of training program.	
4.2	Safety critical training is identified and documented <ul style="list-style-type: none"> <li>• Pass / fail criteria established</li> <li>• Safety critical questions review/verification process established</li> </ul>	1		Pass/fail is not used in the training program.	
4.3	Re-training program: <ul style="list-style-type: none"> <li>• Return to work after long-term absence</li> <li>• Post-accident/multiple accidents</li> <li>• Reclassification of employee</li> <li>• Safety, security &amp; emergency response refresher training</li> </ul>	2		Foothill Safety Compliance should assure that refresher training is being provided by contractors for RTW and post-accident.	
4.4	Trainers/Training program evaluated and periodically reviewed for effectiveness and course content (quality control) <ul style="list-style-type: none"> <li>• Qualification procedures for trainers</li> <li>• Testing program validation established</li> <li>• Test administration controls in place</li> </ul>	3		Contractor implemented testing, validation and administration must be substantiated as part of annual audit.	
4.5	Tracking system to determine when training is due and which training required for each job class at appropriate levels <ul style="list-style-type: none"> <li>• Annual and re cert. training identified and tracked</li> <li>• Amount of training budgeted/completed</li> <li>• Training records centralized and program management established</li> </ul>	2		Training records need to be centralized at Foothill. As part of the annual audit assure that the appropriate amount of training has been completed as budgeted by contractors.	
4.6	Vendor training programs established and evaluated for learning objectives and content <ul style="list-style-type: none"> <li>• Training requirements specified in contract documents</li> <li>• Program can be replicated in-house (train the trainer)</li> <li>• Student/instructor manuals, visual aids, mock-ups, etc. provided</li> </ul>	2		Student/instructor manuals, visual aids, mock-ups, etc. need to be provided by contractors as part of annual audit.	
4.7	Inter-departmental coordination of safety training documented, including a common training policy adopted to ensure consistency and continuity of effort	1			

## STATUS COLUMN DEFINITIONS:

1 - Conformance with Safety Plan Requirements / Effective Practice (See S.F.)

2 - Conformance with Safety Plan Requirements with Continuous Improvement Opportunity


3 - Non-conformance: Improvement Needed (See S.F.)

4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 4: SAFETY PROMOTION		Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
4.8	Training and certification of employees performing safety critical functions takes into account policies, rules or procedures at time of hire, promotions, and in succession planning <ul style="list-style-type: none"> <li>• Job descriptions</li> <li>• Performance appraisals</li> <li>• Background checks</li> <li>• Drug/alcohol testing</li> <li>• Criteria established for physical demands and medical conditions</li> </ul>	1			
4.9	Emergency Management Plans developed and implemented <ul style="list-style-type: none"> <li>• Documented review and update process for Emergency Management Plans</li> <li>• All hazards (Severe weather operations, Mass casualty, pandemic event, Security event, etc.)</li> <li>• Notification procedures established</li> <li>• Emergency response guidelines established</li> <li>• Training program developed &amp; implemented</li> <li>• Defined role(s) of each employee and department in support of Emergency Management Plans</li> <li>• Public awareness programs implemented</li> <li>• Operations recovery/Continuity of Operations (COOP)</li> </ul>	3		Emergency Management Plan needs to be developed as part of SSPP. Special emphasis should be placed on emergency response guidelines, defined roles of responsible employees and training conducted.	
4.10	Emergency response, planning, and coordination documented <ul style="list-style-type: none"> <li>• Within organization and with outside agencies</li> <li>• Roles &amp; responsibilities defined between departments</li> <li>• Media relations guidelines documented</li> <li>• Passenger safety/customer assistance</li> <li>• Family notification/critical event counseling</li> </ul>	1			
4.11	Emergency drills conducted either live or tabletop <ul style="list-style-type: none"> <li>• Post-drill meetings/critique conducted</li> <li>• Corrective action areas &amp; follow-up noted</li> <li>• Procedural revisions/updates generated as needed</li> </ul>	2		Corrective action plan should be developed regarding any drill deficiencies observed.	
4.12	Fire/life safety programs and coordination established <ul style="list-style-type: none"> <li>• Vehicles/Tunnels/Facilities/Operating Procedures reviewed with Local Fire Department jurisdictions</li> <li>• Applicable Fire/Life Safety Regulations reviewed and discussed</li> <li>• Project Fire / Life Safety Committee established</li> <li>• Documented annual review process and for emergency procedures, safety rules, all hazards training and preparedness</li> </ul>	2		As it pertains to Fire/life safety programs conduct an annual review process is need for emergency procedures, safety rules, all hazards training and preparedness.	

## STATUS COLUMN DEFINITIONS:


- 1 - **Conformance with Safety Plan Requirements - Effective Practice (See S.F.)**
- 2 - **Conformance with Safety Plan Requirements with Continuous Improvement Opportunities**
- 3 - **Non-conformance; Improvement Needed (See S.F.)**
- 4 - **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 Client Member: Foothill Transit		Auditors: Robert Torres and Bill Kessler		COMPONENT 4: SAFETY PROMOTION	
Checklist					
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
4.13	Employee Safety Programs: <ul style="list-style-type: none"> <li>Occupational/Industrial safety programs developed and implemented (PPE, HAZCOM, Fall, Forklift, confined space, etc.)</li> <li>Employee accident investigation, role, reporting, and analysis process training provided</li> <li>Proficiency testing/audits, assessments conducted by supervisors</li> <li>Occupational hazard prevention (employee injury reduction, human factors/human error prevention, behavior based safety programs in place)</li> <li>Safety awareness, recognition and promotion programs</li> <li>Wellness programs/off-the-job programs established</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.14	Workplace safety coordination: <ul style="list-style-type: none"> <li>Documented labor/management participation, incl. joint inspections</li> <li>Safety meetings/communication</li> <li>Employee safety programs document systematic control of potential occupational hazards to health and safety, emergency procedures, medical surveillance, training, and record keeping</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.15	Contractor compliance with Bus agency safety requirements documented: <ul style="list-style-type: none"> <li>Contractor/agency safety unit coordination established</li> <li>Hazardous materials programs awareness</li> <li>Site safety plan documented and reviewed</li> <li>Site audits/inspections conducted and documented</li> <li>Process/contact person established for immediate correction of unsafe acts/conditions</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.16	Fitness for Duty: <ul style="list-style-type: none"> <li>Drug &amp; Alcohol program</li> <li>Audits of contractors and outside agencies that conduct the tests</li> <li>Policy for over the counter drug use</li> <li>Medical surveillance monitoring program</li> <li>Fatigue awareness program</li> <li>Employee Assistance Programs (EAP)</li> <li>Critical Incident de-briefing – Post traumatic stress</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.17	Job Hazard Analysis/Job Safety Analysis established <ul style="list-style-type: none"> <li>Training provided to conduct JHA/JSA</li> <li>Re-evaluation performed (new equipment, new procedure(s), post-accident, etc.)</li> <li>Scheduled reviews performed to determine if any change in frequency/severity</li> </ul>	3		Contractors not in compliance with: <ul style="list-style-type: none"> <li>Training provided to conduct JHA/JSA</li> <li>Scheduled reviews performed to determine if any change in frequency/severity</li> </ul>	
4.18	Cognitive Distraction Programs <ul style="list-style-type: none"> <li>Policies established on workplace distraction and use of personal electronic devices</li> <li>Programs or technologies in effect to identify or reduce potential for attentiveness disorders</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	

## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - (Follows Practice/Standard)
- 2 - Conforms with Safety Plan Requirements with Comments/Improvement/Exception
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)



APTA BUS SAFETY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
		Client Member: Foothill Transit Auditors: Robert Torres and Bill Kessler		COMPONENT 4: SAFETY PROMOTION Checklist	
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
4.19	Operational Safety Plan <ul style="list-style-type: none"> <li>On-Track Safety, Track Access &amp; Control Process</li> <li>Hours of Service/Fatigue Management Processes</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.20	Passenger Safety and Security Programs <ul style="list-style-type: none"> <li>Awareness &amp; orientation to hazards</li> <li>Trespass and suicide prevention</li> <li>Communication/hazard reporting <ul style="list-style-type: none"> <li>Incident/"near miss" reporting</li> <li>Corrective Action Plans applied to customer and public safety</li> <li>Customer safety and security data analysis and trending</li> <li>Public outreach programs</li> <li>Passenger emergency preparedness</li> <li>Suspicious package/person reporting</li> <li>Passenger behavior analysis and controls</li> </ul> </li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.21	Operational Environment and Passenger Interface <ul style="list-style-type: none"> <li>Elevator/Escalator safety</li> <li>Emergency Alarms &amp; Instructions</li> <li>Ingress/Egress &amp; crowd controls</li> <li>Medical response capability</li> <li>Door procedures</li> <li>Hazard signage</li> <li>Facility maintenance and housekeeping</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	
4.22	Design of Passenger Operational Environment <ul style="list-style-type: none"> <li>Walking surfaces</li> <li>Adequate lighting and visibility</li> <li>Elderly and disabled passenger applications</li> <li>Crime prevention through environmental design (CPTED)</li> <li>Passenger Life Safety controls (e.g. Emergency Alarms, Telephones / Intercoms, ventilation systems)</li> <li>Parking lot vehicle/pedestrian controls</li> <li>Pedestrian crossings</li> <li>Vehicle design, construction, maintenance</li> <li>Audio Visual communication</li> </ul>	4		Agency has not developed SSPP due to usage of contractor partners	

## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - Best Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance: Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

## APTA MATURITY MODEL KEY w/ LEVEL OF EFFORT EVALUATION GUIDE (COLUMN "M")

### A: **Planning / Initiating / Under Development**

- No systematic approach is evident; information is anecdotal.
- Little or no deployment of any plans, process, or systematic procedures is evident.
- No organizational alignment, authority or accountability for the initiative is evident.
- There are no organizational performance standards or metrics and/or priorities attached to performance measures in areas reported.
- Trend data either are not reported or show mainly exception reporting.
- Frequency of reporting adverse trends doesn't allow for timely management response.
- Plans or activities are not in writing; may not align with mission, vision, and values.

### B: **Initial Implementation / Developmental, In Place and Documented**

- The beginning of a systemic approach to the basic requirements is evident.
- The approach is in the early stages of alignment with organizational needs and goals.
- Progress in achieving the basic requirements of the initiative is being inhibited by time, cost, management coordination or will.
- A few organization performance results are being reported regularly and acted upon.
- The beginning of a systematic approach to evaluation and improvement of KPIs is evident; some trend data are reported, with some adverse trends evident.
- Results are reported for a few areas of importance to the accomplishment to the organization's mission.

### C: **Full Implementation / Goals & Performance Measures Established & Disseminated with Roles and Responsibilities**

- An effective systematic approach, responsive to the basic requirements is evident.
- The approach is embedded within the organization and utilized by several departments leveraging value to their own departmental needs.
- Fact-based, systematic evaluation and improvement process coupled with a desire to surface and investigate small failures, anomalies, and near miss events to learn from mistakes are in place for improving the reliability and resilience of key processes.
- Good organizational performance targets are reported for most if not all areas of importance to the initiative requirements.
- Efforts to obtain comparative information and use of data driven performance are evident.

#### STATUS COLUMN DEFINITIONS:

- 1 – Complies with Safety Plan Requirements – Effective Practice (See S.F.)
- 2 – Complies with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 – **Non-conformance Improvement Needed (See S.F.)**
- 4 – **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

- Results are reported for many areas of importance to the accomplishment of the organization's mission, vision and values.

D:

**Sustained Data Driven Managing &  
Measuring, Continuous Improvement Cycle  
& Focus on Risk Reduction**

- Program or process incorporates a strong systematic approach, responsive to all corporate and department goals and objectives is evident.
- Organizational learning, and innovation, are supported for improving the efficiency and effectiveness of key processes.
- Key Performance Indicators have been evaluated against relevant comparisons and or industry benchmarks and obtained a high level of accomplishment.
- The approach is valued as a contributor to success of the agency's mission.
- The success of the approach is quantifiable and has meaningful contribution to the agency goals.
- The approach exploits new technology or unique perspectives that advance safety improvements.
- The approach has a visible, positive impact on the safety culture of the organization.

***Performance Above and Beyond Industry Expectations (Industry Leading Effective Practice)***


***Exhibits all characteristics in "D" plus:***

- The program or process exhibits a sustainable risk-based approach which values continuous improvement and is responsive to inputs from throughout the organization and external stakeholders is evident.
- The approach is robust and pervasive within all areas of the agency and reviewed on an on-going basis.
- Method or technique that has consistently shown results superior to those achieved with other means.

**APTA MATURITY MODEL KEY w/ LEVEL OF EFFORT EVALUATION GUIDE  
(COLUMN "M")**


**STATUS COLUMN DEFINITIONS:**

- 1 - **Conforms to all Safety Plan Requirements - Effective Practice (See E)**
- 2 - **Conforms with Safety Plan Requirements and Continuous Improvement Department**
- 3 - **Non-conformance; Improvement Needed (See S.F.)**
- 4 - **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 1.0 System Security Plan Development & Commitment 2.0 Policy Statement & Authority - 3.0 Purpose & Scope		SECURITY CHECKLIST			
		ITEM	ITEM DESCRIPTION	S	M
1.1	System Security Plan developed <ul style="list-style-type: none"> <li>• Security activities documented</li> <li>• Security procedures defined</li> <li>• Types of security equipment used/maintained</li> <li>• Security personnel equipment issued</li> <li>• Security awareness (internal)</li> <li>• Security training</li> <li>• Public awareness/education</li> <li>• Revenue security</li> <li>• Disaster preparedness</li> <li>• Security emergency procedures</li> <li>• Communication procedures</li> <li>• Interaction with local/state/federal law enforcement</li> <li>• Facilities security and access control established</li> <li>• Security Sensitive Information identified and controlled</li> <li>• Security audit program established/implemented</li> </ul>		4	No System Security Plan has been developed by Foothill.	
1.2	System Security Plan reviewed and updated periodically, and represents updates to the Strategic Plan, current Mission, Vision, and Values		4	No System Security Plan has been developed by Foothill.	
1.3	System Security Plan communicated to the entire organization		4	No System Security Plan has been developed by Foothill.	
2.1	Security Policy clearly stated, disseminated throughout the organization, and applied		4	No System Security Plan has been developed by Foothill.	
2.2	Authority outlined for the development of the System Security Plan; Supported by legal, financial, political and regulatory resources to meet plan objectives		4	No System Security Plan has been developed by Foothill.	
2.3	Authority for implementing System Security Plan defined <ul style="list-style-type: none"> <li>• Interface between Agency and contract services defined</li> <li>• Any external Operating/Maintenance Agreements or MOUs establish safety and security roles</li> </ul>		4	No System Security Plan has been developed by Foothill.	
3.1	SSP purpose: <ul style="list-style-type: none"> <li>• Identifies organizational security philosophy</li> <li>• Meets industry standards/ audit provisions</li> <li>• Employee involvement at all levels</li> <li>• Risk based systems approach to security management</li> </ul>		4	No System Security Plan has been developed by Foothill.	
3.2	SSP scope establishes: <ul style="list-style-type: none"> <li>• A commitment to the management of security</li> <li>• Identifies some of the security policies needed in the organization</li> <li>• Framework for implementation of security policies and related goals and objectives</li> </ul>		4	No System Security Plan has been developed by Foothill.	


## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S F)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S F)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 4.0 Goals 5.0 Identifiable & Obtainable Objectives 6.0 Strategic Planning		<b>SECURITY CHECKLIST</b>			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
4.1	Security Program goals are clearly stated <ul style="list-style-type: none"> <li>• Long-term, with broad and continued relevance</li> <li>• Meaningful with specific/desired results identified</li> <li>• Achievable</li> <li>• Integrated with corporate mission vision and values</li> </ul>	4		No System Security Plan has been developed by Foothill.	
4.2	Security Program goals are properly specific and endorsed by management, with the role of each department/division identified	4		No System Security Plan has been developed by Foothill.	
5.1	Objectives of SSP are clearly stated and include performance measurements <ul style="list-style-type: none"> <li>• Quantifiable, using proper scales or values as KPIs</li> <li>• Status reports to top management as part of regular top management meetings</li> </ul>	4		No System Security Plan has been developed by Foothill.	
5.2	Roles, responsibilities and authorities are defined <ul style="list-style-type: none"> <li>• Implementation of internal and external safety communications/feedback on effectiveness and implementation of necessary changes</li> <li>• Status reports to top management as part of regular meetings</li> </ul>	4		No System Security Plan has been developed by Foothill.	
6.1	Policies/procedures for implementation of SSP objectives and accountability <ul style="list-style-type: none"> <li>• Updates established and tracked</li> <li>• Policies disseminated to all employees</li> </ul>	4		No System Security Plan has been developed by Foothill.	
6.2	Roles, responsibilities and authorities are defined <ul style="list-style-type: none"> <li>• Key positions at senior management level</li> <li>• Committee membership</li> <li>• Relationship of transit system to local/outside jurisdictions</li> </ul>	4		No System Security Plan has been developed by Foothill.	
6.3	Documented strategic planning/review process for updating, correcting and modifying SSP based on feedback on effectiveness of processes	4		No System Security Plan has been developed by Foothill.	


## STATUS COLUMN DEFINITIONS:

- 1 - Confirms with Safety Plan Requirements (Following Federal Regs 49 CFR)
- 2 - Confirms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance, Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 7.0 Threat & Vulnerability Program		SECURITY CHECKLIST			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
7.1	Threat & Vulnerability SOP: <ul style="list-style-type: none"> <li>Threat and vulnerability identification / analysis / resolution methods established</li> <li>Mitigation process (Threat &amp; Vulnerability Precedence) applied for new start or extension projects</li> <li>Development of procedures for coordination with all safety &amp; security processes established including inspections, audits, customer reports, post-accident investigations, loss control reports, etc.</li> <li>Implementation of method to analyze and perform trend analysis of information gathered (lessons learned, KPIs, regional crime data, etc.)</li> <li>Training provided on threat &amp; vulnerability identification, analysis, and controls</li> <li>Program reviews conducted as severe threats and vulnerabilities are identified to determine effectiveness of procedures and to detect changes in frequency or severity ratios</li> </ul>		4	No Threat and Vulnerability Program is a part of any Foothill program or SOP.	
7.2	Threat & Vulnerability Evaluation and Categorization <ul style="list-style-type: none"> <li>Formal / Informal analysis methods established and documented</li> <li>Threat and vulnerability severity and probability assessed through a predetermined matrix</li> </ul>		4	No Threat and Vulnerability Program is a part of any Foothill program or SOP.	
7.3	Threat & Vulnerability Tracking and Resolution <ul style="list-style-type: none"> <li>Open items are ranked, prioritized, and scheduled for actions leading to resolution</li> <li>Resolution methods documented and reviewed</li> <li>Routine evaluations performed to determine the status of documented threats &amp; vulnerabilities</li> <li>Historical files on “closed” threats &amp; vulnerabilities maintained</li> <li>Method established to track open items to closure does not allow duplicates or loss of data</li> <li>Responsibility assigned for mitigation actions</li> <li>Status reviewed to ensure appropriate closure</li> </ul>		4	No Threat and Vulnerability Program is a part of any Foothill program or SOP.	


## STATUS COLUMN DEFINITIONS:

- 1 – Conforms with Safety Plan Requirements – Effective Practice (See S.F.)
- 2 – Conforms with Safety Plan Requirements with Continuous Improvement Opportunities
- 3 – Non-conformance; Improvement Needed (See S.F.)
- 4 – Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

<b>APTA BUS SECURITY MANAGEMENT PROGRAM</b>		<b>CONTROL: 777-888</b>		<b>DATE OF REVIEW</b> August 15 – 18, 2017	
 8.0 Security Data Acquisition & Analysis		<b>SECURITY CHECKLIST</b>			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
8.1	Responsibilities defined for providing, receiving, processing, analyzing, reporting of security data <ul style="list-style-type: none"> <li>• Crime data reports</li> </ul> <b>Benchmarking process in place; lessons learned programs utilized</b>		4	No security data is available to review or analyze.	
8.2	Security data collection and reporting (tracking / trend analysis and data interpretation) <ul style="list-style-type: none"> <li>• Corrective actions documented, trend analysis performed</li> </ul> <b>Process for evaluating effectiveness</b>		4	No security data is available to review or analyze.	
8.3	Key Performance Indicators for safety and security identified and used by management to lead organization <ul style="list-style-type: none"> <li>• Performance targets and metrics</li> <li>• Measurement tied to dept. objectives and performance appraisal</li> </ul>		4	No security data is available to review or analyze to develop KPIs.	

STATUS COLUMN DEFINITIONS:


- 1 – Conforms with Safety Plan Requirements / Effective Practice (See S.F.)
- 2 – Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 – Non-conformance, Improvement Needed (See S.F.)
- 4 – Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 9.0 Configuration Management		SECURITY CHECKLIST			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
9.1	Change management process is documented and utilized <ul style="list-style-type: none"> <li>Identifies all stakeholders, including safety, in decisions affecting safety critical elements</li> <li>Tied to the hazard management process</li> </ul>		4	No System Security Plan has been developed by Foothill to address change management process.	
9.2	Change Control Process <ul style="list-style-type: none"> <li>Change review and control procedure established</li> <li>Authority for making configuration changes and process to incorporate changes defined</li> <li>Schedule for implementation of changes</li> <li>Incorporated into Document Control</li> </ul>		4	No System Security Plan has been developed by Foothill to address change management process.	
9.3	Safety and Security Design Criteria manual developed and utilized		4	No System Security Plan has been developed by Foothill	
9.4	System Modification Process <ul style="list-style-type: none"> <li>Policy documents scope and responsibilities</li> <li>Control authority under development for procedures, practices, facility, equipment, systems, manuals, rules, etc.</li> <li>Procedures for making configuration changes to the components, processes and practices found on the safety critical items list under development</li> <li>Acceptance and sign-off / approval includes safety/security</li> <li>Incorporated into Document Control</li> </ul>		4	No System Security Plan has been developed by Foothill to include system modification process.	
9.5	Document Control Program <ul style="list-style-type: none"> <li>Established procedure for review, approval, and issuance of new and revised controlled documents</li> <li>Identification and control of external documents, e.g. vendor supplied documents, technical change bulletins.</li> <li>Prevent unintended use of obsolete documents</li> <li>Access controls for viewing, copy, distribution, removal</li> <li>Digital content management</li> <li>Document retention / destruction procedures</li> </ul>		4	No System Security Plan has been developed by Foothill to include partially completed Document Control Program.	

## STATUS COLUMN DEFINITIONS:


- 1 - Conforms with Safety Plan Requirements - Effective Practice (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)



<b>APTA BUS SECURITY MANAGEMENT PROGRAM</b>		<b>CONTROL: 777-888</b>		<b>DATE OF REVIEW</b> August 15 – 18, 2017	
 10.0 Safety & Security Certification		<b>SECURITY CHECKLIST</b>			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
10.1	Safety / Security Cert. Plan documented and reviewed by management <ul style="list-style-type: none"> <li>• Safety &amp; security committees (SSRC, FLSSC, etc.) established for all phases of project development</li> <li>• Certifiable elements identified (SCIL)</li> <li>• Design and construction conformance</li> <li>• Test and verification plan</li> <li>• Formal certification steps documented with sign-off</li> </ul> Open items reviewed		4	No System Security Plan has been developed by Foothill	
10.2	Safety & Security Cert. applied to new starts, extensions, and major system modifications		4	No System Security Plan has been developed by Foothill	


STATUS COLUMN DEFINITIONS:

- 1 - *Complies with Safety Plan Requirements / Effective Practices (See S.F.)*
- 2 - *Complies with Safety Plan Requirements with Continuous Improvement Opportunities*
- 3 - **Non-conformance; Improvement Needed (See S.F.)**
- 4 - **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL:		DATE OF REVIEW
 11.0 Security Assessment		SECURITY CHECKLIST		
ITEM	ITEM DESCRIPTION	S	M	REMARKS
11.1	Security audit established and documented to ensure all organizational elements, equipment, procedures, and functions are performing as intended from a system perspective <ul style="list-style-type: none"> <li>• Security programs developed/implemented</li> <li>• Audit schedules established/followed</li> <li>• Checklists prepared</li> <li>• Program deficiencies/potential hazards and weaknesses identified</li> <li>• Corrective actions identified / tracked for closure</li> <li>• Improvement recommendations made to system security program</li> </ul>		4	No System Security Plan has been developed by Foothill that could include an audit of security program.
11.2	Management Review Process <ul style="list-style-type: none"> <li>• Security department manages audit findings and corrective actions</li> <li>• Formal documented review process</li> <li>• Action plans used to track and verify status of improvements identified in assessment reports</li> <li>• Follow-up meetings held between management staff to discuss individual audit findings</li> </ul>		4	No System Security Plan has been developed by Foothill that could include an audit of security program.
11.3	Document control established for security audit, including recommendations and follow-up actions		4	No System Security Plan has been developed by Foothill to include partially completed Document Control Program that Can apply to any internal external audit.


STATUS COLUMN DEFINITIONS:

- 1 – Conformance with Safety Plan Requirements - Effective Plan (See S.F.)
- 2 – Conformance with Safety Plan Requirements with Continuous Improvement (pending)
- 3 – Non-conformance; Improvement Needed (See S.F.)
- 4 – Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888	DATE OF REVIEW August 15 – 18, 2017
	12.0 Rules & Procedures Review	<b>SECURITY CHECKLIST</b>	
<b>12.1</b>	<p>Rules and procedures reviewed and kept current</p> <ul style="list-style-type: none"> <li>• Process/schedule established for reviews/updates</li> <li>• Results documented / distributed</li> <li>• Regulations and standards adopted and applied</li> <li>• Safety and security critical rules and procedures identified</li> <li>• Authority for issuing rules/policies defined</li> <li>• All rules/procedures in effect are held in a central location as controlled documents with copies maintained in each department as needed</li> <li>• Process in place for updating/removing old materials Incorporated within Configuration Management</li> </ul>	<b>4</b>	No System Security Plan has been developed by Foothill that addresses applicable rules and procedures.
<b>12.2</b>	<p>Administrative procedures in place to assure that safety and security critical rules, procedures, practices are given special recognition and/or precedence over others that may conflict.</p> <ul style="list-style-type: none"> <li>• Awareness or promotion programs (posters, bulletins, rule of the day/week, monthly theme, etc.)</li> <li>• Rules and procedures enforced</li> <li>• Formal method established to allow security rules or procedures to be challenged and corrected before work begins</li> </ul> <p>“Whistle Blower” provisions extended to safety and security issues outside normal chain of command</p>	<b>4</b>	No System Security Plan has been developed by Foothill to address administrative procedures.
<b>12.3</b>	<p>Detailed PIs, SOPS, or WIS in place that address person security of</p> <ul style="list-style-type: none"> <li>• Passengers</li> <li>• Employees</li> <li>• Police and emergency responders</li> </ul>	<b>4</b>	No System Security Plan has been developed by Foothill


## STATUS COLUMN DEFINITIONS:

- 1 – Conforms with Safety Plan Requirements (Foothill Procedure/See S.F.)
- 2 – Conforms with Safety Plan Requirements with Continuous Improvement/Improvement
- 3 – **Non-conformance, Improvement Needed (See S.F.)**
- 4 – **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 13.0 Training & Certification		SECURITY CHECKLIST			
		ITEM	ITEM DESCRIPTION	S	M
13.1	Documented formal program in place for training employees, supervisors and management <ul style="list-style-type: none"> <li>• New hires/Contractors/ Vendors</li> <li>• On-the-Job Training (OJT)</li> <li>• Coordination of inter-departmental security related training</li> <li>• Computer-based training and simulation applications</li> </ul>		4	No System Security Plan has been developed by Foothill to document training, re-training or applicable re-certifications.	
13.2	Re-training program <ul style="list-style-type: none"> <li>• Return to work after long-term absence</li> <li>• Reclassification of employee</li> <li>• Safety, security &amp; emergency response refresher training</li> </ul>		4	No System Security Plan has been developed by Foothill to document training, re-training or applicable re-certifications.	
13.3	Method in place to determine when training is due and which training required for each job class at appropriate levels <ul style="list-style-type: none"> <li>• Annual training identified; Re-certification tracked</li> <li>• Amount of training budgeted / completed</li> <li>• Training records centralized and program management established</li> </ul>		4	No System Security Plan has been developed by Foothill to document training, re-training or applicable re-certifications.	
13.4	Trainers / Training program evaluated and periodically reviewed for effectiveness and course content (quality control) <ul style="list-style-type: none"> <li>• Qualification procedures for trainers</li> <li>• Testing program validation and test administration controls in place</li> </ul>		4	No System Security Plan has been developed by Foothill to document training, re-training or applicable re-certifications.	
13.5	Security coordination with Transportation, Engineering, Maintenance and Safety training documented, incl. common training policy adopted to ensure consistency and continuity of effort		4	No System Security Plan has been developed by Foothill to document training, re-training or applicable re-certifications.	


## STATUS COLUMN DEFINITIONS:

- 1 - Conforms with Safety Plan Requirements - Priority Positive (See S.F.)
- 2 - Conforms with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance; Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL: 777-888		DATE OF REVIEW August 15 – 18, 2017	
 14.0 Emergency Planning & Response		<b>SECURITY CHECKLIST</b>			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
14.1	Emergency Management Plans developed and implemented <ul style="list-style-type: none"> <li>• Documented review and update process for Emergency Management Plans</li> <li>• Notification procedures established</li> <li>• Defined roles of each employee and department in support of Emergency Management</li> <li>• Emergency response guidelines established; training conducted</li> <li>• Public awareness programs</li> </ul> Operations recovery/Continuity of Operations		4	No System Security Plan has been developed by Foothill to include Emergency Management Plan.	
14.2	Contingency SOPs developed and drills conducted for extraordinary circumstances, incl. terrorism, riots/domestic unrest, catastrophic events, system-wide communications failure, etc.		4	No System Security Plan has been developed by Foothill to include contingency SOPs.	
14.3	Emergency response, planning, and coordination documented <ul style="list-style-type: none"> <li>• Within organization and with outside agencies</li> <li>• Plans and Protocols established for threat level escalation (DHS Homeland Security)</li> <li>• Roles &amp; responsibilities defined between departments</li> <li>• Media relations guidelines documented</li> <li>• Passenger security / customer assistance</li> <li>• Family notification / critical event counseling</li> </ul>		4	No System Security Plan has been developed by Foothill to document emergency response, planning or coordination with outside agencies.	
14.4	Emergency drills conducted either live or tabletop <ul style="list-style-type: none"> <li>• Post-drill meetings conducted; corrective action &amp; follow-up noted</li> <li>• Procedural revisions / updates generated as needed</li> </ul>		2	Some emergency drills are conducted but no post-drill meets are conducted that produces corrective actions, revisions or updates.	
14.5	Documented annual review process and implementation for emergency procedures, safety rules, all hazards training and preparedness		4	No System Security Plan has been developed by Foothill to require a documented annual review.	


## STATUS COLUMN DEFINITIONS:

- 1 - Complies with Safety Plan Requirements / Positive Finding (See S.F.)
- 2 - Complies with Safety Plan Requirements with Continuous Improvement Opportunity
- 3 - Non-conformance, Improvement Needed (See S.F.)
- 4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)

<b>APTA BUS SECURITY MANAGEMENT PROGRAM</b>		<b>CONTROL: 777-888</b>		<b>DATE OF REVIEW</b> August 15 – 18, 2017	
 15.0 Bus Operational Safety / Security		<b>SECURITY CHECKLIST</b>			
ITEM	ITEM DESCRIPTION	S	M	REMARKS	
15.1	Contracting for Services <ul style="list-style-type: none"> <li>• Security plan reviewed as a contract deliverable</li> <li>• Security personnel qualifications established</li> <li>• Specifications reviewed for security requirements, roles, and responsibilities</li> <li>• Reports provided on security performance and cite frequency (monthly, quarterly)</li> <li>• Contractor evaluations documented</li> </ul>		2	No System Security Plan has been developed by Foothill although services for security have been contracted through community law enforcement agencies.	
15.2	Construction Management <ul style="list-style-type: none"> <li>• Construction security plan includes bus system operational threats and vulnerabilities and safety/security certification process</li> <li>• Construction security manual developed</li> <li>• Informal work site security reviews</li> <li>• Security is part of regular construction progress reviews</li> </ul>		4	No System Security Plan has been developed by Foothill that requires a construction security plan.	

STATUS COLUMN DEFINITIONS:

- 1 - **Conforms with Safety Plan Requirements - Effective Practice (See S.F.)**
- 2 - **Conforms with Safety Plan Requirements with Continuous Improvement Program**
- 3 - **Non-conformance; Improvement Needed (See S.F.)**
- 4 - **Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)**

APTA BUS SECURITY MANAGEMENT PROGRAM		CONTROL:		DATE OF REVIEW
 16.0 Bus Operational Safety / Security		SECURITY CHECKLIST		
ITEM	ITEM DESCRIPTION	S	M	REMARKS
16.1	Passenger Safety and Security Programs. <ul style="list-style-type: none"> <li>• Communication / threat and vulnerability reporting</li> <li>• Corrective Action Plans applied to customer and public security reports</li> <li>• Public outreach programs under development</li> <li>• Suspicious package / person reporting</li> <li>• Awareness &amp; orientation to hazards</li> <li>• Communication / hazard reporting</li> <li>• Incident / "near miss" reporting</li> <li>• Customer security data analysis and trending</li> <li>• Public outreach programs</li> <li>• Passenger emergency preparedness</li> <li>• Passenger behavior analysis and controls</li> </ul>		3	Some passenger security program have been addressed. They include: <ul style="list-style-type: none"> <li>• Communication / threat and vulnerability reporting</li> <li>• Suspicious package / person reporting</li> <li>• Public outreach programs</li> </ul>
16.2	Operational Environment and Passenger Interface <ul style="list-style-type: none"> <li>• Operator Emergency Alarms</li> </ul> Facility / Station / Terminal lighting, maintenance and housekeeping		1	
16.3	Design of Passenger Operational Environment for Security Considerations <ul style="list-style-type: none"> <li>• Walking surfaces</li> <li>• Adequate lighting and visibility</li> <li>• Elderly and disabled passenger applications</li> <li>• Crime Prevention Through Environmental Design (CPTED)</li> <li>• Passenger Life Safety controls (e.g. Emergency Alarms, Telephones / Intercoms, ventilation systems)</li> <li>• Parking lot vehicle/pedestrian controls</li> <li>• Vehicle design, construction, maintenance</li> <li>• Crowd control equipment and procedures</li> <li>• Monitored lots, waiting areas and platforms; Security presence/patrols</li> <li>• Audio Visual communication</li> </ul>		2	Security design has been implemented regarding the following: <ul style="list-style-type: none"> <li>• Adequate lighting and visibility</li> <li>• Elderly and disabled passenger applications</li> <li>• Passenger Life Safety controls</li> <li>• Vehicle design, construction, maintenance</li> <li>• Crime Prevention through Environmental Design</li> </ul>
16.4	Passenger Security Programs <ul style="list-style-type: none"> <li>• Criminal data analysis and trending</li> <li>• Public outreach programs</li> </ul>		4	Unable to review criminal data

## STATUS COLUMN DEFINITIONS:

1 - Complies with Safety Plan Requirements - Effective Practice (See S.F.)

2 - Complies with Safety Plan Requirements with minor improvements/updates

3 - Non-conformance; Improvement Needed (See S.F.)

4 - Unable to Review or Not Applicable (See Reason / Reference in Remarks Column)



Foothill Transit Safety Improvement Plan (SIP) Status Report

APTA Bus Safety Management Audit Program

Date of Audit: August 15 – 18, 2017

NEEDS IMPROVEMENT

	Recommendation (as stated in APTA report)	Corrective Action / Comment (Transit Agency)	To Be Completed On or Before	Assigned Responsibility	Element Status (to be completed by APTA)
1	<p>Foothill Transit does not have a written Safety Management Plan. A written Safety Management Plan should be developed with the following 4 components: 1. Safety Management Policy 2. Safety Risk Management 3. Safety Assurance 4. Safety Promotion. This follows Public Transportation Agency Safety Plan (49 U.S.C. Part 673) Rule.</p> <p><b>(Supplemental form page 2 #11)</b></p>				





**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
 Date of Audit: August 15 – 18, 2017

## COMMENDATION

	Description
	<b>TRANSDEV AND KEOLIS JOINT EFFECTIVE PRACTICES</b>
1	<p>The leadership of Foothill Transit demonstrates a strong commitment to safety and continual improvement. This is demonstrated by its participation in the APTA Bus Safety Management Audit Program. Foothill Transit does not have a written System Safety Program Plan, but their safety culture is visible. Management leads by example and visibly demonstrates its commitment to safety by starting the week with an all hands meeting and a safety message. And within the Executive Summary, Mission Statement, and Transit Values of the Foothill Transit Business Plan and Budget for FY 2017-2018 it clearly states that safety is the number one priority. Foothill Transit leads their Board Meetings with a safety message. Again, demonstrating a visible commitment to safety. Foothill Transit uses several performance indicators to evaluate Foothill Transit's achievement of its annual established goals. "Operate a Safe Transit System" is #1. Their target is .70 Preventable accidents per 100,000 miles. APTA commends Foothill Transit for having a safety goal and making it prominent part of the Business Plan and work environment.</p> <p><b>(Supplemental form page 1)</b></p>
2	<p>Foothill Transit is a small transit agency that operates 38 routes from two (2) garages. Bus service is contracted and operated by Transdev and Keolis. APTA reviewed contract language and it is very thorough and detailed. The contract very clearly states that the contractor is responsible for the safety and security of the passengers and the Facilities and Equipment provided by Foothill Transit for the Contractor's use. The contract also states that System Security and Emergency Preparedness Plan is required. APTA commends Foothill Transit for clearly stating the responsibility of the contractors in their contracts.</p> <p><b>(Supplemental form page 1 #6)</b></p>
3	<p>Management communication between the contractors is "top and bottom" and is provided through Vital Factors monthly meeting. There is a strong emphasis on being a partner and working together to provide safe, courteous and quality service. APTA commends Foothill Transit for this effort. <b>(Supplemental form page 1 #8)</b></p>
4	<p>Foothill Transit is in the process of replacing their outdated CAD/AVI system. Foothill Transit will outfit the entire bus fleet with updated data tracking and customer information equipment as well as replacement of the equipment located at both operations and maintenance facilities and the administrative offices. APTA commends Foothill Transit for this effort.</p> <p><b>(Supplemental form page 2 #9)</b></p>
5	<p>Foothill Transit has a very well planned bus replacement program. They will be replacing CNG and electric buses that have accumulated over 500,000 miles in service when they are replaced. They will be replaced with new CNG and electric buses. APTA commends Foothill Transit for this effort. <b>(Supplemental form page 2 #10)</b></p>



Foothill Transit Safety Improvement Plan (SIP) Status Report

APTA Bus Safety Management Audit Program

Date of Audit: August 15 – 18, 2017

COMMENDATION

	Description
	<b>TRANSDEV EFFECTIVE PRACTICES</b>
	<p>Transdev has a written Transit System Security &amp; Emergency Preparedness Program Plan (TSSEPPP). The plan was reviewed and it is complete and documents Arcadia processes and procedures that ensure compliance with standards and guidelines for all emergencies. APTA commends Transdev for a well written TSSEPPP. <b>(Supplemental form page 5 #1)</b></p>
	<p>Transdev has written Safety Policies and Procedures. The document was reviewed. The policies and procedures establish minimum standards of conduct, monitoring methods and reporting and record keeping requirements and communicate how Transdev and its employees will comply with or exceed applicable safety regulations. APTA commends Transdev for having well written safety policies and procedures. <b>(Supplemental form page 5 #2)</b></p>
	<p>Transdev has excellent corporate administered safety programs. For example, D.R.I.V.E Weekly Safety Tips. <b>Dedication</b> to Safety is everyone’s responsibility. We must watch out for our co-workers. <b>Requirements</b> that everyone must follow in order for us to achieve Safety. <b>Instructions</b> on safety and training to prevent accidents and injuries is a key. <b>Value</b> impacts the safety of every Transdev employee, passenger and the general public. <b>Equipment</b> is an essential part to completing our mission. All tools and equipment must be maintained to ensure safety. <b>(Supplemental form page 5 #3)</b></p>
	<p>Transdev has a monetary driven team safety incentive program comprised of eleven teams including supervision and Operators. At the end of the calendar quarter prior to the APTA safety assessment, \$13,000 had been paid to qualifying team members in monetary incentives. APTA commends the safety incentive program. <b>(Supplemental form page 5 #5)</b></p>
	<p>Transdev has a Light Duty Program that is managed by Transitional Work Solutions. The company places injured employees in a program compliant with the injured employee’s restrictions. Participation in the program cannot exceed 90 days. If the employee refused participation in the program, the employees Worker Compensation TTD benefits are curtailed. APTA commends Transdev for their Light Duty Program. <b>(Supplemental form page 5 #7)</b></p>
	<p>The Arcadia yard uses a Transdev nationwide shared database called “WebRisk” in which all accident and injury data is entered using prescribed and consistent procedures. The entered data allows for safety performance to be compared to comparable locations for the development of improvement plans. APTA commends Transdev for using the nationwide shared database to track accident and injury data. <b>(Supplemental form page 5 #9)</b></p>
	<p>The corporate driven safety initiative, “300:29:1” is also used at the Arcadia Yard. It is based on the long-held safety principle that for every 300 unsafe behaviors performed, there are twenty-nine minor accidents and one serious accident. The program focuses employee attention on identifying and eliminating the small, unsafe acts that can accumulate and can lead to an accident. APTA commends Transdev for commends this practice. <b>(Supplemental form page 6 #8)</b></p>



**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
 Date of Audit: August 15 – 18, 2017

## COMMENDATION

	Description
	<b>KEOLIS EFFECTIVE PRACTICES</b>
	<p>Upon assuming the contract, it was learned that eight employees were on administrative light duty with medical restrictions due to work related injuries. Immediately, local management obtained the services of a medical provider developing a three-way exchange of information between management, the injured employee and the medical facility. At the time of the APTA audit only one employee was on light duty performing administrative tasks. APTA commends Keolis for managing the light duty program and returning employees back to work.  <b>(Supplemental form page 7 #2)</b></p>
	<p>DriveCam<sup>®</sup> is a tool used by Keolis that combines video based coaching by local management to Operators that contains predictive analytics to reduce unsafe driving behaviors before a collision occurs. APTA commends Keolis for using Drive Cam on their buses.  <b>(Supplemental form page 7 #3)</b></p>
	<p>After an evaluation of the location's existing safety program, the safety management discovered a trend involving passenger falls resulting in personal injury claims. Further investigation discovered that the primary cause was due to bus acceleration before some passengers were seated. Subsequently, a special emphasis program was promoted and implemented that curtailed the trend. APTA commends Keolis for quickly identifying the trend and initiating action.  <b>(Supplemental form page 7 #4)</b></p>
	<p>Keolis has a Corporate Policy and Procedures for Safety, Claims &amp; Risk Management. The policy and procedures has a Safety Policy signed by the President and Chief Executive Officer of Keolis Transit America. The document was reviewed and was complete and demonstrates their commitment to safety. APTA commends Keolis for having a written Corporate Policy and Procedures for Safety, Claims &amp; Risk Management.  <b>(Supplemental form page 7 #5)</b></p>



**MANAGEMENT LETTER**  
for  
**FOOTHILL TRANSIT**  
West Covina, California

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**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION**  
**BUS SAFETY MANAGEMENT AUDIT PROGRAM**  
**Washington, DC**

Brian Alberts, Director - Safety Programs

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## BACKGROUND INTRODUCTION

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This Management Letter provides supplemental information as an addendum to the APTA Safety Review Report for the BUS Safety Review conducted August 15 – 18, 2017. The information contained in this Letter is comprised from Safety Review notes generated from interviews, observations, document reviews, and site visits conducted as part of the Safety Review process. The purpose of this supplemental information is to provide Foothill Transit management with material that can be used to enhance safety and security program implementation. The basis for issuing this Letter falls within the scope of the APTA *Effective Practices* program that is designed to help the transit industry develop new and innovative methods to improve safety and security through a continuous improvement benchmarking process. In this way, we not only provide the opportunity to strengthen individual Foothill Transit safety and security programs but also to improve the industry base as a whole. This method embraces the concept of continuous improvement to achieve safety excellence.

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## WHAT THIS LETTER REPRESENTS

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The context contained within this Letter is outlined on forms adapted from the Supplemental Forms used by APTA Safety Reviewers to track issues that arise from each identified department, section, or unit participating in the Safety Review. Each comment listed ends with a reference number that is contained in parentheses, in bold type. This number makes reference to the APTA Safety Review element from the Safety Review checklist that it is most closely associated with. The comments are in the form of recommendations from the Safety Reviewers on ways to improve existing programs or practices. Occasionally, there will be a reference to a code or regulation the Safety Reviewers find may be appropriate for review as a point of reference. These references are not viewed as non-conformance if there are mitigating circumstances present, the impact is insignificant, and/or the item represents the only deficiency of its kind within the Safety Review. In such cases, the recommendations will be detailed in this Management Letter as an area where improvement is really an enhancement on an acceptable practice.

As with the formal Safety Review report, it is the expectation of APTA that the Foothill Transit management team will review all the items for accuracy and omissions. The Foothill Transit will then accept or reject each program enhancement and provide a response to APTA on the types of plans being implemented or developed for these recommendations, to improve safety and security practices. Because these recommendations are based upon program elements that the Safety Reviewers found to be acceptable and conforming to the transit system's plan, these recommendations are made to help a good system become even better. Foothill Transit has the option to submit a strategic action plan that outlines how the item will be improved upon in lieu of including them in the corrective action plan used to respond to the formal Safety Review report. APTA reserves the right to reclassify these Management Letter items should additional information become available to show the original information, upon which the Safety Reviewers relied for the rating, was incomplete or in error. APTA will also reclassify these Management Letter items if a review at the post-Safety Review meeting indicates that inadequate follow-up has occurred on the action plan agreed to by Management.

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## SUMMARY


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The goal of the APTA Safety Management Program Safety Review is to guide transit systems through a series of safety management processes that will strengthen and hone the quality of system safety practices, thus creating an even safer environment for your customers and employees. The process is developmental in nature to encourage the transit Foothill Transit to optimize its time and resources while in pursuit of safety excellence. The intent of this Management Letter is to give guidance to the Foothill Transit in areas the Safety Reviewers feel Foothill Transit can become more effective, and to recognize those areas where Foothill Transit has been successful. The suggestions provided are offered as a resource tool to consider as the organization works toward full implementation of the SSPP. The concepts noted have been gathered from the wealth of experience provided by transportation industry peers, and the ideas presented here are ones found to be effective for applying System Safety to the best advantage.

The overall consensus from the Safety Review team is that Foothill Transit has an excellent program in place and the implementation by management is commendable. The effort Foothill Transit has put forth to make their system safe and secure is worthy of praise.

**August 2018**

**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION  
BUS SAFETY MANAGEMENT PROGRAM**

	CONTROL: Foothill Transit 777-888	1	DATE OF SAFETY REVIEW August 15 – 18, 2017
PROGRAM ENHANCEMENTS		MANAGEMENT LETTER	

**GENERAL**

**Note:** This "General" section is intended to provide basic guidelines and/or a summary of findings as may apply to several areas of Foothill Transit. Please refer to the departmental pages that follow for additional details applicable to specific areas of responsibility.

1. APTA recommends the development of a Safety Management Policy Statement. The statement signed by the Executive Director of Foothill Transit commits to resources for safety during service delivery, commits the agency to a safety reporting program to show that receiving safety information from employees is critical to success of the SMS, defines conditions under which exemptions from disciplinary actions would be applicable, defines unacceptable operations behaviors and is communicated with explicit support from executive management throughout the agency.
2. APTA recommends that the Safety Management Policy Statement be a sample for Transdev and Keolis of Foothill Transit commitment to Safety. The policy should be posted in the Foothill Administrative Office, the Arcadia and Pomona Operations and Maintenance Facilities.
3. APTA recommends that Customer and Service and Operations Department participate with the 3<sup>rd</sup> party contractor for the Transdev and Keolis annual audits. Additional audit focus should continue to be placed on areas of concern as necessary.
4. APTA recommends that Foothill Transit consider establishing additional benchmark measurements to evaluate the success or lack of success as it pertains to contractors programs. Currently Foothill has only one benchmark which is .70 Preventable accidents per 100,000 miles. This reflects operator training. Other bench marks could be:
  - Increase security of transit vehicles and facilities.**  
100,000 boardings number of reported crimes = reported crimes per 100,000 boardings. Measures security of passengers.
  - Improve safety on transit service and facilities.**  
100,000 revenue miles number of total crashes or collisions = total crashes per 100,000 revenue miles. Reflects exposure to crash-prone factors (i.e. proximity to fixed objects, traffic congestion)  
100,000 boarding/total passenger injuries = total passenger injuries per 100,000 boardings.  
Measures passenger safety.
  - Improve safety of employees on buses and facilities.**  
100,000 revenue miles total employee injuries = total employee injuries per 100,000 revenue miles. Measure employee safety.  
200,000 hours worked total number of OSHA recordable injuries and illnesses = total number of OSHA recordable injuries and illness per 200,000 hours worked.  
Measure employee safety.  
100,000 boarding total number of Operator assaults = Operator assaults per 100,000 boardings.  
Measure security of employees operating the transit vehicle.



**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
 Date of Audit: August 15 – 18, 2017

### PROGRAM ENHANCEMENTS

APTA Safety Element #	Recommendation (as stated in APTA report)	Corrective Action / Comment (Transit Agency)	To Be Completed On or Before	Assigned Responsibility	Element Status (to be completed by APTA)
1	<p>APTA recommends the development of a Safety Management Policy Statement. The statement signed by the Executive Director of Foothill Transit commits to resources for safety during service delivery, commits the agency to a safety reporting program to show that receiving safety information from employees is critical to success of the SMS, defines conditions under which exemptions from disciplinary actions would be applicable, defines unacceptable operations behaviors and is communicated with explicit support from executive management throughout the agency.  <b>(Management Letter page 1 #1)</b></p>				
2	<p>APTA recommends that the Safety Management Policy Statement be a sample for Transdev and Keolis commitment to Safety. The policy should be posted in the Foothill Administrative Office, the Arcadia and Pomona Operations and Maintenance Facilities.  <b>(Management Letter page 1 #2)</b></p>				





**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
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## PROGRAM ENHANCEMENTS

APTA Safety Element #	Recommendation (as stated in APTA report)	Corrective Action / Comment (Transit Agency)	To Be Completed On or Before	Assigned Responsibility	Element Status (to be completed by APTA)
3	<p>APTA recommends that Customer Service and Operations Department participate with the 3<sup>rd</sup> party contractor for the Transdev and Keolis annual audits. Additional audit focus should continue to be placed on areas of concern as necessary.</p> <p><b>(Management Letter page 1 #3)</b></p>				
4	<p>APTA recommends that Foothill Transit consider establishing additional benchmark measurements such as:</p> <ul style="list-style-type: none"> <li>• <b>Increase security of transit vehicles and facilities.</b></li> <li>• <b>Improve safety on transit service and facilities.</b></li> <li>• <b>Improve safety of employees on buses and facilities.</b></li> </ul> <p><b>(Management Letter page 1 #4)</b></p>				



**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
 Date of Audit: August 15 – 18, 2017

**PROGRAM ENHANCEMENTS**

APTA Safety Element #	Recommendation (as stated in APTA report)	Corrective Action / Comment (Transit Agency)	To Be Completed On or Before	Assigned Responsibility	Element Status (to be completed by APTA)
1	<p>APTA recommends the development of a Safety Management Policy Statement. The statement signed by the Executive Director of Foothill Transit commits to resources for safety during service delivery, commits the agency to a safety reporting program to show that receiving safety information from employees is critical to success of the SMS, defines conditions under which exemptions from disciplinary actions would be applicable, defines unacceptable operations behaviors and is communicated with explicit support from executive management throughout the agency.  <b>(Management Letter page 1 #1)</b></p>	<p>As part of Foothill Transit’s Safety Management System Plan, Foothill Transit is in the process of drafting a SMS Policy Statement, and will be distributed with the SMS.</p>	June 2018	Ali Showkatian	
2	<p>APTA recommends that the Safety Management Policy Statement be a sample for Transdev and Keolis commitment to Safety. The policy should be posted in the Foothill Administrative Office, the Arcadia and Pomona Operations and Maintenance Facilities.  <b>(Management Letter page 1 #2)</b></p>	<p>Foothill Transit will distribute SMS and Policy Statement to administration staff,</p>	July 2018	Ali Showkatian	



**Foothill Transit Safety Improvement Plan (SIP) Status Report**  
 APTA Bus Safety Management Audit Program  
 Date of Audit: August 15 – 18, 2017

**PROGRAM ENHANCEMENTS**

APTA Safety Element #	Recommendation (as stated in APTA report)	Corrective Action / Comment (Transit Agency)	To Be Completed On or Before	Assigned Responsibility	Element Status (to be completed by APTA)
3	APTA recommends that Customer Service and Operations Department participate with the 3 <sup>rd</sup> party contractor for the Transdev and Keolis annual audits. Additional audit focus should continue to be placed on areas of concern as necessary. <b>(Management Letter page 1 #3)</b>	Foothill Transit will participate in 3 <sup>rd</sup> party contractor audits, and has participated in the October 2017 Transdev corporate audit.	October 2017	Ali Showkatian	
4	APTA recommends that Foothill Transit consider establishing additional benchmark measurements such as: <ul style="list-style-type: none"> <li>• <b>Increase security of transit vehicles and facilities.</b></li> <li>• <b>Improve safety on transit service and facilities.</b></li> <li>• <b>Improve safety of employees on buses and facilities.</b></li> </ul> <b>(Management Letter page 1 #4)</b>	Foothill Transit is planning to establish benchmarks for passenger injuries, employee injuries, and security incidents. Foothill Transit currently tracks passenger injuries, contractors currently track employee injuries.	July 2018	Ali Showkatian	

## Foothill Transit SMS Policy Statement

Safety is Foothill Transit's number one priority. We educate, encourage, and endorse a strong culture of safety at all levels of the organization, valuing the responsibility entrusted in us by the communities that we serve. Foothill Transit is committed to developing, implementing, maintaining, and constantly improving processes to ensure that all of our transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting and exceeding established standards.

All levels of management and all employees are accountable for the delivery of this highest level of safety performance, starting with our Executive Director.

Foothill Transit's commitment is to:

- Support the management of safety through the provision of appropriate resources, that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as the attention to the results of the other management systems of the organization;
- Integrate the management of safety among the primary responsibilities of all managers and employees;
- Clearly define for all staff, contractors, managers and employees alike, their accountabilities and responsibilities for the delivery of the organization's safety performance and the performance of our safety management system;
- Establish and operate hazard identification and analysis, and safety risk evaluation activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification, in order to eliminate or mitigate the safety risks of the consequences of hazards resulting from our operations or activities to a point which is consistent with our acceptable level of safety performance;
- Ensure that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures;
- Comply with, and wherever possible exceed, legislative and regulatory requirements and standards;
- Ensure that sufficient skilled and trained human resources are available to implement safety management processes;

- Ensure that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
- Establish and measure our safety performance against realistic and data-driven safety performance indicators and safety performance targets;
- Continually improve our safety performance through management processes that ensure that appropriate and safety management action is taken and is effective; and
- Ensure externally supplied systems and services to support our operations are delivered meeting our safety performance standards.

### **Safety Accountabilities and Responsibilities**

Foothill Transit has identified the Executive Director as the accountable executive of the Safety Management System (SMS). The Executive Director is committed to the highest levels of safety and will provide the resources and support necessary to ensure successful implementation of the SMS.

- Operations
  - Contractor oversight, operations and safety. Emergency preparedness.
- Planning
  - Evaluate safety implications of all proposed system modifications prior to implementation, including but not limited to implementing new routes and modifying current routes. Bus stop safety checks.
- Vehicle and Maintenance Technologies
  - Manage state of good repair. Mechanical quality oversight.
  - Meeting and exceeding safety requirement for bus safety design.
  - Electric Bus Safety (infrastructure, training).
- Facilities
  - Oversight of all Foothill Transit physical assets. Conduct monthly audits of Operations and Maintenance yards.
- Finance and HR
- IT
  - Provide security for all network assets
- Marketing and Communications
  - External and internal safety communication.
- Procurement
- Operations and Maintenance Contractors
  - Transdev Responsibilities outlined in Operations and Maintenance contract (#16-021)
  - Keolis Responsibilities outlined in Operations and Maintenance contract (#17-001)

## Objectives

To achieve the safety mission, Foothill Transit has established the following objectives for the Agency and its operations and maintenance contractors:

- Perform annual audits of operations and maintenance contractor to ensure compliance with SMS.
- Identify and resolve hazards through an established employee reporting system.
- Conduct emergency drills at administration building and operations and maintenance yards.
- Manage preventable accident key performance indicator.
- Establish and monitor passenger injury benchmark.
- Meet and exceed safety requirements in design specifications, engineering, facility construction, equipment and systems installation and testing, and in operations and maintenance.
- Evaluate safety implications of all proposed system modifications prior to implementation.

# Safety Risk Management

## **Hazard Identification and Analysis**

Hazards are an inevitable part of transit operations, only after identifying those hazards, a transit agency can address them. Source of hazard information include employee safety reporting, observations of operations, inspections, internal safety investigation, accident reports, and committee reviews.

Safety Risk represents the likelihood that people could be harmed, or equipment could be damaged, by the potential consequences of a hazard and the extent of the harm or damage. Therefore, safety risk is expressed and measured by the predicted probability and severity of a hazard's potential consequences.

Employees at the administration building and operations and maintenance yards are trained how to and encouraged to report hazards or risks they identify or incidents and close calls they experience. They may report close calls without fear of retribution. Employees are provided with various channels of reporting hazards and close calls. Reporting channels: verbally (supervisor or management staff), written (incident report), or electronically (email or company portal).

If hazard/incident is reported by contractor employee, safety manager at contractor yard will document (Risk/Hazard Sheet) and analyze, then communicate to the safety and planning staff at Foothill Transit. Foothill Transit does not own any bus stops, bus stop shelters, or bus amenities. Foothill Transit owns the bus stop pole and bus stop sign, however staff at Foothill Transit will coordinate with facility technicians or appropriate city/county staff to mitigate hazards, and document through Risk and Hazard Matrix.

Each department at Foothill Transit will identify and manage their safety risks using a Risk/Hazard Sheet.

## ***Attached: Risk Matrix*** **Safety Committees**

### Vital Factors - Preventable Collisions

The Preventable Collisions Team focuses on the Preventable Vehicle Collision Key Performance Indicator, and meets once a month to go over the previous month's accidents and plan to move the project forward. The team is comprised the Deputy Executive Director, Director of Customer Service and

Operations, Safety Compliance Coordinator, Planning Manager, and Transportation Business Intelligence Analyst. The Safety Compliance Coordinator serves as lead.

See: ***Safety Performance***

#### Safety Committee

The Safety Committee is comprised of the Safety Compliance Coordinator, Safety Managers at both contracting yards, a member of the Facilities Department, a member of the Maintenance and Vehicle Technology Department, and a member of Planning Department. The Safety Compliance Coordinator serves as Committee Chair.

#### Yard Safety Committee

The Safety Committee may be comprised of at least four members and may include the Operations Manager, Operators, and Maintenance or Dispatch personnel. The Safety Manager will serve as the Committee Chair. The purpose of the committee is to review accidents and incidents to identify preventative measures and recommend solutions to prevent accident and injury recurrences. See: Transdev Safety Policy and Procedures for additional details.

#### Ride Checks

Ride checks are to be performed every quarter anonymously by a third party contractor. Foothill Transit staff are encouraged to perform ride checks every month. Ride checks by staff and third party contractor are documented and presented to contractor. Contractors should conduct ride checks after 30 and 90 days after a new employee begins operating a coach, as well as periodical random checks.

#### **Drug & Alcohol Oversight**

As promulgated by the Federal Transit Administration's (FTA) Drug & Alcohol Regulations, Foothill Transit is required to monitor each service contractor's drug and alcohol program proactively over the course of the contract.

Foothill Transit requires each service contractor to provide Foothill Transit with a copy of its drug and alcohol policy and implementation procedures. Additional details are outlined in the Foothill Transit Drug and Alcohol Program Oversight Protocol.

***Attached: Keolis Drug and Alcohol Policy***

***Transdev Drug and Alcohol Policy***

***Foothill Transit Drug and Alcohol Program Oversight Protocol***



# Safety Assurance

## Safety Performance

Foothill Transit currently tracks safety performance through the measure of Preventable Accidents / 100k miles. This performance measure compares the number of preventable accidents that occur in a given time period (e.g., a month) to the total number of bus miles operated during the same time period.

**Preventable Vehicle Collision** is defined as a vehicle collision that is recorded involving a bus that has been judged to have been preventable as determined by the agency and that occurred on the road (i.e. outside of agency garages/depots or parking areas). Per the National Safety Council definition, a collision is considered preventable when “the driver in question failed to exercise every reasonable precaution to prevent the accident.” This should include any preventable collision, whether the bus is in or out of revenue service, and even if there is no need for special maintenance or repair afterwards. Preventable collisions that occur off-street at transit centers or bus stations are included here.

### Calculation:

$$\begin{aligned} & \textit{Preventable collisions per 100,000 miles} \\ & = 100,000 \times \frac{\textit{Number of preventable collisions}}{\textit{Total miles operated}} \end{aligned}$$

**FY 2019-2020 Target:** 0.80 Preventable Collisions / 100k Miles

Attached: Contractor Safety KPI Guidelines

## **Bus Yard Safety**

Operations, Maintenance, and Contractor administration services are conducted at the bus yard. To create a safe workplace and protect employees and visitors from risk of injury, Foothill Transit requires its contractors to comply with local, state, and federal requirements including, but not limited to Job Hazard Analysis, Personal Protective Equipment, Hazard Communication, Emergency Action Plans, Blood borne Pathogens, Lockout/Tag out, and record keeping. Foothill Transit has provided the contractors with a Facility Maintenance Manual, and are required to maintain the facility to Foothill Transit's standards as outlined in the Operations and Maintenance Contract. Foothill Transit's Facilities Department will conduct monthly audits to assess the safety of the bus yard.

Foothill Transit requires its contractors to provide a Bus Yard Safety Standard Operating Procedure to be distributed and acknowledged by all vendors that conduct work on-site the Operations and Maintenance facility.

Job Hazard Analysis

Personal Protective Equipment Program

Lockout/Tag out

Facility Maintenance Manual

## **Route Implementation**

Route creation and modification are conducted by the Planning Department in conjunction with the Operations Department. Once a route is identified, a dry run is conducted to assess the safety and operability of the route. To ensure the safety and operability of the route, various stakeholders participate in the dry run including a member of the Planning Department, Safety and Operations staff members at the contractor level, and Safety Compliance Manager at the administration level.

## **Accident Investigation and Communication**

Operations Contractors are required to conduct accident investigations on all accidents, injuries, illnesses and near misses. Supervisor conducting accident investigation should be provided adequate accident investigation training. Accident investigation kits and materials should be provided by contractor. Preventability of accident is investigated, determined, and communicated to staff by contractor. Additional information is included in referenced contractor policies.

### **Selection and Hiring**

Selection and hiring of safety sensitive positions such as coach operator, road supervisor, dispatcher, and mechanic are conducted by contractor staff. The detailed process is provided in the Transdev and Keolis Safety Manual. Foothill Transit reserves the right to review the process to ensure compliance.

Keolis 2017 Final Safety and Risk Management Policies and Procedures Manual.

Transdev Safety Policies and Procedures

### **Operator Training**

Training and education of coach operators is provided by contractor staff. Training includes Diagnostic Evaluation, Classroom Training, Closed Course Training, Full ODP Training Program, Satisfactory Evaluation, and Classroom Hours. A minimum of 40 hours of Classroom Training and 80 hours of Behind the Wheel Training must be completed. Additional information is included in referenced contractor policies.

Per Keolis and Transdev requirements, coach operators are required to attend monthly safety meetings.

### **Instructor Qualifications**

Training instructors must meet all federal, state and local employment requirements and be approved by respective contractor's management. Qualifications are outlined in the referenced contractor policies.

### **General Reporting/Investigation Practices**

All person(s) operating a bus are required to report any injury or accident, regardless of severity, immediately after its occurrence. Enforcement and discipline is determined by contractor. Post-accident training is conducted by contractor.

Keolis 2017 Final Safety and Risk Management Policies and Procedures Manual.

Transdev Safety Policies and Procedures

# Safety Promotion

## **Safety Communication**

As outlined in the Hazard Identification and Analysis section, frontline staff are encouraged to communicate safety issues and are provided with various channels to communicate to management. Safety communication should be a two-way feedback loop in order to establish a positive safety culture.

## **Competencies and Training**

In order to implement an effective two-way feedback loop, front line staff and management should be provided adequate training. SMS training is provided to coach operators specifically for safety reporting competencies. They are provided training during their onboarding on what to report and how to report it. Management is provided training on how to analyze the safety data, turning it into safety intelligence for senior management decision-making for the allocation of safety management resources.

The Safety Management System will be a living document, which will continually identify, evaluate, and mitigate safety risks consistent with Foothill Transit's safety objectives and performance targets. From the Accountable Executive to the frontline operators, five questions will be asked on a continual basis to ensure continuous assessment of the SMS:

1. What are our most serious safety concerns?
2. How do we know this?
3. What are we doing about it?
4. Is what we are doing working?
5. How do we know what we are doing is working?



# **Keolis Transit America**

## **Corporate Policy & Procedures for Safety, Claims & Risk Management**

**Revision 012017**

The material contained herein is a summary of the Keolis Safety, Claims and Risk Management Policy & Procedures. It is considered proprietary and is not to be copied or disseminated in any fashion without the expressed written consent of the Keolis Office of Safety and Risk Management.

Keolis Transit America understands that every situation and occurrence cannot be anticipated or addressed for every location by this document. The KTA Office of Safety and Risk Management hold local management accountable to maintain these directives as guiding policy. In the event that policies herein do not directly address local situations as they occur, local management is to immediately seek guidance before varying from corporate policy. Any variance from intent of prescribed policy is to be authorized by the Corporate Office of Safety and Risk Management.

## 5.0 Safety & Risk Management Introduction

### Safety and Risk Management Policy Overview

5.1

#### ***Safety Policy Statement from President and CEO, Keolis Transit America***

*Safe operations stands at the very core of our business. It is the policy of Keolis to provide a safe environment for all Employees, customers and the community. It is the responsibility of every Keolis Employee and all subcontractors working on our behalf, that all tasks be conducted in a safe and efficient manner complying with all applicable federal, state, and local health regulations. We must all strive, each and every day, to do our best to protect our passengers, our employees and the communities in which we serve, from the consequences of accidents.*



*Steve Shaw*  
President and Chief Executive Officer  
Keolis Transit America

#### **5.1.1 Keolis will comply with all applicable federal, state, and local health and safety regulations and set higher performance expectations for Keolis Employees where it further enhances the safety of Employees, customers, and the general public. Applicable federal regulations include, but are not limited to, the following agencies:**

- The U.S. Department of Transportation (DOT)
- The Federal Transit Administration (FTA)
- The Federal Motor Carrier Safety Administration (FMCSA)
- The Occupational Safety and Health Administration (OSHA)
- Office of Workers' Compensation Programs (OWCP)

#### **5.1.2 In the case of discrepancies between Keolis Policies and Procedures and federal, state or local requirements, the stricter standard shall apply.**

#### **5.1.3 Keolis will provide a safe working environment for Employees, taking all reasonable steps to maintain safe, healthy and clean working conditions that will eliminate or minimize accidents and health hazards. Keolis will follow all applicable OSHA and similar state and local requirements, including but not limited to:**

- Personal Protective Equipment
- Hazard Communication
- Emergency Action Plans
- Blood borne Pathogens
- Lock Out/Tag Out
- Record Keeping
- Job Hazard Assessments

For Lock Out/Tag Out and Maintenance Shop specific safety policies, please refer to *Keolis Injury and Illness Prevention Plan written safety plan documents.*

## “Safety is Every Employee’s #1 Responsibility” (SEE #1)

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### **5.1.4 The SEE #1 slogan should be posted in and around work areas and vehicles as visual reminders of each Employee’s responsibility to observe and practice safety in all work-related activities.**

- Keolis will recognize and promote that safety is a shared responsibility of all Employees.
- Supervisors and Managers will ensure that Employees exercise caution at all times, use all available safeguards and safety equipment, demonstrate behaviors that proactively prevent accidents and injuries, and comply with all rules, regulations, Policies and Procedures.
- Supervisors and Managers will make sure that all safety operations, programs, meetings, inspections and investigations within his/her designated area are carried out according to these Policies and Procedures.
- Supervisors and Managers will take ownership of Keolis safety Policies and Procedures and set an example for Employees by demonstrating proper safety behaviors.
- Employees must immediately report any unsafe conditions or incidents to their Supervisor/Manager and are encouraged to make suggestions for improved safety performance and conditions.
- Employees are instructed to bring any unresolved safety concerns to the attention of management before operating any equipment or engaging in any procedure they deem unsafe.
- Ongoing safety training will be provided to Employees to prepare them to perform their jobs according to Keolis safety Policies and Procedures.
- Employees will be required to attend all scheduled safety meetings.
- Employees will be held responsible for good housekeeping in their designated areas, adhering to high standards of cleanliness.
- Safety violations, depending on severity, may result in disciplinary actions up to and including termination.

## ***Safety Committees***

### **5.1.5 Keolis will establish a Safety Committee at each operating location to meet regularly for the purpose of proactively reducing accidents and injuries.**

- The Safety Committee will be comprised of at least four (4) members, and may include the Operations/Maintenance Manager, Operators, and Maintenance or Dispatch personnel.
- The Safety and Training Manager will serve as the Committee Chair.
- Committee members will serve for a minimum of six (6) month terms.
- Committee members will be chosen based on their safety record, attendance record, safety knowledge, leadership skills, overall safety attitude and willingness to help and contribute to the activities of the committee.
- One (1) member will be appointed to record meeting minutes, which will be given to the Safety and Training Manager to identify relevant points to be discussed and reviewed with all Employees.
- Members of the Safety Committee will be communicated to all Employees and be easily identifiable through some aspect of uniform or bulletin board posting.
- Safety Committee members will be provided with the proper training in order to be effective in promoting safety initiatives.
- Safety Committee meeting minutes must be documented and posted for each session.
- The Safety Committee will be responsible for reviewing all accidents and injuries on a monthly basis (minimum, or as required,) preparing a report on trends, hazard identification, recommendation for abatement of hazards and site/facility inspection results for Senior Management.
- The Committee will review all documentation from the previous month for follow up and updates on action items cited in that report.
- In the event that employees are not available to participate in committee activities, management is responsible to perform the functions of a Safety Committee.

### **5.1.6 Safety Committee Purpose is to:**

- Review motor vehicle accidents and work-related injuries/illnesses and determine primary or root cause as well as secondary or associated factors.
- Identify preventative measures and recommend solutions to prevent accident and injury recurrences.
- Conduct regular safety inspections of the facility and identify any physical hazards.
- Detect and eliminate unsafe conditions or practices not in compliance with the Keolis safety Policies and Procedures.
- Promote safety awareness and Employee involvement through incentive programs, safety communication programs, and recognition of safety accomplishments.
- Solicit feedback and suggestions from Employees.
- Make safety recommendations to management regarding preventative and corrective actions.

## ***Enforcement and Accountability***

### **5.1.7 Keolis will enforce and reinforce the elements of these written Policies and Procedures consistently, thereby supporting Keolis' commitment to safety.**

### **5.1.8 Keolis designates the Regional Directors of Safety and Risk**



**Management as having overall responsibility to effectively implement, monitor, and enforce these written Policies and Procedures as defined by the Corporate Office of Safety and Risk Management.**

- The Regional Directors of Safety and Risk Management, along with Corporate and field input, will review the existing Policies and Procedures on an annual basis or as needed to ensure that they are comprehensive and up-to-date.
- Safety standards will be monitored and measured on an ongoing basis in order to identify and correct unsafe behaviors or conditions.
- To request Policies and Procedures changes, please refer to *Keolis Policies and Procedures 1.5 Keolis Policies and Procedures Acknowledgement & Variances*.

**5.1.9 The on-site Safety Manager must assign day-to-day responsibilities for monitoring the program. The Safety Manager should:**

- Completely understand Keolis' Safety Policy, rules, and objectives, and communicate them clearly.
- Keep top Management informed of safety activities and needs.
- Investigate all accidents of Employees under their responsibility.
- Be knowledgeable in federal, state, local and industry safety regulations that apply to the Company's workplace.
- Conduct regular safety meetings.
- Consult with Management and Employees regarding safety-related matters.

**5.1.10 Keolis will take all practical and reasonable steps to safeguard Employees, passengers on vehicles and the surrounding public from accidents and injuries.**

- Proper safety training will be provided to all Employees responsible for the operation of public vehicles.
- Keolis will ensure that Employees operating public vehicles demonstrate readiness and competence before being released to service.
- Supervisors will monitor Employees and provide ongoing safety training to ensure a commitment to safety and accident prevention.

*(Please refer to Keolis Policies and Procedures - Safety and Risk Management 5.5 Principles of Safety.)*

**5.1.11 Employees must attend and participate in mandatory, regularly scheduled safety meetings. In addition, attendance is mandatory for any calls/meetings initiated by the corporate safety department for those invited to attend.**

- Supervisors are required to conduct mandatory, regularly scheduled safety meetings for personnel in all departments.
- Safety meetings must be formatted to provide information to employees concerning accident, hazard identification, incident and loss prevention, accident and injury trends and abatement of hazards. Information should be pertinent to the safety of the general public, employees, and passengers.
- Administrative employees are expected to attend regularly scheduled safety meetings. Management is expected to address administrative employees concerning accident, hazard identification, incident and loss prevention, accident and injury trends and abatement of hazards.
- Supervisors must inform Employees of the date and time of safety meetings.
- Supervisors must arrange for make-up meetings in the event that an Employee is absent from a safety meeting.
- Supervisors must ensure that Employees have access to and check bulletin boards, orders and safety notices on a daily basis.

- Federal, state and company regulations require regular documented safety meetings. It is the preference of the company that these meetings occur at least monthly.
- All meetings and attendance must be documented and kept in a binder, readily available for internal or external audits.
- Agenda items covered must be documented.
- For ideas concerning safety topics please contact Regional or Corporate Safety Management.
- It is Keolis policy that maintenance employees (because of the specific potential hazards known to exist in the process of ongoing maintenance of vehicles and facilities) hold regular, independent safety meetings in their department.
- Maintenance Safety meetings must be formatted to provide information to employees concerning accident, hazard identification, incident and loss prevention, accident and injury trends and abatement of hazards. Information should be pertinent to the safety of the general public, employees, and passengers, as well as specifically designed to identify, assess and abate known and projected hazards in the maintenance workplace.  
Note: While maintenance employees are not prohibited from attending other department scheduled safety meetings, it is our intent that a documented maintenance department safety meeting occur at least monthly. All maintenance employees, every shift are expected to attend and be accounted for at these meetings.
- Ideas, information and materials for maintenance safety meetings are readily available through the following resources:
  - *Keolis Safety Resource Center*
  - *Keolis Maintenance Job Hazard Analysis*
  - *Manufacturer Technical Manuals* (Safety Cautions, Warnings found in each section of repair manuals for each common and specific task are an excellent resource).

Although most safety regulations are consistent throughout each department and program, it is the responsibility of the Employee to identify and familiarize himself/herself with the Emergency Plan for his/her working area. Management requires that every person in the organization assumes the responsibility of individual and organizational safety.

Failure to follow Keolis safety and health guidelines or conduct which places the Employee, client or agency property at risk may lead to Employee disciplinary action up to and including termination.

## Certification, Training & Performance Standards

5.2

### *Keolis Trainer Certification Process (TCP)*

Keolis Trainers must meet all federal, state and local employment requirements and be approved by Management. Both Classroom and Behind the Wheel Trainers must be selected using the Keolis Trainer Certification Process (TCP).

#### **5.2.1 To be considered and to remain a Classroom and/or Behind the Wheel Trainer for New Operator Training, Trainers must meet the following minimum qualifications:**

- Successful completion of the entire New Operator Training program that he/she will be teaching.
- Have at least one (1) year experience in a transit/Operator position.
- Satisfactory attendance record, with no more than one (1) unexcused absence in the previous six (6) months.

- Excellent customer service record, with no customer complaints in the previous twelve (12) months.
- No preventable motor vehicle accidents within the previous twelve (12) months.
- No preventable work related injuries within the previous twelve (12) months.
- No disciplinary actions within the previous six (6) months.
- An acceptable score on the Trainer Evaluation included in the TCP.
- Successful completion of the "Structured Interview for Trainers" included in the TCP.

**5.2.2 Supervisors and Managers must evaluate both minimum and overall qualifications of Trainers using the Trainer Certification Process (TCP). Additional Trainer characteristics may be considered, including but not limited to the following:**

- Demonstration of Keolis commitment to safety.
- Adherence to Keolis Policies and Procedures.
- Verbal and written communication skills.
- A positive and helpful attitude.
- Leadership skills.
- Teamwork.
- Professional appearance and presentation.
- Willingness to work a flexible work schedule or extra hours as needed.

**5.2.3 Trainers must be provided with proper training, including various aspects of effective teaching practices, as outlined in the Training and Education component of the TCP.**

- Trainers must be trained to deliver training content in a consistent and standardized manner, adhering to the New Operator Training program.
- Trainers must be trained to answer questions and explain concepts to Employees who require additional attention or assistance.
- Trainers must be trained to objectively evaluate and document Employee performance and keep detailed records.

**5.2.4 Following completion of the TCP Training and Education component, Classroom Trainer candidates must pass a Certification Exam and successfully complete the Classroom Evaluation as part of the TCP.**

**5.2.5 Following completion of the TCP Training and Education component, BTW Trainer candidates must pass a Certification Exam and successfully complete the BTW Evaluation as part of the TCP.**

***Ongoing Performance Evaluation of Trainers***

**5.2.6 Classroom and BTW Trainers must meet and consistently maintain Strict standards of performance and conduct to remain in a Trainer position.**

- Trainers must be evaluated on a regular basis by Management to ensure quality of instruction and adherence to Company training standards.
- Supervisors must observe and document Classroom Trainer performance at least annually using the Classroom Evaluation, included as part of the TCP.
- Supervisors must observe and document BTW Trainer performance at least annually using the BTW Evaluation, included as part of the TCP.
- Supervisors must periodically review BTW records and documentation to ensure consistency.

- Supervisors will conduct regular training record reviews during the training cycle and before trainees are scheduled to enter revenue service. Inconsistencies are to be brought to the attention of the instructor, and the issues corrected.
- Feedback regarding Trainer performance will be solicited from participants in the training program using a Trainer Evaluation form.
- Employee performance on final written exams and BTW evaluations will be monitored to ensure Trainer effectiveness.

## ***Operator Training***

### **5.2.7 New Operators must complete all required hours of New Operator Training, including both Classroom and Behind the Wheel (BTW) hours.**

- New Operator curriculum must be based on national training standards, incorporating all federal, state, local, Company and contract requirements.
- New Operators must be evaluated after completion of each Classroom and Behind the Wheel (BTW) training module.
- BTW hours are defined as actual driving hours behind the wheel, or “hands on the wheel time.”
- Make up driving or classroom sessions must be provided for Employees who are absent or short on hour requirements.
- Operators must complete a final written exam upon completion of New Operator Training.
- Training progress and verification of program completion must be documented and kept in the Employee’s file.
- Supervisors or Managers will not authorize or instruct any Operator to operate vehicles for which the Operator has not received proper training.
- Paperwork documenting training hours, test scores, signatures and verification of training day activities is to be completed and filed by the instructor before the next training day sessions begin.

### **5.2.8 Keolis New Operator Training programs must be implemented in a standardized format across all locations.**

- Supervisors must ensure that training curriculum meets all required hours as mandated by specific client, state, local or contractual requirements.
- Supervisors must ensure that all Trainers have access to standardized training materials in order to teach key subject areas appropriately.
- Training curriculum must be reviewed and evaluated annually to ensure that training content is relevant, appropriate and up to date.
- Operators are to be trained and certified on each type/model of equipment they could be expected to operate in revenue service.

### **5.2.9 Operators must successfully pass on-board evaluations at the end of the training process and before being released to revenue service.**

- A complete, all-inclusive road evaluation (ALL job related tasks) must be documented on each employee BEFORE the employee is to be released to revenue service following initial new hire training.
- Supervisors or other qualified personnel must board the vehicle and observe the Operator while operating the vehicle. Operator Evaluation forms must be completed and kept in the Operator’s file.
- Supervisors or other qualified personnel must conduct an additional evaluation within thirty (30) days after release from training into revenue service for all new Operators.
- Operators are to be evaluated on each type/model of equipment they operate in revenue service.

## ***Performance Evaluation Specific to Operators/Drivers:***

### **5.2.10 Supervisors must schedule and conduct on-board evaluations for all Employees who operate Company vehicles.**

- Each Keolis Transit America location is accountable to conduct and complete quality safety evaluations on employees each calendar month which will equal (at a minimum) 12% of the total workforce of each department. Each KTA location will be responsible for maintaining this monthly goal indefinitely, and will be held accountable for doing so. Individual locations may be assigned a higher percentage of minimum monthly evaluations based on the assessment of KPIs by the corporate safety department.
- On board evaluations must include the Operator's performance of either a Pre-Trip or Post-Trip inspection.
- A Road Supervisor or other qualified individual must board the vehicle, observe operation of the vehicle while on board, and document the Operator's performance.
- On board evaluations must occur at least one (1) time annually.
- Operators with less than one (1) year of employment with the Company must have at least one (1) on board evaluation within their first year of employment, in addition to the 30 day evaluation required after release from training.
- On board evaluations must be documented using the appropriate Operator Evaluation form.
- Completed Operator Evaluation forms must be filed in the Operator's training file.

### **5.2.11 Supervisors must schedule and conduct unannounced trail check evaluations for all Employees who operate Company vehicles.**

- A Road Supervisor or other qualified individual will follow behind the vehicle, observe operation of the vehicle, and document the Operator's performance.
- Unannounced trail check evaluations must occur at least one (1) time annually.
- Operators with less than one (1) year of employment with the Company must have at least one (1) trail check evaluation within their first year of employment.
- Trail check evaluations must be documented using the appropriate Operator Evaluation form.
- Completed Operator Evaluation forms must be filed in the Operator's personnel file.

Additionally, Keolis requires Road Supervisors to check for and observe the following:

1. Daily Vehicle Inspection Report (DVIR) must be completed; Supervisor must review the last two (2) days for any defects and if applicable, check for Technician repair signatures.
2. Driver's License, Medical Card, First Aid/CPR, VTT and VDDP must be current.
3. Operator must be in uniform and appearance must be neat.
4. Operator must be wearing seat belt.
5. Vehicle must be clean inside and out.
6. Correct and effective mirror settings (internal and external)
7. Wheelchair lift cover must be on, if applicable.
8. All passengers must be wearing seatbelts where required.
9. Each wheelchair (or mobility device) must have four (4) securements and be facing forward (fixed route transit, forward facing where design allows).
10. Each wheelchair (or mobility device) must have in place four (4) floor securements and 3 additional passenger restraints (total of 7 point securement) for all paratransit vehicle passengers.
11. Loading and unloading wheelchair-locking breaks must be working and being used.
12. Mobility device should be held with one hand while operating lift.
13. Brakes on the wheelchair must be working properly. Improperly working brakes must be reported to a supervisor before transporting passengers.

14. Arrival times and Departure times must be accurate. Tardy arrivals over ten (10) minutes (or according to local SOP) must be immediately reported to Dispatch.
15. Comments and complaints must be dealt with in a professional and timely manner.
16. Evaluator must submit a daily written report to the Manager. Operator deficiencies or policy violations must be immediately reported to the Manager.

#### **5.2.12 Properties with on-board Driver monitoring technology must conduct a regular review of Operator incidents when they occur.**

- Supervisors are expected to monitor the on board system reports daily.
- Supervisors must investigate all incidents within 24 hours of notification of the occurrence.
- Supervisors must complete an Event Review for each incident and review it with the Operator.
- Documentation of each counseling session is expected to be committed to file within 48 hours of the review.
- Operators committing repeated safety infractions are to receive discipline in accordance with the company's disciplinary process.
- Employees whose driving behavior is judged to be hazardous in any way are to be removed from service immediately and receive specific behind the wheel training to correct the behavior. The employee may be returned to service once the behavior has been corrected by documented training and evaluation.

## Safety Requirements for Continued Employment

## 5.3

The following requirements refer to Employees in safety sensitive positions, particularly those hired as Operators/Drivers, including those employees who in the course of performing their duties drive Keolis vehicles. The Keolis Substance Abuse Policy applies to all Employees who perform a safety sensitive function.

To be considered for continued employment, Employees operating a motor vehicle must adhere to the following:

#### **5.3.1 Employees must undergo an annual review of their driving record and complete an Annual Review of Driving Record and Certification of Violations if responsible for operating a Company vehicle. MVR checks must be conducted and based on the following requirements:**

- Employees must undergo an annual review of their driving record, or as mandated by client requirements.
- When required by state law or regulations, authorizations to obtain MVRs must be obtained from Employees.
- Failure to authorize an MVR check is reasonable cause for dismissal.
- From the date of hire, Employees must meet the following MVR and Company standards regarding traffic violations:
  - No homicide, manslaughter, or assault convictions associated with operation of a motor vehicle.
  - No convictions for driving while intoxicated.
  - No more than three (3) minor moving violations within the previous thirty-six (36) floating months.
  - No major moving violations, including but not limited to:
    - failure to stop at the scene of an accident;
    - speeding thirty (30) mph or more above the posted speed limit;
    - driving with a revoked license;
    - Possession of opened alcoholic containers; attempting to elude an officer.

- A Supervisor or Manager will require an MVR when he/she has reason to believe the Employee's driving record is questionable or has deteriorated.
- Violations that occur on an Employee's personal time or in a non-Company vehicle are considered part of the overall driving record, if operation of a vehicle is within the scope of work of the employee.
- Annual MVRs must be reviewed, signed and dated by a management designee.

### **5.3.2 Employees must report any traffic citations, violations or convictions when they occur, including those received in personal automobiles.**

- Employees must provide notice to their Supervisors regarding traffic citations, violations or convictions within twenty-four (24) hours of their occurrence.
- Employees no longer meeting the minimum MVR and Company standards will be terminated.
- Employees whose primary functions include driving company vehicles are required to sign an annual Certification of Violations.

### **5.3.3 Employees must comply with the standards for preventable accidents and moving violations in Company vehicles.**

- Operators with three (3) preventable accidents in the previous twenty-four (24) floating months will be terminated.
- All moving violations or accidents in a Company vehicle will be reviewed by management and may result in disciplinary action, up to and including termination.

## ***Ongoing Employment Checks***

### **5.3.4 Employees must pass physical examinations as required by federal and State laws and Company/client policy, or every two (2) years, whichever comes first. Should an employee be required by a certified Medical Examiner to recertify more frequently than every two years, the employee must do so.**

### **5.3.5 Employees with a break in service of thirty (30) days or less with a valid medical card or examination certificate are generally not required to undergo a physical examination in order to return to work.**

### **5.3.6 In accordance with federal safety regulations governing safety sensitive employees, employees must undergo a physical examination if the Company has a reasonable basis to suspect the Employee may not be physically able to safely perform their job duties.**

### **5.3.7 Employees must undergo a criminal background check every four (4) years after the date of hire, or according to local policy.**

- Employees are required to report any arrest or conviction within twenty-four (24) hours of the event.
- Employees convicted of any offenses as outlined in the Selection and Hiring Policy will be terminated. The same criminal record standards apply to both applicants and existing Employees.

### **5.3.8 Employees must report to work being "fit for duty," as outlined by the Federal Motor Carrier Safety Administration (FMCSA), including but not limited to:**

1. Not being under the influence of prescription or non-prescription medication that may interfere with safe driving or safe operation of equipment.

2. Having adequate rest.
3. Not being in violation of federal or state hours of service regulations.

## Substance Abuse Policy

## 5.4

### 5.4.1 Employees must comply with the Keolis Substance Abuse Policy.

#### **Keolis' commitment to a drug and alcohol free workplace mandates the following:**

- Employees are not permitted to consume or be under the influence of alcohol during the following circumstances:
  - While on Company premises.
  - While on duty.
  - Within eight (8) hours prior to reporting to work.
  - While subject to being on call.
  - Within eight (8) hours following an accident that requires an alcohol test, unless the test was completed within the eight hour requirement.
- Employees are not permitted to be in possession of alcohol on Company premises or while conducting Company business.
- Employees are not permitted to consume or use controlled substances or illegal drugs at any time.
- Employees are not permitted to be involved in the unlawful manufacture, distribution, dispensing or possession of controlled substances at any time.
- Employees must notify the Company within twenty-four (24) hours of any criminal drug convictions occurring in the workplace or while on duty. Employees convicted of drug offenses will be subject to disciplinary action, up to and including termination.
- Employees who receive a DWI/DUI conviction are subject to termination.
- Employees are not permitted to use legal drugs requiring a physician's prescription without a valid prescription in his/her own name.
- Employees must notify the Company when taking prescription and over the counter medications that have label, manufacturer or pharmacy warnings that the medication may interfere with the ability to perform the job safely.
- Notification of prescription medications must be made in writing prior to beginning a work shift. Notification includes the appropriate Prescription Medication Notification form signed by the treating Physician, Physician's Assistant, Pharmacist or Registered Nurse.
- Prior to beginning a work shift, Employees must receive verification from the Substance Abuse Program Administrator, or the appropriate Supervisor or Manager, indicating that the prescription or over the counter medication will not interfere with the Employee's ability to safely operate a vehicle or machinery.
- Keolis Employees are not permitted to enter establishments with a visible Company uniform whose primary purpose is the sale of alcoholic beverages.
- Supervisors and Managers with questions regarding prescription or over the counter medications should consult with the company Medical Review Officer (MRO).

### 5.4.2 Operators involved in a Department of Transportation (DOT) reportable accident must undergo post-accident drug and alcohol testing in accordance with federal guidelines.

- All safety sensitive Employees are required to undergo DOT post-accident drug and alcohol tests if involved in an accident with a transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety sensitive Employees who operated the vehicle and any other whose performance could have contributed to the accident.



- All safety sensitive Employees are required to undergo DOT post-accident drug and alcohol tests if an accident results in injuries requiring immediate transportation to a medical facility, or one or more of the vehicles involved incurs disabling damage.
- Operators must undergo a post-accident drug or alcohol test following accidents not involving a fatality unless the employer determines, using the best information available at the time of the decision, that the covered Employee's performance can be completely discounted as a contributing factor to the accident.
- The decision not to administer a drug/alcohol test following an accident shall be based on the employer's determination and documented in detail, including the decision making process used to reach the decision not to test. The decision must be documented in each case of accident using a Post Accident Decision Maker form, which is then posted in the accident file folder.
- The Supervisor at the scene of the accident must transport or make arrangements to transport the Operator to the drug/alcohol testing facility.
- Operators are not permitted to return to work until a drug and alcohol test is conducted and negative results are received.
- Operators who refuse to submit to a drug or alcohol test when requested to do so following an accident will be removed from their safety sensitive duties, and in accordance with Keolis policy, terminated from employment.
- Operators who do not receive a negative test result will be removed from their safety sensitive duties and terminated from employment.
- Operators who receive a negative test result on a post-accident test following an accident may return to work and may be reimbursed for any regularly assigned lost time.

#### 5.4.3 Drug and Alcohol Testing Procedures

- Employees required to undergo a drug or alcohol test must be notified in writing using the Notification of Drug/Alcohol Testing form.
- Employees who perform safety sensitive functions are subject to random, unannounced testing for drugs or alcohol, pursuant to federal regulations.
- Random selection for drug or alcohol testing will be made using a method that ensures equal chance of selection for all Employees in safety sensitive positions.
- DOT Regulations mandate safety sensitive Employees must be randomly tested for controlled substances and alcohol.
- Random drug or alcohol tests will be unannounced and may occur at any time during the Employee's shift. Employees are required to proceed to the testing site immediately upon notification.
- Employees are required to undergo a drug or alcohol test when there is "Reasonable Suspicion" by a trained Supervisor, Manager or Company official. Reasonable suspicion must be based upon specific and justifiable observations regarding the Employee's appearance, behavior and/or body odors. Supervisors must complete a Reasonable Suspicion Supervisor's Evaluation form prior to sending the Employee for a drug/alcohol test.
- The Employee's Supervisor is required to transport the Employee to the designated drug or alcohol testing facility when there is reasonable suspicion. Employees who refuse to cooperate are subject to disciplinary action, up to and including termination.
- Following the administration of a reasonable suspicion drug and alcohol test, supervisor must offer to transport the employee to their residence, document that the offer was made and the acceptance or refusal of the employee to the offer. The employee is NOT required to accept transportation to their place of residence.
- Employees required to undergo a "Reasonable Suspicion" drug or alcohol test are not permitted to work in a safety sensitive position until a negative test result is verified.
- Employees who receive a negative test result following a "Reasonable Suspicion" test may return to work and be reimbursed for any regularly assigned lost time.

- Employees may refer themselves into substance abuse programs prior to being notified or subjected to an upcoming drug test by reporting the substance abuse problem to a Supervisor, Manager or Substance Abuse Professional.
- Employees returning to work after successful completion of a substance abuse program must undergo a drug or alcohol test and receive a negative test result prior to returning to work. Such Employees will be subject to follow-up testing for a minimum period of twelve (12) months, with a minimum of six (6) tests during the twelve (12)-month period. Follow-up tests will be unannounced and initiated by a Substance Abuse Professional.
- Employees returning to work in a safety sensitive position after an absence of ninety (90) days or more must undergo a pre-employment drug test and receive a negative test result prior to returning to work.
- Any Employee who refuses to undergo a drug or alcohol test as outlined in the Keolis Substance Abuse Policy will be terminated.
- Any Employee who fails to receive a negative drug or alcohol test result after both initial and confirmatory testing will be terminated.

#### 5.4.4 FTA Post-Accident Drug and Alcohol Testing Reporting Requirements Criteria Regarding Accident Reporting:

The FTA has established post-accident drug and alcohol testing and reporting requirements for which Keolis must adhere to. As such the Keolis General Manager or his designee must complete the FTA Post-Accident Drug and Alcohol Testing Decision form (A-4, Policies and Procedures – forms).

Could the **actions of any other safety-sensitive employee contributed to the accident (e.g., mechanic, dispatcher)?**

**If yes, contact the employee’s supervisor to conduct a FTA drug and alcohol test on involved employees.**

**If ALCOHOL testing is not conducted within 2 hours after the accident, document the reason for the delay on the form, continue to attempt to test. If no alcohol test is administered within 8 hours, cease all efforts to have the test administered and **update the documentation.****

**If DRUG test is not conducted within 32 hours after the accident, cease all efforts to administer the drug test and document the reason why the test was not administered.**

## Principles of Safe Driving & Operating Practices

5.5

It is the policy of Keolis to actively enforce safe driving and operating practices at all times. Operators must drive safely and defensively at all times and in a manner that prevents accidents, injuries and property damage from occurring.

The following principles of safe driving apply to all Employees responsible for operating Company vehicles.

**5.5.1 Keolis Employees will be properly trained and licensed for the type of vehicle being operated. Only Company Employees and individuals authorized by the Company may drive Company vehicles.**

**5.5.2 Operators will abide by applicable traffic laws, signs and signals at all times.**

- 5.5.3 The posted speed limits must be observed at all times. Vehicle speed must never exceed that which is safe for current driving conditions, regardless of posted limits.**
- 5.5.4 Seatbelts must be properly worn at all times when operating a Company vehicle.**
- 5.5.5 Operators will not wear portable headphones, earphones, or other such devices while operating Company owned or leased vehicles.**
- 5.5.6 Operators are not permitted to eat or drink while operating a Company vehicle.**
- 5.5.7 Smoking or the use of tobacco products is permitted only in designated areas. Smoking or the use of tobacco is not permitted inside Company vehicles, facilities or when otherwise representing the Company observed by the public.**
- 5.5.8 When driving a Company vehicle, the use of mobile phones is limited to the following situations:**
- **Transit Operators:** The use of mobile phones and other personal communications devices while operating a transit vehicle is strictly prohibited. Mobile phones must be powered off at all times except when the vehicle is in park and the engine turned off.
  - **Paratransit, taxi and other on demand transportation Operators:** Mobile phones and other communications devices may not be used for any purpose other than for work related purposes, and then only to the minimum extent necessary to communicate. No personal use of such devices behind the wheel of a vehicle is permitted. Mobile phone use while operating a motor vehicle is prohibited in any jurisdiction and in any manner that prohibits said use by law.
  - **Managers and Road Supervisors:** Mobile phones and other communications devices may not be used for any purpose other than for work related purposes, and then only to the minimum extent necessary to communicate. No personal use of such devices behind the wheel of a vehicle is permitted. When the use of a mobile phone or other device presents a risk to safe driving, use of the device is not permitted. Mobile phone use while operating a motor vehicle is prohibited in any jurisdiction that prohibits said use by law.
  - If it becomes necessary to use a mobile phone in emergency situations, Employees must pull over and park in a safe place prior to using the phone.
  - Failure to comply with any portion of this policy will result in disciplinary action, up to and including termination.
- 5.5.9 Keolis Operators are required to be in proper uniform while on duty. Operator attire must not interfere with safe driving or peripheral vision. The Uniform Policy includes, but is not limited to, the following safety requirements:**
- Shirts must be properly tucked in and buttoned.
  - Shoes must have a heel no higher than one (1) inch. Open toed shoes are not permitted by any Keolis employee in the work area.
  - Socks must be worn at all times.
  - Jewelry must be kept to a minimum, and may in no way obstruct vision or ability to operate vehicle controls or components.
  - Sunglasses may not be worn from dusk to dawn.
  - No head gear other than a uniform hat is permitted. Hats must be worn with the bill facing forward. Exceptions may be made by local management under certain circumstances,

- Articles of clothing must be worn so as not to present a safety hazard to or for the employee in the performance of duties.
- Hair must be worn so as not to interfere with peripheral vision.
- Facial hair must be neatly trimmed so as not to interfere with peripheral vision.

### ***Defensive Driving and Basic Maneuvering***

#### **5.5.10 Operators must properly adjust the driver's seat and mirrors prior to operating the vehicle to reduce the risk of blind spots while driving.**

#### **5.5.11 Professional Operators must continuously practice defensive driving, which means doing everything reasonably possible to avoid collisions, including anticipating possible hazards.**

- Operators must continuously scan for potential hazards around the vehicle. This is especially relevant when changing lanes or crossing intersections.
- Operators who by direct observation, on board camera systems or verified witness information are deemed to be fatigued while operating a vehicle in such a way as to adversely impact the safety of themselves, passengers, the public or vehicle are to be immediately removed from service and directed to undergo a fitness for duty evaluation by a qualified physician. The employee may not be returned to safety sensitive duties until such time as a qualified medical opinion is rendered as to fitness for duty. This includes (but is not limited to) sleep apnea studies as recommended by the Department of Transportation.
- Any vehicle operator who is found to have been involved in a preventable collision (regardless of amount or extent of damage) attributed to the employee's exhibition of fatigue while operating the vehicle will be immediately removed from service and considered no longer eligible to continue employment with Keolis Transit America.

#### **5.5.12 Keolis Operators must establish and maintain at least a four (4) second following distance during clear, dry weather conditions to safely avoid other vehicles making a sudden stop or other unexpected maneuver.**

- Following distance should be increased when being "tailgated" by another motorist.
- Following distance should be increased when driving in night conditions, inclement weather, fog, or other adverse driving conditions.

#### **5.5.13 Operators must maintain adequate side space cushions around the vehicle at all times.**

- Operators must adjust side space cushions when necessary to avoid unsafe intrusion by other drivers.
- Operators must leave adequate space in front of the vehicle when stopped. Operators should wait until a stopped vehicle in front moves to a safe distance before moving forward.

#### **5.5.14 Operators should avoid backing the vehicle if at all possible.**

- When stopping or parking the vehicle, Operators should allow adequate space ahead to pull around other vehicles or objects without having to back the vehicle.
- If the Operator is in a position where backing is necessary, the Operator must either engage the assistance of a responsible spotter, or get out of the vehicle and look before backing.
- If backing becomes necessary, Operators must use hazard lights and take actions to ensure that vehicles and pedestrians near the vehicle are aware that it is backing.

#### **5.5.15 Operators must use extreme caution when encountering bicycles. Operators are expected to:**

- Allow sufficient clearance, and ample room for movement and unexpected road conditions.
- Change lanes and pass bicycles with caution only when it is safe.
- Always look carefully for bicyclists before opening doors next to moving traffic or before turning.
- Allow bicyclists enough room to avoid colliding with vehicle doors that are opened into traffic.
- Merge toward the curb or through a bike lane only when it is safe.
- Not try to pass a bicyclist just before making a turn. Merge safely where it is allowed, then turn.
- Not drive in a bike lane unless initiating a turn at an intersection or driveway, and not more than 200 feet in advance.
- Make a visual check for bicyclists when changing lanes or entering traffic. Bicycles are small and may be hidden in a vehicle's blind spot. Utilize convex and large mirrors to keep bicyclists in view at all times.
- Be careful when approaching or passing a bicyclist on a two-lane highway or freeway.

#### **5.5.16 Operators must use proper steering and maneuvering at all times.**

- Operators are not permitted to make U turns unless they can do so safely and legally.
- Operators must place hands at the positions of 9 o'clock and 3 o'clock (or hands comfortably equal distance apart on left and right side of steering wheel), with the thumbs not hooked around the steering wheel in any manner that may restrict the drivers hand movements or ability to correct steering immediately in the event there is a need to do so.
- If a lane change becomes necessary, Operators must check mirrors, engage the turn signal well in advance, and when clear to do so, make a gradual and smooth lane change.
- Operators must obey applicable local laws and orders governing driving in the right lane.

### ***Starting, Stopping and Securing the Vehicle***

#### **5.5.17 Operators are responsible for properly starting the vehicle.**

- Under no circumstances are Operators permitted to start the vehicle by reaching through the driver's window.
- Operators are not permitted to start the vehicle while standing next to the driver's seat. Operators must be properly seated in the driver's seat when starting the vehicle.
- Upon starting the vehicle, operators are to fasten their seatbelt before engaging the transmission or moving the vehicle.

#### **5.5.18 Operators are responsible for properly securing the vehicle prior to exiting the driver's seat.**

#### **5.5.19 Operators must pull the parking brake and assure the transmission is in the proper position.**

- Operators are not permitted to use the rear door interlock to secure the vehicle.
- Operators are not permitted to leave the driver's seat while the vehicle is in gear.

#### **5.5.20 Operators are not permitted to idle the vehicle for more than ten (10) minutes.**

- When the vehicle is stopped for longer than ten (10) minutes, Operators must shut off the engine, utilizing proper shut off and cool down procedures.
- Operators must obey applicable state and local laws and orders governing the idling of vehicles.
- Location management is required to provide documented training to vehicle operators which specifies state and local area requirements concerning vehicle idling restrictions. Operators are expected to comply with stated restrictions at all times.

**5.5.21 After completing a driving shift, Operators must properly shut down the vehicle.**

- Operators must properly secure the vehicle.
- Operator must conduct a security sweep of the vehicle in accordance with local procedures.
- Operators must complete a thorough post trip vehicle inspection.
- Operators must turn in the vehicle keys to dispatch or appropriate management personnel upon completion of a shift.

## ***Passenger Safety***

**5.5.22 Operators must document and submit an Operator Incident Report for any unusual circumstances or situations involving passengers.**

**5.5.23 Operators must follow all requirements set forth by the Americans with Disabilities Act (ADA) when transporting passengers.**

- Operators driving fixed route schedules must call out major time points and arrivals at terminals.
- Operators must call out major intersections, transfer points, and all stops when requested to do so by a passenger.
- Operators must have an adequate supply of equipment on board the vehicle to properly secure mobility devices.
- Operators must request that passengers using mobility devices are secured in their seats when on board vehicles equipped with seatbelts for ambulatory passengers.

**5.5.24 Operators must exercise extreme caution when loading and unloading passengers.**

- Operators must make sure all passengers are seated or standing behind the standee line before moving the vehicle.
- Operators must drop passengers off only at designated stops, unless the stop is obstructed by heavy snow, ice or excessive water.
- Operators must check mirrors for objects or pedestrians and ensure that all areas are clear before moving the vehicle.
- Operators must use appropriate turn signals and flashers when approaching or leaving a stop.

**5.5.25 Operators must exercise extreme caution at railroad crossings.**

- All commercial vehicles must stop no closer than fifteen (15) feet and no further than fifty (50) feet from all railroad crossings, open the front door or driver's window, and look and listen for a train before proceeding. A stop must be made regardless of whether passengers are on board.
- Operators of any type of vehicle should never stop the vehicle across railroad tracks.

**5.5.26 Operators are not permitted to have family members or other visitors in the vehicle they are operating while on duty. If family members choose to utilize Keolis services, they must be treated as regular passengers in order to avoid distractions.**

**5.5.27 Operators must regularly inspect the vehicle for cleanliness, ensuring that the vehicle is free from trash or debris that could compromise passenger comfort and safety.**

- Operators will properly secure all items in the vehicle to prevent hazards such as tripping or flying objects. This includes items such as trash cans, mobility aid securement components (straps, belts), seat belts, fire extinguishers, reflectors, first aid kits, personal items, etc.

## ***Mobility Aid Safety***

### **5.5.28 Operators must consider safety, courtesy and efficiency at all times when moving and transporting passengers using wheelchairs.**

- Only Keolis Employees trained in proper mobility aid procedures, or other trained healthcare providers, are permitted to move or transport passengers in wheelchairs.
- Operators must conduct a thorough Pre-Trip inspection to ensure that passengers in wheelchairs will be transported safely, including but not limited to:
  - All components of the lift system must be checked by cycling the lift.
  - All mobility aid straps and passenger restraints must be checked.
  - A seatbelt cutter must be available in each vehicle.
  - The ADA interlock system in mobility aid vans must be checked, ensuring that the transmission, parking brake and lift switch are working properly.
- Operators must wear shoes with anti slip soles to avoid slipping, falling, or losing control of the wheelchair.
- Operators are not permitted to leave the vehicle running in front of residences or facilities for an excessive amount of time.
- Manual lift operation should only be used when the lift cannot be operated electrically.
- In paratransit operations, Operators are not permitted to leave passengers unattended on inclines or ramps.
- Lifts which are found to be inoperable are to be reported immediately, the vehicle taken out of service immediately upon notice of an inoperable mechanism, and replaced with equipment which is operable. At no time should a known vehicle with an inoperable lift be left in service.
- Tie downs must be stored in their proper containers when not in use.
- When moving passengers in wheelchairs, Operators must maintain physical contact with the mobility aid at all times. Operators must lock the mobility aid brakes before removing their hands from the wheelchair. Operators must communicate with passengers when moving them to keep them informed and ensure comfort. Passengers must be informed in situations where it is necessary to tip the mobility aid back.
- Employees must notify Dispatch immediately when circumstances prevent them from following proper mobility aid procedures. Keolis requires that a 7 point securement system be fully deployed for the safety of all passengers in mobility aids where allowed by regulation.

### **5.5.29 When assisting passengers in wheelchairs, Operators must follow specific maneuvering and lifting procedures to ensure both passenger and Operator safety.**

- Operators are not permitted to lift wheelchairs except in emergency situations.
- When using physical strength to move passengers or secure tie downs, Employees must use proper techniques to prevent back injuries.
- Wheelchairs must be moved as smoothly as possible at all times. Wheelchairs must be pulled or backed downhill, pushed uphill and should not be moved over multiple steps.
- When possible to do so, Operators should be on the downhill side of the mobility aid when going up or down ramps to minimize the risk of losing control.
- The mobility aid must be locked into position so the chair is immobile when passengers attempt to stand, sit or transfer in or out of the wheelchair. Operators must also place their foot beside the large wheel and firmly hold the mobility aid handgrips.

### **5.5.30 Operators must follow guidelines to ensure that mobility aid equipment is working and used properly.**

- Operators must always check the mobility aid grips to make sure they are not loose. Operators should remove loose (unsafe) handgrips when handling the wheelchair, return them when finished and inform the passenger of their condition.
- Operators must check the mobility aid brakes to make sure they work properly.
- Speed control dials must be turned down on electric wheelchairs when maneuvering the wheelchair.
- Operators should never attempt to operate electric or electronic mobility aid controls except in extreme emergency situations because of lack of familiarity and uncertain response from the device. In the event that a passenger is unable to operate their electric mobility aid, operator must contact dispatch and await instruction.
- Operators must notify Dispatch if a passenger's mobility aid is broken or damaged in a way that compromises safety or the ability to properly secure the wheelchair.

### **5.5.31 Operators must ensure that proper conditions are present and follow specific procedures when using the lift platform to assist passengers in wheelchairs.**

- When possible, Operators must be positioned on the same side of the street as the pickup location.
- The vehicle must be positioned on firm, level ground with the lift resting on concrete or pavement. Operators should avoid soft, wet or slippery surfaces.
- Operators must maintain control of the mobility aid throughout the entire lift procedure.
- Operators must use lift securement belts at all times when passengers are on the lift platform. This is applicable to only those vehicles that are equipped with lift securement belts.
- Operators are allowed to stand on the lift with ambulatory passengers to assist if needed for safety. Ambulatory passengers should never be left alone on the lift.

### **5.5.32 Operators must follow proper securement procedures when assisting mobility aid passengers on board the vehicle.**

- All passengers must be secured in wheelchairs and mobility aids in a forward facing position.
- Operators must position the mobility aid evenly front to rear and side to side in the mobility aid securement area.
- Operators must ensure that mobility aid brakes are locked and electric wheelchairs are turned "off."
- Operators must complete the entire mobility aid securement procedure from start to finish once it is initiated.
- Operators must secure the mobility aid first and the passenger second.
- A seven (7) point tie down system must be used on all wheelchairs and mobility devices. Four (4) points must secure the mobility device and three (3) points must secure the passenger.
- Unoccupied wheelchairs must be secured using the proper four (4) point tie down procedures.
- All three (3) wheeled and four (4) wheeled scooters should be properly secured. Operators must notify Dispatch if a scooter cannot be properly secured.
- Passengers using scooters should be encouraged to transfer to a seat while on board a vehicle. Passengers should be properly secured.
- When passengers are secured, Operators must stow the lift in its proper compartment and close the lift doors. The lift should not be stowed with the lift belt attached.



- Operators must recheck all straps and tie downs by pulling them from the back of the mobility aid to make sure they do not move. The mobility aid should not move one inch in any direction.
- Operators must check securements to make sure they are secured in their tracks.

### **5.5.33 Operators must use proper unloading procedures when assisting mobility aid passengers off the vehicle.**

- Operators must position the vehicle so that the unloading zone is on level ground.
- When the passenger is safely unloaded, the lift area must be secured by properly stowing the lift and closing the doors.
- When lift area is secured, Operators must turn the engine off and remove the keys from the ignition.
- Operators must notify a Supervisor or qualified personnel if the lift malfunctions with a passenger on board. Operators should stay on the lift with the passenger while a qualified individual activates the lift manually, if it is safest for the passenger to do so.

## Accident Policy & Procedures

## 5.6

### ***Reporting of Serious or Critical Accidents***

#### **5.6.1 In Case of Emergency**

1. Contact appropriate authorities (Call 911).
2. Ensure the health and welfare of people involved.
3. Protect Keolis and customer property.
4. Enact location-specific emergency procedures.

#### **5.6.2 In Case of Media Involvement**

1. Identify the responsible spokesperson and direct all inquiries to the spokesperson.
2. Get the story right the first time.
3. Contain the Crisis.
4. Communicate with affected Employees.
5. Limit the number of people involved in Crisis Management.
6. Inform others to carry on with their normal job functions.

In the event that there is media presence, potential for presence or media inquiries; before giving any statement, notify:

**Leslie Aun** – Vice President of Communications, Keolis North America  
 470 Atlantic Avenue, Fifth Floor, Boston, MA 02210 USA  
**Mobile** +1 703-517-4550 [leslie.aun@keolisNA.com](mailto:leslie.aun@keolisNA.com)

#### **5.6.3 Critical Incident Protocol**

Critical Incidents include, but are not limited to, the following:

- A fatality, life threatening or serious injury to any person.
- Multiple people injured regardless of severity.
- Any injury to a pedestrian, bicyclist or motorcyclist.
- A threat to public health or environment.
- An alleged equipment failure resulting in injury.
- Any serious accident causing prolonged interruption of service.
- Intervention of public authorities on site.
- Serious or sudden labor conflict.
- A circumstance that may bring negative publicity to the Company.
- If you are not sure, initiate the critical incident protocol.

#### 5.6.4 Who Responds?

- Road Supervisor responds immediately if available.
- Local Management team, i.e. Terminal Manager and Safety Manager.
- Terminal Manager calls Regional Director of Safety and Risk Management. Regional Director in turn will notify the Vice President, Safety and Risk Management.
- Terminal Manager/General Manager/Project Manager notifies their Senior Vice President of Operations (SVP Ops).

#### 5.6.5 Executive Notification Protocol

1. Vice President (SVP), Safety and Risk Management will notify Chief Operating Officer (COO). If COO is unavailable, VPSRM will notify Chief Executive Officer (CEO).
2. COO will notify CEO.
3. If indicated, SVP, Safety and Risk Management will set-up an emergency conference call. Participants should include (but not limited to): CEO, COO, CFO, Chief Marketing Officer (CMO), EVP Business Development, HR, SVP, Safety and Risk Management, SVP Ops and VP of Claims Administration. The objective of the call is to determine level of risk, level of response and whether to launch the "GO" Team.
4. If GO Team launches; at location ASAP, take control of situation internally and externally. GO Team members must be experts in crisis management.

**All serious accidents will be reported immediately to the Insurance Company and to:**

**Doug Lawson** - Vice President of Claims Administration - Safety and Risk Administration

**Mobile** 424-233-5046

[Doug.Lawson@KeolisNA.com](mailto:Doug.Lawson@KeolisNA.com)

**Reginald Reese** - Vice President - Safety & Risk Management

**Mobile** 424-645-9548

[Reginald.Reese@KeolisNA.com](mailto:Reginald.Reese@KeolisNA.com)

**A serious/critical accident is defined as at least, but not limited to, the following:**

1. Fatality (including accidental death on a bus or company property, regardless of fault)
2. Serious burns
3. Quadriplegia or Paraplegia
4. Amputation
5. Brain damage – actual or alleged
6. Severe injury with apparent permanent disability
7. Severe cosmetic disfigurement
8. Blindness or loss of hearing
9. Severe fractures or multiple fractures
10. Psychiatric problems due to trauma, actual or alleged
11. Serious vascular abnormalities due to trauma
12. Any accident involving injuries to more than three persons
13. Any pedestrian accident
14. Assault or molestation incidents
15. Severe bleeding
16. Vehicle roll-over
17. Any accidents that result in an individual being "care flighted" from the scene.

In the event you are not sure as to whether or not to report the accident immediately, contact the VP of Claims Administration or the VP of Safety & Risk Management.

## ***Vehicle Accident Safety Policy & Procedures***

It is the policy of Keolis to conduct prompt, accurate and thorough investigations of all accidents, injuries, illnesses and near misses, with the goal of promoting safety and preventing reoccurrences.

**5.6.6 Accident Investigation materials must be stored on board each Company vehicle in the event of an accident. Materials must include, but are not limited to:**

- A. Paper
- B. Pencil/writing instrument
- C. Customer comment cards
- D. Vehicle Seating Diagram
- E. Vehicle Accident Reports/Operator Incident Report
- F. Witness Statement Forms

**5.6.7 Operators must stop the vehicle and notify Dispatch immediately when an accident occurs.**

**5.6.8 Operators must notify Dispatch if the vehicle collides or comes into contact with any type of object or pedestrian, no matter how slight or minor the accident, and whether or not damage occurs.** This also includes any injury or potential injury to any passenger, regardless of whether the passenger requests medical assistance.

**5.6.9 Operators must provide the following information to Dispatch:**

- The exact location of the accident, vehicle/route number and direction of travel.
- Any injuries or passenger complaints.
- Condition of the vehicle.
- Damage to any other property.

**5.6.10 Operators must remain in contact with Dispatch until all necessary information has been obtained.**

**5.6.11 Dispatch will determine the severity of the accident and notify the appropriate emergency, fire and police authorities.**

**5.6.12 Dispatch will notify the appropriate Supervisor or Manager and ensure that a Road Supervisor responds to the scene.**

**5.6.13 Operators are not permitted to leave the scene of an accident or move the vehicle until released by proper authority. Doing so will result in disciplinary action, up to and including termination.**

**5.6.14 The Supervisor and appropriate individuals will travel to the scene and conduct a thorough investigation of the accident.** *(Refer to Keolis Fundamentals of Accident Investigation Training for detailed expectation of investigation techniques and duties.)*

- Supervisors with primary accident investigation responsibilities must be in the possession of complete Accident Investigation Kits at all times. Accident investigation materials include, but are not limited to the following:

A. Reflective vest	J. Mobile phone or radio
B. Lined paper	K. Digital Camera*
C. Clipboard	L. Flashlight
D. Clear plastic sheet	M. Batteries
E. Plastic bags	N. 100' measuring tape
F. First aid kit	O. Chalk
G. Body Fluids Spill Kit	P. Marking pens
H. Map	Q. Ball point pens & #2 pencils
I. Accident forms	R. Customer Comment Cards
<i>*Cell phone cameras may be used as long as picture quality is acceptable and pictures can be easily transferred to appropriate entities in an efficient manner.</i>	

- Ensure the operator is properly attended to. Segregate the operator from the public if possible.
- Make sure the operator completes his/her part of the claim report.
- Take photographs of the accident scene.
- Interview witnesses (Obtain statements when possible)
- Complete the supervisor's part of the claim report the day of the accident.
- Keep management apprised of developments at the scene.
- Cooperate with police and other first responders.
- Restore service

#### **5.6.15 Operators must take action to keep passengers and all those involved with the scene of the accident protected from further injury or harm.**

- Operators must check the vehicle for potential hazards and evacuate passengers if necessary.
- Operators must not move the vehicle from the place of impact (or rest) unless instructed to do so by authorized personnel unless the operator feels in his/her best judgment that to leave the vehicle in place would pose a risk to traffic, passengers or the employee. In this case, the operator should move the vehicle only as far as to ensure safety upon alerting dispatch that this is being done.
- Operators must check for injuries and provide medical assistance to injured passengers to the extent qualified or allowed.
- Operators must display emergency triangles to notify and warn oncoming traffic of the accident.
- Operators should keep passengers informed of the situation and steps to be taken.

#### **5.6.16 Operators must strive to assist Keolis in minimizing unjust or excessive liability claims.**

- Operators are not permitted to comment on or admit fault or guilt.
- Operators should be cooperative with police and emergency responders during their investigation.
- Operators must obtain accurate information about other drivers and any witnesses involved.
- Operators must observe and document the events and individuals involved, noting individual behaviors, weather and traffic conditions and any other relevant factors.
- Operators are required to provide customer comment cards to passengers and witnesses, making sure they are filled out correctly and completely.
- Supervisors at the scene must review and approve any statement of facts or events prior to submitting it to the police as part of a police report.

#### **5.6.17 Appropriate management personnel will review the accident details to determine preventability as soon as reasonably possible.**

- Employees are not permitted to return to service until a decision of preventability is determined.
- Employees involved in the accident will be notified of the findings regarding preventability in writing.
- Employee driving records will be charged with any accidents determined to be preventable.
- Accidents not cited by law enforcement authorities may still be determined preventable based on Keolis and National Safety Council standards.
- Accidents citing the other party at fault by law enforcement may still be determined preventable based on Keolis and National Safety Council preventability criteria.
- Employees may be subject to termination following a preventable accident based on the following circumstances:
  - Three (3) preventable accidents within the previous twenty-four (24) floating months.
  - Accidents involving extreme bodily injury or property damage.
  - Driving while intoxicated or under the influence of drugs.
  - Possession of an open container.
  - Homicide, manslaughter or assault arising out of operation of a motor vehicle.
  - Attempting to elude a police officer.
  - Failure to stop and report an accident or leaving the scene of an accident.
  - Extreme negligence attributing to the cause of the accident.

#### **5.6.18 Post-accident training will be provided to Employees involved in a preventable accident.**

- Post-accident training content will be based on the root cause of the accident.
- Employees must complete post-accident training prior to returning to duties.

### ***Work Related Injuries/Illnesses***

#### **5.6.19 Manager / Supervisor Manager Responsibilities:**

*(Refer to Keolis Fundamentals of Accident Investigation Training for detailed expectation of investigation techniques and duties.)*

- **Arrange for appropriate First Aid or medical services for any injured/ill Employees when the situation requires medical assistance, or when requested to do so by the injured/ill Employee.**
- If the injury does not require emergency medical attention, direct the employee to the appropriate dedicated Keolis medical facility after discussing the nature of the injury and conducting a thorough investigation of how the injury occurred, including obtaining statements from witnesses.
- Managers must report injuries within twenty-four (24) hours after the incident occurs to the insurance company or TPA.
- Advise the medical care provider of the Keolis' transitional duty program and provide a transitional duty position in writing. A copy of that document is to be sent immediately to the handling adjuster.
- Specific investigation and reporting procedures must be followed to meet requirements set forth by Keolis and various agencies.

#### **5.6.20 Inspect the accident scene for hazards that present serious or immediate danger to Employees or the public.**

**5.6.21 Interview the Employee and any witnesses as soon as possible after the incident and document responses.**

- Employees/witnesses involved with the incident must complete a witness report form verifying their description of the incident.

**5.6.22 Prompt, accurate and thorough investigations of all accidents, injuries and near accidents will be conducted to prevent reoccurrences.**

- All incidents resulting in personal injury or property damage, no matter how slight, will be investigated.
- Formal training in accident prevention and emergency procedures will be provided to all Employees in safety sensitive positions.
- Formal training in accident investigation and reporting procedures will be provided to Employees responsible for accident follow-up activities.

**5.6.23 Use the Supervisor Investigation Report B-1 to obtain all relevant information regarding the incident. Supervisors/Managers should ask the following “type” questions to obtain detailed information regarding the incident:**

1. Please describe the injury or condition you have reported as work related.
2. What symptoms did you first notice?
3. When did you first notice the symptoms, injury or illness? (Include date and time.)
4. What were you doing when you first felt that you were injured or ill?
5. Where were you when you first noticed the injury or illness?
6. How did the injury occur? (Ask the Employee to show you how it happened.)
7. Exactly which areas of your body are affected? (Be precise; include descriptions of left or right, which finger, etc.)
8. What were you doing just before the injury/accident?
9. When did you first seek treatment for this condition and with whom? (Include date and name of physician.)
10. Did the physician indicate the condition was related to your work?
11. Do you have any employer other than Keolis? If so, what does the job require and how often do you work there? What is the name of your other employer?

## ***OSHA Reporting and OSHA 300 Reports***

**5.6.24 Supervisors or Managers must determine whether the injury/illness is OSHA Recordable based on OSHA Recordkeeping Guidelines.**

**5.6.25 The Occupational Safety and Health Act (OSHA) is a Federal law that is in place to ensure safe and healthful working conditions for every working person. In compliance with the law, each division will be provided with their site specific logs. This information will also be posted on your divisions’ secure Keolis site. The following items will be provided for posting:**

1. OSHA 300 Log of Work-Related Injuries and Illnesses.
2. OSHA 300A Summary of Work-Related Injuries and Illnesses, which shows totals for each category for the year.
3. OSHA 301 Injury and Illness Incident Report, which provides details about each accident.

Only the OSHA 300A summary must be posted in a visible location at the facility by February 1 and remain posted until April 30 of that year.

**Supervisors or Managers must determine whether the injury/illness is OSHA Recordable based on OSHA Recordkeeping Guidelines.**

- It is the responsibility of the Terminal Manager to ensure completion of the OSHA 300 Log.

- Based on general recordkeeping guidelines, an injury or illness is considered to meet recording criteria if it results in any of the following:
  - Fatality
  - Days away from work
  - Restricted work or transfer to another job
  - Medical treatment beyond first aid
  - Loss of consciousness
  - A significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- Within seven (7) calendar days after receiving notice of the incident, record and log the OSHA Recordable injury/illness.
- It is the responsibility of the Terminal Manager to ensure completion of the OSHA 300 Log.

#### **5.6.26 Modified Duty for Injured Employees with Work Restrictions:**

- Modified duty must be offered to all Employees who sustain a work related injury/illness resulting in a restriction to their normal work duties.
- Supervisors must complete and send the Modified Work Letter and Schedule to the Employee.

#### **5.6.27 Supervisors or Managers must implement all measures necessary to correct, eliminate or minimize the chance of future injuries/illnesses of the same root cause, including a written plan with specific action steps and completion dates, as outlined in the Supervisor's Investigation Report.**

#### **5.6.28 Keolis will take all practical and reasonable steps to safeguard Employees, passengers on vehicles and the surrounding public from accidents and injuries.**

- Proper safety training will be provided to all Employees responsible for the operation of public vehicles.
- Keolis will ensure that Employees operating public vehicles demonstrate readiness and competence before being released to service.
- Supervisors will monitor Employees and provide ongoing safety training to ensure a commitment to safety and accident prevention.

#### **5.6.29 Injured Worker Responsibilities:**

- Keolis Employees are required to report any injury or accident to Keolis management regardless of severity, immediately after its occurrence or as soon as possible before the end of the injured worker's work shift the day of the accident using the Employees' Report of Work Injury (C-1).
- Employees who are physically unable to provide a report immediately after the incident must complete a report within twenty-four (24) hours of the incident or as soon as they are physically able.
- **Employees who do not report an accident immediately are subject to disciplinary action, up to and including termination.**
- California employees are to complete California Claim form (DWC 1).
- Employees are to follow all state guidelines and regulations concerning worker injury reporting.
- Provide Keolis management with a written work status note from the medical care provider.
- Appear for all scheduled injury related medical appointments. Such appointments should be made not to coincide with the employee's work schedule.

- Return to active duty as dictated by the medical care provider's instructions (transitional or full duty).
- Employees involved in preventable accidents or injuries will participate in post-accident training before returning to work.
  - Post-accident training content will be based on the root cause of the accident or injury.
  - Employees must demonstrate that they have learned how to avoid the type of accident or injury that occurred before returning to work.

### **5.6.30 Employees involved in work related injury/illness investigations are required to undergo a drug and alcohol test if Reasonable Suspicion exists.**

- Supervisors/Managers must transport the Employee(s) to the drug/alcohol testing facility.
- Employees who refuse to submit to a drug or alcohol test when requested to do so will be terminated immediately.
- Employees are not permitted to return to work until a negative test result is received, if it is believed that drugs or alcohol were a contributing factor to the injury/illness.
- Employees who do not receive a negative test result will be terminated immediately.
- Employees who receive a negative test result following a Reasonable Suspicion test may return to work and be reimbursed for any regularly assigned lost time.
- Supervisors/Managers must notify the Adjuster if the Employee has lost time away from work while awaiting a drug/alcohol test result.

## Emergency Preparedness

5.7

### **5.7.1 In order to ensure a successful Emergency Preparedness Program, Management should:**

- Be actively involved in the creation and maintenance of all aspects of the Emergency Preparedness program
- Be up-to-date on state-specific safety laws, particularly laws that differ in the state of location.
- Provide clear and consistent support of the Emergency Preparedness Program.
- Provide the resources necessary to implement the Program.
- Ensure that all Employees are aware of the Program.
- Train all workers in safe work practices.
- Regularly audit operations and review the Program for continued effectiveness.
- Recognize and reward good safety performance.

***Note: OSHA requires documentation for emergency preparedness and prevention procedures. Please see the Keolis Injury and Illness Prevention Plan for specific documents which are used to train all employees. These plans include at a minimum:***

### **5.7.2 Emergency Action Plan Documentation:**

This document sets the expectations and responsibilities of all personnel within Keolis whether they are directly or indirectly assigned duties in the event of an emergency. Responsible Groups may include, but not be limited to, Incident Command, Facility Safety, First Aid response, Hazardous Material response, facility evacuation, communications and recovery.

### **5.7.3 Fire Prevention Plan Documentation:**

This document is designed in concert with Emergency Action Plan. This is a required, proactive part of emergency preparedness. This plan will structure the inspection and



abatement of fire related hazards within Keolis facilities. Employees will be assigned duties within this plan.

#### 5.7.4 Fires at the Terminal:

**In the event that the emergency fire alarm system is activated, all Employees are to evacuate the building by following the procedures below:** *(These are general instructions. Each Keolis location is required to train its employees from the locally formatted emergency plans in place as part of the Keolis Injury and Injury Prevention Plan.)*

1. In the event of a fire alarm test or fire drill, an appropriate announcement will be made prior to the test/drill over the intercom system.
2. If no announcement was made, you must assume the fire alarm was sounded for an actual emergency. In the event of an actual emergency, everyone should immediately stop whatever they are doing, remain calm and leave their work area. If possible, turn off all electrical equipment before leaving your work area and secure any personal valuables. Under any and all circumstances, please remember that safety to life should always come first.
3. Each work section (floor, building) will have a designated primary and alternate floor warden whose responsibility is to see that all Employees leave the building promptly and safely.
4. All Employees should exit the building by way of the nearest exit or stairwell that will be marked with a lighted red exit sign and follow these signs, exiting to the outside. If the nearest exit or stairwell is blocked by smoke, use the other exit/stairwell. **DO NOT USE THE ELEVATOR.** It is the responsibility of all able staff to assist any persons with disabilities in descending the stairwell in a safe and quick manner. However, Keolis will have made every attempt to make prior arrangements with a floor warden or other staff for these individuals to have assistance in evacuating the building in the event of an emergency.
5. Once you have reached the first floor or level, follow the exit signs to exit the building and quickly proceed away from the building to the designated evacuation area. People who exit the building first must position themselves far enough away from the building to enable everyone to stand clear of emergency vehicles. The street must be kept clear at all times, so as not to hamper the movement of emergency vehicles into the area.
6. Before leaving the building, the Senior Manager and/or his or her designate(s), if possible, will call the Fire Department and leave all doors unlocked to allow the Fire Department easy access.
7. Once outside the building, a senior level staff member should designate someone to:
  - a) Confirm with senior management that the Fire Department has been called (911).
  - b) Congregate all Employees in the designated evacuation area, and confirm that all Employees and visitors are out of the building and accounted for.
  - c) Meet the Fire Department at the front entrance to provide additional information such as providing inventory of flammable /chemical materials stored at the location, missing or injured employees, etc.
8. Staff members trained in CPR and rescue breathing should survey the individuals outside to determine if anyone is in need of first aid. Appropriate aid should then be given.
9. Once outside, do not re-enter until the building is declared safe by the Fire Department and you are informed to do so by the most senior level staff member.
10. Practice drills must be conducted on at least an annual basis.

#### 5.7.5 Vehicle Fires

**Operators must follow the proper procedure when extinguishing fires**

**on board the vehicle as follows:** *(These are general instructions. Each Keolis location is required to train its employees from the locally formatted emergency plans in place as part of the Keolis Injury and Injury Prevention Plan.)*

#### **5.7.6 Extinguishing Fires Procedure**

1. If smoke or fire is present, evacuate the vehicle before using the fire extinguisher.
2. Do not open the hood or engine compartment if there are signs of a fire inside.
3. Shut off all electrical power and read the instructions on the fire extinguisher.
4. When using the extinguisher, stay as far away from the fire as possible.
5. Aim at the source or the base of the fire, not at the flames.
6. Position yourself upwind. Let the wind carry the extinguisher contents toward the fire, rather than letting the flames blow toward you.
7. Continue extinguishing until whatever was burning has been cooled.
8. Absence of smoking or flame does not mean that the fire is completely out or cannot restart.
9. Only try to extinguish a fire if you are confident in your ability to use the extinguisher and it is safe for you to do so.
10. Notify dispatch immediately once immediate danger to passenger and employee safety has been managed.

#### **5.7.7 Operators must follow these procedures when handling passengers who are ill:**

1. Secure the vehicle in a safe location.
2. If possible, determine what type of help the passenger might need. If the passenger is unconscious, ask other passengers if they know what is wrong with the ill passenger.
3. Check the passenger's neck and wrists for medical warning tags. Follow the directions on the tags if you find any.
4. Contact Dispatch. Explain the situation, ask for emergency assistance if you need it and request further instruction.
5. Inform the other passengers of what is happening and keep them away from the ill passenger.
6. Administer First Aid or CPR if you are trained and permitted by Keolis to do so.
7. Keep the passenger warm, comfortable and talk to him/her as a treatment for shock.
8. Do not give the passenger food, drink or medication unless medical warning tags say to do so.
9. Ask other passengers to fill out courtesy cards.
10. Complete an Operator Incident Report.

#### **5.7.8 Earthquake**

1. If you are indoors, stay there. Take shelter under a desk, table, or in a doorway. If you cannot get under something sturdy or stand in a doorway, get on your hands and knees and cover your head with your hands and arms.
2. If you are in a high-rise building, stay away from windows, outside walls, light fixtures, filing cabinets and bookshelves. Do not attempt to use the elevators.
3. If you are outdoors, go to an open area away from trees, buildings, walls, roadways and power lines.
4. If the building is evacuated, do not return until authorized.
5. Beware of potential dangers after an earthquake such as escaping gas, unstable building structures, electrical hazards, etc. Also beware of aftershocks.

#### **5.7.9 Natural Disaster**

An act of nature or other catastrophic event is a situation where a Keolis Employee will have had no influence or control over the event. These events include, but are not limited to floods, falling tree limbs, explosions, hail damage, chemical spills, etc.

1. Assist an Emergency Response Team member if asked.
2. Listen and wait for directions on how and when to evacuate the facility from Emergency Response Team Members, security, police, or fire personnel.
3. Follow the assigned escape route procedures to avoid crowding at the exits.
4. Report immediately to your designated meeting location upon evacuating the facility. Do not take any side trips.
5. Never go back into the facility to retrieve personal belongings.

### **5.7.10 Pandemic**

The world health community continues to monitor closely the emergence of pandemic influenza, and other widespread communicable viruses and diseases. At the time of year when seasonal influenza becomes widespread, proactive steps to address a number of business concerns should be taken. First and foremost, we must maintain a safe workplace and encourage and/or adopt practices protecting the health of Employees, customers, visitors or others. We must also ensure the continuity of business operations in the event of a severe influenza pandemic. The policies described below are intended to achieve these objectives. As always, our efforts will be guided by and in accordance with all applicable federal, state and local direction from qualified designated authorities. We will continue to monitor information and advice on this important issue and modify or supplement these policies as necessary. If you have questions or concerns, please contact Safety and Risk Management.

- Preventing the Spread of the Flu in the Workplace. We ask all Employees to cooperate in taking steps to reduce the transmission of both seasonal and novel viruses in the workplace.
  - Wash hands frequently with warm, soapy water.
  - Cover mouths with tissues whenever you sneeze, discarding tissues used when sneezing.
  - Alcohol-based hand sanitizers are encouraged throughout the workplace and in common areas.
  - Consider staying at home while you are ill and/or experiencing the following symptoms: fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue. The Centers for Disease Control and Prevention recommends that people with influenza-like illness remain at home until at least twenty-four (24) hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.
- Reporting to Work When Not Infected. A severe influenza pandemic could result in a significant level of absenteeism. During this time, unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during a severe influenza pandemic should take steps to develop any necessary contingency plans. For example, Employees might want to arrange for alternative sources of childcare should schools close and/or speak with Supervisors about the potential to work from home temporarily or on an alternative work schedule.
- Requests for Medical Information and/or Documentation. During a pandemic, individuals who contract seasonal and/or currently declared pandemic may never be diagnosed or confirmed as having flu. Nevertheless, depending on the circumstances, if you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, whether and how it relates to the infection, and that it is appropriate for you to

return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.

- Confidentiality of Medical Information. Keolis' policy is to treat any medical information obtained from a disability-related inquiry or medical examination, as well as any medical information voluntarily disclosed by an Employee, such as contracting the declared virus or illness as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with Supervisors, Managers, First Aid and safety personnel, and government officials as required by law.
- For Operators of motor vehicles, precautions should be taken to reduce transmission of illness by practicing the following:
  - Use of hand sanitizers on the vehicle
  - More frequent vehicle cleaning (please refer to *Keolis Policies and Procedures – Preventative Maintenance/Vehicle Cleaning Plan*)
  - Proper handling of all bodily fluid spills (please refer to *Keolis Injury and Illness Plan, Blood borne Pathogens/Universal Precautions Plan*).

### 5.7.11 First Aid Emergency

1. Check the scene and the victim to determine the danger potential and the extent of the injury. Do not move a seriously injured victim unless there is an immediate danger such as fire, flood, or poisonous gas. If you must move the victim, do it as quickly and carefully as possible. If there is no immediate danger, do not move the victim and advise the bystanders the victim is not to be moved.
2. Call 911 immediately if the victim is unconscious. Additionally, you should call for an ambulance if the victim has trouble breathing or is breathing in a strange way; has pressure or pain in the chest or abdomen; is bleeding severely; has slurred speech; appears to have been poisoned; has injuries to the head, neck, or back; or has possible broken bones.
3. Keep the victim calm and as comfortable as possible. Administer CPR or First Aid only if you have been trained in those areas. A First Aid kit should be used and precautions should be taken to minimize exposure to blood and other bodily fluids. Remain with the victim until emergency services personnel and Security arrives.

### 5.7.12 Handling Bodily Fluids / Blood borne Pathogens

**Operators must follow Universal Precautions when exposed to bodily fluids, which is an infection control approach where all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV or other blood borne pathogens.**

Operators must contact Dispatch and describe the situation. If instructed to wait for assistance to arrive on the scene, Operators must secure the vehicle and wait. In any case, Operators must follow Keolis procedure for handling the fluid spill:

- In the event of a serious injury resulting in release of blood or other body fluids which could contain pathogens (e.g., HIV or HBV), the first step is to treat the injured party.
- Move passengers and other personnel from the vicinity of the spill to avoid exposure and contamination.
- Spilled body fluids should not be cleaned up without the appropriate protective equipment and materials specifically designated for such fluids. In the case where spilled body fluids need clean-up, this procedure must be followed by all personnel:
  - Advise the Supervisor on duty. The Supervisor should be aware of the individual(s) doing the actual clean-up and the purpose of the cleanup.
  - Clean up the spilled fluids as follows:
    1. Locate the Bodily Fluids Spill Kit that is on the vehicle. Avoid stepping on the fluid spill.

2. Put on protective gloves. If necessary, minimize your exposure by using splash goggles, pocket mouth-to-mouth resuscitation masks, and other barrier devices.
3. Spread the absorbent material on the spilled body fluids, (e.g., paper towels) or use the Emergency First Responder Pack kit located in the medical supply cabinet.
4. Neutralize the potential pathogens with a ten percent (10%) bleach-with-water solution or use the solution provided in the Emergency First Responder Pack. Cover the spill for fifteen (15) minutes.
5. Use paper towels to pick up material as best as possible. Place all potentially contaminated materials in a leak-proof plastic bag.
6. Sweep/mop-up any additional neutralized/absorbed fluids and place in the leak-proof bag. Any surface that was exposed should be disinfected immediately.
7. Remove gloves from inside-out and place in the bag.
8. Any materials such as towels, gauze, gloves with fluids, blood or pus should be secured and disposed of in a biohazard container.
9. Wash hands thoroughly in hot, soapy water immediately after removing the gloves and wash anywhere that came into contact with fluids.

If you are exposed:

1. Wash the exposed area thoroughly with soap and running water.
2. Use non-abrasive, antibacterial soap if possible.
3. If blood is splashed in your eye or mucous membranes, flush the affected area with running water for at least fifteen (15) minutes.
4. Report the exposure to your Supervisor as soon as possible.

After all activity is completed and checked by the Supervisor; the Supervisor should complete a Supervisor's Investigation Report or Incident Report, whichever is appropriate.

### ***5.7.13 Bomb Threat/Suspicious Package***

Most bomb threats are received over the phone by anonymous callers. However, a threat may be received by other means such as regular mail or e-mail. Regardless of the method of notification, all threats should be taken seriously and the Employee who receives the threat should be prepared. Above all, it is very important to remain calm in order to obtain as much information as possible about the bomb and the caller. All personnel responsible for telephone and electronic communication into the facility must be trained to efficiently implement the following procedures.

A copy of the bomb threat procedures should be kept next to each phone and on the vehicle to assist the call recipient. The call recipient should try to keep the caller on the line as long as possible and try to record everything the caller relays for later reference.

- Any person receiving a telephoned bomb threat should ask the caller:
  - When will the bomb explode?
  - Where is the bomb located?
  - What kind of bomb is it?
  - What does it look like?
  - Why did you place the bomb?
  - What is your name and address?
- Keep talking to the caller as long as possible and document the following:
  - Time of call.
  - Age and sex of caller.
  - Speech pattern, accent, possible nationality, slang, etc.
  - Emotional state of the caller.
  - Background noise such as music, traffic, establishment sounds, etc.
  - Let the caller hang up first. When the caller hangs up, call 911 and notify the Security Manager.

- If a suspicious package/envelope is discovered:
  - Do not approach or touch the package.
  - CALL 911. Give as much detail as possible to the dispatcher. Let the dispatcher hang up first to ensure that they have concluded their conversation with you.
  - Evacuate the area. If the object is located in a room with a door, close the door so any potential blast may be confined to that space.
  - Do NOT use two-way radios. Using a two-way radio in the area may trigger the device.
- Vehicle Operators should watch for any suspicious packages/envelopes during the Pre-Trip and Post-Trip inspection. If a suspicious package/envelope is discovered on the vehicle:
  - Do not approach or touch the package.
  - CALL 911. Give as much detail as possible to the dispatcher. Let the dispatcher hang up first to ensure that they have concluded their conversation with you.
  - Evacuate the area.
  - Do NOT use two-way radios. Using a two-way radio in the area may trigger the device.

#### **5.7.14 Power Outage**

Contact a Supervisor, Manager or IT Department representative for direction during a Power Outage. He or she can direct you in terms of existing contingency plans relating to Power Outage.

#### **5.7.15 Server Failure**

Contact a Supervisor, Manager or IT Department representative for direction during Server Failure. He or she can direct you in terms of existing contingency plans relating to Server Failures.

#### **5.7.16 Security Awareness**

It is the policy of Keolis to provide a safe and secure working environment. Employees must be alert to and report any suspicious activities or objects witnessed on Keolis property or during work-related activities to their Supervisor or Manager.

#### **5.7.17 Homeland Security Directives**

The United States remains a Nation at risk to terrorist attacks and will remain at risk for the foreseeable future. The Homeland Security Advisory System was developed to communicate terrorist threat levels and warnings to government and private citizens. At all Threat Conditions, we must remain vigilant, prepared, and ready to deter terrorist attacks.

**Keolis Management will monitor and react to any changes in Threat Level impacting the safety and security of its Employees. Management will communicate to Keolis Employees any Keolis procedural changes enacted as direct response to heightened Threat Levels.**

(The new National Terrorism Advisory System replaces the Homeland Security Advisory

System that has been in place since 2002. The National Terrorism Advisory System, or NTAS, will include information specific to the particular credible threat, and will not use a color-coded scale.)

- The NTAS Alert informs the American public about credible terrorism threats, and encourages citizens to report suspicious activity. Where possible and applicable, NTAS Alerts will include steps that individuals and communities can take to protect themselves to help prevent, mitigate or respond to the threat. Individuals should review the information contained in the alert, and based upon the circumstances, take the recommended precautionary or preparedness measures for themselves and their families.
- When there is credible information about a threat, an NTAS Alert will be shared with the American public. It may include specific information, if available, about the nature of the threat, including the geographic region, mode of transportation, or critical infrastructure potentially affected by the threat, as well as steps that individuals and communities can take to protect themselves and help prevent, mitigate or respond to the threat. The advisory will clearly indicate whether the threat is **Elevated**, if we have no specific information about the timing or location, or **Imminent**, if we believe the threat is impending or very soon.
- The Secretary of Homeland Security will announce the alerts publically. Alerts will simultaneously be posted at [DHS.gov/alerts](https://www.dhs.gov/alerts) and released to the news media for distribution. The Department of Homeland Security will also distribute alerts across its social media channels, including the Department's [blog](#), [Twitter stream](#), [Facebook page](#), and RSS feed.
  - Americans can go to [DHS.gov/alerts](https://www.dhs.gov/alerts) to see the most recent advisories. Additionally, advisories will be sent out widely through social and mainstream media.
  - The NTAS Alerts carry an expiration date and will be automatically cancelled on that date. If the threat information changes for an alert, the Secretary of Homeland Security may announce an updated NTAS Alert. All changes, including the announcement that cancels an NTAS Alert, will be distributed the same way as the original alert.

*If there are questions about the current Threat Level or preparedness, please contact Keolis Corporate Safety and Risk Management department.*

## Active Shooter Training

All Keolis locations MUST conduct Active Shooter Response training for employees as prescribed by Keolis Transit America's Office of Safety and Risk Management, and distributed as a training program in 2016. The training program content was created by the Department of Homeland Security and is required for all locations, all employees at least twice per year. The training consists of:

1. Profile of an Active Shooter
2. Good Practices for Coping with an Active Shooter Situation
3. How to respond When an Active Shooter is in Your Vicinity
4. DHS Video Training Presentation: Run, Hide, Fight
5. Evacuate
6. Hide Out
7. Take Action

8. How to Respond When Law Enforcement Arrives
9. Information to Provide to Law enforcement
10. Expectations of First Responders
11. Emergency Action Plan Components (distribution of materials)
12. All Call Telephone System Activation and Use
13. Safe Rooms/Location and Use
14. Expectations for Drill and Training Exercises
15. Prevention Tips
16. Evacuation Routes
17. Safe Evacuation Area (Outside Building)

## Workplace Violence

5.8

### 5.8.1 Keolis will not tolerate any type of Workplace Violence committed by or against Employees. Employees are prohibited from making threats or engaging in violent activities.

- This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.
  - Causing physical injury to another person;
  - Making threatening remarks;
  - Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
  - Intentionally damaging employer property or property of another Employee;
  - Possession of a weapon while on Company property or while on Company business;
  - Committing acts motivated by, or related to, sexual harassment or domestic violence.

### 5.8.2 Any potentially dangerous situations must be reported immediately to a Supervisor and Senior Management.

- Reports can be made anonymously and all reported incidents will be investigated.
- Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.
- All parties involved in a situation will be counseled and the results of the investigations will be discussed with them.
- The Company will actively intervene at any indication of a possibly hostile or violent situation.

### 5.8.3 Keolis' Human Resources Department shall take reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

### 5.8.4 Keolis will conduct annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

### 5.8.5 While Keolis does not expect Employees to be skilled at identifying potentially dangerous persons, Employees are expected to exercise good judgment and to inform Senior Management if any Employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;



- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

**5.8.6 Senior Management will identify Employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-Employee.**

- Senior Management will design a plan with at-risk Employees to prepare for any possible emergency situations.

**5.8.7 Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual.**

- Employees should remain calm, make constant eye contact and talk to the individual.
- If a Supervisor can be safely notified of the need for assistance without endangering the safety of the Employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

**5.8.8 Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated.**

- Any Employee determined to have committed such acts will be subject to disciplinary action, up to and including termination.
- Non-Employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

## Theft

5.9

**5.9.1 Theft or inappropriate removal or possession of property will not be tolerated and is grounds for immediate termination.**

- If an Employee suspects theft has occurred, contact a Supervisor or Manager.

## Visitor Policy

5.10

In order to assure the safety and security of Keolis Employees, its visitors, and its property, and to insure that only authorized personnel have access to the Keolis facilities, the following policies have been adopted:

**5.10.1 All non-Employees on Company property must be issued a pass by the appropriate administrative Employee or Receptionist. Passes shall be properly designated as "Visitor" or "Contractor."**

- All visitors to the Keolis Corporate Office or Keolis Affiliates must sign in and out according to the prescribed register.
- Former employees are to be considered in all cases as "non employees", subject to being badges, logged in and out, and expected to be on location only as long as it takes to conduct official specific business with a manager of our business. Personal recognition of or familiarity with the former employee is never to be taken as authorization to do otherwise.
- All visitors will be issued a dated visitor's pass which should be returned to the issuing party when signing out.
- Any unauthorized visitor failing to secure a pass will be asked to leave the premises until one can be obtained.

- Truck drivers will use their Bill of Lading as an acceptable ID; however, such persons shall not be permitted outside their normal areas of pick-up and delivery without being escorted by an appropriate Employee.
- Delivery personnel (i.e., UPS, Federal Express, etc.) will be permitted to make their deliveries to the appropriate areas without a badge or pass provided they do not go outside normal areas of pickup or delivery.
- Individuals entering Keolis' grounds for the purpose of picking-up or dropping-off individuals will not be allowed outside of their vehicles unless they have been provided an appropriate pass.
- Processes will vary between Keolis locations. Every Keolis location is mandated to have a Workplace Security Plan formatted, updated and in place to address known and proposed threats at all times.

**5.10.2 Off-duty Employees are not permitted access to the interior of the facility and other working areas during their off-duty hours without the express authorization of their Department head.**

**5.10.3 All Employees and non-Employees are to comply with all safety rules, regulations, and policies while on Company property or in Keolis' vehicles.**

## Claims Management

### Claims Management Policy Overview

5.11

It is the policy of Keolis to manage and reduce liability exposure and incurred costs through the quick, coordinated settlement of claims. The Keolis Claims Policy, Procedures and Protocols contained in this document defines the roles, duties of key personnel to effectively manage all lines of insurance liability claims arising from Keolis operations.

- 5.11.1** It is the policy of Keolis Transit America to conduct prompt, accurate and thorough investigations of all accidents, injuries, illnesses and near misses, with the goal of promoting safety and preventing reoccurrences.
- 5.11.2** To report all claims in accordance with the state and federal laws and with the awareness of the policies and procedures of our insurance carriers and TPA's.
- 5.11.3** To treat all claimants, employees, and other parties in a professional, understanding, and courteous manner, to ensure we maintain the appropriate image and standards of Keolis Transit America.
- 5.11.4** To minimize the cost of claims, allocated expenses, and all other costs in an appropriate fashion while correctly reporting and handling claims according to all relevant factors and circumstances.

#### ***Primary Objectives of Claims Management Initiatives:***

- 5.11.6** The primary function of the insurance carrier's claims department or TPA is to service, support, and work with all Keolis locations, functioning as a team and working together toward fulfilling our mission statement.
- 5.11.7** The claims settlement goal is to "make the claimant whole", and to neither under- nor over-compensate claimants. All claims will be investigated fully in order to correctly assess their value and to negotiate a fair settlement.
- 5.11.8** We do not wish to be taken advantage of or to pay fraudulent claims or inflated amounts by misguided claimants or their attorneys. Therefore, claims will be investigated fully and evidence required when necessary to justify the value of claims. When fraud is suspected, additional reviews, evidence, scrutinizing, or investigations will be required.
- 5.11.10** The minimization of costs is extremely important, but not to the detriment of all other factors. We will seek to recompense injured parties or damages, but only at a fair value. When a fair value judgment is a range of value, we will seek to settle at the lower end of the range.

**Please refer to the Claims Reporting Quick Reference Guide (Form R-1) for general information, policy numbers and contact information.**

### 5.12.1 Function

The primary functions of the company's insurance carriers and TPA's are as follows:

- To adjust all liability claims on behalf of Keolis.
- To adjust all workers' compensation claims on behalf of Keolis.
- To respond to property, casualty, and workers' compensation insurance coverage issues.
- To support Keolis management relative to the claims management function.

### 5.12.2 Organization

The Keolis Corporate Office is located at:  
6053 W. Century Blvd., 9th Floor  
Los Angeles, CA 90045  
Phone: 310.981.9500  
Fax: 310.981.9501

### 5.12.3 Reporting of Auto Liability Claims:

**All liability claims must be reported to the company's Insurance Company/TPA, not the Keolis Corporate Office.** This includes all auto related claims, both property and bodily injury. Accident reports are to be completed the day of the accident and faxed, e-mailed or reported telephonically to the Insurance Company using the Keolis Vehicle Accident Report Form A-1. Accident reports are to be emailed to the Insurance Company/TPA

Please see the Claims Reporting "Quick Reference Guide" form R-2 for auto liability claims reporting specifics and policy information.

### 5.12.4 Reporting of General Liability Claims:

General liability claims are classified as arising from other than auto related accidents or workplace injuries. To report a general liability claim complete the same forms as you would for Auto Liability claims. Please see the Claims Reporting "Quick Reference Guide" form R-2 for general liability claims reporting specifics and policy information.

### 5.12.5 Reporting of Workers' Compensation Claims

**All workers' compensation claims must be reported to the company's Insurance Company/TPA, not the Keolis Corporate Office.** Injury reports are to be reported the day of the accident. Claims are to be emailed to the Insurance Company using the proper State first report of injury forms.

Please see the Claims Reporting "Quick Reference Guide" form R-2 for general liability claims reporting specifics and policy information.

### 5.12.6 Reporting of Property Damage Only Claims

#### ***Keolis Owned Vehicles***

Keolis has first party vehicle property damage coverage (Damage to Keolis vehicles) through a separate insurance policy.

**Refer to Keolis the Claims Reporting “Quick Reference Guide” under Property Damage for claims reporting offices, policy numbers and effective dates.**

A copy of the report for claims made in this category must also to be sent to the Keolis VP of Claims Administration.

### **5.12.7 Property Damage Claims Regarding Client Owned Vehicles Operated by Keolis**

Where contractually obligated that Keolis provides first party property damage coverage to our client, property damage incurred to client owned vehicles operated by Keolis under the contract are covered under the aforementioned policy.

Please note property damage caused by adverse parties to the Client's vehicles under this policy in excess of \$250,000 will be handled by Lexington Insurance Company - not the Keolis designated subrogation provider.

With regards to property damage claims incurred that are less than \$250,000 for client owned vehicles whereby Keolis is contractually obligated to provide coverage, the location is financially responsible.

Subrogation for property damage claims in such circumstances are to be handled by the Keolis designated subrogation provider:

Federman Law Firm  
1135 Marsh Street  
San Luis Obispo, CA 93401  
805-542-9002 (voice)  
805-544-5837 (fax)

E-mail your Subrogation Claim Reports to:  
[doug@federmanlawfirm.com](mailto:doug@federmanlawfirm.com)

If you are unsure as to reporting property damage claims as defined in this section, contact the Keolis VP of Claims Administration.

### **5.12.8 Proper completion of the accident report**

- A. The Keolis Vehicle Accident Report Form A-1 must be completed in its entirety. It must be legible. Please print and have operators do the same.
- B. Incomplete and inaccurate reporting causes unnecessary delays in the claim settlement process and escalates the total incurred loss.
- C. **Do not leave any spaces blank on the accident report form.**
  1. If you do not know or have the information for a particular item on the accident report form, mark the space “UNK”.
  2. If a particular section is not applicable, mark it “NA”.
  3. If you possess additional information you feel is pertinent to the claim but there is no space to provide for it, please note it on any logical place on the form or submit the report with a cover memo or letter. This form is to be completed by the designated management - not the operator.

4. It is not the duty or responsibility of any operations personnel to determine liability, only to report the facts surrounding the accident. **Consequently, statements concerning liability or preventability are not to be made on the accident report form.** It is the Company's responsibility to evaluate issues of liability.
5. If the operator cannot write, a designated Keolis representative will write out the statement of the operator, read it back to him for confirmation, and have the operator sign it. Often times, an individual's written statement is illegible due to poor penmanship or poor grammar. An employee's statement should always be reviewed by authorized management personnel. The person taking the statement on behalf of the operator is to sign and date the statement, stating that he/she wrote the statement for the operator.
6. A clear and accurate diagram is essential and sometimes is the most important information on the accident report. **Always mark the Keolis vehicle as vehicle number 1.**
7. The insurance company will handle the claim after they receive the accident report. The handling adjuster will request any additional information and help needed from Keolis. An Acknowledgement of Receipt of Accident Report will be sent to the Keolis office reporting the claims, stating the claim number and the name of the adjuster handling the claim.

Ensure all other pertinent documents concerning the accident are gathered and sent to the Insurance Company.

Incomplete, inaccurate and delayed reporting causes unnecessary delays in the claim settlement process and may escalate the total incurred loss.

**Refer all calls from claimant or their attorneys to the handling adjuster. Do not comment on liability or other aspects of the accident. Do not discuss the accident with people whom you cannot identify as a party representing Keolis' interests.**

**Claim numbers** – It is essential to refer to the claim number when communicating with the adjusting company regarding a specific claim. Call the insurance company to verify that the accident report was received if you do not receive a claim acknowledgement fax or e-mail within 72 hours of reporting the claim.

#### 5.12.9 Photographs to supplement the accident reports:

- A. Please provide photographs whenever possible. Mark the back of all photos with the following information, if they are not digital photos:

A. Date of accident	B. Vehicle #	C. Keolis Location code #
D. Operator's name and claimant's name		E. Person who took the photos

- B. Take photos from the perspective of all the parties involved. Take photos of street signs, traffic control devices or other landmarks verifying the location of the accident scene or that may have contributed to the accident in some way.
- B. Take photos where the point of impact appeared to have occurred.
- C. Take photos of any damage to all vehicles involved. It's important to take accurate photos of the "other" vehicles involved because they may not be readily available later.

- D. Take photos of any apparent pre-existing damage, rust, or missing parts of any vehicles involved in the accident and note that information on the photos.
- E. Take photos of skid marks and debris at the accident scene and identify their source on the photos, along with other information that may pertain to the scene.
- F. Take photos from more than one vantage point or angle, with sufficient distance between you and the object you are photographing. Fifty steps is a good rule of thumb.
- G. Take photos of any surveillance cameras in close proximity that may have captured the accident on video.
- H. Take photos of "by-standers" at the scene who may have witnessed the accident.

#### 5.12.10 Video Clips

If the Keolis vehicle is equipped with an on-board video camera, please provide the insurance carrier with the video clips if the event was captured by the camera for all claims.

#### 5.12.11 Summary of documents

The following documents are to be submitted to the auto or general liability insurance carrier.

Vehicle Accident Report A-1	Photographs
Supervisor Investigation Report B-1	Police Report*
Witness Statement(s)* A-3	All Other Pertinent Documents*
Passenger Seating Diagram* A-2	Video clips*
	<u>*If applicable</u>

#### 5.12.12 NTD Reportable Accidents:

An NTD Reportable Incident is defined as an accident/collision/incident that results in one or more of the following:

- Fatality
- Bodily injury that receives transport medical care (not including treat and release first aid on scene)
- Property damage that exceeds \$25,000
- Vehicle evacuation for life threatening safety reasons

With regards to the Keolis Vehicle Accident Report A-1 and the criteria for determining if the accident is NTD reportable are as follows:

- A. Was there a **fatality**? **If yes, FTA drug and alcohol testing is required.**
- B. If there was **NO fatality**, answer the following questions below:
  - Did any individual involved in the accident suffer **bodily injury** and **immediately receive medical treatment away from the scene of the accident?** **If yes, FTA drug and alcohol testing is required.**
  - Did the mass transit vehicle (bus, electric bus, van, or automobile) or any other vehicle involved in the accident sustain **disabling damage**\* **requiring any of the vehicles to be transported away from the scene** by a tow truck or other vehicle? **If yes, FTA drug and alcohol testing required.**

- **If there was NO fatality AND you checked YES for either or both of the answers to QUESTION 2, an FTA Post-Accident DRUG and ALCOHOL test is required unless you determine, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. **Any reason for discounting the employee's performance as a contributing factor to the accident MUST be documented.****

**DISABLING DAMAGE** is damage that precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs. **Disabling damage includes:** damage to vehicles that could have been operated, but would have caused further damage if so operated. **Disabling damage does not include:** damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

## Workers' Comp Claims Handling

5.13

### 5.13.1 General Manager/Supervisor Claims Handling Responsibilities:

The size and organizational make-up of personnel varies from location to location. Therefore the reporting roles and responsibilities may also vary somewhat from location to location. It is the General Manager's responsibility or his designee's responsibilities to comply with the policy and procedures in this section for his/her location.

**Following the investigation of a work related injury/illness, the Supervisor or Manager must determine if, in fact, the injury/illness is work related. For example:**

- A. An event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness.
- B. Work relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment.
- C. An injury or illness occurring in the work environment that falls under one of the following exceptions is not considered to be work related, and therefore is not recordable:
  - The Employee was present in the work environment as a member of the general public rather than as an Employee.
  - Signs or symptoms surfaced at work but resulted solely from a non-work related event or exposure that occurred outside the work environment.
  - The injury or illness resulted solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity.
  - The injury or illness was solely the result of an Employee doing personal tasks (unrelated to their employment) at the establishment outside of the Employee's assigned working hours.
  - The injury or illness was solely the result of personal grooming, self-medication for a non-work related condition, or was intentionally self-inflicted.
  - The injury or illness was caused by a motor vehicle accident and occurred on a Company parking lot or Company access road while the Employee was commuting to or from work.
  - The illness is the common cold or flu. Certain contagious diseases may be considered work related if the Employee is infected at work.
  - The illness is a mental illness. Mental illness will not be considered work related unless the Employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist,



psychologist, psychiatric nurse practitioner, etc.) stating that the Employee has a mental illness that is work related.

### 5.13.2 First-Aid Only Claims – Reportable versus Non-reportable

The following 15 categories are generally considered “first-aid” treatment (e.g., one-time treatment and subsequent observation of minor injuries). If an employee is sent to the clinic or other medical facility for treatment of any kind, the injury must be reported to the insurance carrier. However, if treatment does not require the attention of a medical professional for one of the 15 categories below, the injury need not be reported to the insurance carrier as a work comp claim.

1. Using non-prescription medications at nonprescription strength;
2. Administering tetanus immunizations;
3. Cleaning, flushing, or soaking wounds on the skin surface;
4. Using wound coverings, such as bandages, band-aids, gauze pads, etc., or using steristrips or butterfly bandages.
5. Using hot or cold therapy;
6. Using any totally non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.;
7. Using temporary immobilization devices while transporting an accident victim (splints, slings, neck collars, or back boards).
8. Drilling a fingernail or toenail to relieve pressure, or draining fluids from blisters;
9. Using eye patches;
10. Using simple irrigation or a cotton swab to remove foreign bodies not embedded in or adhered to the eye;
11. Using irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye;
12. Using finger guards;
13. Using massages; and,
14. Drinking fluids to relieve heat stress.
15. Insect bites treated with non-prescription medications at nonprescription strength

Upon determination of a work related injury, the General Manager or his designee must report All Workers’ Compensation claims to the insurance company by management (**never the employee**) within 24 hours of the time the employee notified management of a work related injury. The injury is to be reported either telephonically or electronically.

Supervisors/Managers who are not certain of a determination of a work related injury or illness is to seek guidance from the Keolis VP of Claims Administration.

If there is reason to believe the injury/illness is not causally related to the Employee’s employment, Supervisors/Managers must notify the Adjuster, providing as much detail as possible. The specific reasons for questioning the injury or illness must be provided.

In the event there is evidence to suggest a workers’ comp claim may be fraudulent in nature, the General Manager is to contact the VP Claims Administration immediately.

- A. Because it is impossible to have rules that cover every situation, proper communication and common sense must prevail when there is no set policy, procedure, or protocol established. If you aren’t sure whether or not to report a workers’ compensation claim, contact the VP - Safety & Risk Management or the Keolis VP of Claims Administration.
- B. Most states apply fines or penalties for late reporting or non-compliance relative to their reporting laws.

- C. The designated Keolis management personnel will ask specific questions about the claim that mirror the State First Report of Injury Claim Form and any other pertinent questions set forth by Keolis Safety Department.
- D. The reporting guidelines below should be helpful:
- E. Always identify the name and address of your location and the corresponding location code.
- F. Always include the employee's full name, Social Security number, date of hire, occupation, salary, and date of birth.
- G. Identify exactly where the accident happened.
- H. Identify the correct date and time of the accident.
- I. Be brief and to the point about the cause of the alleged incident. An obvious injury should be so noted, i.e., employee cut hand. Description of a questionable injury should include the words "alleges" or "claims", i.e., employee alleges he strained his back picking up boxes, or employee claims she slipped on step.
- J. Be brief and to the point in describing an alleged injury. Do not diagnose, draw conclusions, or use medical terminology, i.e. "contusions on left hand" rather than "edema and cellulites of dorsal surface of left fingers"; "alleges pain in lower back" rather than "acute lumbar strain".
- K. Secure names and addresses of any witnesses and provided witness statements when possible. (Employees and non-employees alike)
- L. Do not diagnose or take employees' word concerning disability. Only the examining physician can make that determination. Write "unknown" regarding disability if it appears that the employee will not be returning to work that day, only include a specific number of days if it's documented on a written doctor's notice.
- M. Do not send First Reports of Injury to the State Board of Worker's Compensation.**
- N. Medical care providers are to submit **all medical bills** directly to the insurance company for payment. No location is to pay any bill for medical treatment of an employee workers' comp claim. All Workers' Compensation payments entitled to an employee for lost wages as a result of an on the job injury will be handled through the insurance company.

### 5.13.3 Reporting Serious on the Job Injuries

**The location General Manager or designated personnel must immediately report all serious on the job employee injuries to the Corporate Risk Management Department as well as the insurance company.** The claims adjuster will arrange, if necessary, for a local representative to attend the scene and conduct an independent investigation.

Use the Supervisor Investigation Report B-1 to obtain all relevant information regarding the incident. Supervisors/Managers should ask the following questions to obtain detailed information regarding the incident:

#### 5.13.4 Special Instructions for California Workers' Compensation Reporting

Keolis Employees must to complete the "Employee" section of California form (DWC-1) and give the form to the designated Keolis management personnel. The employee is to keep a copy and mark it "Employee's Temporary Receipt" until they receive the signed and dated copy from Keolis.

Keolis management is required to complete items 9 through 17, sign and date form (DWC-1) as well as provide copies to their insurer or claims administrator and to the employee, dependent or representative who filed the claim within one working day of receipt of the form from the employee.

#### 5.13.5 Workers' Compensation Claims Related Post Injury/Illness Follow-up Procedures

- A. Designated Keolis management personnel are to follow up with the medical care providers regarding work status of the injured worker and immediately advise the claims adjuster. Communications, preferably by email, must be maintained with the claims adjuster regarding the employee's work status.
- B. Work with the claims adjuster to make every practical effort to get the injured employee back to transitional or full duty as soon as possible. Communicate any information regarding the injury, work status, medical treatment plan, and job description. Provide the employee job description to the medical care provider.
- C. Work with the claims adjuster to obtain required documentation, such as investigation documents, wage statements, medical bills, reports, etc.
- D. Immediately e-mail or fax to the claims adjuster any legal documentation, such as hearing notices, subpoenas, claims petitions, letters of representation.**
- E. Advise medical care providers of the name and address of the insurance carrier for routing bills and medical reports.

#### 5.13.6 The Workers' Comp. Claims Adjuster Role & Responsibility

The workers' comp claims adjuster is the primary person, making final decisions regarding the claim. The adjuster must be kept informed in an expeditious manner about all developments in the case.

- A. The adjuster, upon consulting with the medical case management team, is responsible for authorizing appropriate medical care, approving procedures, calculating, and issuing payment for medical and indemnity related matters.
- B. The adjuster is responsible for working with the Keolis management team, the employee, and medical care providers to return the injured employee to transitional or full duty as soon as possible.
- C. The adjuster is responsible for identifying subrogation opportunities, which can be pursued and take the proper action to initiate the recovery of the loss.
- D. The adjuster is responsible for controlling the defense of all litigated aspects of the claim, including the selection and assignment of legal counsel.
- E. The adjuster, with the help of the medical case management team, is responsible for controlling medical case management and to ensure appropriate and cost effective medical care is provided to the injured worker.

#### 5.13.7 MODIFIED / TRANSITIONAL DUTY REGARDING WORKERS' COMP CLAIMS:

Modified Duty must be offered to all Employees who sustain a work related injury/illness resulting in a restriction to their normal work duties, if available. Supervisors must complete and send the Modified Work Letter and Schedule to the Employee.

- A. Modified duty positions will be offered only to eligible employees who are not able to perform their normal work duties.
- B. Employee absences and restrictions must be accompanied by a detailed physician's report specifying the nature of the injury/illness, the exact performance limitations, and the length of time the injury/illness is expected to restrict work duties.
- C. Keolis will make every effort to reasonably accommodate the Employee's work restrictions, given that productive work is available based on the Employee's restrictions.
- D. If an Employee's work restrictions prevent a productive transitional work schedule at the Keolis location, every effort will be made to accommodate transitional duty through a third party provider such as Re-Employability. The claims adjuster and the local Keolis management team are to work in unison to provide the most appropriate transitional duty solution.
- E. A modified duty file must be maintained, documenting all correspondence and progress of the injured Employee.
- F. When the Employee returns to full duty, a physician's note indicating a full release to return to normal job duties must be presented and filed.
- G. Supervisors/Managers are required to ensure that Modified Duty programs meet state specific guidelines as outlined by Workers' Compensation requirements.
- H. Supervisors/Managers must notify the Adjuster if the Employee has lost time away from work due to a lack of modified duty or per doctor's orders.
- I. No Modified Duty assignment shall exceed a total of 120 days without the express written consent of the Keolis Risk Management Department.

## Subrogation Claims Handling

5.14

### 5.14.1 General Information:

Subrogation is the process in which the company attempts to recover a loss from a third party when KEOLIS property is damaged as a result of a negligent act by a third party also referred to as the "adverse party". It is KEOLIS' policy to pursue all possible opportunities for subrogation recoveries whereby damages are the fault or partial fault of third parties.

The KEOLIS designated subrogation service providers will handle all property damage subrogation claims as defined herein, but not limited to: (Also listed on Addendum SP-1)

- Subrogation property damage claims involving uninsured adverse parties.
- Subrogated property claims in which liability is being disputed.
  - Subrogation property damage claims involving a personal injury claim which was reported to the company insurance carrier that also involves physical damage to Keolis property.
- Loss of use subrogation claims.

The subrogation service provider will assess claims reported to them as to whether subrogation potential may exist for a monetary recovery. The assessment is based on all facts and information gained from the KEOLIS accident investigation as well as other facts and information available. When the accident is partially the fault of a third party, a business decision will be made as to whether to pursue recovery. If so, settlement negotiations will be conducted by the company subrogation service provider based on the perceived percentage of liability of the respective parties.

#### **5.14.2 Accident Investigation Regarding Subrogation Claims:**

The accident investigation is one of the key elements in the loss recovery process. The amount of the subrogation recovery hinges on the quality of the location's accident investigation report and documents.

It is the General Manager's responsibility to ensure all accidents in this category are fully investigated and reported in compliance with company policy and procedures. This includes the on-site investigation of the accident, taking photos, obtaining police reports, getting repair estimates, and taking statements of witnesses, when possible.

Some vitally important information that should be secured at the scene for reporting purposes includes:

- A. Photographs
  - 1. Of the accident scene.
  - 2. Damage to all vehicles, property, etc.
  - 3. Traffic control devices
  - 4. Blind spots, etc.
  - 5. Route of travel of all involved vehicles
  - 6. Of possible witnesses, if possible including claimant(s)
- B. Accident scene diagram.
- C. Name of the other party's insurance carrier and policy number.
- D. Other party's driver's license number.
- E. Other party's license plate number.
- F. Other party's Social Security number.
- G. Other party's home and business telephone numbers.
- H. Statements of witnesses.
- I. Name of investigating police officer and department, if one was at the scene.
- J. Name of other first responders, if applicable.
- K. Names and contact information of all witnesses.
- L. Statements of witnesses if possible.
- M. Identification and location of any surveillance cameras in close proximity that may be relevant.

#### **5.14.3 Documents to be obtained for Physical Damage Only Subrogation Claims**

The following documents must be prepared, obtained, and submitted.

- A. Accident report. A-1
- B. Estimate of damages, repair estimates, invoices and receipts.
- C. Towing and/or frame invoices if applicable.
- D. Police report, if available.
- E. Photos of damages.
- F. Proof other party has insurance, if possible.

Photos are extremely valuable in negotiating the settlement of our subrogation claims. Please send original photos properly marked as follows: (Digital photos may be e-mailed with the report)

- A. Date of accident.
- B. Vehicle number.
- C. Location number.
- D. Driver and other party's name.
- E. Name of person who took the photos.
- F. KEOLIS employee responsible for person who took the photos.

Any loss of use or downtime that may have occurred as a result of the accident also should be reported for recovery possibilities.

The accident report form and other pertinent documents must be sent to the subrogation service provider as soon as possible. Delays may postpone our recovery and compromise the amount of the recovery. Be sure to check the "Yes" subrogation potential box" on the Vehicle Accident Report Form A-1.

**Important**

**In the event sufficient documents and information are not provided to our subrogation service provider to consummate a recovery, the claim will be closed 60 days subsequent to the date the provider requested the documents from the location General Manager.**

**A notification will be sent to VP of Claims Administration, advising the claim has been closed without recovery due to the failure of management to supply supporting documents.**

#### **5.14.4 Estimates/Repair Orders Regarding Subrogation Claims:**

An Accident Estimate/Repair Order must be completed if the KEOLIS maintenance department will make the repairs. If the repairs are to be made by an outside vendor, a complete estimate of the repairs or a copy of the invoice and receipts must be obtained and submitted. An "in-house" form for estimates and/or repairs may be used or the Vehicle Accident Estimate/Repair Order Form E-1 may be used for this purpose.

It is imperative that the cost of all replacement parts be itemized, as well as a list of all work performed and the time taken to perform it. It is equally important that the cost of the parts and labor be correctly itemized and accurately added.

Incomplete estimates or invoices may delay or compromise our recovery efforts and will be returned to the location with a request to provide complete information. The file will be set aside pending receipt of the requested information.

If hidden damage is discovered after the original estimate has been provided, re-estimate and send the information to insurance company or subrogation service provider, identifying the re-estimate with the claim number.

#### **5.14.5 Preparing Estimates:**

- A. Parts should be the actual retail cost to the location, exclusive of discounts.
- B. The total number of labor hours is to be noted separate from the cost of parts.
- C. Sales tax or other taxes should be added to the estimate.
- D. Unapplied non-revenue expense for vehicle shuttling.
- E. Include towing charges and storage fees if applicable.

#### 5.14.6 Recovering Downtime Regarding Subrogation Claims:

Downtime sometimes can be difficult to prove. Lost revenue may be recovered if, in fact, downtime can be substantiated. However, it must be understood that KEOLIS has an obligation to mitigate its damages in a reasonable period of time. It is not acceptable to prolong repairing a vehicle to intentionally or unintentionally increase a claim for loss of revenue as a result of alleged downtime. It can be difficult to estimate downtime revenue. An example of this would be a special service transportation location in which we could be servicing more than one customer at different contracted rates.

If downtime is being claimed, the documentation substantiating the loss must be provided with the accident report documents, i.e., copy of the page from our contract which reflects the revenue per vehicle per day.

The subrogation service provider may request other documentation in order to pursue the recovery.

#### 5.14.7 Company Maintenance Department Related Procedures:

- A. If necessary provide our subrogation service provider with an estimate before the vehicle is repaired. The adverse party's insurers have the right to inspect the vehicle should they request to do so. KEOLIS is obligated to mitigate its damages; consequently, prolonging the repairs is not advisable. If our maintenance facility is making an estimate, an Estimate /Repair Order must be completed.
- B. At the discretion of the subrogation service provider, an appraiser will be retained to prepare estimates of repair if the damages appear to be in excess of \$2,500. The cost of the appraisal will be billed to the Keolis location.
- C. The adverse party's insurance company or our subrogation service provider will advise KEOLIS as to proceeding with the repairs to the damaged vehicle after the other party has either inspected the damage or declines to do so.

#### **IMPORTANT**

The insurance carrier of the other party must be given the opportunity to inspect the damage incurred to Keolis company property. Occasionally, the subrogees will challenge the amount of our damages and/or completed repairs. Consequently, Keolis may be requested to provide a copy of the check for repairs to vendors in order that we may be compensated for our damages.

#### **5.14.8 In cases whereby Keolis is contractually obligated to provide first party property damage coverage to our client with regards to client owned vehicles operated by Keolis, please refer to Section 5.12.7 - Property Damage Claims Regarding Client Owned Vehicles Operated by Keolis.+**

#### **5.14.9 Workers' Compensation subrogation:**

All workers' compensation related claims will be handled by the insurance company's subrogation unit unless otherwise directed by the Keolis VP of Claims Administration.

#### 5.14.10 Handling of Monies Recovered Through Subrogation

All recoveries made by the subrogation service provider will be sent directly to the Senior VP - Safety & Risk Management. Those monies will be credited to the respective Keolis locations. Subrogation checks received at any Keolis location are to be scanned and e-mailed to the VP of Claims Administration for proper recording of recoveries.

**Should you have questions or need assistance with the handling and processing of a subrogation claim, contact your subrogation service provider or the Keolis V.P. of Claims Administration.**

**Under no circumstances is payment for repairs provided by an outside vendor requested by Keolis to be withheld pending the recovery of anticipated monies from the other party.**

## Handling of Legal Documents

5.15

Keolis locations are served with legal papers from time to time. Any claims related litigation documents received in a local Keolis office that relate to an auto, general liability, or Workers' Compensation matter are to be forwarded **immediately** to the Keolis Senior VP of Safety & Risk Management with a copy sent to the VP of Claims and the claims adjuster handling the case. **Under no circumstances should these documents be held at the local project office with no action taken.**

**Do not make statements** to people over the telephone regarding subjects of this nature if you are not absolutely sure with whom you are speaking. Any questions in this regard are to be directed to the Keolis VP of Claims Administration.

If a claim is reported that may appear fraudulent, do not ignore it or fail to report it properly. That will only complicate matters. Any claim of that nature must be reported to the claims adjuster with a copy sent to the Keolis VP of Claims Administration.

Full cooperation from Keolis personnel is mandatory concerning requests for documents, providing statements, being deposed, and attending scheduled appointments, as directed by the claims adjuster and/or the attorney handling the case on behalf of Keolis.

All applicable Keolis personnel are to be advised of these guidelines.

CT Corp. is Keolis' registered agent for all Service of Process. If you receive documents from CT Corp., do not return them. Instead, contact the Keolis VP of Claims Administration for assistance.

E-mail communication relative to litigated matters is to be limited to transferal of documents considered to be of public record.

## Loss Runs & Miscoded Claims

5.16

### 5.16.1 Claims Loss Runs

Loss runs are distributed to Keolis General Managers within 10 business days subsequent to end of the prior month. These reports provide details of all cumulative calendar year-to-date for all lines of coverage.

The reports reflect total paid, outstanding, and incurred values for claims incurred by the respective Keolis locations.



### 5.16.2 Miscoded claims

In the event the General Manager discovers a miscoded claim on the loss run, it will be necessary to complete a miscoded claim correction request form and e-mail it to the Keolis VP of Claims Administration for correction (Form B-5).

Any other errors noted on the loss runs are to be brought to the attention of Keolis VP of Claims Administration for handling.

## Serious Accident Primary Company Contacts

5.17

In the case of a serious accident the Keolis General Manager or his designee is to phone the insurance company immediately on their hotline number. In addition, the caller must speak with the one of the primary corporate contacts listed below. No voice messages are allowed - you must speak with one of the following individuals regardless of time of day.

#	CONTACT	NAME	OFFICE #	CELL #
1	VP - Safety & Risk Management	Reggie Reese	424-645-9548	424-645-9548
2	VP of Claims Administration	Doug Lawson	424-233-5046	424-233-5046

The Regional SVP of Operations should also be notified of all serious accidents in this category as well as the Regional Safety Manager.

## Compendium of Forms

5.18

The following is a list of Keolis forms that are used in the reporting, handling, and processing of claims. They may be duplicated for the exclusive use by Keolis locations. Unless otherwise authorized, use only the designated Keolis accident and claims related reporting forms.

FORM #	DOCUMENT
A-1	Vehicle Accident Report Form
A-2	Accident Passenger Seating Diagram & Passenger List*
A-3	Witness Statement
A-4	FTA Post-Accident Drug and Alcohol Testing Decision Form
B-1	Supervisor's Investigation Report
B-2	Notification of Drug and Alcohol Testing
B-3	Reasonable Suspicion Supervisor's Evaluation
B-4	Operator /Employee Incident Report
B-5	Miscoded Claims Correction Request
C-1	Employee's Report of Work Injury (For State of California see note ** below)
C-2	Injured Worker Witness Statement
C-3	Modified Work Letter and Schedule
C-4	Prescription Medication Notification
C-5	Employee Declination of Medical Treatment
E-1	Vehicle Accident Estimate / Repair Order
R-1	Claims Reporting "Quick Reference Guide"
R-2	Serious/Critical Claims Handling Procedures

\* Accident Seating Diagrams are available for some specific vehicle types

\*\* California employees must complete WORKERS' COMPENSATION CLAIM FORM (DWC 1)

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# Transdev Services, Inc. Safety Policies and Procedures



Our Credo:  
**Uncompromising  
Safety**

## Transdev Services, Inc. Safety Policies and Procedures

**Background:** Transdev is committed to leading the way to creating and maintaining a superior safety culture, through the dedicated efforts of every team member throughout our entire company, we will become known as the safest passenger transportation service.

*Transdev will keep its employees, customers and surrounding public safe at all times. Given the risks involved with daily operations, Transdev seeks to implement a uniform, comprehensive set of safety policies and procedures to assist each employee in reducing the risk of collision, injury or other harm. These policies and procedures consist of a set of minimum standards, or operating procedures, to be implemented at every Transdev location.*

**Purpose:** The purpose of the Transdev Policies and Procedures is to establish minimum standards of conduct, monitoring methods and reporting and record keeping requirements and communicate how Transdev and its employees will comply with or exceed applicable safety regulations. In some cases, the provisions of these policies and procedures require Transdev employees to meet higher performance standards than what are established by federal or state regulation. In doing so, Transdev is able to create an enhanced margin of safety for our employees, customers, and the communities we serve.

**Scope:** The Policies and Procedures apply to all Transdev North America employees. Specific sections are applicable only to employees in safety-sensitive positions or with driving responsibilities, as well as independent contractors contracting with Transdev, and are noted accordingly.

**Accountability:** Transdev Policies and Procedures are “work rules” under existing labor agreements. Violation of any element may result in discipline up to and including termination. The Policies and Procedures contained in this manual supersede all prior safety policies and procedures. These provisions do not constitute an employment contract, supersede or contradict any active collective bargaining agreement or create any contractual third-party beneficiary. Supervisors and Managers are required to follow these written standards at all times, and to familiarize all employees under their supervision with the policies and procedures in this manual. A copy of this manual shall be readily available to all employees and stored in a common location for frequent and easy reference.

The safety policies and procedures were created by Transdev as a simple method for conveying the importance and excellence of our safety policies and procedures. The safety policies and procedures should be posted at each operating location. Employees or Supervisors requesting clarification on safety policies and procedures should refer to these policies and procedures for detailed information.

## Safety Policies and Procedures

Transdev is committed to being known as the safest passenger transportation company in the world. Through the dedicated efforts of every team member throughout our entire company, we will be known as the safest passenger transportation company in the world. The following principles are the foundation for Transdev:

### **I. GENERAL SAFETY**

Transdev provides a safe environment for all employees, customers and the community.

We comply with all applicable federal, state, and local health and safety regulations and set high performance expectations to further enhance safety.

Safety Committees at each operating location meet regularly for the purpose of proactively reducing accidents and injuries. The Committees promote ongoing safety awareness and employee involvement, solicit feedback and suggestions and make recommendations to management regarding preventative and corrective actions.

### **II. SELECTION AND RETENTION**

Transdev incorporates safety into each stage of the employee selection and hiring process.

An applicant's firm commitment to safety is a condition of employment at Transdev.

We verify employment history, collect reference information, screen motor vehicle records, conduct drug and alcohol testing, physical exams, criminal background checks and structured interviews.

Employees comply with our policy on preventable accidents and traffic violations, verified through annual MVR checks. Employees adhere to our Substance Abuse policy, undergo physical exams every two years, criminal background checks every four years, and report to work fit for duty.

### **III. EDUCATION AND TRAINING**

Transdev provides thorough, relevant and ongoing education and training for all employees to ensure that assigned duties are completed safely and effectively.

New employee, new operator and behind-the-wheel training programs are based on strict requirements and national standards designed to promote learning and skill mastery.

Refresher and in-service training is provided when new duties or processes are introduced, and following accidents or the identification of potential hazards.

### **IV. PERFORMANCE EVALUATION**

Transdev observes and evaluates the safety performance of all employees, and provides meaningful feedback and re-establishes expectations for improvement when performance standards are compromised.

Unsafe behaviors are immediately corrected to prevent accidents, injuries and near misses. Employees in driving positions are monitored through on-board and trail check evaluations as well as a regular review of SmartDrive incidents.

## V. PRINCIPLES OF SAFE DRIVING

Transdev actively enforces safe driving and operating practices at all times. Operators are trained to drive safely and defensively and in a manner that prevents accidents, injuries and property damage.

Employees conduct thorough pre- and post-trip inspections, follow defensive driving and maneuvering procedures, properly start, stop and secure the vehicle and consider passenger safety a primary concern at all times, especially when responding to ADA requirements, loading/unloading and handling mechanical road failures.

## VI. ACCIDENT AND INJURY INVESTIGATIONS

Transdev conducts prompt, accurate and thorough investigations of all accidents, injuries, illnesses and near misses, with the goal of promoting safety and preventing reoccurrences.

An **accident** is defined as follows:

When any part of a vehicle other than the bottom surface of the tires come in contact with anything other than the top surface of the roadway resulting in death, bodily injury, property damage or physical damage or impact, regardless of the nature, extent, or dollar amount (i.e., \$1 or more) of injury or damage. A dent, scratch, chip, etc., would result in \$1 or more of damage even though the damage may not be repaired.

**Preventable Collision:** A motor vehicle collision, in which the Operator did not do everything reasonable to avoid a collision, committed an error or failed to react to the errors of others.

**Non-Preventable Collision:** A motor vehicle collision, in which the Operator committed no driving error and reacted reasonably to the errors of others.

**Preventable Passenger Injury:** A passenger injury in which the Operator failed to do everything reasonable to prevent the injury including committing an error or failing to react to the errors of others. Passenger injuries in any type of vehicle are preventable when they are caused by faulty operation of the vehicle and improper wheelchair tie downs. If a passenger injury is caused by the following situations it will be deemed preventable; when a driver stops, turns, accelerates, or decelerates abruptly. Emergency action by the company driver to avoid a collision that results in a passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

A work-related injury or illness is defined as a personal injury or illness sustained by an employee through his or her role as an employee. The injury or illness must arise out of the employee's job duties or out of a relationship with his or her work.

**Preventable employee injury:** When the employee failed to do everything possible to prevent the injury.

All accidents and injuries are investigated to determine the cause(s).

Injured employees, who are eligible, are offered modified duty while they recover.

Employees are subject to strict standards of accident preventability, undergo post-accident drug or alcohol testing in accordance with DOT requirements and participate in post-accident training to correct unsafe driving behaviors. Employees that do not report an accident immediately will be subject to disciplinary action up to and including termination.

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## SPP FORMS

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SPP B.6	Prior DOT Employer Request
SPP B.19	Annual Review of Driving Record/Certification of Traffic Violations
SPP B.22a	Prescription Medication Notification
SPP B.22b	Notification of Drug/Alcohol Testing
SPP B.22c	Reasonable Suspicion Supervisor's Evaluation

### C. TRAINING AND EDUCATION FORMS

SPP C.2a	Score Sheets
SPP C.2b	Pre-Service/BTW Form
SPP C.4	Operator Evaluation
SPP C.5	Trail Check Form

### D. PERFORMANCE EVALUATION FORMS

SPP D.2	Facility Inspection Worksheet
SPP D.3a	Instructor Performance Review
SPP D.3b	Instructor Evaluation
SPP D.6	SmartDrive Event Review

### E. PRINCIPLES OF SAFE DRIVING FORMS

SPP E.10a	Daily Vehicle Inspection Report
SPP E.10b	Daily Vehicle Inspection Report (Paratransit)

### F. ACCIDENT AND INJURY INVESTIGATION FORMS

SPP F.3	Post-Accident Retraining Form
SPP F.4	Post-Accident Drug and Alcohol Testing Decision Maker Form
SPP F.6a	Employee's Report of Work Injury
SPP F.6b	Employee Injury Investigation
SPP F.7	Supervisor's Investigation Report
SPP F.8	Operator Incident Report
SPP F.12	Modified Work Letter and Schedule
SPP F.13	Accident Involvement Seating Diagram
SPP F.14	Comment Card
SPP F.20	Vehicle Accident Report

## A. General Safety

It is the policy of Transdev to provide a safe environment for all employees, customers and the community.

It is the policy of Transdev to adhere to the following safety requirements:

### A.1 **Transdev will comply with all applicable federal, state, and local health and safety regulations and set higher performance expectations for Transdev employees as appropriate to enhance the safety of employees, customers, and the general public.**

- Applicable federal regulations include, but are not limited to, the following agencies:
  - (a) The U.S. Department of Transportation (DOT)
  - (b) The Federal Transit Administration (FTA)
  - (c) The Federal Motor Carrier Safety Administration (FMCSA)
  - (d) The Occupational Safety and Health Administration (OSHA)
  - (e) Office of Workers' Compensation Programs (OWCP)
- In the case of discrepancies between Transdev Policies and Procedures and federal, state or local requirements, the stricter standard shall apply.

### A.2 **Transdev will provide a safe working environment for employees, taking all reasonable steps to maintain safe, healthy and clean working conditions that will eliminate or minimize accidents and health hazards.**

- Transdev will follow all applicable OSHA and similar state and local requirements, including but not limited to:
  - (a) Personal Protective Equipment
  - (b) Hazard Communication
  - (c) Emergency Action Plans
  - (d) Blood borne Pathogens
  - (e) Lockout/Tag out
  - (f) Recordkeeping
  - (g) Job Hazard Assessments

For further information on applicable state and federal standards, please see your Region Director of Safety and or Regional Director of Maintenance.

### A.3 **Transdev will take practical and reasonable steps to safeguard employees, passengers on vehicles and the surrounding public from accidents and injuries.**

- Proper safety training will be provided to all employees responsible for the operation of company vehicles.
- Transdev will ensure that employees operating public vehicles will successfully complete required training program and have successfully completed a final driving evaluation before being released to service.

- Supervisors will monitor employees and provide ongoing safety training to ensure a commitment to safety and accident prevention.

**A.4 Prompt and accurate investigations of all accidents and injuries will be conducted to determine the root cause and to prevent reoccurrences.**

- All incidents resulting in personal injury or property damage, no matter how slight, will be investigated and documented.
- Formal training in accident prevention and emergency procedures will be provided to all employees in safety-sensitive positions and documented to the employee's training file.
- Formal training in accident investigation and reporting procedures will be provided to employees responsible for accident follow-up activities and documented to the employee's training file.

**A.5 Transdev will recognize and instill in its workforce the concept that safety is a shared responsibility of all employees.**

- Supervisors and Managers will encourage employees to exercise caution at all times, use all available safeguards and safety equipment, demonstrate behaviors that proactively prevent accidents and injuries, and comply with all rules, regulations, policies and procedures.
- No Supervisor or Manager will knowingly tolerate or permit any unsafe act, operation, practice or behavior.
- Supervisors and Managers are required to facilitate programs, meetings, inspections and investigations within his/her designated area are carried out according to these policies and procedures.
- Supervisors and Managers will consistently and constantly promote Transdev World Class Safety Policies and Procedures, and set an example for employees by always demonstrating proper safe behaviors.
- Employees will immediately report any unsafe conditions or incidents to their Supervisor/Manager and are encouraged to make suggestions for improved safety performance and conditions.
- Periodic safety training will be provided to employees to prepare them to perform their jobs according to the Transdev World Class Safety Policies and Procedures.
- Employees and a member of management will be required to attend and actively participate in all quarterly safety meetings.
- Employees will be held responsible for adhering to property safety rules.

**A.6 Transdev will establish a Safety Committee at each operating location which shall meet monthly for the purpose of proactively reducing accidents and injuries.**

- The Safety Committee may be comprised of at least four (4) members, and may include the Operations/Maintenance Manager, Operators, and Maintenance or Dispatch personnel (Properties with a Collective Bargaining Agreement please refer to appropriate article).
- The Safety and Training Manager will serve as the Committee Chair.
- Committee members will serve for a minimum of six (6) month terms.
- Committee members will be chosen based on their safety record, attendance record, safety knowledge, leadership skills, overall safety attitude and willingness to help and contribute to the activities of the committee.
- One (1) member will be appointed to record meeting minutes, which will be given to the Safety and Training Manager to identify relevant points to be discussed and reviewed with all employees.
- The names of Safety Committee members will be communicated to all employees and will be easily identifiable through some aspect of uniform or bulletin board posting.
- Safety Committee members will be provided with the proper training in order to be effective in promoting safety initiatives.
- Safety Committee meeting minutes will be documented and posted promptly after each session.

**Purpose of the Safety Committee**

- Review accidents and incidents to identify preventative measures and recommend solutions to prevent accident and injury recurrences.
- Conduct regular safety inspections of the facility and identify any physical hazards.
- Detect and eliminate unsafe conditions or practices not in compliance with the Transdev Policies and Procedures.
- Promote safety awareness and employee involvement through incentive programs, safety communication programs, and recognition of safety accomplishments.
- Solicit feedback and suggestions from employees.

- The Committee may be requested to evaluate specific frequent accident and injury events in order to recommend remedies, policies or practices, which will curb the unsafe conditions causing such accidents or injuries.

**A.7 Transdev designates the Operational Chain of Command working in concert with Regional Safety Directors as having responsibility to effectively implement, monitor, and enforce these written policies and procedures.**

- The Regional Safety Directors, along with field input, will review the existing policies and procedures on an annual basis or as needed to ensure that they are comprehensive and up-to-date.
- Safety standards will be monitored and measured on an ongoing basis in order to identify and correct unsafe behaviors or conditions.
- Regional Safety Directors shall prepare and review monthly safety reports and circulate the reports throughout the organization as directed by the Vice President for Safety.

**A.8 Transdev will enforce and reinforce the elements of these written Policies and Procedures consistently, thereby supporting Transdev's commitment to safety.**

- Each Supervisor/Manager will be provided a copy of the Transdev Safety Policies and Procedures, and each is responsible for following them at all times.
- During new employee orientation and safety meetings, Supervisors and Managers will review these policies and procedures and will take an active role in familiarizing employees with these standards on an ongoing basis.
- Supervisors and Managers will answer any questions and provide explanations to employees regarding these policies and procedures.
- Following employee review, Supervisors and Managers will require each employee to sign and date a "Transdev Policies and Procedures Acknowledgement" form. Supervisors/Managers will sign and date this form, provide a copy to the employee, and keep the original in the employee's personnel file.

**B. Selection and Retention Policy**

It is the Policy of Transdev to incorporate safety into each stage of the employee selection and retention process. Commitment to safety is a condition of employment at Transdev.

Hiring Managers or those individuals with the responsibility of selecting and hiring new employees will adhere to these standards without exceptions, unless indicated in the applicable Procedures.

Transdev is committed to providing equal employment opportunities. Human Resource decisions and actions will be conducted without regard to gender, sexual orientation, race, color, age, national origin, ancestry, disability, Veteran status, religion, creed or other condition in accordance with applicable laws.

### **Minimum Operator/Driver Qualifications**

The following minimum qualifications refer to individuals applying for driving positions at Transdev. To be considered for employment, candidates applying for driving positions will meet the following minimum qualifications:

#### **Driving Record**

An applicant may be disqualified if he/she:

- Is less than twenty-one (21) years of age
- Does not possess a valid driver's license in their state of residence
- Cannot obtain a commercial drivers' license if applicable
- Cannot satisfy state or federal law, local ordinance and statutes regarding the requirements to operate a commercial vehicle
- Has more than two (2) minor moving violations within the previous 36 months
- Has more than one serious traffic violation within the last three (3) years
  - This includes, excessive speed, reckless driving, improper or erratic lane changes, and following the vehicle ahead too closely
- Has been convicted of a traffic offense(s) in connection with a fatal traffic accident within the last five (5) years
- Has been convicted of driving under the influence of a controlled substance or alcohol within the last three (3) years
- Has been convicted for leaving the scene of an accident within the last three (3) years
- Has been convicted for using a commercial vehicle to commit a felony within the last three (3) years
- Has been convicted of using a vehicle to manufacture, distribute, or dispense a controlled substance within the last 7 years
- Is disqualified from holding a commercial driver's license
- Has been convicted of more than one of the following over the driver's entire driving history:
  - Being under the influence of alcohol as prescribed by State law
  - Being under the influence of a controlled substance
  - Having an alcohol concentration of 0.04 or greater while operating a commercial motor vehicle
  - Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations
  - Leaving the scene of an accident
  - Using a vehicle to commit any felony
  - Driving a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's commercial drivers license is revoked, suspended, or cancelled
  - Causing a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

- Cannot present a state MVR report verifying applicants' driving history and status for the last three (3) years. For drivers with no previous experience working for a DOT regulated employer during the preceding three years, documentation that no investigation was possible must be placed in the Operator's qualification file within the required 30 days of the date the Operator's employment begins.

### **Education**

- See applicable job description.

### **Criminal Background**

An applicant will not be denied employment solely due to conviction for a criminal offense. The type of offense, the date and the relevance of the criminal conviction to the position applied will be considered in the employment decision.

**B.1 A photocopy of the applicant's current driver's license must be kept in the driver qualification file at all times.**

**B.2 Applicants must complete and sign a Transdev Employment Application in its entirety.**

- Application will be reviewed for accuracy, completeness and signature.
- An unjustified refusal to supply requested information or a falsification of information will result in elimination of the individual from consideration for employment.
- Any changes or additions to the application after the original completion date will be initialed and dated by the applicant.

**B.3 Applicants must provide a complete and verifiable employment history for the past 10 years. Reasonable efforts will be made to verify the most recent 3 years of employment history.**

- Employment history will be verified to the extent possible prior to an offer of employment.
- Any gaps in employment or lack of a 10-year employment history will be explained and documented by the applicant on the application.
- An investigation of the driver's safety performance history will be conducted with Department of Transportation-regulated employers during the preceding three (3) years.
- References will be asked a standard set of job-related questions for all applicants using the Reference Verification form (SPP B.3).
- Applicants and employment references will be treated fairly and consistently.



- All reference information will be documented, including a list of references who were contacted and the information received.

**B.4 Applicants must present an original Motor Vehicle Record (MVR) issued within the last 30 days and according to company, state and contract requirements. Applicants for Operator positions must meet the standards set forth under Minimum Operator/Driver Qualifications above:**

- Transdev will review the existence of any criminal violations or convictions and may deny employment based on a violation, conviction, or pattern of violations/convictions indicating safety risk.
- Original MVRs must be obtained before the employment application is acted upon.
- Copies of MVRs will not be accepted.
- Certain locations may obtain MVRs through the appropriate background check vendor, given that the MVR meets company, state and contract requirements.
- Under no circumstances shall an applicant be hired, given a road test, placed in training, or be allowed to drive a company vehicle without an MVR in compliance with this policy.
- Applicants who fail to authorize an MVR check will not be considered for employment.
- Violations that occur during the applicant's personal time are considered as part of the overall driving record.

**B.5 Applicants must undergo and pass a pre-employment drug test by a company-approved physician/facility. Applicants must also provide authorization to receive clearance from prior DOT employers. Specific directives are provided in the Transdev Substance Abuse Policy.**

**B.6 Applicants must review the job description for the job being applied for. Applicants must be physically able to safely use each piece of equipment necessary to perform assigned duties with or without reasonable accommodation.**

**Special Note: Applicants may be asked whether they are capable of performing the essential functions of the job with or without reasonable accommodations, but may not be asked any questions regarding real or perceived disabilities.**

- CDL holders must receive a DOT-level physical exam and present a copy of their DOT card.
- A company appointed physician/facility would perform the physical.

- As of May 21, 2014 drivers will be required to obtain their FMCSA medical examination from a certified medical examiner that is listed on the National Registry.

**B.7 Applicants must pass a criminal background check as required and/or permitted by federal and state law.**

Applicants must consent to a background check using the appropriate Background Check Release form.

An applicant will not be denied employment solely on the grounds of a conviction for a criminal offense. The type of offense, the date and the relevance of the criminal conviction to the position applied will be considered in the employment decision.

The following records of criminal convictions will be considered within the period permitted by applicable state law:

- (a) Felonies and misdemeanors
- (b) Drug possession or use
- (c) Drug trafficking or manufacturing
- (d) Crime of violence against another person(s)
- (e) A pattern of illegal activities
- (f) Sexual related offense
- (g) Any other conviction that may present a safety or security risk

Any background check or application that shows a conviction must be referred to and approved by the Regional Director of Human Resources before the applicant is hired.

**B.8 Applicants must complete a structured and documented employment interview. Structured interviews are important to avoid differential treatment during the interview process. For specific information, contact corporate recruiting.**

**B.9 Applicants must complete all additional forms required by Human Resources. This includes all forms required by company policy and applicable law.**

**B.10 Applicant information must be recorded for every employment application received by the company.**

**Minimum Qualifications for Non-Driving Positions**

The following minimum qualifications refer to individuals applying for positions at Transdev that do not involve operation of a revenue service vehicle. The following qualifications do not apply to those applying for senior or executive-level positions.

To be considered for employment, applicants will adhere to the following minimum qualifications:

**B.11 Applicants for non-driving positions must complete and sign a Transdev Employment Application in its entirety.**

- Application will be reviewed for accuracy, completeness and signature.

- An unjustified refusal to supply requested information or a falsification of information will result in elimination of the individual from consideration for employment.
- Any changes or additions to the application after the original completion date will be initialed and dated by the applicant.

**B.12 Applicants for non-driving positions must provide a complete employment history for the past 10 years. Reasonable efforts must be made to verify the most recent 3 years of employment history.**

- Employment history will be verified to the extent possible with all employers listed on the application prior to an offer of employment.
- Any gaps in employment or lack of a 10-year employment history will be explained and documented by the applicant on the application.
- All reference information will be documented, including a list of references that were contacted and the information received.

**B.13 Applicants for non-driving positions must pass a pre-employment drug test by a company-approved physician/facility. Specific directives are provided in the Transdev Substance Abuse Policy.**

**B.14 Applicants for non-driving positions must review the job description for the job being applied for. All Applicants must be physically able to safely use each piece of equipment necessary to perform assigned duties with or without reasonable accommodation.**

**Special Note: Applicants may be asked whether they are capable of performing the essential functions of the job with or without reasonable accommodations, but may not be asked any questions regarding real or perceived disabilities.**

- All Employees must pass physical examinations as required by federal and state laws and Company/client policy, or every two (2) years whichever comes first, including the following positions: Mechanics, Fuelers, Service worker and Non-CDL Operators.
- A company appointed physician/facility would perform the physical.

**B.15 Applicants for non-driving positions must pass a criminal background check as required and/or permitted by federal and state law.**

- All Applicants must consent to a background check using the appropriate Background Check Release form.

An applicant will not be denied employment solely due to conviction for a criminal offense. The type of offense, the date and the relevance of the criminal conviction to

the position applied may be considered in the employment decision.

The following records of criminal convictions will be considered within the period permitted by applicable state law:

- (a) Felony and misdemeanor
- (b) Drug possession or use
- (c) Drug trafficking or manufacturing
- (d) Crime of violence against another person(s)
- (e) A pattern of illegal activities
- (f) Sexual related offense
- (g) Any other conviction that may present a safety or security risk

Any background check or application that shows a conviction will be referred to and approved by the Regional Director of Human Resources before the applicant is hired.

- B.16 Applicants for non-driving positions must complete a structured and documented employment interview. Structured interviews are important to avoid differential treatment during the interview process. For specific information, contact corporate recruiting.**
- B.17 Applicants for non-driving positions must complete all additional forms required by Human Resources. This includes all forms required by company policy or applicable law.**
- B.18 All Applicants information must be recorded on the Applicant Log for every employment application received by the company.**

### **Safety Requirements for Continued Employment**

The following requirements refer to employees in safety-sensitive positions, particularly those hired as Operators/Drivers at Transdev. The Transdev Substance Abuse Policy applies to all employees who perform a safety-sensitive function.

To be considered for continued employment, employees operating a motor vehicle must adhere to the following:

- B.19 Employees will undergo an annual review of their driving record and complete an Annual Review of Driving Record and Certification of Violations (SPP B.19) if responsible for operating a motor vehicle in the course of their employment. MVR checks must be conducted and based on the following requirements:**
  - Employees must undergo an annual review of their driving record, or more frequently as mandated by client requirements.
  - As required by state law or regulations, authorizations to obtain MVRs will be obtained from employees.
  - Failure to authorize an MVR check is cause for dismissal.

- Employees will meet the following MVR and company standards regarding traffic violations:
  - (a) No homicide, manslaughter, or assault convictions associated with operation of a motor vehicle
  - (b) No convictions for driving while intoxicated
  - (c) No more than two (2) minor moving violations within the previous 36 rolling months.
  - (d) No major moving violations, including but not limited to:
    - failure to stop at the scene of an accident; speeding 30 mph or more above the posted speed limit; driving with a revoked license; possession of opened alcoholic containers; attempting to elude an officer.

When the employee is charged with a crime, Transdev will have the right to suspend the employee without pay, pending the court's finding of guilt or innocence. A conviction or disposition other than a finding of not guilty or dismissal of charges, depending on the court finding, circumstances of the incident leading to the offense(s) charged, and the relevance of either to the position, may result in termination.

- A Supervisor or Manager may request an MVR from an approved source when he/she has reason to believe the employee's driving record may not meet company standards.
- Violations that occur on an employee's personal time or in a non-company vehicle are considered as part of the overall driving record.
- Annual MVRs will be reviewed, signed, and dated by a management designee.

**B.20 Employees must report any traffic citations, violations or convictions when they occur, including those received outside the course of employment.**

- Employees must provide notice to their Supervisors regarding traffic citations, violations or convictions within 24 hours of their occurrence.
- Employees no longer meeting the minimum MVR and company standards as outlined in Section B.20 and B.21 will be terminated.

**B.21 Employees must comply with the standards for preventable accidents and moving violations in company vehicles.**

- Operators with three (3) preventable accidents involving a company vehicle in the previous 24 months will be terminated.
- All moving violations or accidents in a company vehicle will be reviewed by management and may result in disciplinary action up to and including termination.

**B.22 Employees must comply with Transdev's Substance Abuse Policy. Specific directives are provided in the Transdev Substance Abuse Policy.**

**B.23 Employees must pass physical examinations as required by federal and state laws and Company/client policy, or every two (2) years whichever comes first, including the following positions: CDL Operators, Mechanics, Fuelers, Service Workers and Non-CDL Operators.**

- Employees with a break in service of 30 days or less with a valid medical card or examination certificate are not required to undergo a physical examination unless circumstances indicate the employee may not be fit for duty.
- Employees will undergo a physical examination if the Company has a reasonable basis to suspect the employee may have a safety-related health condition.

**B.24 Employees must undergo a criminal background check every four (4) years after the date of hire.**

- Employees are required to report any arrest or conviction within 24 hours of the event.

When the employee is charged with a crime, Transdev will have the right to suspend the employee without pay, pending the court's determination of guilt.

Conviction depending on the nature and the relevance to the position may result in termination.

**B.25 Employees must report to work being "fit for duty," as outlined by the Federal Motor Carrier Safety Administration (FMCSA), including but not limited to:**

- (a) Not being under the influence of prescription or non-prescription medication that may interfere with safe driving
- (b) Not being in violation of federal or state hours of service regulations

**B.26 Safety Requirements for Rehired and Return to Work Employees**

All employees rehired or returning from work from a leave of absence for safety sensitive and driving positions must complete the required training hours as outlined by the Transdev rehire criteria.

**Transdev Training Matrix**

<b>Separation Period →</b>	<b>&lt; 30 Days</b>	<b>31-90 Days</b>	<b>91-180 Days</b>	<b>180-270 Days</b>	<b>270-360 Days</b>
<b>Diagnostic Evaluation (SPP C.4)</b>	YES	YES	YES	YES	YES
<b>Classroom Training (ODP subjects)</b>	YES (As needed per Safety Manager)	YES Basic	YES Basic	YES Basic	YES Advanced
<b>Closed Course Skills/BTW Hours</b>	As needed based on diagnostic evaluation	As needed based on diagnostic evaluation At least 8	8	16	32
<b>Full ODP Training Program</b>	N/A	N/A	N/A	NO	YES
<b>Satisfactory Evaluation (SPP C.4)</b>	YES	YES	YES	YES	YES
<b>Classroom Hours</b>	Missed SOPs or monthly training topics	8.2	8.2	16	40
<b>Recommended Minimum Total Hours</b>	2-4	8+	16	32	72

**Training Topics (ODP based) for classroom:**

**All employees rehired after 360 days must complete the full ODP training program.**

**Basic Level**

Introduction to Professional Driving	60 Minutes
Blood borne Pathogens	20 Minutes
Introduction to the Bus	30 Minutes
Mirror Adjustments and Reference Points	30 Minutes
Preventing Backing Accidents	30 Minutes
Intersections	30 Minutes
Creating a Drug Free and Alcohol Free Workplace	120 Minutes
Safety Best Practices	90 Minutes
LLLC Defensive Driving	90 Minutes

**Advanced Level**

Full ODP-classroom subjects to include property and client-specific standard operating procedures.

## C. Training and Education Policy

It is the policy of Transdev to provide thorough, relevant and ongoing training for all employees to ensure that assigned duties are completed safely and effectively.

### C.1 Employees must actively participate in new employee training relevant to the specific job being performed.

- Training curriculum must be based on federal, state, local, company and contract requirements, incorporating national standards when applicable.
- Employees must be trained for all assigned tasks and equipment used on the job.
- Employees must complete all required hours of each training program.
- Employee performance must be evaluated and documented upon completion of each training objective.
- Employees must complete a final written exam upon completion of each training program.
- Training curriculum must be linked to the performance objectives for which employees will be evaluated while on the job.

### C.2 New Operators must complete all required hours of New Operator Training, including both Classroom and Behind-the-Wheel (BTW) hours.

- New Operator curriculum must be based on national training standards, incorporating all federal, state, local, company and contract requirements.
- The classroom-training curriculum must consist, at a minimum, of 40 hours as outlined by the Transdev Operator Development Program. Classroom activities must be documented and provide the following details:
  - Course Description
  - Length of Time
  - Instructor Signature
  - Student Signature
- The behind the wheel training curriculum must consist, at a minimum, of 80 hours of driving time as outlined by the Transdev Operator Development Program. BTW hours are defined as actual driving hours behind the wheel, or “hands on the wheel time.” BTW activities must be documented on the following Operator Development Forms:
  - Skills Course Maneuvering Form
  - Basic Safe Driving Form
  - Route and Revenue Form
  - Master Performance Chart



- New Operators must be evaluated after completion of each Classroom and Behind-the-Wheel (BTW) training module.
- Make-up driving or classroom sessions must be provided for employees who are absent or short on hour requirements.
- Operators must complete a final written exam upon completion of New Operator Training.
- New Employees must receive a BTW evaluation within 30 days of being released to revenue service
- Training progress and verification of program completion must be documented and kept in the employee's file.
- Supervisors or Managers will not authorize or instruct any Operator to operate vehicles for which the Operator has not received proper training.

**C.3 Transdev New Operator Training programs must be implemented in a standardized format across all locations.**

- Supervisors must ensure that training curriculum meets all required hours as mandated by specific client, state, local or contractual requirements.
- Supervisors must ensure that all Instructors have access to standardized training materials in order to teach key subject areas appropriately.
- Training curriculum must be reviewed and evaluated annually to ensure that training content is relevant, appropriate and up-to-date.

**C.4 Operators must successfully pass on-board evaluations at the end of the training process and before being released to revenue service.**

- Supervisors or other qualified personnel must board the bus and observe the Operator while operating the vehicle.
- Operator Evaluation forms (SPP C.4) must be completed and kept in the Operator's file.
- Supervisors or other qualified personnel must conduct an additional evaluation within 30 days after release into the field for all new Operators.

**C.5 Employees must actively participate in refresher training or in-service education programs when new equipment, duties, tasks, systems or processes are added or introduced as a part of job requirements, including but not limited to:**

- (a) Vehicles, equipment, machinery or tools
- (b) Chemicals or materials
- (c) Laws, regulations, standards, policies or procedures

- (d) Transfer to a new job
- (e) Leave of absence
- (f) Special circumstances or conditions requiring additional training

- Supervisors must coordinate refresher training for employees based on current operating trends. Refresher training should be used for accident prevention and trend reversal.
- Supervisors must ensure that refresher training is provided annually for each employee based on state and contract requirements.
- Supervisors must inform employees when in-service training is required, and provide information regarding the date and time of training.
- Employees who refuse to comply with refresher or in-service training requirements will be subject to disciplinary action.

**C.6 Employees must attend and participate in mandatory, quarterly safety meetings.**

- A Safety Manager or Supervisor must inform employees of the date and time of safety meetings.
- A Safety Manager or Supervisor must arrange for make-up meetings in the event that an employee is absent from a safety meeting.
- A Safety Manager or Supervisor must ensure that employees have access to and check bulletin boards, orders and safety notices on a daily basis.
- Employees that fail to attend safety meetings without a written excuse will be subject to progressive disciplinary action.

**C.7 Employees responsible for operating a vehicle must actively participate in post-accident training following a preventable accident.**

- Post-accident training content will be based on the cause(s) of the accident.
- Operators must complete post-accident training prior to returning to driving duties.
- A satisfactory Final BTW Evaluation (SPP 3.4) must be completed before returning to revenue service.
- Operator performance must be documented and kept on file, showing that the Operator re-mastered the learning points/driving skills associated with the accident.

**Transdev Instructor Qualifications:**

**C.8 Training Instructors must meet all federal, state and local employment requirements and be approved by Management.**

- To be considered and to remain a Classroom Instructor for New Operator Training, Instructors must meet the following minimum qualifications:
  - (a) Successful completion of the entire New Operator Training program that he/she will be teaching
  - (b) Have at least two (2) years experience in a transit/Operator position.
  - (c) Satisfactory attendance record
  - (d) Excellent customer service record
  - (e) No preventable motor vehicle accidents within the previous two (2) years
  - (f) No preventable work related injuries within the previous two (2) years
- To be considered and to remain a Behind-the-Wheel Trainer for New Operator Training, the following minimum qualifications must be met:
  - (a) Successful completion of the entire New Operator Training program
  - (b) Successful completion of all BTW evaluations that he/she will be implementing as part of BTW training
  - (c) Have at least one (1) year experience in a transit/Operator position.
  - (d) Satisfactory attendance record
  - (e) Excellent customer service record
  - (f) No preventable motor vehicle accidents within the previous two (2) years
  - (g) No preventable work related injuries within the previous two (2) years
- Supervisors and Managers must evaluate both minimum and overall qualifications of Instructors. Additional Instructor characteristics must be considered, including but not limited to the following:
  - (a) Demonstration of Transdev's commitment to safety
  - (b) Adherence to Transdev Policies and Procedures
  - (c) Verbal and written communication skills
  - (c) A positive and helpful attitude
  - (d) Leadership skills
  - (e) Teamwork
  - (f) Professional appearance
  - (g) Willingness to work a flexible work schedule or extra hours as needed

**C.9 Instructors must be provided with proper training, including various aspects of effective teaching practices.**

- Instructors will be trained to deliver training content in a consistent and standardized manner, adhering to the Transdev Training Program curriculum.
- Instructors will be trained to answer questions and explain concepts to employees who require additional attention or assistance.
- Instructors will be trained to objectively evaluate and document employee performance and keep detailed records.

## **D. PERFORMANCE EVALUATION POLICY**

It is the policy of Transdev to continuously observe and evaluate the safety performance of its employees, and to provide feedback and expectations for improvement (including discipline) when performance standards are compromised.

### **D.1 Supervisors must evaluate employee performance on a regular basis to identify both superior and unsatisfactory behaviors when they occur.**

Supervisors will review safety behaviors regularly and act on them accordingly. Negative trends will be identified and included as part of future training content or safety meetings.

- Supervisors will conduct a thorough investigation of all customer service issues and complaints when they occur.
- Supervisors will document all major safety violations and interactions with the employee regarding the unsafe behavior.
- Feedback or corrections to behavior will not occur while the employee is performing job duties, unless there is a situation where behavior will be corrected immediately in order to prevent hazardous operation.
- Supervisors should acknowledge superior behaviors as soon as possible after the behavior or incident.

### **D.2 Supervisors and Managers must conduct monthly scheduled facility inspections of all maintenance, grounds, terminals and office areas. Facility inspections may be completed in conjunction with Safety Committee inspections.**

- Supervisors will assign designated maintenance personnel to conduct a monthly inspection of fire extinguishers, emergency exits, emergency lighting, fire suppression systems, adherence to “no smoking” policies, and proper storage of flammables in the shop.
- Supervisors or designated personnel will document all facility inspections using the Facility Inspection Worksheet (SPP D.2).
- Local Maintenance Managers will perform monthly Maintenance Manager property inspections and retain documentation in the Maintenance office.

### **Performance Evaluation Specific to Operators/Drivers:**

### **D.3 Classroom and Road Instructors must meet and consistently maintain strict standards of performance and conduct to remain in an Instructor position.**

- Instructors will be evaluated on a regular basis by management to ensure quality of instruction and adherence to company training standards.
- Supervisors will observe and document Road Instructor performance at least

annually using the Instructor Performance Review (SPP D.3a).

- Supervisors will periodically review Road Instructor records and documentation to ensure consistency.
- Feedback regarding Instructor performance will be solicited from participants in the training program using the Instructor Evaluation form (SPP D.3b).
- Employee performance on final written exams and BTW evaluations will be monitored to ensure Instructor effectiveness.

**D.4 Supervisors must schedule and conduct on-board evaluations for all employees who operate Company vehicles.**

- On-board evaluations will include the Operator's performance of either a pre-trip or post-trip inspection.
- A Road Supervisor or other qualified individual will board the bus, observe operation of the bus while on board, and document the Operator's performance.
- On-board evaluations will occur at least one (1) time annually.
- Operators with less than one (1) year of employment with the company will have at least one (1) on-board evaluation within their first year of employment.
- On-board evaluations will be documented using the appropriate Operator Evaluation form (SPP C.4).
- Completed Operator Evaluation forms will be filed in the Operator's personnel file.

**D.5 Supervisors must schedule and conduct unannounced trail check evaluations for all employees who operate Company vehicles.**

- A Road Supervisor or other qualified individual will follow behind the vehicle, observe operation of the vehicle, and document the Operator's performance.
- Unannounced trail check evaluations will occur at least one (1) time annually.
- Operators with less than one (1) year of employment with the company will have at least one (1) trail check evaluation within their first year of employment.
- Trail check evaluations will be documented using the appropriate Operator Evaluation form (SPP C.5).
- Completed Operator Evaluation forms will be filed in the appropriate Operator file.

**D.6 SmartDrive Properties must conduct a regular review of Operator SmartDrive incidents when they occur.**

- All SmartDrive incidents should be reviewed within 3 working days.
- A SmartDrive Event Review (SPP D.6) form will be completed for each SmartDrive incident and reviewed with the Operator.
- Upon review, the operator of the vehicle will sign the SPP D.6 indicating he/she has reviewed the event.

## **E. PRINCIPLES OF SAFE DRIVING**

It is the policy of Transdev to actively enforce safe driving and operating practices at all times. Operators will drive safely and defensively at all times and in a manner that prevents accidents, injuries and property damage from occurring.

The following principles of safe driving apply to all employees responsible for operating company vehicles.

### **General Safety Principles:**

- E.1 Transdev employees will be trained and licensed for the type of vehicle being operated. Only Company employees and individuals authorized by the Company may drive Company vehicles.**
- E.2 Operators will abide by applicable traffic laws, signs and signals at all times.**
- E.3 The posted speed limits must be observed at all times. Vehicle speed must never exceed that which is safe for current driving conditions, regardless of posted limits.**
- E.4 Seatbelts must be properly worn at all times when operating a Company vehicle.**
- E.5 Operators will not wear portable headphones, Bluetooth devices, earphones, or other such devices while operating company owned or leased vehicles.**
- E.6 Operators are not permitted to eat or drink while operating a Company vehicle.**
- E.7 Smoking or the use of tobacco products is permitted only in designated areas. Smoking or the use of tobacco is not permitted inside Company vehicles or when otherwise representing the Company.**
- E.8 Employees must comply with Transdev's Cellular Telephone and Other Electronic Devices Policy. Specific directives are provided in the Transdev Cellular Telephone and Other Electronic Device Policy.**
- E.9 Transdev Operators are required to be in proper uniform while on duty. Operator attire must not interfere with safe driving or peripheral vision. The Uniform Policy includes, but is not limited to, the following safety requirements:**

- Shirts will be properly tucked in and buttoned.
- Uniform pants and shorts will be clean and neat.
- Operators will wear shoes with anti-slip soles. Shoes will be black with a heel no higher than one (1) inch. Open-toed shoes are not permitted.
- Socks will be worn at all times.
- High Visibility Garments will be worn as directed. (See Transdev SOP for High Visibility Garments for further direction).
- Jewelry will be kept to a minimum, and may in no way obstruct vision.
- Sunglasses may not be worn from dusk to dawn.
- No head gear other than a uniform hat is permitted. Hats will be worn with the bill facing forward.
- Hair will be worn so as not to interfere with peripheral vision.
- Facial hair will be neatly trimmed so as not to interfere with peripheral vision.

## Vehicle Inspections

**E.10 Operators are required to conduct and properly document a Pre-trip Inspection using a Transdev Daily Vehicle Inspection Report before operating a revenue service vehicle, to include mid-point reliefs and split shifts. Paratransit Operators are required to use a Transdev Daily Vehicle Inspection Report before operating a paratransit vehicle.**

- Vehicles will be inspected in a complete and thorough manner according to established procedure and based on federal, state and local law.
- Vehicles with identified safety defects, which are any defects that could cause or contribute to an accident or injury, will be reported immediately, and will not be operated until approved by a qualified individual.
- A completed Daily Vehicle Inspection Report will be in the driver's possession while operating the vehicle.
- The previous month's Vehicle Inspection logbook shall remain on the bus until the current month's book is completed.
- Failure to comply with the Pre-Trip Inspection Policy is considered cause for corrective action, up to and including termination.

**E.11 Operators are required to conduct and properly document a Post-trip Inspection after operating a company vehicle. Failure to comply and to report damage will**

**be considered cause for corrective action, including possible termination.**

- Vehicles will be inspected in a complete and thorough manner according to established procedure and based on federal, state and local law.
- Vehicles with identified safety defects, which are any defects that could cause or contribute to an accident or injury, will be reported immediately, and will not be operated until approved by a qualified individual.
- Failure to comply with the Post-trip Inspection Policy is considered cause for corrective action, up to and including termination.

### **Defensive Driving and Basic Maneuvering**

**E.12 Operators must properly adjust the driver's seat and mirrors prior to operating the vehicle to reduce the risk of blind spots while driving.**

**E.13 Operators must continuously practice defensive driving which means doing everything reasonably possible to avoid collisions, including anticipating possible hazards.**

- Operators must continuously scan for potential hazards around the vehicle. This is especially relevant when changing lanes, crossing intersections or turning the vehicle at an intersection.

**E.14 Transdev Operators must establish and maintain an adequate following distance, as instructed in safety training, during clear, dry weather conditions to safely avoid other vehicles making a sudden stop or other unexpected maneuver.**

- Following distance should be increased when being "tailgated" by another motorist.
- Following distance should be increased when driving in night conditions, inclement weather, fog, or other adverse driving conditions.

**E.15 Operators must maintain adequate side space cushions around the vehicle at all times.**

- Operators will adjust side space cushions when necessary to avoid unsafe intrusion by other drivers.
- Operators will leave adequate space in front of the vehicle when stopped.

**E.16 Operators should avoid backing the vehicle.**

- When stopping or parking the vehicle, Operators should allow adequate space ahead to pull around other vehicles or objects without having to back the vehicle.



- If the Operator is in a position where backing is necessary, the Operator will either engage the assistance of a responsible spotter, or get out of the vehicle and look before backing.
- If backing becomes necessary, Operators will communicate with dispatch, flash hazard lights, and take actions to ensure that vehicles and pedestrians near the bus are aware that it is backing.

**E.17 Operators should drive in the right lane at all times, which is the common lane where transporting passengers occurs.**

- If a lane change becomes necessary, Operators will check mirrors, engage the turn signal well in advance, and when clear to do so, make a gradual and smooth lane change.
- Operators will obey applicable local laws and orders governing driving in the right lane.

**E.18 Operators must perform proper steering and maneuvering at all times.**

- Operators are not permitted to make U-turns.

**Starting, Stopping and Securing the Vehicle**

**E.19 Operators are responsible for properly starting the vehicle.**

- Under no circumstances are Operators permitted to start the vehicle by reaching through the driver's window.
- Operators are not permitted to start the vehicle while standing next to the driver's seat. Operators will be properly seated in the driver's seat when starting the vehicle.

**E.20 Operators are responsible for properly securing the vehicle prior to exiting the driver's seat.**

- Operators will pull the parking brake and assure the transmission is in the proper position.
- Operators are not permitted to use the rear door interlock to secure the bus.
- Operators are not permitted to leave the driver's seat while the vehicle is in gear.

**E.21 Operators are not permitted to idle the vehicle for more than ten (10) minutes.**

- When the vehicle is stopped for longer than ten minutes, Operators will shut off the vehicle, utilizing proper shut off and cool-down procedures.
- Operators will obey applicable local laws and orders governing the idling of vehicles.

**E.22 After completing a driving shift, Operators must properly shut down the vehicle.**

- Operators will properly secure the vehicle.
- Operators will turn in the vehicle keys to dispatch or appropriate management personnel upon completion of a shift.

**Passenger Safety****E.23 Operators must notify dispatch and then document/submit an Operator Incident Report (SPP E.23) for injury, accident, any unusual circumstances or situations involving passengers.****E.24 Operators will follow all requirements set forth by the Americans with Disabilities Act (ADA) when transporting passengers.**

- Operators driving fixed-route schedules will call out major time points and arrivals at terminals.
- Operators will call out major intersections, transfer points, and all stops when requested to do so by a passenger.
- Operators will have an adequate supply of equipment on board the vehicle to properly secure mobility devices.
- Operators will request that passengers using mobility devices are secured in their seats when on board vehicles equipped with seatbelts for ambulatory passengers.

**E.25 Operators must exercise extreme caution when loading and unloading passengers.**

- Operators will make sure all passengers are seated or standing behind the standee line before moving the vehicle.
- Operators will drop passengers off only at designated stops, unless the stop is obstructed by heavy snow, ice or excessive water or other conditions requiring the passenger to be dropped off at another location.
- Operators must check mirrors for objects or pedestrians and ensure that all areas are clear before moving the vehicle.
- Operators must use appropriate turn signals and flashers when approaching or leaving a bus stop.

**E.26 Operators must exercise extreme caution at railroad crossings.**

- All CDL vehicles will stop no closer than 15 feet and no further than 50 feet from all railroad crossings, open the front door or driver's window, and look and listen for a train before proceeding.
- Operators of any type of vehicle should never stop the vehicle across railroad tracks.
- Operators are to report any unsafe conditions at a railroad crossing, including but not limited to, obstructions to vision and blind corners, which deprive the operator of an assured clear distance to cross the tracks.

**E.27 Operators are not permitted to have family members or other visitors in the vehicle they are operating while on duty. If family members choose to utilize Transdev services, they must be treated as regular passengers in order to avoid distractions.**

- Operators are not permitted to engage in conversation with passengers while the vehicle is in motion except as necessary to perform his/her duties.
- Activities contributing to Operator distraction are not permitted while the vehicle is in motion.

**E.28 Operators must regularly inspect the vehicle for cleanliness, ensuring that the vehicle is free from trash or debris that could compromise passenger comfort and safety.**

- Operators will properly secure all items in the vehicle to prevent hazards such as tripping or flying objects. This includes items such as trashcans, q-strains, seat belts, fire extinguishers, reflectors, first aid kits, etc.

### **Mobility Aid Safety**

**E.29 Operators must consider safety, courtesy and efficiency at all times when moving and transporting passengers using wheelchairs.**

- Only Transdev employees trained in proper mobility aid procedures are permitted to move or transport passengers in wheelchairs.
- Operators will conduct a thorough pre-trip inspection to ensure that passengers in wheelchairs will be transported safely, including but not limited to:
  - (a) All components of the lift system will be checked by cycling the lift.
  - (b) All mobility aid straps and passenger restraints will be checked.
  - (c) A seatbelt cutter available in each vehicle.
  - (d) The ADA interlock system in mobility aid vans will be checked, ensuring that the transmission, parking brake and lift switch are working properly.
- Operators are not permitted to leave the vehicle running in front of residences or facilities for an excessive amount of time.

- Manual lift operation should only be used when the lift cannot be operated electrically.
- In paratransit operations, operators are not permitted to leave passengers unattended on lifts in the upward position or on inclines or ramps.
- Tie downs will be stored in their proper containers when not in use.
- When moving passengers in wheelchairs, Operators will maintain physical contact with the mobility aid at all times. Operators will lock the mobility aid brakes before removing their hands from the wheelchair.
- Operators will communicate with passengers when moving them to keep them informed and ensure comfort. Passengers will be informed in situations where it is necessary to tip the mobility aid back.
- Employees will notify Dispatch immediately when circumstances prevent them from following proper mobility aid procedures.

**E.30 When assisting passengers in wheelchairs, Operators must follow specific maneuvering and lifting procedures to ensure both passenger and Operator safety.**

- Operators are not permitted to lift wheelchairs except in emergency situations.
- When using physical strength to move passengers or secure tie-downs, employees will use proper techniques to prevent back injuries.
- Wheelchairs will be moved as smoothly as possible at all times. Wheelchairs will be pulled or backed downhill, pushed uphill and should not be moved over multiple steps.
- When possible to do so, Operators should be on the downhill side of the mobility aid when going up or down ramps to minimize the risk of losing control.
- The mobility aid will be locked into position so the chair is immobile when passengers attempt to stand, sit or transfer in or out of the wheelchair. Operators will also place their foot beside the large wheel and firmly hold the mobility aid handgrips.

**E.31 Operators must follow guidelines to ensure that mobility aid equipment is working and used properly.**

- Operators will always check the mobility aid grips to make sure they are not loose. Operators should remove loose handgrips when handling the wheelchair, return them when finished and inform the passenger of their condition.
- Operators will check the mobility aid brakes to make sure they work properly.

- Speed control dials will be turned down on electric wheelchairs when maneuvering the wheelchair.
- Operators will notify Dispatch if a passenger's mobility aid is broken or damaged in a way that compromises safety or the ability to tie down and secure the wheelchair.

**E.32 Operators must ensure that proper conditions are present and follow specific procedures when using the lift platform to assist passengers in wheelchairs.**

- When possible, Operators will be positioned on the same side of the street as the pickup location.
- The vehicle will be positioned on firm, level ground with the lift resting on concrete or pavement. Operators should avoid soft, wet or slippery surfaces.
- Operators will maintain control of the mobility aid throughout the entire lift procedure.
- Operators will use lift securement belts at all times when passengers are on the lift platform. This is applicable to only those vehicles that are equipped with lift securement belts.
- Operators must always stand on the lift with ambulatory passengers to assist if needed. Ambulatory passengers should never be left alone on the lift.

**E.33 Operators must follow proper securement procedures when assisting mobility aid passengers on board the vehicle. An Operator that fails to follow proper securement will be subject to termination.**

- All passengers will be secured in wheelchairs and mobility aids in a forward-facing position.
- Operators will position the mobility aid evenly front to rear and side-to-side in the mobility aid securement area.
- Operators will ensure that mobility aid brakes are locked and electric wheelchairs are turned "off."
- Operators will complete the entire mobility aid securement procedure from start to finish once it is initiated.
- Operators will secure the mobility aid first and the passenger second.
- A seven-point tie-down system will be used on all wheelchairs and mobility devices. Four points will secure the mobility device and three points must secure the passenger.
- Unoccupied wheelchairs will be tied down using the proper four-point tie-down procedures.

- All three wheeled and four wheeled scooters should be properly secured. Operators will notify Dispatch if a scooter cannot be properly tied down.
- Passengers using scooters should be encouraged to transfer to a seat while on board a vehicle. Passengers should be properly secured.
- When passengers are secured, Operators will stow the lift in its proper compartment and close the lift doors. The lift should not be stowed with the lift belt attached.
- Operators will re-check all straps and tie-downs by pulling them from the back of the mobility aid to make sure they do not move. The mobility aid should not move one-inch in any direction.
- Operators will tap tie-downs with their foot to make sure they are secured in their tracks.

**E.34 Operators must use proper unloading procedures when assisting mobility aid passengers off the vehicle.**

- Operators will position the vehicle so that the unloading zone is on level ground.
- When the passenger is safely unloaded, the lift area will be secured by properly stowing the lift and closing the doors.
- When lift area is secured, Operators will turn the engine off and remove the keys from the ignition.
- Operators will notify a Supervisor or qualified personnel if the lift malfunctions with a passenger on board. Operators will stay on the lift with the passenger while a qualified individual activates the lift manually.

**Mechanical Road Failures**

**E.35 In the event of mechanical breakdown or road failure, Operators must take precautions to keep all passengers safe.**

- Operators will safely stop the vehicle and pull over as far to the right side of the road as possible.
- Operators will notify Dispatch immediately. Dispatch will notify the appropriate maintenance personnel, and the authorities if needed.
- Operators should turn off the engine and electrical devices if a fire is suspected.
- Operators will put on emergency flashers and set out reflective triangles.
- Operators should check for the cause of the breakdown and make minor corrections if possible.

- Passengers should be evacuated to a safe spot if danger exists on board the vehicle.

## **F. ACCIDENT AND INJURY INVESTIGATIONS**

It is the policy of Transdev to conduct prompt, accurate and thorough investigations of all accidents, injuries, illnesses and identified hazards, with the goal of promoting safety and preventing reoccurrences.

### **General Reporting/Investigation Practices**

#### **F.1 Transdev employees are required to report any injury or accident, regardless of severity, immediately after its occurrence.**

- Employees that do not report an accident immediately will result in disciplinary action up to and including termination.
- Management will be involved with Discipline for all Category 1 (Preventable Accidents).

#### **F.2 Specific investigation and reporting procedures must be followed to meet requirements set forth by Transdev and various agencies.**

#### **F.3 Employees involved in preventable vehicle accidents or injuries will participate in post-accident training before returning to revenue service.**

- Post-accident training content will be based on the cause(s) of the accident or injury.
- Post-accident retraining for vehicle accidents will include, at a minimum, one hour of Behind the Wheel instruction.
- A satisfactory final evaluation (SPP 3.4) must be completed before an Operator returns to review service.
- Employees will demonstrate that they have learned how to avoid the type of accident or injury that occurred before returning to revenue service.

### **Work Related Injuries or Illnesses**

Upon notification of a work-related injury/illness, the appropriate Supervisor or Manager will:

#### **F.4 Arrange for appropriate first aid or medical services for any injured/ill employees when the situation requires medical assistance, or when requested to do so by the injured/ill employee.**

#### **F.5 Inspect the accident scene for hazards that present serious or immediate danger to employees or the public.**

**F.6 Individually interview the employee and any witnesses as soon as possible after the incident and document responses.**

- Injured employees will complete an Employees Report of Work Injury (SPP F.6).
- Employees/witnesses involved with the incident will provide a report and signature verifying their description of the incident.
- Employees who are physically unable to provide a report immediately after the incident will complete a report within 24 hours of the incident or as soon as they are physically able.

**F.7 Use the Supervisor's Investigation Report (SPP F.7) to obtain all relevant information regarding the incident.**

**Work Related Injury/Illness Reporting and Follow-Up**

Following investigation of a work-related injury/illness, the Supervisor or Manager will:

**F.8 Determine if the injury/illness is work-related. An incident is considered to be work-related based on the following U.S. Department of Labor guidelines:**

- An event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.
- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment.
- An injury or illness occurring in the work environment that falls under one of the following exceptions is not considered to be work-related, and therefore is not recordable:
  - (a) The employee was present in the work environment as a member of the general public rather than as an employee.
  - (b) Signs or symptoms surfaced at work but resulted solely from a non-work-related event or exposure that occurred outside the work environment.
  - (c) The injury or illness resulted solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity.
  - (d) The injury or illness was solely the result of an employee eating, drinking, or preparing food or drink for personal consumption.
  - (e) The injury or illness was solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.
  - (f) The injury or illness was solely the result of personal grooming, self-medication for a non-work-related condition, or was intentionally self-inflicted.
  - (g) The injury or illness was caused by a motor vehicle accident and occurred on a company parking lot or company access road while the employee was commuting to or from work.
  - (h) The illness is the common cold or flu. Certain contagious diseases may be considered work-related if the employee is infected at work.



- (i) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.
- Supervisors/Managers who are not certain of a determination of work-relatedness will seek guidance from a Transdev upper management designee and refer to the U.S. Department of Labor compliance requirements.
- If there is reason to believe the injury/illness is not causally related to the employee's employment, Supervisors/Managers will submit the claim and notify the Adjuster, providing as much detail as possible. The specific reasons for questioning the injury or illness will be provided.

**F.9 Supervisors or Managers must report injuries immediately, and in all cases no later than 24 hours after the incident occurs and ensure that the appropriate State Workers' Compensation Report is received.**

- Supervisors/Managers will refer to the Corporate WC Claim Manager, Adjuster and the Office of Worker's Compensation specific to their state for applicable requirements and reporting procedures.
- Supervisors/Managers will comply with state claims reporting and filing procedures.
- Management will be involved with Discipline for all Category 1 (Preventable Injuries).

**F.10 Determine whether the injury/illness is OSHA Recordable based on OSHA Recordkeeping Guidelines.**

- Based on general recordkeeping guidelines, an injury or illness is considered to meet recording criteria if it results in any of the following:
  - (a) Fatality
  - (b) Days away from work
  - (c) Restricted work or transfer to another job
  - (d) Medical treatment beyond first aid
  - (e) Loss of consciousness
  - (f) A significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- Within seven (7) calendar days after receiving notice of the incident, record and log the OSHA Recordable injury/illness.
- It is the responsibility of the General Manager to ensure completion of the OSHA 300 Log.

**F.11 Require employees involved in work-related injury/illness investigations to undergo a post-accident drug and alcohol test or, if applicable, a reasonable suspicion drug and alcohol test.**

**F.12 Offer Modified Duty to all employees who sustain a work-related injury/illness resulting in a restriction to their normal work duties. Supervisors must complete and send the Modified Work Letter and Schedule (SPP F.12) to the employee.**

- Modified duty positions will be offered only to eligible employees who are not able to perform their normal work duties.
- Employee absences and restrictions will be accompanied by a detailed physician's report specifying the nature of the injury/illness, the exact performance limitations, and the length of time the injury/illness is expected to restrict work duties.
- Transdev will make every effort to reasonably accommodate the employee's work restrictions, given that productive work is available based on the employee's restrictions.
- If an employee's work restrictions prevent a productive work schedule, the employee shall not return to work until receiving full release or until the company is able to accommodate the restrictions.
- A modified duty file will be maintained, documenting all correspondence and progress of the injured employee.
- When the employee returns to full duty, a physician's note indicating a full release to return to normal job duties will be presented and filed.
- Supervisors/Managers are required to ensure that Modified Duty programs meet state-specific guidelines as outlined by Workers' Compensation requirements.
- Supervisors/Managers will notify the Adjuster if the employee has lost time away from work due to a lack of modified duty or per doctor's orders.

**Implement all measures necessary to correct, eliminate or minimize the chance of future injuries/illnesses of the same root cause, including a written plan with specific action steps and completion dates, as outlined in the Supervisor's Investigation Report.**

- Post-accident retraining for injuries will be for a minimum of one hour.
- Three violations of established work safety rules within a 24-month period will result in termination. Management reserves the right to terminate for fewer violations based on the severity of the violation.

## Vehicle Accidents

**F.13 Accident Investigation materials must be stored on board each Company vehicle in the event of an accident. Materials must include, but are not limited to:**

- (a) Paper
- (b) Pencil
- (c) Customer comment cards
- (d) Accident Involvement Seating Diagram (SPP F.13)
- (e) Accident/Incident reports

**F.14 Operators must stop the vehicle and notify Dispatch immediately after an accident occurs. Failure to comply with this section will result in termination.**

- Operators will notify Dispatch if the vehicle collides or comes into contact with any type of object or pedestrian, no matter how slight or minor the accident, and whether or not damage occurs.
- Operators will provide the following information to Dispatch:
  - (a) The exact location of the accident, vehicle/route number and direction of travel
  - (b) Any injuries or passenger complaints
  - (c) Condition of the vehicle
  - (d) Damage to any other property
- Operators will remain in contact with Dispatch until all necessary information has been obtained.
- Dispatch will determine the severity of the accident and notify the appropriate emergency, fire and police authorities.
- Dispatch will notify the appropriate Supervisor or Manager and ensure that a street Supervisor responds to the scene.

**F.15 Operators are not permitted to leave the scene of an accident or move the vehicle until released by proper authority. Doing so will result in disciplinary action, up to and including termination.**

**F.16 The Supervisor and appropriate individuals will travel to the scene and conduct a thorough investigation of the accident.**

- Complete Accident Investigation Kits will be in the possession of Supervisors with primary investigation responsibility at all times. Accident investigation materials include, but are not limited to the following:
  - (a) Reflective vest
  - (b) Lined paper

- (c) Clipboard
- (d) Clear plastic sheet
- (e) Plastic bags
- (f) First-aid kit
- (g) Body Fluids Spill Kit
- (h) Map
- (i) Accident forms
- (j) Cellular phone or radio
- (k) 35mm Camera (or digital)
- (l) Film
- (m) Flashlight
- (n) Batteries
- (o) 100' measuring tape
- (p) Chalk
- (q) Marking pens
- (r) Ball point pens
- (s) #2 pencils
- (t) Customer Comment Cards

**F.17 Operators must take action to keep passengers and all those involved with the scene of the accident protected from further injury or harm. If necessary, the vehicle can be moved to a safe place to avoid immediate danger.**

- Operators must check the bus for potential hazards and evacuate passengers if necessary.
- Operators must check for injuries and provide medical assistance to injured passengers to the extent qualified or allowed.
- Operators will display emergency triangles to notify and warn oncoming traffic of the accident.
- Operators should keep passengers informed of the situation and steps to be taken.

**F.18 Operators must strive to keep Transdev free from unjust or excessive liability claims.**

- Operators are not permitted to admit fault or guilt.
- Operators should be cooperative with police during their investigation.
- Operators will obtain accurate information about other drivers and any witnesses involved.
- Operators should observe and document the events and individuals involved, noting individual behaviors, weather and traffic conditions and any other relevant factors.
- Operators are required to provide customer comment cards to passengers and witnesses, making sure they are filled out correctly and completely.

- Supervisors at the scene will review and approve any statement of facts or events prior to submitting it to the police as part of a police report.

### **Vehicle Accident Reporting and Follow-Up**

**F.19 Operators involved in a Federal Transit Administration (FTA) reportable accident must undergo post-accident drug and alcohol testing in accordance with federal guidelines. Please refer to the Transdev Substance Abuse Policy for more detail.**

**F.20 A complete and thorough Vehicle Accident Report (SPP F.20) must be submitted by the investigating Supervisor prior to the end of his/her shift, and no more than 24 hours after the accident occurs.**

- Accident Reports should include comprehensive information about the accident and Operator involved, including but not limited to:
  - (a) Date/time of the accident
  - (b) Exact location of the accident
  - (c) Description of the accident, including any photographs or sketches of the accident scene
  - (d) Operator's name, address and contact information
  - (e) Operator's driver's license number
- Accident Reports should include comprehensive information about the other driver(s), vehicle(s), and witnesses to the accident, including but not limited to:
  - (a) Driver(s) name, address and telephone contact information
  - (b) Driver's license number(s)
  - (c) Name of insurance company, policy number, and insurance contact name and phone number
  - (d) Vehicle identification number(s) (17-digit VIN), year, make, model and interior/exterior vehicle color
  - (e) Vehicle license plate number(s)
  - (f) Conditions of all vehicles involved, along with any pre-existing conditions
  - (g) Name, address and telephone numbers of any witnesses and passengers
  - (h) Name, badge number and department name and address of the investigating police officer(s)

**F.21 Appropriate management personnel will review the accident details to determine preventability as soon as reasonably possible.**

- Employees are not permitted to return to service until a decision of preventability is determined.
- Management will be involved with Discipline for all Category 1 (Preventable Injuries).
- Employees involved in the accident will be notified of the findings regarding preventability in writing.

- Employee driving records will be charged with any accidents determined to be preventable.
- Accidents not cited by law enforcement authorities may still be determined preventable based on Transdev safety standards.
- Employees will be subject to termination following a preventable accident based on the following circumstances:
  - (a) Three (3) preventable accidents within the previous 24 floating months
  - (b) Accidents involving extreme bodily injury or property damage
  - (c) Driving while intoxicated or under the influence of drugs
  - (d) Possession of an open container of alcohol
  - (e) Homicide, manslaughter or assault arising out of operation of a motor vehicle
  - (f) Attempting to elude a police officer
  - (g) Failure to stop and report an accident or leaving the scene of an accident

**F.22 Post-accident training will be provided to employees involved in a preventable accident.**

- Post-accident training content will be based on the root cause of the accident.
- Post-accident training will include, at a minimum, one hour of Behind the Wheel instruction.
- A satisfactory final evaluation (SPP 3.4) must be completed before an Operator returns to review service.
- Employees must complete post-accident training prior to returning to driving duties.

**Transdev  
Safety Policies and Procedures Acknowledgement**

I have been provided an opportunity to read and review the Transdev Safety Policies and Procedures and discuss them with my Supervisor or Manager. Any questions that I may have had were discussed, answered and explained to me by my Supervisor or Manager.

I understand that these policies and procedures are “work rules” under existing labor agreements, and that violation of any element may result in discipline up to and including termination. The Safety Policies and Procedures contained in the Transdev document supersede any prior work policies and procedures. These provisions do not constitute an employment contract, nor do they supersede or contradict any active collective bargaining agreement. I am fully aware that these Safety Policies and Procedures may be amended or modified by Transdev with or without notice.

I understand that I am responsible for following the Safety Policies and Procedures contained in this document, and that my Supervisor or Manager is required to follow these written standards at all times. My signature below also indicates that a copy of this document has been made readily available to me and is stored in a common location for reference.

**Employee Acknowledgement**

Employee Name (Please Print)	Location
Employee Signature	Date

**Employer Acknowledgement**

I have discussed, answered and explained all questions with the above employee regarding the Transdev Policies and Procedures. I have informed this employee where he/she may find a copy of the Policies and Procedures manual for future reference.

Supervisor/Manager Name (Please Print)	Location
Supervisor/Manager Signature	Date

# **SYSTEM SECURITY AND EMERGENCY PREPAREDNESS PROGRAM PLAN (SSEPP)**



**Date: Updated to August 06, 2019**

## **SECURITY SENSITIVE INFORMATION (SSI)**

**This document contains sensitive security information  
That is controlled under 49 CFR parts 15 and 1520 and NRS 239C.  
No part of this record may be disclosed to persons without a  
“need to know” as defined in 49 CFR parts 15 and 1520, except  
with the written permission of the administration of the System  
Safety and Security Officer.  
Unauthorized release may result in civil penalty or other action.**





**Transdev – Foothill (Arcadia)  
POLICY STATEMENT**

**Policy Statement**

Transdev is a private transportation provider charged with providing safe, secure, reliable, and efficient transportation services by creating a collective awareness, understanding, involvement, and commitment among all Transdev employees that will insure the security of passengers, employees, property and the general public in the Los Angeles County. Security is a primary concern that affects all levels of Transdev activities, including planning, design, construction, testing, training, and operations and maintenance. To meet this commitment, this System Security Emergency Preparedness Plan (SSEPP) is an operating document used to achieve system management's security goals and objectives. Transdev location and corporate management has approved it and it provides guidelines for insuring the maximum level of security for all passengers, patrons, employees, and others using the all Foothill Transit-Arcadia transportation services and facilities. Implementation and adherence to this SSEPP is fundamental to insuring a secure operating environment and it shall receive the full support, participation and compliance by all managers, supervisors and employees.

The Transdev Safety and Security Director is hereby authorized, empowered and directed, by the Foothill Transit-Arcadia GM, to implement and administer this System Security and Emergency Preparedness Plan to prevent breaches/incidents from occurring and resolving those that may occur. It is the responsibility of each Transdev employee to cooperate with and provide the information required to assist, implement and maintain this program plan and in conducting all investigations. The SSEPP and supplementary implementing procedures shall be considered Security Sensitive Information (SSI), controlled under the provision of 49 CFR parts 15 and 1520, except with the written permission of the administration of the Safety and Security Director. The Transdev Safety, Training and Security Office shall maintain a distribution list identifying all recipients of the SSEPP.

Approved by:



Bill Jackson

General Manager

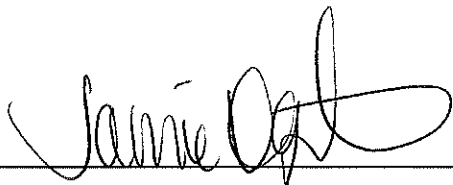
Transdev – **Foothill (Arcadia)**

Date of Approval: \_\_\_\_\_

8/8/19

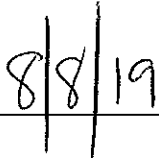
**Foothill (Arcadia)  
SYSTEM SECURITY AND EMERGENCY  
PREPAREDNESS PLAN**

**Authorized by:**



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**Jamie Ogilvie**



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**Date**

**Transdev Safety and Security Manager- Foothill (Arcadia)**

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# **Section 1: Introduction to System Security and Emergency Preparedness**

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**1.1 Background**

**1.2 Authority**

**1.3 Purpose, Goals, Objectives**

**1.4 Scope**

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## 1.1 Background

The terrible tragedy of September 11, 2001, combined with our nation's continuing war on terrorism, has created a heightened awareness of potential threats in public transportation. In this new environment, public transportation agencies (and the communities they serve), are aware of their vulnerability to acts of terrorism and extreme violence. Threat assessments issued by the Federal Bureau of Investigation (FBI) have consistently placed public transportation at the top of the *critical infrastructure protection agenda*, along with airports, nuclear power plants, and major utility exchanges on the national power grid.

To establish the importance of security and emergency preparedness in all aspects of the organization, Transdev – Foothill Transit-Arcadia has developed this System Security and Emergency Preparedness Plan (SSEPP – also referred to in this document as the Plan). It outlines the process used by Transdev to make informed and appropriate decisions for operations, passengers, employees and communities.

Transdev is striving to achieve not only an effective physical security program, but also to enhance coordination with local public safety agencies within the Foothill Transit-Arcadia Los Angeles County service areas. Improved communication can only increase their awareness of Transdev resources and capabilities and improve Transdev readiness to support their efforts to manage community-wide emergencies.

The activities documented in this Plan focus on establishing responsibilities toward security and emergency preparedness, identifying the methodology for documenting and analyzing potential security and emergency preparedness issues, and developing the management system through which progress can be monitored and tracked in resolving security related issues.

## 1.2 Authority

The Transdev Foothill Transit-Arcadia GM has delegated the authority for development and implementation of this Plan to the Safety and Security Director.

Additionally, the Plan has been developed in cooperation with the Los Angeles Department of Transportation. It also supports efforts to address requests from the Federal Transit Administration (FTA) to review Transdev current levels of protection and to integrate security and emergency preparedness into Transdev operations system wide.

### 1.3 Purpose, Goals and Objectives of SSEP Program Plan

This Program describes the Agency's process for addressing *system security and emergency preparedness*:

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**System Security** – The application of operating, technical, and management techniques and principles to the security aspects of the Transdev system throughout its life to reduce threats and vulnerabilities to the most practical level through the most effective use of available resources.

**Emergency Preparedness** – A uniform basis for operating policies and procedures for mobilizing Transdev and other public safety resources to assure rapid, controlled, and predictable responses to various types of transit and community emergencies.

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The SSEPP will support Transdev's efforts to address and resolve critical incidents on Foothill Transit-Arcadia property and within the community.

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**Critical Incidents** – may include accidents, natural disasters, crimes, acts of terrorism, sabotage, civil unrest, hazardous materials spills and other events that require emergency response. Critical incidents require swift, decisive action from multiple organizations, often under stressful conditions that must be stabilized prior to the resumption of regular service or activities.

Critical incidents often result from emergencies and disasters but can be caused by any number of circumstances or events. Successful resolution of critical incidents requires the cooperative efforts of both public transportation and community emergency planning and public safety agencies.

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Transdev has established criteria for a critical incident:

Element of Definition	Agency Threshold
Service Interruption	Inability to provide service
Duration of Interruption	2 hours (system-wide)
Injuries and Fatalities	1 or more fatalities 2 or more injuries requiring hospitalization
Dollar Amount of Property Damage	> \$25,000



### 1.3.1 Purpose

The overall purpose of Transdev's SSEPP is to optimize - within the constraints of time, cost, and operational effectiveness - the level of protection afforded to Foothill Transit passengers, employees, volunteers and contractors, and other individuals who come into contact with the system, both during normal operations and under emergency conditions.

### 1.3.2 Goals

The Plan provides Transdev with security and emergency preparedness capabilities that will:

1. Ensure that security and emergency preparedness are addressed during all elements of Transdev's operation, including the hiring and training of agency personnel; the procurement and maintenance of agency equipment; the development of agency policies, rules, and procedures; and coordination with local public safety and community emergency planning agencies
2. Enhance safe and secure system operation through the identification, evaluation and resolution of threats and vulnerabilities, and the on-going assessment of agency capabilities and readiness
3. Create a culture that supports employee safety and security during system operation (under normal and emergency conditions) through the motivation of compliance to agency rules and procedures, and the appropriate use and operation of equipment

### 1.3.3 Objectives

In today's environment, it is difficult to identify and resolve every threat, but Transdev has taken steps to be more aware, to better protect passengers, employees, facilities and equipment, and to stand ready to support community needs in response to a major event. To this end, the Plan has five objectives:

1. Achieve a level of security performance and emergency readiness that meets or exceeds similarly-sized agencies around the nation
2. Increase and strengthen community involvement and participation in the safety and security of the Foothill Transit system
3. Develop and implement a vulnerability assessment program; based on the results of this program, establish a course of action for improving physical security measures and emergency response capabilities
4. Expand training programs for employees, volunteers and contractors to address security awareness and emergency management issues
5. Enhance coordination and cooperation between Transdev and Los Angeles County regarding security and emergency preparedness issues
6. Identify and maintain critical assets for sustaining operations during emergencies or disasters

## 1.4 Scope

Transdev's SSEPP is applicable to all facets of present service to ensure that operations, training, coordination with local public safety agencies, and general security and emergency preparedness planning address concerns resulting from heightened threat levels. Key elements of the scope of this Plan include:

1. An evaluation of current capabilities to identify and prevent security incidents that may occur on Transdev or Foothill Transit's property.
2. Development of a Threat and Vulnerability Assessment Program to identify weaknesses and guide planning activities
3. Improved Physical Security
4. Review and expansion of training programs for security and emergency response
5. Enhanced emergency planning and procedures development
6. Improved coordination with the Public Safety Agencies in the Los Angeles service area
7. Improved coordination with California Office of Public Transit

## **Section 2: Transit System Description**

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**2.1 Organizational Structure**

**2.2 Operating Characteristics and Service**

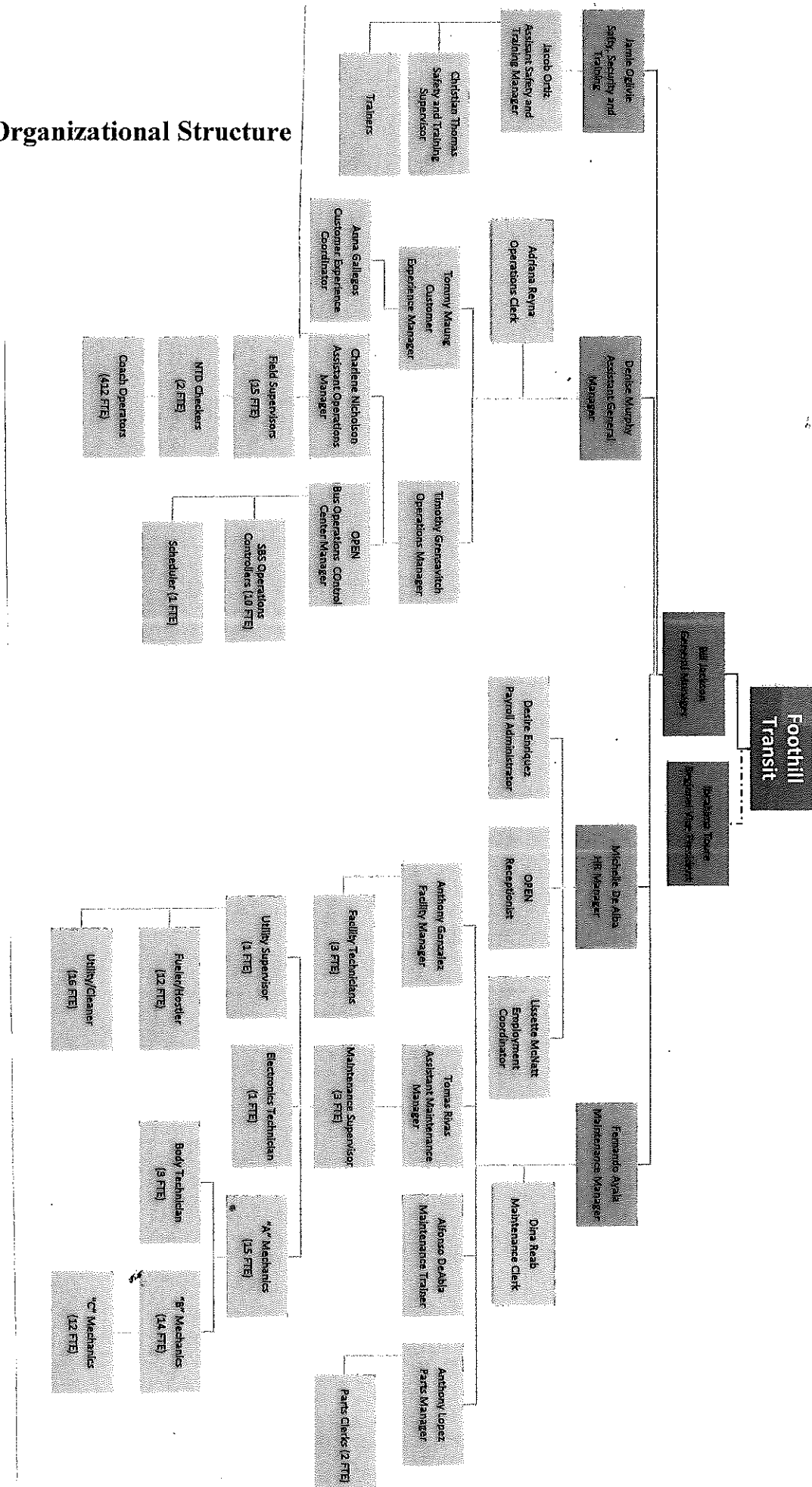
**2.3 Vehicles and Facilities**

**2.4 Service**

**2.5 Measures of Service**

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## 2.1 Organizational Structure



**System Management** –All Transdev personnel are responsible for safety and security.

Department directors and managers have responsibilities for system safety and security within their departments and are responsible for communication between all departments, employees, and customers. The directors and managers are also responsible to coordinate with the System Safety and Security Officer to develop, implement, and improve safety and security policies and procedures for the Foothill Transit system. The Safety and Security Director reports directly to the General Manager on matters of safety and security and is responsible to oversee all safety and security functions for the entire Authority.

**Public Information** – This department has responsibility for coordinating, developing and implementing the marketing, public relations and community outreach programs to support the Foothill Transit. The department also helps build awareness of the transit system.

Public Information is also Transdev's media liaison, responsible to assure the timely, orderly flow of information to the community during a natural disaster or other situations.

**Planning** – is responsible for scheduling of fixed route bus service.

**Risk Management** – This department is responsible for purchasing the necessary insurance policies, Customer Service Divisions and conducting hazard analysis.

**Procurement** – This department is responsible for coordinating all acquisitions of materials and services with the Office of Safety and Security and other appropriate support departments to assure that safety and security processes and procedures are followed.

**Information Technologies** – The Information Technologies (IT) department is responsible for computer and software acquisition and system support, and coordination with the Safety and Security Department for physical security systems.

**Operations** – Transdev's Operations Department is comprised of the Transportation Divisions. Each division provides direct support functions to the Foothill Transit system.

**Command** – The role of the Command Center is that of Central Command for Foothill Transit system. The Command Center coordinate movement of all vehicles, coordinate all requests for emergency (incident, maintenance) assistance, log schedule disruptions, monitor and record on and off duty times for shifts, and provide special instructions when necessary for bus operators.

**Customer Service** – Foothill Transit posts a customer service telephone number throughout the system and at all transit/transfer centers. Customer service logs all

comments and forwards them to the appropriate department heads for review and follow-up.

**Maintenance** - The Maintenance Department is comprised of Maintenance Training, Vehicle Maintenance and Facilities Maintenance, all providing technical support to the Foothill Transit system.

**Safety, Training and Security** – The Training Department is responsible for initial, refresher and remedial training of all transit employees. Training consists of review of the operating rules, policies and procedures, safety and security procedures, emergency and incident handling procedures, and vehicle operation. The Training Department is also responsible for maintaining all training files. The Safety and Security office assists in incident investigation, performs investigation of security breaches, random and annual safety audits, hazard analysis, providing security training, and conducting threat and vulnerability assessments.

## 2.2 System Description

### Corporate History

Transdev North America is a transit corporation based in Paris, France. Transdev has been involved in the operation of public transportation service since the 1860's. The North American base of the corporation is in Oak Brook, Illinois. The corporation operates rail, bus rapid transit, bus, paratransit shuttle services and taxicabs across the United States and Canada. Transdev has grown quite rapidly in North America through a series of acquisitions and has a business base of more than \$1 billion in projected revenues for 2014.

## 2.3 Service

Add a short description of your system her. Including type of service (Fixed Route, Paratransit, Rail, Ferry etc.). Also describing the service area, cities and or counties/ parishes served. Short description of your transit stations.

21 routes and 197 vehicles servicing the Los Angeles area. Number of passengers carried annually 7,000,000.

## 2.4 Transdev / Foothill Transit Vehicles and Facilities

### 2.4.1 Foothill Transit Bus Vehicles

Foothill Transit Bus vehicles are made up of the following:

- (30) 2006 Nabi's
- (30) 2009 Nabi's
- (22) 2013 Nabi's
- (30) 2015 New Flyer's
- (30) 2016 New Flyer's
- (14) 2017 Proterra's
- (3) 2018 Proterra's 30 Ft.
- (28) 2018 El Dorado's

#### **2.4.2 Transdev Vehicles**

Transdev vehicles are made up of the following:

33 various support/staff vehicles

#### **2.4.3 Communication Systems**

##### **Bus and Staff Vehicle Communications**

##### **Bus Radio / Supervisor Vehicles**

The Avail system in use is a system which combines the Command Center function, global positioning system, and a text messaging system which relieves some of the voice traffic. This system allows Transdev to have information regarding the location of every coach and the "on time" status of every coach in service. In the event of an emergency, the location of the vehicle and the "covert mike" activity can be evaluated without placing the operator at further risk. Other information obtained from this system is used to determine service hours, contract compliance, and schedule modifications. The operator can request a voice call (VoIP). Dispatch will open a voice channel to initiate a call in a closed mic system. The VoIP system uses cellular signal instead of radio in order to improve call clarity and reliability

One benefit of the system allows for programmed announcements of streets and points of interest as the coach passes certain GPS coordinates. This often covers the ADA announcements that are required to be made by the operator.

Operators notify the Dispatcher of an incident or situation requiring assistance.

**Onboard Communications** – Onboard communications consist of a public announcement (PA) system.

**Passenger Communications** – In the event of a passenger emergency, operators are in contact with the Transdev Dispatch at all times via the radio system.

**Radio Dispatch/Communications** – Communications, which include radio and onboard sources, are an important element of this system.

Transdev Dispatch monitors, controls, and communicates necessary information to ensure safe and efficient operation of the Transdev system during regular service hours and during emergency situations. It also directs and monitors system operations by radio and communicates with the police and fire departments when necessary. Transdev Dispatch personnel are trained to implement corrective actions to maintain service schedules and minimize adverse impacts due to failures of equipment and emergency situations.

Transdev maintains a telephone contact twenty-four (24) hours a day for the purpose of receiving emergency communications. This telephone is a direct dial number and is not routed through a switchboard or voice mail exchange. All appropriate personnel and agencies are provided with the following:

- Telephone number
- Location of the telephone
- Notice of any change in the location or number of the telephone not less than five (5) days prior to any change

#### **2.4.4 Facilities**

##### **Foothill Transit-Arcadia Yard**

###### **Foothill Transit**

This facility is located at 5640 Peck Rd. Arcadia, CA in an industrial area and is owned and operated by Foothill Transit and operated by Transdev. Foothill Transit includes operations and maintenance buildings, fueling islands (CNG) and a bus wash. It also includes the Foothill Transit's Bus Revenue Counting/Probing Facility, which is staffed by Transdev employees.



## **Section 3: Transdev Roles and Responsibilities**

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**3.1 Philosophy**

**3.2 Roles and Responsibilities**

**3.3 Responsibility Matrices**

**3.4 Existing Transdev Capabilities and Practices**

**3.5 Training and Emergency Exercise Simulations**

**3.6 Local Public Safety Agencies**

**3.7 Other Transit Agencies**

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### **3.1 Philosophy**

If confronted with a security event or major emergency, Transdev personnel will respond effectively, by using good judgment and ensuring due diligence, based on best practices, emergency simulations, training, rules and procedures.

To provide this level of proficiency, Transdev has established formal mechanisms that are used by all Transdev personnel to identify security threats and vulnerabilities associated with Transdev's operations, and in turn, develop controls to eliminate or minimize them. This Plan also provides for Transdev to:

1. Coordinate with local law enforcement and other public safety agencies to manage response to an incident that could occur on a transit vehicle or affect transit operations.
2. Identify a process that integrates Transdev's resources and capabilities into the community response effort to support management of a major event affecting the community.

Transdev management expects all employees, volunteers and contractors, especially those working directly with passengers, to support this Plan.

### **3.2 Division of Responsibilities**

#### **3.2.1 All Personnel**

Transdev personnel must understand and adopt their specific roles and responsibilities as identified in this Plan to increase security for themselves and passengers during normal operations and under emergency conditions.

To fulfill these responsibilities, Transdev personnel must perform the following functions:

1. Immediately report all suspicious activity, no matter how insignificant it may seem, to their immediate supervisor/manager/director
2. Immediately report all security incidents
3. Use careful judgment when managing disruptive passengers and potentially volatile situations
4. Participate in all security and emergency preparedness training, including drills and exercises
5. Become familiar with, and operate within, all security and emergency preparedness procedures for the assigned work activity
6. Notify their immediate supervisor/manager/director if a physical or mental condition, prescribed medication or therapy, that may impair the ability to perform security or emergency preparedness functions
7. Accurately complete "Employee Statements" on appropriate reports

### 3.2.2 General Manager

Under the authority of the Transdev Board of Directors, the General Manager has the authority and accountability for development and execution of the SSEPP. Additionally, the General Manager is responsible for the following activities:

1. Ensuring that sufficient resources and attention are devoted to implement this Plan, including:
  - Development of standard operating procedures related to employee security duties
  - Development and enforcement of safety and security regulations
  - Development of emergency operating procedures to maximize transit system response effectiveness and minimize system interruptions during emergencies and security incidents
  - Provision for training and appropriate equipment for employees to aid in response to security incidents and emergencies
2. Development of an effective notification and reporting system for security incidents and emergencies
3. Designating a Point of Contact (POC) to manage the Plan
4. Communicating security and emergency preparedness as top priorities to all employees
5. Developing relations with outside organizations that contribute to the Plan, including local public safety and emergency planning agencies

### 3.2.3 Security and Emergency Preparedness Point of Contact

The Transdev has designated the Safety and Security Director as the Security and Emergency Preparedness Point of Contact (POC) with the responsibility for development and implementation of the SSEPP. The Transdev Safety and Security Director has the authority to utilize Transdev resources to develop the SSEPP Program Plan and monitor its implementation, and further, to ensure attainment of security and emergency preparedness goals and objectives.

The Safety and Security Director will serve as Transdev's primary contact for internal departments and external public agencies including state and federal agencies.

The Safety and Security Director is also responsible for the security-related agenda items for Safety and Security Committee meetings and actions.

The Safety and Security Director shall:

1. Be responsible for complying with the reporting requirements of DOT, and the Transportation Security Administration (TSA)
2. Be responsible for administering the SSE Program Plan and establishing, monitoring, and reporting on the system's security and emergency preparedness objectives
3. Perform annual Threat and Vulnerability Assessments (TVA)
4. Review, at a minimum annually, current agency safety, security and emergency policies, procedures, and plans, and identifying needed improvements
5. Develop and implement plans for addressing identified improvements
6. Ensure that appropriate internal and external (Federal, State, Local), organizations are notified upon the occurrence of an incident or threat.
7. Coordinate with local public safety agencies, local community emergency planning agencies, and local human services agencies to address security and emergency preparedness; including participation in formal meetings and committees
8. Develop, publish, and enforce reasonable procedures pertinent to agency activities for security and emergency preparedness
9. Provide adequate driver training and continuing instruction for all employees (and volunteers and contractors) regarding security and emergency preparedness
10. Review new agency purchases to identify security related impacts
11. Ensure performance of at least one emergency exercise annually

The following is a list of appendices incorporated to support this SSEPP:

- Appendix A Vehicle Safety and Security Program Implications
- Appendix B Security Baseline Planning Worksheet
- Appendix C General Emergency Response Capabilities
- Appendix D Points of Emphasis
- Appendix E Managing Response to Transit Terrorism
- Appendix F Emergency Response Planning, Coordination, and Training Considerations
- Appendix G System Security Considerations
- Appendix H Bomb Threat Checklist and Procedures
- Appendix I Sample Types of Exercises
- Appendix J Reporting Criminal Activity
- Appendix K Sample Emergency Action Plan
- Appendix L Security Risk Identification and Resolution Methodology
- Appendix M Transdev Security Incident Report
- Appendix N Emergency Response Personnel Overview

### 3.2.4 Safety and Security Committee

Transdev's Safety and Security Committee has incorporated a permanent meeting agenda item oriented toward safety, security and emergency preparedness matters. It is also an ongoing part of the security agenda to determine the level of compliance with agency policies, rules, regulations, standards, codes, procedures, and further, to identify changes or new challenges as a result of incidents or other operating experience.

The Safety and Security Director or designee ensures that security issues are addressed during the committee meetings. When appropriate, members of local fire and police departments are invited to participate in committee meetings.

The Safety and Security Committee

- Identifies security conditions and problems within the transit system
- Reviews data on agency security performance
- Develops strategies for addressing agency security problems
- Evaluates the effectiveness of the security program

The committee also ensures that security-related information is disseminated to all agency employees so that they:

- Have a full knowledge of the security program and emergency preparedness programs
- Make security and emergency preparedness a primary concern while on the job
- Cooperate fully with the agency regarding any incident investigation
- Raise security and emergency preparedness concerns

### 3.2.5 Dispatcher: Responsibilities

Dispatchers, Supervisors and Managers are responsible for communicating Transdev's security policies to all employees and contractors and must have full knowledge of all security rules and policies. Dispatchers, Supervisors and Managers must communicate these policies to Transdev operations personnel in a manner that encourages them to incorporate SSEPP practices into their everyday routine. The specific responsibilities of all supervisors include the following:

- Be knowledgeable of all standard and emergency operating procedures
- Ensure that all front-line transit employees make security and emergency preparedness a primary concern when on the job
- Cooperate fully with the SSEPP regarding any accident investigations as well as listening and acting upon any security concerns raised by front-line transit employees
- Immediately report security concerns to the System Safety and Security Officer

When responding to an incident, Dispatchers are expected to:

- Take action on calls Received for assistance in a timely manner
- Dispatch supervisors and emergency response personnel
- Coordinate with law enforcement and emergency medical service communications centers
- Notify Transdev supervisory and management staff of serious incidents
- Establish on-scene communication
- Provide direction to on-scene personnel
- Complete required security related reports

When responding to an incident, Transit Supervisors are expected to:

- Provide leadership and direction to Transdev employees during security incidents
- Handle minor non-threatening rule violations
- Defuse minor arguments
- Determine when to call for assistance
- Make decisions regarding the continuance of operations
- Respond to fare disputes and service complaints
- Respond to security related calls with police officers when required, rendering assistance with crowd control, victim/witness information gathering, and general on-scene assistance
- Complete necessary security related reports
- Photograph all pertinent aspects of the incident scene
- Coordinate with all outside agencies at incident scenes

### 3.2.6 Operators

In addition to the general responsibilities identified for all Transdev personnel, bus operators are responsible for exercising maximum care and good judgment in identifying and reporting suspicious activities, in managing security incidents, and responding to emergencies. Each bus operator will:

- Perform daily system operation and maintenance checks on safety and security equipment
- Take charge of the security incident scene until the arrival of supervisory or emergency personnel
- Collect fares in accordance with agency policy (if applicable)
- Attempt to handle minor non-threatening violations
- Respond respectfully to concerns/complaints
- Attempt to defuse minor arguments
- Determine when to call for assistance
- Maintain control of the vehicle
- Report all security incidents to Dispatch
- Complete all necessary security related reports
- Support community emergency response activities as directed by Transdev policies and procedures

### 3.2.7 Maintenance

Maintenance personnel are expected to:

- Report trespassing/unauthorized persons
- Report theft of property
- Report vandalism
- Report threats and vulnerabilities of vehicle storage facilities
- Provide priority response to safety and security critical items such as lighting, alarms, video surveillance, etc.
- Adhere to facility security procedures

**System Maintenance and Security** – All transit vehicles shall be maintained in a safe and sound operating condition in accordance with manufacturer's instructions and operating rules. The Maintenance Department has a scheduled preventive maintenance plan designed to maintain system safety and security, which includes daily pre-trip inspections, routine maintenance and inspection of all transit vehicles and security related equipment. The records for each vehicle are maintained on file for not less than one (1) year after the vehicle's retirement from service or other disposition. These records include the following:

- The design standards used in the manufacture of all transit vehicles.
- The minimum maintenance standards for transit vehicles.
- Methods and frequency for the inspection of transit vehicles.

- Policies, rules and procedures for safe operation and maintenance reflecting current operating conditions.
- Qualification and responsibilities for maintenance employees.
- Periodic testing of maintenance personnel in the proper performance of security-related operating and maintenance policies, rules and procedures.
- Maintenance history, design changes, component failure reports, and inspection records for each vehicle and associated security equipment and devices.
- A schedule of all maintenance functions that are required to maintain system security and ensure proper documentation and that they are tracked.
- Monitoring adherence to security-related operating and maintenance activities.

**Maintenance Facilities** – In addition to the responsibilities listed in the preceding section, the maintenance department has implemented appropriate rules and procedures to ensure safety and security when conducting maintenance activities in shops and other service areas. Potential sources of safety and security risks to employees in maintenance areas include, but are not limited to the following:

- Electric power.
- Machinery and equipment operation.
- Chemical and hazardous materials.
- Moving vehicles.
- Fire and smoke.
- Controlled access to facilities and equipment.

Maintenance of all facilities including vehicles, equipment, structures, systems, subsystems, etc., is continually monitored. Annual audits include an inspection of these facilities with all problems and/or deficiencies recorded. Proper documentation of maintenance activities is an integral part of the internal safety and security review process. Although annual inspections cover the maintenance function, spot checks of maintenance records are an integral part of the review process. Corrective actions, as required, are also implemented and tracked as part of the review process.

In order to properly maintain various equipment, systems, and facilities, Transdev has developed maintenance, inspection, and testing procedures. These procedures require preventive maintenance to ensure operational safety, capability, dependability, and availability of equipment. Maintenance inspections help identify any safety and security deficiencies found so that the supervisory staff is advised and corrective actions can be implemented.

### 3.2.8 Other Personnel

Other personnel who support the SSEPP:

Human Resources personnel are responsible for:

- Ensuring all pre-employment screening processes are carried out effectively



- Notifying the GM of employee disciplinary action that may result in the affected employee becoming a risk to Foothill Transit-Arcadia facilities, systems, passengers, employees or other assets
- Educating employees on employee ID policy and procedure

Communications (Marketing-Customer Service-Community Relations) are responsible for:

- Requesting assistance from transit public safety and security resources as needed for special events
- Providing insight into potential threats and vulnerabilities through feedback from customer focus groups and other information sources
- Designating a Public Information Officer (PIO) for media contact regarding security incidents and issues

### 3.3 Responsibilities Matrix

The following matrix contains a list of general emergency responsibilities of personnel based on departmental affiliation. Specific tasks associated with these responsibilities are included in the Countermeasures section. Unless otherwise stated, all positions/titles are Transdev personnel.

**List of Key Personnel and SSEPP Responsibilities**

Position/ Title of Primary Individual	Position/ Title of Backup Individual	Responsibilities
<b>GENERAL MANAGER</b>	<b>SAFETY AND SECURITY DIRECTOR</b>	<ul style="list-style-type: none"> <li>▪ <b>OVERALL DIRECTION AND IMPLEMENTATION OF THE SSEPP</b></li> <li>▪ <b>RESPONSIBLE FOR SECURE OPERATIONS OF THE TRANSIT SYSTEM</b></li> <li>▪ <b>COMMUNICATE SECURITY AS A TOP PRIORITY TO STAFF</b></li> <li>▪ <b>COMMUNICATE TO STAFF THAT AN EMERGENCY HAS OCCURRED</b></li> <li>▪ <b>COORDINATE WITH OUTSIDE LOCAL, REGIONAL, STATE, AND FEDERAL AGENCIES TO PREPARE FOR EMERGENCIES</b></li> <li>▪ <b>ATTEND MEETINGS OF THE LOCAL COUNTY EMERGENCY MANAGEMENT AGENCY</b></li> </ul>
<b>ON DUTY/ SHIFT DISPATCHERS</b>	<b>OPERATIONS MANAGER, FIELD SUPERVISION MANAGER</b>	<ul style="list-style-type: none"> <li>▪ <b>NOTIFY LOCAL EMERGENCY RESPONSE PERSONNEL OF ANY SECURITY OR EMERGENCY EVENT THAT REQUIRES OUTSIDE ASSISTANCE</b></li> <li>▪ <b>ENACT THE EMERGENCY RECALL PROCEDURE IF DIRECTED TO DO SO BY THE EXECUTIVE DIRECTOR</b></li> <li>▪ <b>CONTACT OPERATORS ON DUTY TO GIVE INSTRUCTIONS DURING AN EMERGENCY</b></li> <li>▪ <b>RECORD STATUS INFORMATION BOOK DURING AN EMERGENCY</b></li> <li>▪ <b>LEAD COMMUNICATIONS WITH THE LOCAL COUNTY EMERGENCY RESPONSE AGENCY, FIRST RESPONDERS, AND OTHERS DURING AN EMERGENCY</b></li> </ul>

Position/ Title of Primary Individual	Position/ Title of Backup Individual	Responsibilities
<b>SAFETY AND SECURITY DIRECTOR</b>	<b>SAFETY &amp; TRAINING MANAGER</b>	<ul style="list-style-type: none"> <li>▪ REVIEW AND UPDATE SSEPP ANNUALLY</li> <li>▪ ENSURE ALL PROCEDURES ARE REFLECTED IN AGENCY POLICIES</li> <li>▪ DESIGN TRAINING TO ENSURE SSEPP POLICIES ARE APPROPRIATELY REFLECTED</li> <li>▪ PERFORM INTERNAL SECURITY AUDITS</li> <li>▪ NOTIFY NDOT AND TSA AS REQUIRED WHEN THRESHOLDS ARE MET</li> </ul>
<b>ONDUTY/ SHIFT SUPERVISOR</b>	<b>ALL SUPERVISOR'S</b>	<ul style="list-style-type: none"> <li>▪ MONITOR WEATHER REPORTS AND OTHER SOURCES OF INFORMATION TO ENSURE CONDITIONS ARE SAFE AND SECURE BEFORE TRANSIT VEHICLES ARE DISPATCHED</li> <li>▪ CONDUCT TRAINING, ORIENTATION, AND OVERSIGHT OF EMPLOYEES TO ENSURE POLICIES ARE IMPLEMENTED</li> <li>▪ MONITOR AND ACT ON ANY SECURITY/HAZARD CONCERNS RAISED BY OPERATORS</li> <li>▪ REPORT ANY SECURITY/HAZARD CONCERN TO THE COO</li> <li>▪ WORK WITH THE DISPATCHER TO COORDINATE AND ACCOUNT FOR ALL PERSONNEL DURING A SECURITY EVENT OR EMERGENCY</li> </ul>
<b>HUMAN RESOURCES MANAGER, IT DIRECTOR, SAFETY AND SECURITY DIRECTOR</b>	<b>STAFFING SPECIALIST, IT MANAGER, TRAINING MANAGER</b>	<ul style="list-style-type: none"> <li>▪ ENSURE SECURITY POLICIES ARE REFLECTED IN ADMINISTRATIVE PROCEDURES (SUCH AS HIRING PROCEDURES)</li> <li>▪ ENSURE COMPANY FILES AND DATA ARE SAFEGUARDED AND BACKED UP, AND THAT DUPLICATES OF CRITICAL INFORMATION ARE MAINTAINED AT THE DESIGNATED OFF-SITE LOCATION</li> </ul>
<b>ALL EMPLOYEES</b>		<ul style="list-style-type: none"> <li>▪ HAVE FULL KNOWLEDGE OF ALL SECURITY AND EMERGENCY RESPONSE PROCEDURES</li> <li>▪ PARTICIPATE IN DRILLS AND TRAINING</li> <li>▪ FOLLOW TRANSDEV SECURITY POLICIES (SUCH AS DISPLAYING EMPLOYEE BADGES AT ALL TIMES, AND PROPERLY SECURING VEHICLES, FACILITIES, AND KEYS)</li> </ul>
<b>ALL BUS OPERATORS ALL MAINTENANCE PERSONNEL</b>		<ul style="list-style-type: none"> <li>▪ USE THE PRE-DEPARTURE FORM TO CERTIFY THAT VEHICLES RELEASED FOR SERVICE HAVE BEEN INSPECTED, INCLUDING SECURITY CHECKLIST ITEMS</li> <li>▪ ENSURE HAZARDOUS MATERIALS ARE STORED SAFELY AND SECURELY</li> <li>▪ COMPLETE THE SAFETY AND SECURITY TRAINING COURSES</li> <li>▪ ENSURE ALL SAFETY AND SECURITY POLICIES ARE IMPLEMENTED PER TRANSDEV GUIDELINES</li> <li>▪ ENSURE EACH TRANSIT VEHICLE IS IN SAFE AND SECURE CONDITION (THROUGH THE USE OF THE DAILY INSPECTION FORM)</li> </ul>

Position/ Title of Primary Individual	Position/ Title of Backup Individual	Responsibilities
ALL BUS OPERATORS ALL MAINTENANCE PERSONNEL - CONTINUED		<ul style="list-style-type: none"> <li>▪ NOTIFY THE DISPATCHER OF ANY SECURITY INCIDENTS OR EMERGENCIES DURING THE SHIFT</li> <li>▪ NOTIFY SUPERVISORS OF ANY SECURITY OR HAZARD CONCERNS</li> <li>▪ BE AVAILABLE FOR EMERGENCY RECALL PER AGENCY GUIDELINES</li> <li>▪ FOLLOW THE DIRECTION OF THE DISPATCHER OR A DESIGNATED BACKUP IN THE CASE OF A SECURITY EVENT OR AN EMERGENCY</li> <li>▪ UNLOAD ALL PASSENGERS AT THE NEAREST EMERGENCY DROP POINT IF SO DIRECTED BY THE DISPATCHER OR SUPERVISOR</li> </ul>
EL MONTE FIRE DEPARTMENT/RESCUE		<ul style="list-style-type: none"> <li>▪ LEAD ANY COUNTY-DECLARED EMERGENCY</li> <li>▪ REQUEST TRANSDEV ASSISTANCE DURING A COMMUNITY-WIDE INCIDENT (AS REQUIRED)</li> <li>▪ PROVIDE RESPONSE TO FIRE- OR MEDICAL-RELATED INCIDENTS INVOLVING TRANSDEV</li> </ul>
EMERGENCY OPERATIONS CENTER (EOC)		<ul style="list-style-type: none"> <li>▪ COORDINATE PLANNING ACTIVITIES FOR REGIONAL EMERGENCIES</li> <li>▪ MAINTAIN THE REGIONAL EMERGENCY MANAGEMENT PLAN</li> <li>▪ LEAD QUARTERLY MEETINGS OF EMERGENCY MANAGEMENT PERSONNEL IN THE AREA</li> </ul>
IRVINDALE POLICE FBI. DHS		<ul style="list-style-type: none"> <li>▪ COORDINATE REGULARLY WITH TRANSDEV ON KNOWN THREAT INFORMATION</li> <li>▪ RESPOND TO SECURITY INCIDENTS THAT OCCUR</li> </ul>

### Responsibility Matrix

The operation and maintenance of CAT requires a continual emphasis on security, from the procurement of new systems and equipment, through the hiring and training of employees, to the management of the agency and the provision of service, including the rehabilitation and disposal of existing equipment and facilities. The security function must be supported by an effective capability for emergency response in order to support resolution of those incidents that may occur on transit property.

Tasks have been identified to provide direction in implementation of the Plan. These tasks are on going and are considered minimum requirements. Tasks are identified in the matrices below. Also identified are the organizational/participant responsibilities for each task, as designated by the following code:

- P** *Primary Task Responsibility.* Preparation of the specified documentation.
- S** *Secondary or Support Responsibility.* Provide the necessary support to accomplish and document the task.
- R** *Review/Comment Responsibility.* Review and provide comment on the task or requirement.
- A** *Approval Responsibility.* Review, comment and subsequently approve the task or requirement.

### 3.3.1 System Security Matrix

Matrix identifies interfaces with other units and the key activities required, including the frequency of those activities. Frequency: Annual (A); Daily (D); Monthly (M); Quarterly (Q); Yearly (Y); As Required (AR)

System Security Tasks	GM	Safety & Security Director	Bus Ops Command	Ops	Maint	SQM	Risk	IT	Training	Human Resour.	Freq
Update of the SSEP	<i>A</i>	<i>P</i>	<i>AR</i>	<i>AR</i>	<i>AR</i>		<i>AR</i>	<i>AR</i>	<i>AR</i>		<i>Y</i>
Inspection of properties/facilities		<i>P</i>	<i>S</i>		<i>P</i>	<i>P</i>	<i>S</i>				<i>D</i>
Inspection of video, radio and alarm systems		<i>AR</i>		<i>P</i>	<i>P</i>	<i>S</i>		<i>P</i>			<i>M</i>
Threat & Vulnerability Ass.	<i>AR</i>	<i>P</i>				<i>S</i>	<i>S</i>				<i>Y</i>
Review of security procedures	<i>AR</i>	<i>P</i>	<i>AR</i>	<i>AR</i>	<i>AR</i>	<i>AR</i>	<i>AR</i>	<i>AR</i>			<i>Q</i>
Assure security language/criteria is incorporated into contract boiler plates for contract services	<i>A</i>	<i>P</i>									<i>AR</i>
New Hire/Refresher Training	<i>A</i>	<i>P</i>		<i>S</i>	<i>S</i>		<i>S</i>		<i>P</i>	<i>S</i>	<i>Q</i>
Review and sign-off to security system purchases, upgrades, changes	<i>A</i>	<i>P</i>	<i>AR</i>	<i>S</i>	<i>S</i>		<i>S</i>	<i>P</i>			<i>AR</i>
Review of all reporting/procedural documents		<i>AR</i>		<i>P</i>	<i>P</i>						<i>Y</i>
Distribute Memorandums concerning security related information		<i>AR</i>		<i>P</i>	<i>P</i>				<i>S</i>		<i>AR</i>
Conduct criminal background investigations of employment applicants	<i>A</i>	<i>AR</i>								<i>P</i>	<i>AR</i>
Internal Security Audits	<i>A</i>	<i>P</i>	<i>AR</i>	<i>S</i>	<i>S</i>	<i>S</i>			<i>S</i>		<i>Y</i>
NDOT & TSA Notification		<i>P</i>					<i>S</i>				<i>AR</i>
NDOT & TSA Reports	<i>A</i>	<i>P</i>					<i>S</i>				<i>AR</i>

### 3.3.2 Emergency Preparedness Matrix

Matrix identifies interfaces with other units and the key activities required, including the frequency of those activities.

Emergency Preparedness Tasks	GM	Safety & Security Director	Bus Ops Command	Ops	Maint	SQM	Risk	IT	Training	Human Resour.	Freq
Update of the Emergency Plan	<i>A</i>	<i>P</i>	<i>AR</i>	<i>AR</i>	<i>RA</i>		<i>AR</i>	<i>AR</i>	<i>AR</i>		<i>Y</i>
Assessment of needs	<i>A</i>	<i>P</i>	<i>AR</i>	<i>S</i>	<i>S</i>		<i>P</i>				<i>Y</i>
Assure emergency equipment purchases/contracts are in place	<i>A</i>	<i>S</i>	<i>AR</i>	<i>S</i>	<i>S</i>						<i>AR</i>
Emergency Response Training for Transdev personnel	<i>A</i>	<i>P</i>	<i>AR</i>	<i>P</i>	<i>S</i>		<i>AR</i>		<i>P</i>		<i>AR</i>
Safety Training for Emergency Responders	<i>A</i>	<i>P</i>		<i>S</i>	<i>S</i>				<i>P</i>		<i>Y</i>
Full Scale Emergency Drill	<i>A</i>	<i>P</i>	<i>AR</i>	<i>P</i>	<i>S</i>	<i>P</i>	<i>S</i>		<i>S</i>		<i>Y</i>
Coordination with the Clark County Emergency Operations Center	<i>A</i>	<i>P</i>	<i>AR</i>	<i>S</i>	<i>S</i>						<i>AR</i>
Identification of potential sources of assistance.	<i>A</i>	<i>P</i>	<i>AR</i>	<i>S</i>	<i>S</i>		<i>P</i>				<i>AR</i>
Inventory of Emergency Response equipment		<i>AR</i>	<i>AR</i>	<i>P</i>	<i>P</i>		<i>AR</i>				<i>Y</i>
Testing of Emergency Response equipment		<i>AR</i>	<i>AR</i>	<i>P</i>	<i>P</i>		<i>AR</i>				<i>Y</i>
Memorandums of Understanding/Agreement with external agencies	<i>A</i>	<i>S</i>	<i>AR</i>	<i>S</i>	<i>S</i>		<i>P</i>				<i>Y</i>

Frequency: Daily (D); Monthly (M); Quarterly (Q); Yearly (Y); As Required (AR)

### 3.4 Existing Transdev Capabilities and Practices

A summary of the existing proactive methods, procedures, and actions to prevent, deter, or minimize a security incident includes:

- Emphasis on agency personnel and customer awareness
- Participation in emergency training/drills
- Review of security/emergency procedures
- Analysis of security incidents and suspicious activity to determine a proper course of action including:
  - Identifying potential and existing problem areas
  - Developing action plans
  - Implementing the plans
  - Measuring results
- Hosting an annual meeting with local law enforcement
- Annual meeting with local emergency management agency
- Review of local and transit agency emergency plans
- Review of FTA documentation on system security and emergency preparedness

A summary of other existing proactive actions and systems to prevent, deter or minimize security incidents includes:

- Conducting security surveys with local law enforcement as a formal threat and vulnerability analysis process
- Local police notification/participation in employee discharge and/or discipline process as needed
- Evaluation of security/emergency response procedures for completeness and accuracy
- Participation by local law enforcement in training of new operators as requested to increase awareness in security matters
- Presentations by local police and transit agency personnel to employees, the public or other groups interested in transit security matters
- Development and distribution of crime prevention information in an agency brochure for passengers and the public

### 3.5 Training and Emergency Exercise Simulations

#### Training

##### New Hire Training

All new hire employees receive Incident Command System 100 training. All new hire employees receive a minimum of 120 hours training in Transdev of North America, Operator Development Program (OPD). This training introduces the new hire employee to recognize anomalies of the day to day operation in Los Angeles County. Included in the training is the Federal Transit Administration (FTA) video – Warning Signs.

**Refresher Training**

Operations and maintenance employees receive security training annually. The subject matter is based on security information gathered throughout the year related to equipment, procedures, and information received from the FTA's Office of Security and Emergency Management.

**Supervisor Training**

Quarterly meetings are held with supervisory personnel. Updated security information is provided at these meetings, including power point presentations received from the FTA's Office of Security and Emergency Management, and local Law Enforcement.

**Training Instructor Qualifications**

All training instructors that provide security training receive Transportation Safety Institute (TSI) train-the-trainer certification.

**Documentation of Training**

All documentation of security training is kept in the Training Department and the Office of Safety, Training and Security.

**Security Training** – The Safety and Security Director is responsible for ensuring that all transit employees and supervisors perform their jobs in a safe and secure manner in accordance with policies and procedures. Security training is documented and placed in the employees' and supervisors' permanent employment file for review by their respective supervisor/manager. Directors, managers, supervisors and employees are required to attend the safety training programs and other required training to ensure safe work performance. Other training required covers the handling of the following:

- Fare evasion
- Vandalism of facilities and vehicles
- Threats
- Passenger request for assistance
- Natural disasters
- Terrorist activities
- Accident and Incident reporting procedures

Transdev coordinates with local law enforcement agencies and fire and rescue departments to provide safety and security training, exercise, and procedural information.

All employees are aware that the first step to an incident/breach is observing it. Actions following an observation have a major impact on the outcome of an incident/breach. All Transdev employees receive training in System Security Awareness for Transit Employees, developed by the National Transit Institute (NTI).

Actions taken depend on how well trained the observer is to react to what is observed. Any reaction should be based on the seriousness of the incident/breach (criminal activity). Criminal activity can be divided into four general categories:

Category	Criminal Activity	General Description
1	Non-violent, non-destructible violations (quality of life infractions)	Eating or smoking in unauthorized areas, loitering, panhandling activities, disorderly conduct, etc.
2	Non-violent, destructive behavior	Fare avoidance, defacing system property, pickpockets, etc.
3	Violent, theft related	Robbery with a weapon
4	Violent, assault related	Assault, fights, murder

Personnel are trained to be able to judge the risk when considering intervening in a security breach. A complete understanding of the following has an important bearing on the degree of intervention required:

1. Risk to Employees - Employees should be aware of action that will delay or end the incident without placing themselves at risk.
2. Risk of Danger - Passenger safety/security should be the goal of transit employees; however, safety/security should not involve risk to an employee's life, but rather, result in cautious action to delay or reduce the seriousness of the security incident.
3. Degree of Danger - Transit employees should be kept informed of violent activities in the community. It is important that transit personnel recognize this and are trained to take appropriate actions to protect passengers, employees, and the system from criminal activities.
4. Risk to Equipment and Facilities - Transit system property is maintained and secured from a wide variety of threats to insure the proper operation of the system. Quick removal of trash and litter, speedy repair of damages, and prompt clean up of graffiti are some of the actions that aid in minimizing incidents of this type. It cannot be overemphasized that property is of lower priority than other considerations in the determination of an appropriate response to an incident.

**Operations Related Safety, Training and Security** – The Office of System Safety, Training and Security conducts operational safety and security training for all bus operators and maintenance personnel. This training covers standard operating procedures and established safety and security rules and procedures. The rules and procedures coincide with various safety/security laws and regulations established by Federal, State and local agencies.

**Emergency Operating Procedures** – Emergency operating procedures addressing contingencies which may disrupt service and result in death, injury or the threat of death, or injury to employees or passengers on property have been developed. All employees are trained in these procedures.

#### **National Incident Management System (NIMS)/Incident Command Systems (ICS)**

As members of the Homeland Security here (EOC), select members of Transdev's Operations, and Safety and Security Staff were required to attend and pass the National Incident Management System (NIMS)/Incident Command Systems (ICS) course as directed by the President of the United States.



### **3.6 Emergency Exercise Simulations**

As members of the Los Angeles County Operations Center (EOC) Transdev participates in a minimum of one exercise or drill per year with local public safety organizations for continuous improvement in emergency and incident preparedness and response, including:

- Review of current plans and policies
- Identification of current security and emergency considerations
- Development of additional procedures (if necessary)
- Establishing and maintaining ongoing inter agency communications

Transdev trains with local fire rescue and local law enforcement, SWAT teams, special operations units, gang squads, bomb squads, and participates in local FBI anti-terrorism training.

Additionally, Transdev also conducts a series of emergency exercise simulations unique to its transit operations; these exercises include tabletop and actual full-scale emergency exercises with law enforcement and other emergency responders participating.

### **3.7 Coordination with Other Transit Agencies**

MTA and Suffolk can be called upon to assist should assistance become necessary.

## **Section 4: Threat Levels, Identification and Vulnerability Resolution Process**

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**4.1 Threat Level, Attack, Recovery System Plan**

**4.2 Threat and Vulnerability Identification**

**4.3 Threat and Vulnerability Assessment**

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## 4.1 National Terrorism Advisory System

The National Terrorism Advisory System, or NTAS, replaces the color-coded Homeland Security Advisory System (HSAS). This new system will more effectively communicate information about terrorist threats by providing timely, detailed information to the public, government agencies, first responders, airports and other transportation hubs, and the private sector.

It recognizes that Americans all share responsibility for the nation's security and should always be aware of the heightened risk of terrorist attack in the United States and what they should do.

Transdev's plan establishes a consistent and coordinated transit response to potential threats to protect transit passengers, employees, and infrastructure, and to support community emergency response efforts. Further, the plan is compatible with the way Foothill Transit Bus operates:

- Transdev relies on an inherently open architecture, permitting free movement of passengers in public facilities and vehicles. This freedom of movement is maintained to permit Transdev to perform its basic functions.
- Transdev-Foothill Transit is geographically widespread, often operating on public infrastructure that requires interagency cooperation to ensure protection.

Transdev's response will vary depending on the nature of the threat level. Based on information and conditions, Transdev will prepare for the distinct possibility of a non-sequential threat level advisory.

Transdev works collaboratively with local, regional, and national emergency management organizations, joint terrorism task force, police agencies and other organizations, and is responsible for determining its own appropriate response posture, based on an assessment and guidance received from all sources and the response posture of the communities where the Authority provides service.

The threat level protective measures and activities listed are recommended actions, not required actions, and as such, the following general guidelines apply:

### **Imminent Threat Alert**

Warns of a credible, specific, and impending terrorist threat against the United States.

### **Elevated Threat Alert**

Warns of a credible terrorist threat against the United States. After reviewing the available information, the Secretary of Homeland Security will decide, in coordination with other Federal entities, whether an NTAS Alert should be issued. NTAS Alerts will only be issued when credible information is available. These alerts will include a clear statement that there is an **imminent threat** or elevated **threat**. Using available information, the alerts will provide a concise summary of the potential threat, information about actions being taken to ensure public safety, and recommended steps that individuals, communities, businesses and governments can take to help

prevent, mitigate or respond to the threat. The NTAS Alerts will be based on the nature of the threat: in some cases, alerts will be sent directly to law enforcement or affected areas of the private sector, while in others, alerts will be issued more broadly to the American people through both official and media channels.

### **Sunset Provision**

An individual threat alert is issued for a specific time period and then automatically expires. It may be extended if new information becomes available or the threat evolves.

NTAS Alerts contain a **sunset provision** indicating a specific date when the alert expires - there will not be a constant NTAS Alert or blanket warning that there is an overarching threat. If threat information changes for an alert, the Secretary of Homeland Security may announce an updated NTAS Alert. All changes, including the announcement that cancels an NTAS Alert, will be distributed the same way as the original alert.

The following presents minor typical types of threats that most likely could occur within the Transdev system:

- Intoxication
- Disorderly conduct
- Disputes
- Minor assaults
- Fare evasion
- Disruptive behavior
- Smoking
- Littering
- Loitering
- Eating/drinking
- Profanity
- Trespassing/unauthorized persons
- Disabling of surveillance equipment

## **4.2 Critical Asset Threat and Vulnerability Identification**

Threat and vulnerability assessment provides Transdev with the ability to identify critical assets and their vulnerability to threats, develop and implement countermeasures, and monitor and improve program effectiveness. This analysis is guided by clear investigation of three critical questions:

1. Which assets can Transdev least afford to lose?
2. What is Transdev's responsibility to protect these assets?
3. Where does Transdev assume total liability for risk, and when does Transdev transfer risk to local public responders, technical specialists, insurance companies, and the Federal government?

Reports submitted by bus operators, field supervisor information, incidents reported by customers, system and facility inspections, and local law enforcement and contractors (through the collection of incident reports); provide the primary method Transdev uses to identify the threats and the vulnerabilities of the transit system.

Information resources include the following:

- Inspection/audit reports
- Operator incident reports
- Risk management reports
- Bus maintenance reports
- Marketing surveys
- Passengers' letters and telephone calls
- Management's written concerns
- Staff meeting notes
- Statistical reports
- Special requests
- Type of incidents
  - Crimes against persons
  - Crimes against property
  - General incidents
- Disposition of incidents
- Crime Statistic Reports
- Surveillance monitoring

The Transdev Office of Safety, Training and Security reviews security information resources and determines if additional methods should be used to identify system threats and vulnerabilities (such as a formal evaluation program to ensure that security procedures are maintained and that security systems are operable).

Security testing and inspections may be conducted to assess the vulnerability of the CAT system. Testing and inspection includes the following three-phase approach:

- Equipment preparedness - to ensure that security equipment is operable and, in the location, where it belongs
- Employee proficiency - to ensure that employees know how and when to use security equipment
- System effectiveness - to evaluate security by employing security system exercises.

### **4.3 Threat and Vulnerability Assessment**

The Transdev Office of Safety, Training and Security use a table (see matrix below) to make an assessment concerning how susceptible each system element of Transdev is to each listed threat.

The assessment process uses a scale of 1 to 4 for ranking each system element's vulnerability, one (1) being the lowest (or not vulnerable), to four being the most vulnerable. *See pages 82-84 & 101 for reference, defining the uses of scaling 1 to 4 while ranking Threat Vulnerability Assessments.*

### **Threat and Vulnerability Resolution, and Prevention of Incidents**

The Transdev Office of Safety, Training and Security reviews current methods of threat resolution to determine if additional means can be identified to address security risks through three possible alternative approaches:

1. Eliminate
2. Mitigate
3. Accept

Each threat and vulnerability is analyzed by the Transdev Office of Safety, Training and security to determine and develop a course of action acceptable by Transdev management. Once an analysis is performed using the information collected, it's ranking (Threat and Vulnerability matrix), is documented in a corrective action report including recommended measures to prevent recurrence.

#### 4.4 Threat and Vulnerability Matrix

**Threat and Vulnerability Assessment Matrix**  
(Ratings determined by probability of incident happening to person or happening at location)

System Elements	Robbery	Aggravated Assault	Larceny Theft	Vehicle Theft	Arson Bomb Threat	Assault Battery	Deadly Missile Thrown at Occupied Vehicle	Vandalism	Drunk Disorderly	Trespass	Disabling of Surveillance Equipment
Bus Operators	0	0	0	0	0	0	0	0	1	0	1
Supervisor	0	0	0	0	0	0	0	0	0	0	0
Facilities Maintenance Personnel	0	0	0	0	0	0	0	0	0	0	0
Patrons	0	4	0	0	0	0	0	0	7	4	0
Shelters	0	0	0	0	0	0	0	0	0	0	0
Transit Centers	0	0	0	0	0	0	0	0	0	0	0
Bus Stops (no shelter)	0	4	4	0	0	4	0	0	0	0	0
Buses	0	0	0	1	0	0	0	5	0	0	0
Support Vehicles	0	0	0	0	0	0	0	0	0	0	0
Bus Garage	0	0	0	0	0	0	0	0	0	0	0

# **Section 5: Evaluation, Modification, and Management of the SSEPP**

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**5.1 Evaluation**

**5.2 Modification & Update**

**5.3 Management of the SSEPP**

**5.4 Audits**

**5.5 Division of Security Responsibilities**

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## 5.1 Evaluation

### 5.1.1 Internal

The SSEPP is a “living document” and needs to address issues associated with system security and emergency preparedness on a timely and proactive basis. It is incumbent upon all appropriate Transdev personnel to constantly evaluate the effectiveness of the SSEPP as well as implementation. The System Safety and Security Director will coordinate with the appropriate/responsible department representatives to ensure that the SSEPP is evaluated for effectiveness annually.

### 5.1.2 External

The Safety and Security Director will serve as the agency liaison with external agencies involved in the auditing of existing procedures associated with the SSEPP.

## 5.2 Modification and Update

Transdev periodically revises its SSEPP and supporting documentation and training to reflect new practices, policies, and procedures during the internal or external evaluations, or based upon SSEPP findings and activities. The Safety and Security Director, through coordination with the appropriate/responsible department representatives, is responsible for screening changes and modifications to facilitate ongoing revisions to keep the SSEPP current. The SSEPP is a controlled document, and as such, all copyholders are notified of all revisions and are monitored to ensure that the latest edition is being implemented.

At a minimum, the SSEPP will be updated in January of each year.

## 5.3 Management of the System Security and Emergency Preparedness Plan

**Responsibility for the Mission Statement and System Security Policy** – The General Manager is responsible for the development of the System Security and Emergency Preparedness Plan (SSEPP) Mission Statement and for providing direction in the development of Transdev's security policy. The responsibility and authority for the implementation and update of the SSEPP is delegated to the Safety and Security Director.

This SSEPP is intended to be a dynamic, usable document requiring periodic updating. The Plan will be reviewed annually (at a minimum) and updated as required. All reviews and revisions of the SSEPP are documented.

**Management of the Program** – The Office of Safety, Training and Security is responsible for the management and implementation of Transdev's SSEPP. Management activities include:

- Responsibility for secure transit system operations
- Communication of security as a top priority to all employees.
- Development of relations with outside agencies that contribute to the program.

- Development of relations with investigatory agencies such as local law enforcement and FBI.
- Monitoring and taking appropriate action on all security concerns brought to the attention of the appropriate individuals or group.
- Identification of potential security concerns regarding the transit system's operation.
- Active solicitation of the security concerns of employees.
- Working to ensure that the SSEPP is carried out on a daily basis.

## **5.4 Audits**

### **5.4.1 Internal Security Audits**

Internal reviews of Transdev's implementation of System Security and Emergency Preparedness Plan requirements are performed once a year (there are a total of 35 safety and security elements that must be reviewed over a three-year period/cycle). The primary responsibility for the internal audit process resides with the Safety and Security Director. All Transdev departments and contractors are subject to both planned and unannounced periodic audits, with participation from other Transdev organizations, as determined by the Safety and Security Director.

The Safety and Security Director provides a formal report of audits to the Transdev General Manager to ensure that effective corrective action is taken to resolve any deficiencies. Auditors shall be independent from the first line of supervision responsible for the activity being audited.

The Office of Safety, Training and Security is responsible for developing, adopting and distributing standard procedures for internal security audits. The process addresses an audit plan and includes a minimum 3-year audit cycle. The organization under review is informed of the audit and is provided with information regarding the purpose, scope and content of the planned audit. The Office of Safety, Training and Security also conducts a periodic unannounced audit, which, unlike the planned audit, is conducted on a no-notice basis. At the time of the periodic audit, the audited department is provided with the necessary documentation to support the purpose, scope and content of the audit.

The internal audit process is intended to be a positive force in the Transdev organization and a tool whereby potential problem areas can be discovered and addressed. The audit is limited to safety and security elements.

# Section 6: Countermeasures

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## 6.1 Countermeasures

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## 6.1 Countermeasures

### 6.1.1 Assessing the Current Conditions

“Current Conditions” is an assessment of the characteristics of the areas through which the transit operates; includes such factors as transit center locations, visibility at transit centers both from passengers and coach operators’ perspectives, lighting throughout the system, etc.

### 6.1.2 Anticipating Crime Problems

Anticipating crime involves analyzing the types and frequency of crimes the system is likely to experience and which locations are more vulnerable to these incidents. Consideration is given to when crimes are likely to occur and under what types of circumstances (i.e. nighttime, off-peak hours, crowds from special events, etc.). Some indications include:

- Demographics of the area served.
- Characteristics of the different areas served.
- Locations of schools in relation to service area.
- Proximity of concert, sport arenas or other special events.
- Location of entertainment centers.

### 6.1.3 Establishing Goals and Identifying Countermeasures

After the system is assessed and potential types and levels of crime are identified, security goals are established, and potential countermeasures identified. Some of the goals to be considered include:

- Minimize the exposure time of passengers to possible crime. Maintaining schedule service on time can reduce the time of exposure along with the location of shelters at strategic points.
- Ensure that the bus radio communication system with is in proper working order.
- Maintain shelters, buses, maintenance areas, and other areas throughout the system free from debris, trash, graffiti, etc.
- Consider the use of materials and surfaces that are graffiti-resistant and/or easy to clean.
- Improve perceived security by incorporating positive security factors to increase ridership.

Some of these factors include keeping facilities clean, maintaining all equipment in good working order, and restricting access by youth gangs and derelicts from transit center locations.

### 6.1.4 Evaluating Possible Countermeasures

Each potential countermeasure is evaluated in terms of its effectiveness, cost, design implications, feasibility, and flexibility.

### 6.1.5 Considering Limits and Constraints

Employee and passenger considerations, the on-going need to provide convenient and affordable service, financial requirements, and community concerns are considerations. In the design of new facilities, Crime Prevention through Environmental Design (CPTED) should be applied and should include flexible security measures toward reducing or eliminating potential barriers to personal security.

### 6.1.6 Considering Tradeoffs and Other Factors

Management is concerned about safety and security, convenience, cost, the comfort of passengers, and the needs of the community in general. At times it is necessary to consider the tradeoffs in security that some countermeasures might provide to consider the comfort and convenience of passengers. It must be remembered that transit security is but one part of the overall transit system and each consideration must be evaluated for its total value and effect before final decisions are made.

### 6.1.7 Establishing Countermeasure Strategy

Once the potential risks are identified, various countermeasures considered, and constraints and tradeoffs are evaluated, security measures can be implemented. **Improved perceived security increases ridership and confidence in the system.**

## 6.2 Proactive Measures

Proactive security measures are those subprograms or activities undertaken to prevent breaches in security or to minimize threats and vulnerabilities. Proactive security measures rarely include activities designed to respond to security breaches unless those activities reduce the security of the incident during its occurrence, or actually prevent future breaches. Some typical proactive measures are as follows:

**6.2.1 Public Awareness** – making Foothill Transit Bus customers part of system security by disseminating literature (available on the buses). Internal security advertisement signs, “Secrete Witness”, are displayed in all buses. Public address announcements are made periodically throughout each day to all transit customers concerning system security.

**6.2.2 Employee Background Checks** - all candidates for employment (includes internal candidates, temporary workers and contractors), are background checked; specific hiring criteria have been established:

- Social Security Name Match
- Criminal Background Check
- Department of Motor Vehicle (DMV) records checks

Red Flags - These should be reviewed by more than one person from management level:

- Repeat Offenders
- Recent events (within 5-years of date of application – 5-years is considered “reformed”)
- Events of felony or misdemeanor level for: theft, drugs, and/or violence

**6.2.3 Identification Badges** – all Transdev employees are required to wear photo identification badges/ or other company issued ID (ID), while on duty/ Transdev property. These badges also control access to secured areas. All visitors/vendors/contractors must sign in, wear temporary ID badges, and be escorted by a Transdev employee.

# **Section 7: Reporting and Document Control**

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**Regulatory Reporting Requirements**  
**Document Control**

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## 7.1 Regulatory Reporting Requirements

### 7.1.1 Minimum Requirements

The Office of Safety, Training and Security must be notified to determine if the accident/incident must be reported to the California Department of Transportation. The following situations may require notification:

(a) A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.

(b) Injuries requiring immediate medical attention away from the scene for two or more individuals.

(c) Property damage to bus transit system bus(es), non-bus transit system vehicles, other bus system property or facilities, or any other property, except the bus transit system shall have the discretion to investigate events resulting in property damage less than \$1,000.

(d) Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.

### 7.1.2 Information

All Transdev employees are required to report suspicious activity, suspicious persons and security related incidents in writing. Incidents requiring immediate attention are called into Dispatch. Dispatch will determine the appropriate level of response. Transit Supervisors responding to a security incident are required to submit written reports.

The following information shall be provided by Transdev in the initial notification of the reportable security incident to Foothill Transit

- Name and Job Title of person reporting
- Event Type
- Location, Time, Date
- Fatalities
- Injuries
- Transdev/Foothill Transit vehicle(s) involved (type, number)
- Foothill Transit involved transit facility involved
- Property damage estimate
- Transdev lead investigator (name, title, phone, fax and email)
- Description of event
- Implemented and/or planned corrective action.

## **7.2 Document Control**

### **7.2.1 Security Critical Systems and Facilities.**

Documents of security critical systems and facilities are maintained and secured in both the Facilities Maintenance Department and the Safety Department. These documents are labeled "Security Sensitive Information (SSI) under the provision of 49CFR Part 1520. These documents are not released or reproduced without authorization from the department managers and the Safety and Security Director.

### **7.2.2 Security Sensitive Documents**

Security sensitive documents are maintained in the Risk Department and the Office of Safety, Training and Security. These documents are labeled "Security Sensitive Information (SSI) under the provision of 49CFR Part 1520. These documents are not released or reproduced without authorization from the department managers and the Safety and Security Manager.



# Appendices

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**Appendix C – General Emergency Response Capabilities**

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**Appendix O – Acronyms and Glossary of Terms**

**Appendix P – US DOT/ TSA Threat Levels**

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## Appendix A - Vehicle Safety and Security Program Implications

VEHICLE SAFETY & SECURITY PROGRAM PLANS		COVERED POLICIES AND PROCEDURES	ADDITIONAL ISSUES IN SSEP PROGRAM PLAN
SECTION	TITLE		
1	MANAGEMENT COMMITMENT	<ul style="list-style-type: none"> <li>➤ Safety Policy Statement</li> </ul>	<ul style="list-style-type: none"> <li>➤ MEMORANDUM AUTHORIZING SYSTEM SECURITY AND EMERGENCY PREPAREDNESS (SSEP) PROGRAM</li> </ul>
2	COMPLIANCE RESPONSIBILITIES	<ul style="list-style-type: none"> <li>➤ Operators, mechanics and others operating agency vehicles (and volunteers)</li> <li>➤ Monthly Occurrence Loss Prevention/Accident Committee (MOLPAC)</li> <li>➤ Safety incentive program(s)</li> </ul>	<ul style="list-style-type: none"> <li>➤ EXPANDED TO ADDRESS SSEP PROGRAM PLAN</li> <li>➤ CREATION OF SSEP PROGRAM PLAN POINT OF CONTACT (POC)</li> <li>➤ NEW RESPONSIBILITIES FOR MOLPAC</li> <li>➤ SSEP PROGRAM PLAN AGENDA FOR MONTHLY MOLPAC MEETINGS</li> </ul>
3	OPERATORS – INITIAL HIRE	<ul style="list-style-type: none"> <li>➤ Qualifications</li> <li>➤ Initial Training</li> </ul>	<ul style="list-style-type: none"> <li>➤ COMMITMENT TO ADDRESS SSEPP ISSUES IN HIRING</li> </ul>
	QUALIFICATIONS	<ul style="list-style-type: none"> <li>➤ Application</li> <li>➤ Interviews</li> <li>➤ Physical Requirements</li> <li>➤ Physical Skills Test</li> <li>➤ Age</li> <li>➤ Knowledge of English</li> <li>➤ Operator Licensing</li> <li>➤ Operating Skills</li> <li>➤ Criminal Record Checks</li> <li>➤ Ability to perform simple math</li> <li>➤ Reasonable knowledge of the service area and ability to read basic maps</li> <li>➤ A written driving skills and customer service test is required</li> </ul>	<ul style="list-style-type: none"> <li>➤ EXPANSION OF NEW HIRE BACKGROUND CHECK</li> <li>➤ EXPANSION OF NEW HIRE APPLICATION PROCESS TO EMPHASIZE IMPORTANCE OF SAFETY, SECURITY AND EMERGENCY PROCEDURES</li> </ul>

VEHICLE SAFETY & SECURITY PROGRAM PLANS		COVERED POLICIES AND PROCEDURES	ADDITIONAL ISSUES IN SSEP PROGRAM PLAN
SECTION	TITLE		
	<b>INITIAL TRAINING</b>	<ul style="list-style-type: none"> <li>➤ Agency Policies and Procedures</li> <li>➤ Federal and State Guidelines and Regulations</li> <li>➤ Pre and Post Trip Inspections</li> <li>➤ Vehicle Familiarization</li> <li>➤ Basic Operations and</li> <li>➤ Special Driving Conditions</li> <li>➤ Backing</li> <li>➤ Bad Weather</li> <li>➤ Boarding and Alighting Passengers</li> <li>➤ Defensive Driving Course</li> <li>➤ Passenger Assistance Training</li> </ul>	<ul style="list-style-type: none"> <li>➤ ADDITIONAL TRAINING TO ADDRESS SECURITY AWARENESS, REPORTING SUSPICIOUS ACTIVITY, REPORTS AND DOCUMENTATION, AND PRE AND POST TRIP INSPECTIONS</li> </ul>
4	<b>OPERATORS – ONGOING SUPERVISION AND TRAINING</b>	<ul style="list-style-type: none"> <li>➤ Training - refresher/retraining</li> <li>➤ Evaluation and supervision</li> <li>➤ Motor vehicle record checks</li> <li>➤ Regular Physical examination</li> <li>➤ Safety meetings</li> <li>➤ Discipline/recognition</li> <li>➤ Preventable accidents/injuries</li> </ul>	<ul style="list-style-type: none"> <li>➤ SYSTEM SECURITY AWARENESS TRAINING, TERRORIST ACTIVITY RECOGNITION AND REACTION TRAINING, ADDITIONAL REFRESHER TRAINING</li> <li>➤ ADDITIONAL RESPONSIBILITIES FOR SUPERVISION</li> </ul>
5	<b>EMERGENCY DRIVING PROCEDURES</b>	<ul style="list-style-type: none"> <li>➤ Emergency driving procedures</li> <li>➤ Accident causes <ul style="list-style-type: none"> <li>• Slippery track surfaces</li> <li>• Driving at night</li> <li>• Driving through water</li> <li>• Driving in very hot weather</li> </ul> </li> <li>➤ Vehicle breakdowns and unavoidable stops</li> <li>➤ Vehicle fire/evacuation</li> <li>➤ Hold up/robbery</li> <li>➤ Natural disasters <ul style="list-style-type: none"> <li>• Tornado/Hurricane Procedures</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ EXPANSION OF EMERGENCY PROCEDURES TO INCLUDE ADDITIONAL SECURITY AND EMERGENCY CONDITIONS</li> <li>➤ EXPANSION OF EMERGENCY PROCEDURES TO INCLUDE SUPPORT OF COMMUNITY RESPONSE TO A MAJOR EVENT OR EMERGENCY</li> <li>➤ EMERGENCY TRAINING AND EXERCISING</li> </ul>
6	<b>PASSENGER SAFETY</b>	<ul style="list-style-type: none"> <li>➤ General guidelines</li> <li>➤ Child safety devices</li> <li>➤ Mobility device securement and passenger restraint systems</li> </ul>	<ul style="list-style-type: none"> <li>➤ EXPANSION OF PROCEDURES FOR MANAGING DIFFICULT PASSENGERS</li> </ul>

VEHICLE SAFETY & SECURITY PROGRAM PLANS		COVERED POLICIES AND PROCEDURES	ADDITIONAL ISSUES IN SSEP PROGRAM PLAN
SECTION	TITLE		
		<ul style="list-style-type: none"> <li>➤ Difficult passengers</li> <li>➤ Medical condition</li> <li>➤ First aid</li> <li>➤ Bloodborne pathogens/infection control</li> </ul>	<ul style="list-style-type: none"> <li>➤ CLARIFICATIONS REGARDING FIRST AID AND BLOODBORNE PATHOGENS/INFECTION CONTROL</li> </ul>
7	<b>VEHICLES &amp; EQUIPMENT</b>	<ul style="list-style-type: none"> <li>➤ Vehicles &amp; equipment</li> <li>➤ Preventive maintenance</li> <li>➤ Program development</li> <li>➤ Preventive maintenance needs</li> <li>➤ Preventive maintenance program</li> <li>➤ Format for preventive maintenance program for transit vehicles</li> <li>➤ Master vehicle service and repair record – maintenance history</li> <li>➤ Preventive maintenance intervals</li> <li>➤ Pre &amp; post trip inspections</li> <li>➤ Emergency equipment on vehicles and usage</li> <li>➤ Use of emergency equipment on vehicles</li> <li>➤ Vehicle procurement <ul style="list-style-type: none"> <li>○ Exterior</li> <li>○ Visibility</li> <li>○ Interior</li> </ul> </li> <li>➤ Vehicle security</li> <li>➤ Vehicle safety in and around the bus garage</li> </ul>	<ul style="list-style-type: none"> <li>➤ EXPANSION OF VEHICLE SECURITY PROCEDURES</li> <li>➤ EXPANSION OF MAINTENANCE PROCEDURES FOR IDENTIFYING AND REPORTING VANDALISM, SUSPICIOUS SUBSTANCES, OR VEHICLE TAMPERING</li> <li>➤ EXPANSION OF VEHICLE PROCUREMENT PROCEDURES TO ADDRESS SECURITY</li> <li>➤ TECHNOLOGY</li> </ul>
8	<b>ACCIDENT MANAGEMENT</b>	<ul style="list-style-type: none"> <li>➤ Accident documentation packet</li> <li>➤ Accident notification procedures – operator responsibility</li> <li>➤ Accident investigation – management responsibility</li> <li>➤ Accident investigation kit</li> <li>➤ Reconstruction &amp; analysis</li> <li>➤ Drug and alcohol tests</li> </ul>	<ul style="list-style-type: none"> <li>➤ ADDITIONAL TOOLS FOR ACCIDENT DOCUMENT PACKET TO ADDRESS SECURITY</li> <li>➤ ADDITIONAL TOOLS FOR MEDIA</li> </ul>

VEHICLE SAFETY & SECURITY PROGRAM PLANS		COVERED POLICIES AND PROCEDURES	ADDITIONAL ISSUES IN SSEP PROGRAM PLAN
SECTION	TITLE		
		<ul style="list-style-type: none"> <li>➤ Media relations and crises communication after an accident</li> </ul>	RELATIONS
9	INSURANCE CLAIMS AND LITIGATION MANAGEMENT	<ul style="list-style-type: none"> <li>➤ Dealing with adjusters</li> <li>➤ Dealing with attorneys – ours/theirs</li> </ul>	<ul style="list-style-type: none"> <li>➤ ADDITIONAL CONSIDERATIONS FOR COVERAGE</li> </ul>
10	DAY TO DAY OPERATIONS – MONITORING FOR SAFETY	<ul style="list-style-type: none"> <li>➤ Record keeping</li> <li>➤ Keeping informed <ul style="list-style-type: none"> <li>○ Websites</li> <li>○ Publications</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ ADDITIONAL REPORTS FOR SECURITY-RELATED INCIDENTS</li> </ul>

## Appendix B – Security Baseline Planning Worksheet

<b>SECURITY BASELINE PLANNING WORKSHEET</b>	<b>Yes</b>	<b>No</b>	<b>Notes</b>
Has the General Manager accepted responsibility for the management of security vulnerabilities during the design, engineering, construction, testing, start-up and operation of the transit system?	x		
Has the General Manager endorsed a policy to ensure that security vulnerabilities are identified, communicated, and resolved (or accepted) through a process that promotes accountability for decision-making?	x		
Does Transdev have clear and unambiguous lines of authority and responsibility for ensuring that security is addressed at all organizational levels within the operation (including contractors)?	x		
Does Transdev have access to personnel with security management experience, knowledge, skills, and abilities?	x		
Does Transdev ensure that resources are effectively allocated to address security considerations?	x		
Is the protection of passengers, employees, contractors, emergency responders and the general public a priority whenever activities are planned and performed at the agency?	x		
Wherever possible, does Transdev guide design, engineering, and procurement activity with an agreed-upon set of security standards and requirements (including design criteria manuals, vehicle specifications, and contracting guidelines)?	x		
Does Transdev routinely evaluate its capabilities to provide adequate assurance that the public and employees are protected from adverse consequences?	x		
Has Transdev committed to developing security mitigation measures to prevent and manage security vulnerabilities?	x		
Has Transdev appropriately documented its security measures in plans, procedures, training, and in project requirements, specifications and contracts?	x		
Does Transdev have a formal System Security Program, documented in a System Security Program Plan (Security Plan)?	x		
If “yes,” is the Transdev Security Plan current, reflecting current security operations and system configuration?	x		
If “no,” does Transdev have plans in place to develop a Security Plan?			
If “no,” prepare a brief list of all activities performed at Transdev that address security concerns (for example, include facility access control; procedures for handling difficult people; workplace violence program; bomb threat management plan; procedures for identifying and reporting suspicious activity; facility and vehicle evacuation and search procedures; coordination with local law enforcement, etc.)			

### Appendix C – General Emergency Response Capabilities

<b>GENERAL EMERGENCY RESPONSE CAPABILITIES</b>	<b>Yes</b>	<b>No</b>	<b>Notes</b>
Does Transdev have an Emergency Plan?	x		
Does Transdev have Emergency Operating Procedures?	x		
Does Transdev have an Incident Response Plan for Terrorism, as an appendix to the Emergency Plan or as a separate plan?	x		
Does Transdev coordinate with local public safety organizations on the development, implementation and review of the Emergency Plan and procedures?	x		
Does Transdev's Emergency Plan specify use of the Incident Command System?	x		
Have Transdev employees been trained in the Emergency Plan and Procedures?	x		
Does Transdev conduct routine drills, table-tops and refresher training?	x		
Does Transdev coordinate its drilling and training for emergency response with local public safety organizations?	x		
Does Transdev conduct briefings of after-action reports to assess performance during the dill or exercise and identify areas in need of improvement?	x		
Have members of Transdev participated in Domestic Preparedness Training Programs sponsored by the Federal government (FEMA, FBI, DOD, etc.)?	x		
<b>PREVIOUS EXPERIENCE</b>			
Has Transdev experienced an emergency in the last 12 months?		x	Just drills
If "yes," was Transdev satisfied with the agency's level of response?			
Has Transdev received a bomb threat in the last 12 months?		x	
Has Transdev evacuated in its facilities in the last 12 months as the result of a bomb threat?		x	
Has Transdev conducted a physical search of a facility in response to a bomb threat?		x	

## Appendix D - Points of Emphasis

1. **Awareness** - Train all security and maintenance personnel to spot suspicious-looking or unfamiliar people or objects.
2. **Communication** - Teach transit employees and customers the importance of awareness; encourage them to identify and report anything that appears out-of-the-ordinary.
3. **Screening** - Develop and implement systems for identifying and controlling visitor access to the building.
4. **Inspection** - Establish strict procedures for the control and inspection of packages and materials delivered to the building, particularly those intended for critical areas.
5. **Procedures** - Instruct all personnel, particularly telephone switchboard or reception personnel, on what to do if a bomb threat is received.
6. **Surveillance** - Instruct security and maintenance personnel to routinely check unattended public or open areas, such as rest rooms, stairways, parking garages and elevators.
7. **Lighting** - Make sure that all of the facility's access points are well-lit.
8. **Systems Awareness** - Unexpected interruptions in the building's fire or security systems may not be coincidental; train personnel to identify and address them immediately.
9. **Local Authorities** - Contact local government agencies to determine their procedures for dealing with bomb threats, search, removal and disposal.
10. **Contingency** - Assure adequate protection and off-site backup for classified documents, proprietary information, critical records and activities essential to the operation of your business.



## Appendix E - Managing Response to Transit Terrorism

### Objectives for Response to Terrorist Incidents - General

- Notify appropriate investigative and emergency response agencies.
- Secure Perimeters (establish inner and outer perimeters and control zones; contain the situation; avoid creating new victims, contaminating evidence, and spreading contaminants).
- Control and identify the Threat (including CBRN agent release).
- Rescue, Decontaminate, Triage, Treat and Transport Impacted Persons.
- Move Crowds to Safe Zones (minimize additional casualties).
- Stabilize Incident (prevent escalation; establish control of the situation to allow rescue and recovery to proceed with minimal delay).
- Protect Rescuers (injured responders cannot effectively rescue and place an additional strain on scarce resources, potentially jeopardizing operational success). All response personnel should receive an incident specific safety briefing when extraordinary hazards exist. All personnel should be provided and required to wear and use Personal Protective Equipment (PPE) appropriate to incident conditions.
- Avoid Secondary Contamination.
- Secure Evidence and Crime Scene (evidence management and crime scene issues are important to the identification of offenders and future prosecution; inner and outer perimeters and proper procedures must be followed).
- Protect against Secondary Attack (global experience with terrorist attacks and bombings has shown that secondary attack [i.e., secondary explosive devices intended to injure emergency response], is a real threat).

### Objectives for Response to Terrorist Incidents

- Provide Alternative Modes of Transport.
- Assess and Mitigate Secondary Impact on System (crowd conditions throughout the system, particularly at key points, are likely depending on the site of the incident; additionally, transit vehicles should maintain a high index of suspicion for additional attacks or "copycat" incidents in the immediate aftermath of an attack).
- Restore Service Quickly (restore transit service through re-routed vehicles and alternative modes. Clearing the incident scene and repairing damaged areas must be priority).
- Restore Passenger Confidence (on-going security measures must be reinforced. Transit customers should be advised of enhanced awareness and measures).
- Restore Employee Confidence (integrate employees into system security team).

## **Appendix F - Emergency Response Planning, Coordination, and Training Considerations**

1. Emergency Response planning, coordination, and training is formalized and documented, and identifies responsibilities of employees by function
2. Service continuation, restoration / recovery plan developed
3. Emergency drills and table-top exercises scheduled on a regular basis
4. Coordination and training with outside agencies, including:
  - a. Fire / rescue units;
  - b. Hospitals; Police;
  - c. Hazardous materials / Environmental agencies
  - d. Regional Office of Emergency Management/Emergency Operations Center
5. Media relations / information control procedures and policies established (internal and external to agency)
6. Documentation of drills maintained; drill critiques held; recommendations recorded with follow-up
7. Emergency procedures reviewed by Management on a regular basis and updated as needed
8. Procedure revisions and updates incorporated into evacuation procedures; SOPs developed for signature(s) and distribution
9. Regular assessments of employee proficiency conducted
10. Emergency contacts list developed / current / and responsibility for call-outs identified
11. Emergency evacuation routing for transit vehicles developed
12. Employees issued quick reference guidelines for emergency situations
13. Support systems developed to provide post-incident support to customers and employees
14. Regular functional testing / inspection of emergency support equipment and systems
15. Pre-determination of factors that would require partial or full service shut-down
16. Contingency plans for loss of electrical power and radio or phone communications

## Appendix G - System Security Considerations

1. Security Plan established, which addresses all operations modes and contracted services
2. System security responsibilities and duties established
3. Personal safety awareness/education programs for passengers and employees and community outreach
4. Security equipment regularly inspected, maintained and functionally tested; including personal equipment issued to security personnel
5. Contingency SOPs developed; drills and table-top exercises conducted for extraordinary circumstances:
  - a. Terrorism (including chemical/ biological agents/ weapons of mass destruction);
  - b. Riot / Domestic unrest;
  - c. Catastrophic natural events; and
  - d. System-wide communications failure
6. Planning, coordination, training and mutual aid agreements with external agencies (state, local police, FBI and other federal agencies)
7. Security SOPs reviewed on a regular basis and updates made as needed to Security Plan
8. Security equipment installed, inspected, and maintained to monitor trespass activities
9. Data collection established for all security issues / incidents; analysis performed and recommendations made; document control established, including follow-up
10. Security risk/vulnerability assessments conducted, documented and reviewed
11. Contingency plans for loss of electrical power and radio or phone communications
12. Standard Operating Procedures for critical incident command, control, and service continuation/ restoration
13. Security training provided to all staff levels (from front-line "eyes and ears" concept to professional level security training)
14. Background checks on employees and contractors (where applicable)
15. Regular assessments of employee security proficiencies conducted
16. Employees issued quick reference guidelines for security situations
17. Emergency contacts list developed / current / and responsibilities for call-outs identified
18. Visitor, deliveries and contractor facility access procedures developed / visible identification required
19. Concepts of Crime Prevention through Environmental Design (CPTED) applied in reviews of facilities and in new design and modifications
20. Security checklists developed and regularly used for verifying status of physical infrastructure and security procedures
21. Agency employees identifiable by visible identification and/or uniform
22. Policy and procedures in place for facilities key control

**Appendix H - Bomb Threat Checklist and Procedures**

**Bomb Threat Checklist**

Exact time and date of call: \_\_\_\_\_

Exact words of caller: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- |                                       |                                    |                                     |   |
|---------------------------------------|------------------------------------|-------------------------------------|---|
| <b>Voice</b>                          | <b>Accent</b>                      | <b>Manner</b>                       | <b>Background Noise</b>                   |
| <input type="checkbox"/> Loud         | <input type="checkbox"/> Local     | <input type="checkbox"/> Calm       | <input type="checkbox"/> Factory Machines |
| <input type="checkbox"/> High Pitched | <input type="checkbox"/> Foreign   | <input type="checkbox"/> Rational   | <input type="checkbox"/> Bedlam           |
| <input type="checkbox"/> Raspy        | <input type="checkbox"/> Race      | <input type="checkbox"/> Coherent   | <input type="checkbox"/> Music            |
| <input type="checkbox"/> Intoxicated  | <input type="checkbox"/> Not Local | <input type="checkbox"/> Deliberate | <input type="checkbox"/> Office Machines  |
| <input type="checkbox"/> Soft         | <input type="checkbox"/> Region    | <input type="checkbox"/> Righteous  | <input type="checkbox"/> Mixed            |
| <input type="checkbox"/> Deep         |                                    | <input type="checkbox"/> Angry      | <input type="checkbox"/> Street Traffic   |
| <input type="checkbox"/> Pleasant     | <input type="checkbox"/> Local     | <input type="checkbox"/> Irrational | <input type="checkbox"/> Trains           |
| <input type="checkbox"/> Other        | <input type="checkbox"/> Foreign   | <input type="checkbox"/> Incoherent | <input type="checkbox"/> Animals          |
| <input type="checkbox"/> Raspy        | <input type="checkbox"/> Race      | <input type="checkbox"/> Emotional  | <input type="checkbox"/> Quiet            |
| <input type="checkbox"/> High Pitched | <input type="checkbox"/> Not Local | <input type="checkbox"/> Laughing   | <input type="checkbox"/> Voices           |
| <input type="checkbox"/> Loud         | <input type="checkbox"/> Region    |                                     | <input type="checkbox"/> Airplanes        |
|                                       |                                    |                                     | <input type="checkbox"/> Party Atmosphere |

- |                                    |                                    |   |
|------------------------------------|------------------------------------|---|
| <b>Language</b>                    | <b>Speech</b>                      | <b>Familiarity with Threatened Facility</b> |
| <input type="checkbox"/> Excellent | <input type="checkbox"/> Fast      | <input type="checkbox"/> Much               |
| <input type="checkbox"/> Fair      | <input type="checkbox"/> Distinct  | <input type="checkbox"/> Some               |
| <input type="checkbox"/> Foul      | <input type="checkbox"/> Stutter   | <input type="checkbox"/> None               |
| <input type="checkbox"/> Good      | <input type="checkbox"/> Slurred   |   |
| <input type="checkbox"/> Poor      | <input type="checkbox"/> Slow      |   |
| <input type="checkbox"/> Other     | <input type="checkbox"/> Distorted |   |
| <input type="checkbox"/> Pleasant  | <input type="checkbox"/> Nasal     |   |
| <input type="checkbox"/> Other     | <input type="checkbox"/> Lisp      |   |
| <input type="checkbox"/> Raspy     | <input type="checkbox"/> Other     |   |

**Questions to Ask the Caller**

When is the bomb going to explode?

Where is the bomb?

What does it look like?

What kind of bomb is it?

What will cause it to explode?

Did you place the bomb?

Why did you place the bomb?

Where are you calling from?

What is your address?

What is your name?

**Observations**

If the voice is familiar, whom did it sound like?

Were there any background noises?

Telephone number call received at:

Person receiving call:

Any additional remarks:

## **Bomb Threat Procedures**

In recent years the use and threatened use of explosives in our society has increased at an alarming rate. Organizations must prepare a plan of action to respond effectively. This brief provides guidelines that will assist transit agencies in developing a procedure specific to their particular environment.

### **Steps to Be Considered**

When faced with a bomb threat, the primary concern must always be the safety of passengers, employees, and emergency responders. Many transit agencies already have a disaster or emergency procedure for responding to smoke, fire, or medical emergencies in stations, administrative facilities, and shops/yards. Several aspects of these procedures remain viable in a bomb threat procedure.

However, new problems must be addressed when a bomb threat is received. For example, in the instance of a fire, effort is directed at evacuating the occupants in a quick and orderly manner. In the case of a bomb threat, if evacuation is initiated, the exit routes and assembly areas should be searched prior to vacating the premises. The potential hazard remains when a building is evacuated before a search has been made. Personnel cannot safely re-occupy the building and resume normal activities until a search has been conducted. Such problems require a procedure with 7 logical steps:

- Step 1: Threat Reception
- Step 2: Threat Evaluation
- Step 3: Search Procedure
- Step 4: Locating Unidentified Suspicious Objects
- Step 5: Evacuation Procedure
- Step 6: Re-occupation of Building
- Step 7: Training of Essential Personnel

Each of these steps is discussed below:

#### **Step 1: Threat Reception**

Threats are transmitted in several ways:

Telephone Threats (threat to detonate explosive is phoned into system)

- Caller is the person who placed the device
- Caller has knowledge of who placed the device
- Caller wants to disrupt system operation

Written Threats (threat to detonate explosive is written into system)

- May be more serious than phoned-in threats
- Written threats are generally more difficult to trace than phoned-in threats

Letter and Package Threats (suspicious package or letter is delivered to agency)

- These threats serve a variety of purposes, but, generally, they are directed at specific system personnel rather than at the system as a whole.
- The personal motivations of the criminal may be more important in these types of Threats.

Bomb threats are normally transmitted by phone. The person receiving the call should be prepared to obtain precise information, including:

- The time the call was received and on which telephone number or extension.
- The exact words of the person making the threat should be recorded.
- Indicate whether it was a male or female voice and an approximate age.
- Note any accent or speech impediment or slurring of speech which could indicate intoxication or an unbalanced condition.
- Listen for the presence of any background noises such as traffic, music, or other voices.
- Decide if the voice is familiar.
- The person receiving the threatening call should be prepared to ask the caller certain questions if the information has not been volunteered:
  - \*Where is the bomb?
  - \*When is it going to explode?
  - \*What does it look like?
  - \*What kind of bomb is it?
  - \*Why did you place the bomb?
  - \*What is your name?

The caller may provide specific information by answering these questions. Often the type of person making a threat of this nature becomes so involved that they will answer questions impulsively. Any additional information obtained will be helpful to police and explosive technicians. To assist the person receiving the call, it is suggested a printed form be readily available. A sample is provided in Appendix A. Typically, this checklist is kept readily available to the transit dispatcher or administrative personnel most likely to receive such a threat.

Written and Letter/Package Threats should be treated as “suspicious objects” (see Step 4).

## **Step 2: Threat Evaluation**

Two basic descriptions of threats can be identified:

- Non-specific threat: This is the most common type of threat, usually with little information given other than, "There is a bomb in your building."
- Specific threat: This threat is given in more detail. Reference is often made to the exact location of the device, or the time it will detonate.

Specific threats should be considered more serious in nature, requiring a more concerted effort in the response. The non-specific threat, however, cannot be ignored. A policy must be developed to respond effectively to both threat levels.

Certain actions should be taken regardless of the threat category:

- Notify law enforcement (internal transit police and/or security or local law enforcement)
- Notify management personnel
- Initiate the search procedure
- Search before evacuation of personnel (employee search)
- Search after evacuation of personnel (volunteer search)

Notification to internal and/or external law enforcement, security and management personnel should be prompt, and include as much detail as possible. The person who received the threatening call should be available immediately for interviewing. Copies of the completed threat checklist should be readily available to all who may need it.

The appropriate search procedure should be initiated. Searches in the transit environment – as in many other environments – have two major constraints:

- Radio communication cannot be used (it may detonate the device)
- The environment is specialized, therefore, it cannot be searched effectively by outsiders

To address these concerns, personnel who work in a particular area, or who are responsible for an area, should be used. Not only will these personnel provide a much more thorough search than outside responders, but they are knowledgeable concerning station or facility emergency communication systems and can access “land line” telephones to manage communications more effectively during the search. A system that utilizes the employees – after evacuations have been ordered -- should always and only use volunteers.

The following criteria help determine what immediate action to take:

Factors favoring a search before the movement of personnel (occupant search):

- There is a high incidence of hoax telephone threats
- Effective security arrangements have been established
- Information in the warning is imprecise or incorrect
- The caller sounded intoxicated, amused, or very young
- The prevailing threat of terrorist activity is low

Factors favoring movement of personnel before searching (volunteer search):

- The area is comparatively open
- Information in the warning is precise as to the matters of location, a description of the device, the timing, and the motive for the attack
- A prevailing threat of terrorist activity is high



### Step 3: Search Procedure

Pre-planning and coordination of employees are essential in implementing an effective search of transit premises, particularly for large transit centers and facilities. A central control mechanism is necessary to ensure a thorough and complete response. A printed station and/or facility schematic should be identified for each major transit facility. Wherever possible, transit centers/facilities should be divided into zones or sections (prior to the actual conduct of the search), and volunteer personnel – familiar with the zone or section – identified to support the search, by shift or position. Back-ups and supporting volunteers should also be identified for each zone or segment. A compendium of station/facility schematics should be available to those responsible for managing bomb threats and searches. Not only will these schematics support identification and assembly of the volunteer search team, but also, as the search is conducted, each area can be “crossed off” the plan as it is searched.

Areas that are accessible to the public require special attention during a search and may be vitally important if an evacuation is to be conducted. The level of the search should be commiserating with the perceived threat level:

- An occupant search is used when the threat's credibility is low. Occupants search their own areas. The search is completed quickly because occupants know their area and are most likely to notice anything unusual.
- The volunteer team search is used when the threat's credibility is high. The search is very thorough and places the minimum number of personnel at risk. Evacuate the area completely and ensure that it remains evacuated until the search is complete. Search teams will make a slow, thorough, systematic search of the area.

During the search procedure the question often arises, "What am I looking for?" The basic rule is: Look for something that does not belong, or is out of the ordinary, or out of place. Conduct the search quickly, yet thoroughly, keeping the search time to a maximum of 15 to 20 minutes. Both the interior and exterior of the station or facility should be searched.

Historically, the following areas have been used to conceal explosive or hoax devices in the transit environment:

Outside Transit Centers/Facilities	Inside Transit Centers/Facilities
<ul style="list-style-type: none"> <li>• Trash cans</li> <li>• Dumpsters</li> <li>• Mailboxes</li> <li>• Bushes</li> <li>• Street drainage systems</li> <li>• Storage areas</li> <li>• Parked cars</li> <li>• Shrubbery</li> <li>• Newspaper Stands</li> </ul>	<ul style="list-style-type: none"> <li>• Ceilings with removable panels</li> <li>• Overhead nooks</li> <li>• Areas behind artwork, sculptures and benches</li> <li>• Recently repaired/patched segments of walls, floors, or ceilings</li> <li>• Elevator shafts</li> <li>• Restrooms</li> <li>• Behind access doors</li> <li>• In crawl spaces</li> <li>• Behind electrical fixtures</li> <li>• In storage areas and utility rooms</li> <li>• Trash receptacles</li> <li>• Mail rooms</li> <li>• Fire hose racks</li> </ul>

Depending on the nature of the threat, searches may expand to include transit vehicles. In extremely rare instances, dispatchers have instructed operators on certain bus routes to immediately bring their vehicles to a safe location, off load passengers, and walk-through the vehicle – looking for unidentified packages. In other instances, law enforcement officers, who actually conduct the search, including the vehicle undercarriage and rooftop areas, have met evacuated vehicles.

#### Step 4: Locating an Unidentified Suspicious Package

If an unidentified or suspicious object is found, all personnel should be instructed (1) not to move it and (2) to report it to central dispatch or the search team leader immediately. The following information is essential:

- Location of the object
- Reason(s) suspected
- Description of the object
- Any other useful information – how difficult to secure area, evacuate, nearest emergency exits, etc.

Based on this information, decisions will be made regarding the following:

- Removal of persons at risk
- Establishment of perimeter control of the area to ensure that no one approaches or attempts to move the object

- Activities to establish ownership of the object. (In the event that legitimate property has been left behind in error prior to the bomb threat being received.)
- Assignment of someone familiar with the building and the area where the object is located to meet the Explosives Disposal Unit personnel on their arrival (in the event that they have been called)
- Continue implementation of search procedure until all areas have reported to the central control, as there may be more than one unidentified object

While volunteers and public safety personnel are conducting the search, and particularly while they are managing response to a suspicious package, they should be aware that Improvised Explosive Devices (IED's) and other types of bombs inflict casualties in a variety of ways, including the following:

- Blast over pressure (a crushing action on vital components of the body; eardrums are the most vulnerable).
- Falling structural material.
- Flying debris (especially glass).
- Asphyxiation (lack of oxygen).
- Sudden body translation against rigid barriers or objects (being picked up and thrown by a pressure wave).
- Bomb fragments.
- Burns from incendiary devices or fires resulting from blast damage.
- Inhalation of toxic fumes resulting from fires.

The following are four general rules to follow to avoid injury from an IED:

- Move as far from a suspicious object as possible without being in further danger from other hazards such as traffic or secondary sources of explosion
- Stay out of the object's line-of-sight, thereby reducing the hazard of injury because of direct fragmentation
- Keep away from glass windows or other materials that could become flying debris
- Remain alert for additional or secondary explosive devices in the immediate area, especially if the existence of a bomb-threat evacuation assembly area has been highly publicized

Historically, perpetrators of bombings in the transit environment (in foreign countries such as Israel, France, India, and England) have used two tactics that intensify the magnitude of casualties inflicted by detonation of an explosive device:

- Perpetrators have detonated a small device to bring public safety personnel to the site; a larger, more deadly device has detonated some time after the first device, thereby inflicting a large number of casualties on the first responder community.
- Perpetrators have used a real or simulated device to force the evacuation of a facility only to detonate a much more substantial device in identified bomb-threat evacuation assembly areas. These attacks are especially harmful because the evacuation assembly areas often concentrate transit personnel and passengers more densely than would otherwise be the case.

**Step 5: Evacuation Procedure**

If an unidentified object is found, a quiet and systematic evacuation from the area should be conducted. Prior to evacuation, all areas used in the evacuation route must be searched: stairwells, corridors, elevators, and doorways. When these areas have been checked, volunteer personnel should be assigned to direct other personnel along the searched exit routes.

As a general guideline, evacuation should be to a minimum distance of 300 feet in all directions from the suspicious package, including the area above and below the site, giving regard to the type of building construction (thin walls, glass) and the size of the suspicious package. Elevators should not be used to evacuate people under normal circumstances. A power failure could leave them trapped in a hazardous area. Attention should be paid to the need for special transportation requirements of persons with disabilities.

The essential task in evacuation procedures is to direct people, as indicated on evacuation wall charts placed strategically throughout each facility, to quietly leave the premises, using tact and power of suggestion, in an effort to maintain control and avoid panic. Once a complete or partial evacuation has taken place, there must be some form of accounting for all personnel. This may be a difficult task, but a necessary one to ensure the safety of all personnel.

Assembly areas should be pre-selected and well known to personnel. Establish a clearly defined procedure for controlling, marshalling, and checking personnel within the assembly area. If possible, for major transit stations, assembly areas should be coordinated with local police in advance. Assembly areas are selected using the following criteria:

- Locate assembly areas at least 300 feet from the likely target or building (if possible).
- Locate assembly areas in areas where there is little chance of an IED being hidden.
- Open spaces are best. Avoid parking areas because IED's can be easily hidden in vehicles.
- Select alternate assembly areas to reduce the likelihood of ambush with a second device or small-arms fire. If possible, search the assembly area before personnel occupy the space.
- Avoid locating assembly areas near expanses of plate glass or windows. Blast effects can cause windows to be sucked outward rather than blown inward.
- Select multiple assembly areas (if possible) to reduce the concentration of key personnel. Drill and exercise personnel to go to different assembly areas to avoid developing an evacuation and emergency pattern that can be used by perpetrators to attack identifiable key personnel.

### **Step 6: Re-Occupation of Transit Center/Facility**

Re-occupation of the building is a decision that must be made by an appropriate transit agency or law enforcement official. If the evacuation was made without a search, the premises should be searched before re-occupation.

### **Step 7: Training**

Any effective threat procedure must be accompanied with an adequate training program. Training the essential personnel should encompass both the preventative and operational aspects of the procedure. Prevention can be accomplished through employee awareness, developing good housekeeping habits, and being on the alert for suspicious items and persons.

Operational training may include lectures by transit police and security instructional staff or guest speakers, in-service training classes, and practical training exercises. Evacuation and search drills should be performed periodically under the supervision of transit police or local law enforcement. Coordination with local law enforcement is particularly important for those small agencies with no internal security.

### **Conclusion**

Considering recent events, it is advisable to consider all threats serious. A well-prepared and rehearsed plan will ensure an effective, quick search with minimal disruption of normal operation. Panic and possible tragedy can be avoided. Appropriate security, heightened employee and passenger awareness, and good housekeeping controls will identify many potential problems.

## Appendix I - Sample Types of Exercises

Experience shows that exercises are the most practical, efficient, and cost-effective way to prepare for disasters and crises. The aim for any transit agency should be to develop a progressive exercise program, a long-term approach in which exercises are planned, conducted, and evaluated as building blocks to competency in crisis management.

There are two principal benefits of such a program. First, people practice their role and gain proficiency in crisis management. Second, the coordination among transit providers and local emergency response agencies is improved. These benefits arise not from exercising alone, but from evaluating the exercise and acting upon those results. An exercise has value only when it leads to individual and/or collective improvement.

Key terms used in the development of exercises include the following:

- **Progressive Exercise Program:** A commitment from the transit provider and community public safety agencies to plan and conduct increasingly more challenging exercises over a period of time, to achieve and maintain competency in executing the local crisis management plan.
- **Objective:** A goal expressed in simple, clear, specific, and measurable terms. Serves as the foundation of all exercise planning.
- **Scenario:** The overall outline of how an exercise will be conducted. Includes the narrative, major/detailed sequence of events, problems or messages, and expected actions. Often used interchangeably with the term narrative.
- **Narrative:** A word “picture” that includes all essential elements of information concerning the incident used to initiate an exercise.

Types of exercises include the following:

- **Drill:** Supervised activities that test, develop, or maintain skills in a single response procedure (such as: communications, notification, lockdown, fire) and the possible or probable interaction with local government agency functions (such as: incident command posts, rescue squad entry, police perimeter control) which will involve actual field response. Helps prepare for more complex exercises in which several functions are coordinated and tested.
- **Exercise:** An activity designed to: promote emergency preparedness; test or evaluate emergency operations, policies, plans, procedures or facilities, train personnel in emergency duties and demonstrate operational capabilities.
- **Full-Scale Exercise:** Evaluates the operational capability of emergency response

management systems in an interactive manner. Includes the mobilization of emergency personnel and resources required to demonstrate coordination and response capability. Tests total response capability as close to a real emergency as possible.

- **Functional Exercise:** A fully simulated interactive exercise; tests one or more functions in a time-pressured realistic simulation; focuses on policies, procedures, roles, and responsibilities.
- **Orientation Seminar:** An informal discussion designed to familiarize participants with roles, plans, procedures, and resolve questions of coordination and assignment of responsibilities.
- **Tabletop Exercise:** Simulates an emergency situation in an informal, stress-free environment. Designed to elicit discussion as participants examine and resolve problems based on existing crisis management plans.

## Appendix J - Reporting Criminal Activity

When observing a crime in progress or behavior that is believed to be criminal in nature, immediately notify dispatch or local police. Report as much information as possible including:

Activity: What is happening? (In plain language and with as few assumptions as possible)

Description of Involved People: For each involved person, provide:

- Height
- Weight
- Gender
- Clothing
- Weapons
- Distinguishing characteristics

Location: Describe exactly where the criminal activity is occurring. If the activity is “moving,” describe the direction of travel.

Vehicle: If a vehicle is involved, please provide the following:

- Color
- Year
- Make
- Model
- License

**DO NOT APPROACH OR ATTEMPT TO APPREHEND THE PERSON(S) INVOLVED.**

Stay on the telephone with the Transdev Dispatcher/Police Dispatcher and provide additional information as changes in the situation occur, until the first supervisor/police officer arrives at the incident location.



## Appendix K – FACILITY EMERGENCY EVACUATION PROCEDURE

On occasion you may, without notice, be asked to evacuate the building. The reasons for this could be smoke, fire, bomb threat, etc. When you are notified to evacuate, follow these procedures:

Anytime an evacuation order is issued, whether by alarm or verbally - during a drill or real/live event, **EVERYONE MUST EVACUATE IMMEDIATELY (employees, visitors, vendors, etc).**

In any fire situation a trained and qualified person should attempt to extinguish the fire but not before pulling/sounding the alarm. If this is not possible to put out the fire, pull/sound the alarm and then evacuate the area or facility that has the fire/smoke danger.

In the event of a bomb threat or other type emergency incident requiring the evacuation of an area or facility, follow the instructions of the Transdev and/or Emergency Response personnel coordinating the evacuation. Designated Transdev personnel will assist Emergency Response personnel with sweeps of affected areas/facilities.

In addition to dispatch, transit, and maintenance supervisors who are responsible for coordinating emergency activities and response during an event, **each individual department will identify two department personnel (primary, secondary) who will be responsible during an event to:**

- assure that everyone in the department has evacuated the area/building by checking all offices and work areas
- assure that all department personnel are present at the designated evacuation area

### EVACUATION AREAS

**Unless otherwise instructed at time of event,** the following are the designated evacuation meeting locations:

#### Primary

South East Front parking lot

#### Secondary

South West Back Yard Gate

### **FIRE PROCEDURE:**

In the event an employee discovers a fire, smoke, excessive heat or gases, indicating that there is a fire, they will:

- Remain calm.
- Activate the nearest fire alarm pull station and follow evacuation instructions posted on wall charts throughout the facility.

- Have any person in danger removed from the area.
- Special consideration must be given and assistance provided to anyone with a disability. If unable to assist the disabled, advise Emergency Response personnel upon their arrival of exact location of those needing assistance.
- Contact Dispatch via radio or telephone or notify the Fire Department by telephone (911).
- The employee will notify a supervisor so that an evacuation can be started immediately.
- If at all possible, without placing anyone's life in danger, trained personnel should attempt to control the fire by using fire extinguishers and other available equipment.
- Air handlers should be turned off, so smoke does not get distributed throughout the building(s).
- A designated Transdev employee, i.e. security guard, transit supervisor, dispatcher or other supervisory or assigned alternate personnel, will stand-by at the main entrance of property/facility in order to direct the Fire Department to the exact location of the fire and to direct incoming traffic away from the affected area.

**BUILDING EVACUATION:**

- Remain calm.
- Follow evacuation instructions posted on wall charts throughout the facility.
- Close all windows and doors and walk to the nearest exit. If the alarm stops sounding, continue evacuation and warn others who may attempt to enter the building.
- Upon immediately exiting via the nearest safe exit, employees should proceed to the designated evacuation area (unless otherwise instructed), reporting any findings/observations to their supervisor.
- Designated/assigned Transdev personnel will be responsible for overseeing and coordinating evacuation activities, conducting a thorough/final pass through of affected area/facility, ensuring that everyone receives the necessary assistance as appropriate, and reporting the evacuation status to the appropriate Transdev and Emergency Response personnel.
- Employees should attempt to observe/recall anything that may have appeared to be unusual or suspicious in their respective work areas and report observations to Emergency Response personnel.

**No employee will return to any area or facility until the “all clear” is given by Emergency Response personnel.**

**The Safety, Training & Security Department does NOT set off fire alarms on a random basis. All tests are announced prior to their activation.**

## Appendix L – Transdev Security Risk Identification and Resolution Methodology

### 1. General

The security risk identification methodology used in this System Security and Emergency Preparedness Plan provides a systemic means of identifying, assessing, and resolving the cause(s) of incidents within the transit system and those outside the system that could impact system security. The application of proven security risk identification methods during the life-cycle phases of all transportation systems and all elements of the systems are used as guidance for the timely identification, elimination, minimization and control of security risks. The product of this methodology in turn, provides the transit system with appropriate guidance in determining security risk severity. The purpose of the security risk analysis is to:

- a. Propose the means by which an identified security risk can be eliminated or controlled.
- b. Provide the basis for developing/revising rules and procedures.
- c. Document the history of security improvements on the system.

Security risk identification is defined as the process whereby all conditions and faults which could potentially cause incidents are clearly identified and analyzed with various solutions given to minimize, reduce, and eliminate the severity of an incident. Two methods are used: inductive and deductive security risk identification.

Inductive security risk identification involves the analysis of system components to identify failure modes and efforts of the entire system, part, and personnel actions. Failure modes are conditions such as: fails to open; fails to close; opens or closes when not required; fails to act improperly or inadequately or at the wrong time, etc., or combination of the aforementioned.

Deductive security risk identification involves defining potential security risks, their effect on the system, and their causes.

The process uses a combination of techniques for the inductive and deductive security risk identification process. These are:

- a. Preliminary Security Risk List - Compilation of a list of security risks very early in the system life cycle to identify areas of potential risk for management emphasis. This will apply in the design/development phases of a new purchase/project/build.
- b. Preliminary Security Risk Analysis - A preliminary analysis to identify security critical areas, providing an initial assessment of risks and identifying requisite security controls and follow-up actions.
- c. Security Requirements/Criteria Analysis - An analysis to document security design requirements/design criteria for a facility or system during the design/development phase.
- d. Subsystem Security Risk Analysis - An analysis to verify subsystem compliance with security requirements contained in subsystem specifications and other applicable documents; identify previously unidentified security risks associated with the design of subsystems, including inputs and risks resulting from functional relationships between

- components and equipment comprising each subsystem; recommend actions necessary to eliminate identified risks or control their associated impacts to acceptable levels.
- e. System Security Analysis - To verify system compliance with security requirements contained in system specifications and other applicable documents; identify previously unidentified risks associated with subsystem interfaces and system functional faults; assess the risk associated with system design, including software and subsystem interfaces; and recommend actions required to eliminate identified security risks and/or control their impacts to acceptable levels.
  - f. Operating and Support Security Risk Analysis - An evaluation of activities for security risks introduced into the system by operational and support functions, and an evaluation of the adequacy of these functions to eliminate, control, or reduce identified security risks to acceptable levels.
  - g. Health Security Risk Assessment - Identifying health risks, evaluating proposed security risk measures, and proposing procedures to reduce or control associated risks to an acceptable level.

Identification of security risks to the transit system comes from many sources, including but not limited to the following:

- a. Employee/passenger observations/complaints.
- b. Security Manager/Supervisor meetings and discussions.
- c. Accident investigation findings, safety inspections and suggestion forms.
- d. Information from other transit systems.
- e. Standard operating and maintenance procedures including normal, abnormal and emergency operations.
- f. Security risk analyses from contractors and suppliers.
- g. Equipment/fleet failure analysis.
- h. Potential security risks to passengers and employees, which result from various energy sources. These can be included in the security risk identification process also. Sources of energy can be:
  - (1) Kinetic energy
  - (2) Potential energy
  - (3) Mechanical energy
  - (4) Electrical energy
  - (5) Chemical energy
  - (6) Thermal energy
  - (7) Physical energy

## 2. Safety/Security Acquisition/Analysis

Collection of safety/security data from numerous sources, which are as follows:

- a. Physical inspection.
- b. Accident statistics reports.
- c. Employee concerns.
- e. Customer Service Community reports.
- f. Security meetings.
- g. Vehicle inspection reports.
- h. Municipal officials concerns.
- i. Industry reports/publications.
- j. Security risk condition reports.
- k. Police reports/statistics.
- l. Correspondence from the FTA Office of Safety and Security

This data is maintained in a file, used as historical reference and distributed to applicable personnel in meetings, written memos, on-site inspections and written reports. Analyses are performed to determine trends such as unsafe conditions, unsafe acts and recurring incidents.

## 3. Security Incident

Security incident severity is defined as a subjective measure of the worst security breach resulting from personnel error, environmental conditions, design inadequacies, and/or threats from outside forces (i.e. terrorists, riots, etc.). The following is an example of a qualitative security incident severity matrix.

### Security Incident Severity Matrix

Category	Severity	Characteristics
I	Catastrophic	Death, system loss or severe environmental damage.
II	Critical	Severe injury, severe occupational stress, major system damage or environmental damage.
III	Marginal	Minor injury, minor occupational stress, minor system damage or environmental damage.
IV	Negligible	Less than minor injury, occupational stress, system damage or environmental damage.

#### 4. Security Incident Probability

Security risk probability is defined as the probability that a specific breach will occur during the planned life expectancy of the system element, subsystem, or component. It can be described subjectively in potential occurrences per unit of time, events, population, items or activity. Assigning a quantitative incident probability to a potential design or procedural breach generally is not possible early in the process. A quantitative incident probability may be derived from research, analysis and evaluation of historical security data from similar systems. Supporting rationale for assigning a breach probability shall be documented in security incident analysis reports. The following is an example of a security incident probability-ranking matrix. Security Incident Probability Matrix

Description	Level	Specific Individual Incident	Frequency of occurrence
<b>Frequent</b>	<b>A</b>	Likely to occur frequently	Continuously experienced
<b>Probable</b>	<b>B</b>	Will occur several times	Will occur frequently
<b>Occasional</b>	<b>C</b>	Likely to occur sometimes	Will occur several times
<b>Remote</b>	<b>D</b>	Unlikely but possible to occur	Unlikely but can reasonably be expected to occur.
<b>Improbable</b>	<b>E</b>	So unlikely, it can be assumed unlikely to occur, but possible	Occurrence may not experienced.

##### 1. Security Risk Resolution

Security risk resolution is defined as the analysis and subsequent actions taken to reduce risks associated with an identified security risk to the lowest possible level. Security risk resolution is not synonymous with security risk elimination. In the mass transit environment, particularly in the transit environment, some risks are impossible to eliminate and others are highly impractical to eliminate. Reduction of risk to the lowest practical level can be accomplished in a variety of ways, from protective and warning devices to special procedures. However, there are some security risks that cannot be accepted and must be eliminated because of severity and high probability. Security risk resolution is a formalized procedure for risk acceptance or risk management. Once a security risk is identified, its potential severity and probability of occurrence must be determined. The process for making the determination shall be standardized in a written procedure and followed as prescribed. The probability that a situation will occur and the severity of that situation can effectively be determined for all but the most difficult and/or unusual security risks using a simple deductive reasoning process. The following security risk resolution matrix is such a process that can be used to resolve risks.

**Security Risk Resolution Matrix**

Probability	Severity Category			
	I	II	III	IV
A	UN	UN	UN	AC/WR
B	UN	UN	UN	AC/WR
C	UN	UD	UD	AC
D	UD	UD	AC/WR	AC
E	AC/WR	AC/WR	AC/WR	AC

Codes: UN – Unacceptable  
 UD - Undesirable  
 AC/WR - Acceptable with review by management staff  
 AC – Acceptable

**6. Security Risk Resolution Process**

The applicable department managers shall resolve identified security risks, with direction/approval from the System Safety and Security Officer. Written reports are to be completed and distributed after the resolution steps are completed and the time, labor, materials and funds are allocated to resolve the security risks. Resolution of safety/security risks requires the following steps:

- a. Collection and review of documentation
- b. Analysis of facts
- c. Development of solutions and action plan
- d. Informing the appropriate parties
- e. Follow through of action plan

Interdepartmental meetings shall take place as required to discuss, resolve and develop recommendations on major operational and safety/security procedures involving the following:

- a. Serious incidents
- b. Employee/public and environmental issues
- c. Operational/physical system changes.
- d. System Safety Program Plan
- e. System Security and Emergency Preparedness Plan
- f. OSHA requirements
- g. FTA and NDOT requirements

**Appendix M - Transdev Security Incident Report**

Police Report #: \_\_\_\_\_ Transdev RiskMgt.Dept.Report#: \_\_\_\_\_

Employee		P.R.#	Job Function/Title		Date of Hire	Date of Birth:		
Location (On, At, Between)				Date	Time AM PM			
Vehicle #		Route Name			Run/Block#			
Direction of Travel (Circle One)		Light of Day (Circle One)			Weather Conditions (Circle One)			
North South East West		Dawn Dusk Day Night			Clear Fog Rain			
Law Enforcement Responding (Circle One)			McDill AFB Plant City		HART Supervisor Responding			
Temple Terrace TPD HCSO FHP USF FBI FDLE								
Suspect Arrested/Taken Into Custody		Suspect Trespassed Warned		Number of Passengers		Number of Courtesy Cards		
Yes/No		Yes/No						
Incident Type (Circle Applicable Items)				Specific Incident Location (Check Appropriate Box)				
				In Vehicle	At Transit Center	At Bus Stop	Other Transit Property	Non-Transit Property
<b>1. VIOLENT CRIME</b>								
Homicide		Patron/Employee/Other						
Forcible Rape		Patron/Employee/Other						
Robbery		Patron/Employee/Other						
Aggravated Assault (Deadly Weapon)		Patron/Employee/Other						
<b>2. PROPERTY CRIME</b>								
Larceny/Theft		Patron/Employee/Other						
Motor Vehicle Theft		Patron / Employee / Other						
<b>3. ARSON / TERRORIST ACT</b>								
Fire								
Bomb Threat / Improvised Explosive Device (IED)								
Chemical / Biological / Radiological Agents								
<b>4. OTHER CRIME</b>								
Assaults (verbal threat, spit on, physical assault, etc.)								
Battery								
Deadly Missile Thrown at Occupied Vehicle								
Vandalism (i.e. vehicle, property, facility, shelter, etc.)								
Sex Offenses								
Drug Abuse Violations								
Driving Under the Influence								
Drunkenness								
Disorderly Conduct								
Trespassing								
Fare Evasion								
Curfew and Loitering Laws								
Soliciting								

**\*\* Provide a Detailed Description of Security Incident on the Backside of this Form**

**Risk Mgt.Dept.**





## **Appendix N – National Incident Management Systems**

### **INCIDENT COMMAND SYSTEM**

As a member of the Los Angeles County Emergency Operations Center (EOC), Transdev is part of the Los Angeles County Comprehensive Emergency Management Plan (CEMP) during major incidents requiring emergency response.

The Los Angeles County EOC has adopted the National Incident Management System (NIMS) as its All-Hazard Incident Management System.

The Incident Command System (ICS) is the standard for the Los Angeles County EOC and is employed by its emergency response agencies for all incidents regardless of their size, magnitude or location.

Transit operators are trained that in the case of a Transdev involved incident, initially they are the first responders in charge at the scene and as such assume the responsibility of Incident Commander (IC). As additional, more qualified leadership personnel report to the scene, i.e. Transdev supervisor, law enforcement, fire rescue, EMS, IC responsibilities will be transferred, and will finally be assumed by the agency having the major response. Members of Transdev emergency response may at that point become part of the Unified Command (UC)

### **EMERGENCY RESPONSE ACTIVITIES**

Transdev's coordinating emergency response activities during these type events are as follows:

- Determine severity of incident and threat to life safety
- Implement ICS by identifying Transdev employee (operator / supervisor) as Incident Commander
- Establish inner perimeter
- Establish outer perimeter
- Initiate evacuation if necessary
- Establish Incident Command Post
- Determine the level of internal emergency response required
- Initiate request for external emergency response, if necessary
- Identify and control access
- Become part of the Unified Command
- Protect and secure property
- Restore systems damaged as the result of the incident
- Take steps to recover from incident effects
- Ensure that all expenditures of personnel, equipment and funds are carefully documented

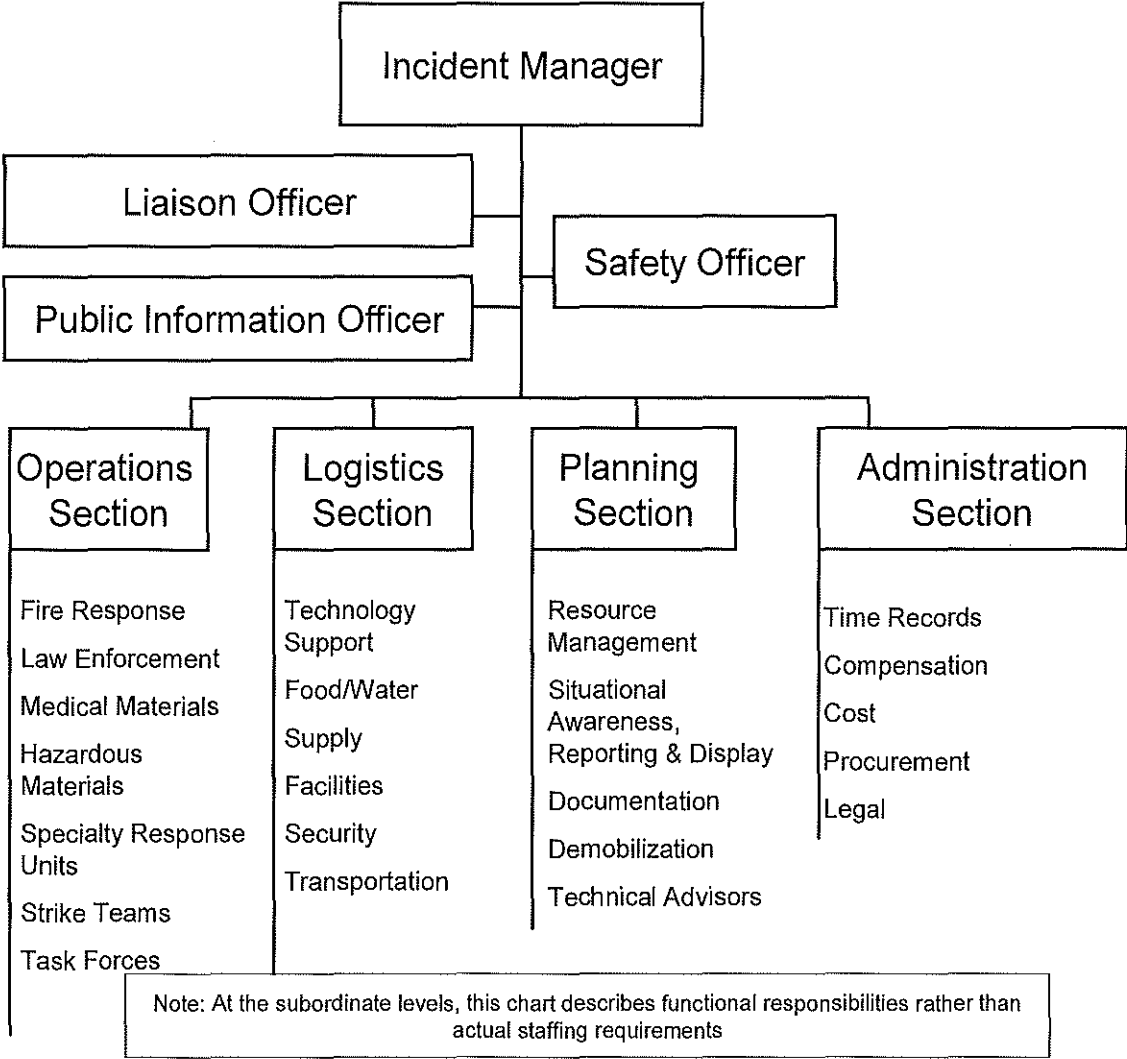
**MAJOR PRIORITIES**

Transdev employees are trained that three major priorities exist when identifying emergencies, assisting agencies and structuring the ICS organization:

- **Life Safety** - protect emergency responders, incident victims, and the public.
- **Incident Stability** - minimize incident effects on the area surrounding the scene and maximize the response effort while efficiently using resources.
- **Property Conservation** - minimize damage to property while achieving the established incident objectives.

**BASIC FUNCTIONAL STRUCTURE OF AN INCIDENT COMMAND SYSTEM**

**The National Incident Management System  
(NIMS) Organizational Response to  
Emergencies**



Responsibilities in each functional area include:

- Command—provide on-scene management and control authority
- Operations—direct incident tactical operations
- Planning—prepare Incident Action Plan and maintain situation and resources status
- Logistics—provide services and support to the incident
- Finance and Administration—track incident costs and account for reimbursements
- Intelligence—provide analysis and sharing of information and intelligence during the incident

## **ASSIGNMENT AND DUTIES OF OFFICIALS UNDER THE INCIDENT COMMAND SYSTEM**

### **Incident Commander (IC)**

The Incident Commander is responsible for the entire effort of an emergency response. His/her mission is to save lives, protect and secure property public and private, restore systems damaged as the result of the incident and to immediately take steps to recover from its effects. The IC is particularly responsible to ensure that all expenditures of personnel, equipment and funds are carefully documented to thereby better ensure that it shall be properly reimbursed for such costs following the emergency.

## **GENERAL STAFF**

### **Operations Officer**

The Operations Officer is responsible to the Incident Commander for the actions directly related to the mission of saving lives, restoring systems and protecting and securing property public and private.

### **Logistics Officer**

The Logistics Officer is responsible to the Incident Commander for obtaining the materials and supplies necessary for an effective emergency response. This officer is also responsible for life support supplies and equipment for all responders to an incident and for the logistics support of the Emergency Operations Center.

### **Finance & Administration Officer**

The Finance and Administration Officer is responsible to the Incident Commander for accounting for the expenditures of all human and material resources involved in the incident from its onset, through its conclusion. In the event that County employees are used “out of class” to perform emergency work not in their job-descriptions, an accurate accounting of all such activity shall be made a matter of record. A prime duty of the Finance and Administration Officer is to ensure that records of all expenditures to include time-sheets for all County employees who serve as members of the Incident Command System are maintained during the course of an emergency.

**Planning Officer**

The Planning Officer is responsible for developing the 'look ahead' Incident Action Plan for the next Operational Period (shift). This officer shall be responsible for enforcing the requirement that all staff sections keep an accurate set of logs of their actions, orders and records of incidents. The PO acts as the briefing and action documentation officer throughout the course of an incident.

**SPECIAL STAFF****Safety Officer**

The Safety Officer is an essential requirement for an effective Incident Command System. This officer is a member of the Incident Commander's Special Staff. His/her duties are to ensure that the emergency response in all cases, whether in the field or at the Incident Command Staff level, follows the best safety practices. This officer shall ensure that all staff responders receive adequate rest and that all life-support and safety systems and procedures are carefully followed. This officer is responsible to the Incident Commander but may also, when the situation requires it, require that the Incident Commander retire in order to take needed rest.

**Public Information Officer**

The Public Information Officer is responsible to the Incident Commander for keeping the public informed through the use of the several media outlets (Radio, TV and Newspapers). He/she is responsible for making statements concerning the emergency response, answering press enquires, publishing news releases etc. The Public Information Officer shall operate a "Rumor Control Center" from the EOC. All questions from residents, from other agencies that may fit in the category of "unsubstantiated reports" shall be referred to this officer for clarification.

**Liaison Officer**

The Liaison Officer is responsible for coordination with assisting and cooperating agencies. He/she is responsible for gathering concerns of local agencies affected by the incident and communicating those concerns to the Incident Commander or Unified Command. The Liaison Officer must promote the best use of available assisting agency support and resources by providing for smooth communication and information exchange.

<b>Incident Management Stakeholders and Associated Duties and Responsibilities</b>		
<b>Stakeholder</b>	<b>Duties and Responsibilities</b>	
Law enforcement	<ul style="list-style-type: none"> <li>• Secures incident scene</li> <li>• Performs first responder duties</li> <li>• Assists responders in accessing the incident scene</li> <li>• Establishes emergency access routes</li> <li>• Controls arrival and departure of incident responders</li> </ul>	<ul style="list-style-type: none"> <li>• Polices perimeter of incident scene and impact area</li> <li>• Conducts crash investigation</li> <li>• Performs traffic control</li> <li>• Assumes role of Incident Commander, if appropriate</li> <li>• Supports unified command, as necessary</li> </ul>
Fire and rescue	<ul style="list-style-type: none"> <li>• Protects incident scene</li> <li>• Rescues/extricates victims</li> <li>• Extinguishes fires</li> <li>• Responds to and assesses incidents involving a hazardous materials release</li> </ul>	<ul style="list-style-type: none"> <li>• Contains or mitigates a hazardous materials release</li> <li>• Assumes role of Incident Commander, if appropriate</li> <li>• Supports unified command, as necessary</li> </ul>
Emergency medical services (EMS)	<ul style="list-style-type: none"> <li>• Provides medical treatment to those injured at the incident scene</li> <li>• Determines destination and transportation requirements for injured victims</li> </ul>	<ul style="list-style-type: none"> <li>• Transports victims for additional medical treatment</li> <li>• Supports unified command, as necessary</li> </ul>
Emergency Operations Center (EOC)	<ul style="list-style-type: none"> <li>• Coordinates government response and resources</li> <li>• Provides technical expertise</li> <li>• Provides evacuation recommendations</li> <li>• Facilitates communication and coordination across jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinates response from other State and Federal agencies</li> <li>• Assumes role of Incident Commander, if appropriate</li> <li>• Supports unified command, as necessary</li> </ul>
Transit Agency Operations Road Supervisors Dispatchers	<ul style="list-style-type: none"> <li>• Protects incident scene</li> <li>• Provides supporting resources</li> <li>• May perform first responder duties</li> </ul>	<ul style="list-style-type: none"> <li>• Investigates minor incident</li> <li>• Develops alternate route</li> <li>• Assumes role of Incident Commander, if appropriate</li> <li>• Supports unified command, as necessary</li> </ul>

<b>ICS Organizational Elements and Corresponding Leadership Titles</b>	
<b>Organizational Element</b>	<b>Leadership Title</b>
• Incident Command	• Incident Commander or Unified Command
• Command Staff	• Officer
• General Staff (section)	• Chief
• Branch	• Director
• Division / Group	• Supervisor
• Unit*	• Leader
• Strike Team / Task Force	• Leader

<b>Responsibilities of the IC or UC</b>	
<ul style="list-style-type: none"> <li>• Assume and announce Command</li> <li>• Possess clear authority and knowledge of agency policy</li> <li>• Ensure incident safety</li> <li>• Establish an Incident Command Post</li> <li>• Determine incident objectives and strategies to be followed</li> <li>• Establish immediate priorities</li> <li>• Initiate, maintain, and control the communications process within the ICS organization</li> <li>• Analyze intelligence information</li> <li>• Establish the size of ICS organization needed and monitor the effectiveness of that organization</li> <li>• Coordinate multi-jurisdictional traffic management and control operations</li> </ul>	<ul style="list-style-type: none"> <li>• Manage planning meetings as required</li> <li>• Approve, implement, and evaluate the Incident Action Plan</li> <li>• Coordinate activity for all Command and General Staff</li> <li>• Approve requests for additional resources or for the release of resources</li> <li>• Approve the use of volunteer and auxiliary personnel</li> <li>• Authorize the release of information through the Public Information Officer</li> <li>• Order demobilization of the incident when appropriate</li> <li>• Ensure completion of incident after-action reports</li> </ul>

**TERMS USED: Simplified Guide to the Incident Command System for Transportation Professionals**

**Agency Representative:** An individual designated by an assisting agency for the purpose of making authoritative decisions on matters affecting the agency's participation at the incident. Agency Representatives report directly to the Incident Commander or designated Liaison Officer but are not part of the ICS organization.

**Branch:** An organizational level of the Operations Section, below the section level and above the division/group level that facilitates efficient management of multiple operations activities via geographic, functional, or jurisdictional responsibility. Typically branches are established only for very large or complex incidents.

**Chain of Command:** A series of command, control, executive, or management positions in hierarchical order of authority.

**Chief:** Individual assigned to supervise a particular functional area, or section, of an ICS organization.

**Command:** One of five major functional areas of an ICS organization that provides on-scene management and control authority.

**Command Staff:** Personnel assigned to and charged with performing or supporting the duties and responsibilities of the Command function. Command Staff include the Incident Commander or Unified Command as well as the Public Information Officer, Safety Officer, and Liaison Officer designated as necessary to carry out key activities not specifically identified in the functional areas directed by the General Staff.

**Director:** Individual assigned to supervise a particular branch within a section of the ICS organization.

**Division:** An organizational level of the Operations Section that partitions resources on the basis of separation in terrain, geography, or fueling locations. Divisions (or groups) are established when the number of resources exceeds the manageable span of control of the Operations Chief.

**Finance and Administration Section:** One of five major functional areas of an ICS organization that functions to track incident costs (e.g., response, scene management, and removal) and account for reimbursements. Reimbursements may include payment for damage to transportation infrastructure or for personnel and equipment resource time and materials used to complete incident cleanup operations.

**First Responder:** The first responding unit to arrive at an incident scene. This term has traditionally been used to describe public safety emergency responders who have duties related to preservation of life and property. As transportation agencies become more actively involved in traffic incident response and take active roles in Incident Command (as partners in Unified Command), they are becoming accepted as first responders for traffic incidents. For example, service patrols may be first on the scene of an incident and many are trained to provide traffic control to stabilize the scene and to provide emergency first aid. Some service patrols are also permitted limited use of emergency lights and sirens to get to an incident.



**Form ICS 201:** A common form used to document the situation status and response activities on-scene at a highway incident. The form can include a map sketch of the incident, a summary of current actions, a chart of the current ICS organization, and a summary of resources ordered.

**Form ICS 205:** A common form used to document the communications plan for an incident response. The form can include a list of the type(s) of radios in use, the function of each radio channel, the frequency/tone to which the radio is set, and the radio's assignment.

**Form ICS 206:** A common form used to document the medical plan for an incident response. The form can include a description and location of on-scene medical facilities, ambulances, and hospitals and may detail medical emergency procedures.

**General Staff:** Personnel assigned by Command to lead each functional area, or section, of the ICS organization. An individual section leader is known as a chief.

**Group:** An organizational level of the Operations Section that partitions resources based on major operational functions. Groups (or divisions) are established when the number of resources exceeds the manageable span of control of the Operations Chief.

**Incident Action Plan (IAP):** An oral or written plan that describes the overall strategy for managing an incident. An Incident Action Plan may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

**Incident Command Post (ICP):** A vehicle or facility that signifies the location of the tactical-level, on-scene incident command and management organization.

**Incident Command System (ICS):** A systematic tool used for the command, control, and coordination of emergency response. ICS allows agencies to work together using common terminology and operating procedures controlling personnel, facilities, equipment, and communications at a single incident scene. It facilitates a consistent response to any highway incident by employing a common organizational structure that can be expanded and contracted in a logical manner based on the level of required response.

**Incident Commander (IC):** The on-scene ranking officer, representing the agency with incident jurisdiction that performs the Command function. The IC authorizes incident objectives and strategies that collectively delineate a course of action.

**Intelligence Section:** A distinct functional area of an ICS organization that provides analysis and sharing of information and intelligence during an incident. Other potential responsibilities of this functional area include: (1) developing and executing information security and operational security activities, (2) ensuring the secure transfer of sensitive information between intended parties at the incident, and (3) supporting the Public Information Officer's handling of any information- and operational-security matters with the media and public awareness initiatives.

**Leader:** Individual assigned to supervise a particular strike team or task force within the Operations Section or a particular unit within another section of the ICS organization.

**Liaison Officer:** A Command Staff position consisting of a single person who acts as the on-scene contact point for representatives of assisting agencies assigned to the incident. A Liaison Officer may designate one or more assistants from either the same or another assisting agency or jurisdiction.

**Logistics Section:** One of five major functional areas of an ICS organization that functions to provide services and support to the incident response effort in the form of personnel, facilities, and materials. The Logistics Section serves as the support mechanism for the ICS organization.

**Mutual-Aid Agreement:** A written agreement between agencies and/or jurisdictions that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner.

**National Incident Management System (NIMS):** A system mandated by Homeland Security Presidential Directive 5 that provides a consistent nationwide approach for governments, the private-sector, and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

**Open Roads Policy:** An open roads policy is an interagency agreement that serves to inform incident responders of the urgent need to rapidly remove disabled or wrecked vehicles, spilled cargo, and debris that obstruct the normal flow of traffic. It disseminates key guidelines to ensure a cooperative incident removal effort between responding agencies. The policy essentially represents a charter of quick clearance practice, containing the philosophy of the practice in addition to essential decision-making criteria to facilitate the rapid removal of traffic incidents.

**Operations Section:** One of five major functional areas of an ICS organization that performs all incident tactical operations.

**Planning Section:** One of five major functional areas of an ICS organization that functions to maintain resource status and situation status, produce the Incident Action Plan, and provide technical specialists. A central function of the Planning Section involves the collection and evaluation of operational information about the incident, including the current and forecasted situation and the status of assigned resources.

**Preparedness:** The range of deliberate, critical tasks and activities necessary to build, sustain, and improve the operational capability to prevent, protect against, respond to, and recover from domestic incidents.

**Preparedness Organization:** A committee of highway incident stakeholders that coordinates preparedness activities in advance of highway incidents. Common responsibilities of a preparedness organization may include establishing integrated guidelines, procedures, and protocols to promote interoperability, adopting response priorities, and developing coordinated plans that efficiently use all resources available to the organization.

**Public Information Officer:** A Command Staff position consisting of a single person who has responsibility for all interaction between Command and the media and who coordinates the release of information on the incident situation and response efforts from Command to the media. A Public Information Officer may designate one or more assistants from either the same or another assisting agency or jurisdiction.

**Resource:** A personnel crew or equipment assigned to perform a specific tactical operation at an incident. Resources can be organized into task forces or strike teams.

**Resource Management:** The application of tools, processes, and systems for identifying available resources at all jurisdictional levels to enable the timely and unimpeded access to resources during an incident. The objective of resource management is to optimize resource use while maintaining cost-effectiveness and resource safety consolidate control of single resources in order to reduce communications activity and instill resource accountability in part to reduce responder freelancing.

**Safety Officer:** A Command Staff position consisting of a single person who has responsibility for monitoring on-scene safety conditions and developing measures to ensure the safety of all assigned personnel. A Safety Officer may designate one or more assistants from either the same or another assisting agency or jurisdiction.

**Section:** The organizational level having responsibility for a major functional area of incident management, e.g., Operations, Planning, Logistics, Finance/Administration, and Intelligence (if established).

**Single Command:** One of two methods of performing the Command function that involves a single incident commander. Single Command is used when a highway incident does not overlap jurisdictional boundaries nor require response by several agencies having functional responsibility at the incident.

**Span of Control:** The maximum number of individuals that one supervisor can manage effectively. NIMS ICS guidelines specify span-of-control should range from 3 to 7, with 5 representing the normal level.

**Staging Area:** Location established to enable positioning of and accounting for resources not immediately assigned. A staging area may include temporary feeding, fueling, and sanitation services as necessary.

**Strike Team:** An organizational level of the Operations Section, below the division/group level, that contains multiple single resources of the same kind (function) and type (performance capability).

**Supervisor:** Individual assigned to supervise a particular division or group within the Operations Section.

**Task Force:** An organizational level of the Operations Section, below the division/group level, that contains a combination of single resources temporarily assembled for executing a specific operations mission.

**Traffic Management Plan:** A plan established to clearly direct and control the flow of traffic that has been interrupted with minimal disturbance to normal flow. The plan determines the placement of barricades, warning lights, or signs for the duration of the highway incident impeding normal traffic flow.

**Typing:** Assigning a common name and function/capability “type,” per the NIMS national typing protocol, to specific resources for the purpose of inventory and management in order to promote interoperability and integration of tactical operations.

**Unified Command (UC):** One of two methods of performing the Command function that employs multiple ranking personnel. UC is used when a highway incident affects multiple political or legal jurisdictions and/or involves several responding agencies with contrasting functional responsibilities and missions.

**Unity of Command:** The concept by which each person within an organization reports to one and only one designated person.

## Appendix O – Acronyms and Glossary of Terms Used in this SSEPP

### I

### Acronyms

<b>APTA</b>	American Public Transportation Association
<b>CBRN</b>	Chemical, Biological, Radiological, Nuclear
<b>DOD</b>	Department of Defense
<b>EOC</b>	Emergency Operations Center
<b>EOP</b>	Emergency Operating Procedures
<b>FBI</b>	Federal Bureau of Investigation
<b>FEMA</b>	Federal Emergency Management Agency
<b>FTA</b>	Federal Transit Administration
<b>ICS</b>	Incident Command Systems
<b>IED</b>	Improvised Explosive Device
<b>ISTEA</b>	Inter-modal Surface Transportation Efficiency Act
<b>NCMPD</b>	Nassau County Metropolitan Police Department
<b>NIMS</b>	National Incident Management System
<b>NTI</b>	National Transit Institute
<b>OSHA</b>	Occupational Safety and Health Administration
<b>PPE</b>	Personal Protective Equipment
<b>SSEPP</b>	System Security and Emergency Preparedness Plan
<b>SWAT</b>	Special Weapons Assault Team
<b>TSA</b>	Transportation Security Administration
<b>TSI</b>	Transportation Safety Institute
<b>TVA</b>	Threat and Vulnerability Assessment

## II Glossary of Terms

Crime	Combination of three factors: <ol style="list-style-type: none"> <li>1. The desire of a perpetrator to commit the crime.</li> <li>2. The perpetrator's ability to carry out the desire.</li> <li>3. The opportunity presented by the victim</li> </ol>
Emergency:	A situation which is life threatening to passengers, employees, or other interested citizens or which causes damage to any transit vehicle or facility or results in the significant theft of services and reduces the ability of the system to fulfill its mission.
Fatality:	A transit-caused death that occurs within 30 days of the transit incident.
Injury:	Any physical damage or harm to a person that requires immediate medical attention and hospitalization.
Procedures	Established and documented methods to perform a series of tasks.
Risk	Probability that a security incident will occur.
Safety:	Freedom from danger.
Security:	Freedom from intentional danger
Security Breach:	An unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.
Security Incident:	An unforeseen event or occurrence that does not necessarily result in death, injury, or significant property damage but may result in minor loss of revenue.
Security Threat:	Any source that may result in a security breach, such as vandal or disgruntled employee; or an activity, such as an assault, intrusion, fire, etc.
System:	A composite of people (employees, passengers, others), property (facilities and equipment), environment (physical, social, institutional), and procedures (standard operating, emergency operating, and training) which are integrated to perform a specific operational function in a specific environment.
System Security:	The application of operating, technical, and management techniques and principles to the security aspects of a system throughout its life to

	reduce threats and vulnerabilities to the most practical level through the most effective use of available resources.
System Security Management:	An element of management that defines the system security requirements and ensures the planning, implementation, and accomplishments of system security tasks and activities.
System Security Plan:	The combined tasks and activities of system security management and satisfying the security requirements in a timely and cost-effective manner through all phases of a system life cycle.
Terrorism:	The unlawful use of force against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in the furtherance of political or social objectives.
Threat:	Any real or potential condition that can cause injury or death to passengers or employees or damage to or loss of transit equipment, property, and/or facilities.
Threat Analysis:	A systematic analysis of a system operation performed to identify threats and make recommendations for their elimination or mitigation during all revenue and non revenue operation.
Threat Index	A quantitative measure interfacing the numerical probability of a threat with the severity of the threat.
Threat Probability:	The probability a threat will occur during the plan's life. Threat probability may be expressed in quantitative or qualitative terms. An frequent, (b) probable, (c) occasional, (d) remote, (e) improbable, and (f) impossible.
Threat Resolution:	The analysis and subsequent action taken to reduce the risks associated with an identified threat to the lowest practical level.
Threat Severity:	A qualitative measure of the worst possible consequences of a specific threat: <ul style="list-style-type: none"> <li>• <b>Category 1 - Catastrophic.</b> May cause death or loss of a significant component of the transit system, or significant financial loss.</li> <li>• <b>Category 2 - Critical.</b> May cause severe injury, severe illness, major transit system damage, or major financial loss.</li> </ul>

- **Category 3 - Marginal.**  
May cause minor injury or transit system damage, or financial loss.
- **Category 4 - Negligible.**  
Will not result in injury, system damage, or financial loss.

Threat and Vulnerability  
Analysis:

The comprehensive study of a system to identify threats and vulnerabilities and to make recommendations for their elimination or control during all life cycle phases.

Unsafe Condition:  
Or Act

Any condition or act that endangers life or property.


Vulnerability:

Characteristics of passengers, employees, vehicles, and/or facilities that increase the probability of a security breach.



**Appendix P US Department of Homeland Security/ Transportation Security Administration (TSA) and US Department of Transportation (USDOT)/Federal Transit Administration NTAS Alert.**

**Alert Announcement Example:**

		National Terrorism Advisory System <h1>Alert</h1>	DATE & TIME ISSUED: XXXX
<h3>SUMMARY</h3> <p>The Secretary of Homeland Security informs the public and relevant government and private sector partners about a potential or actual threat with this alert, indicating whether there is an "imminent" or "elevated" threat.</p>		<h3>DURATION</h3> <p>An individual threat alert is issued for a specific time period and then automatically expires. It may be extended if new information becomes available or the threat evolves.</p>	
<h3>DETAILS</h3> <ul style="list-style-type: none"> <li>• This section provides more detail about the threat and what the public and sectors need to know.</li> <li>• It may include specific information, if available, about the nature and credibility of the threat, including the critical infrastructure sector(s) or location(s) that may be affected.</li> <li>• It includes as much information as can be released publicly about actions being taken or planned by authorities to ensure public safety, such as increased protective actions and what the public may expect to see.</li> </ul>		<h3>AFFECTED AREAS</h3> <ul style="list-style-type: none"> <li>• This section includes visual depictions (such as maps or other graphics) showing the affected location(s), sector(s), or other illustrative detail about the threat itself.</li> </ul>	
<h3>HOW YOU CAN HELP</h3> <ul style="list-style-type: none"> <li>• This section provides information on ways the public can help authorities (e.g. camera phone pictures taken at the site of an explosion), and reinforces the importance of reporting suspicious activity.</li> <li>• It may ask the public or certain sectors to be alert for a particular item, situation, person, activity or developing trend.</li> </ul>	<h3>STAY PREPARED</h3> <ul style="list-style-type: none"> <li>• This section emphasizes the importance of the public planning and preparing for emergencies before they happen, including specific steps individuals, families and businesses can take to ready themselves and their communities.</li> <li>• It provides additional preparedness information that may be relevant based on this threat.</li> </ul>	<h3>STAY INFORMED</h3> <ul style="list-style-type: none"> <li>• This section notifies the public about where to get more information.</li> <li>• It encourages citizens to stay informed about updates from local public safety and community leaders.</li> <li>• It includes a link to the DHS NTAS website  <a href="http://www.dhs.gov/alerts">http://www.dhs.gov/alerts</a> and  <a href="http://twitter.com/NTASAlerts">http://twitter.com/NTASAlerts</a> </li> </ul>	
<p><b>If You See Something, Say Something™. Report suspicious activity to local law enforcement or call 911.</b></p>			
<p><small>The National Terrorism Advisory System provides Americans with alert information on homeland security threats. It is distributed by the Department of Homeland Security. More information is available at <a href="http://www.dhs.gov/alerts">www.dhs.gov/alerts</a>. To receive mobile updates: <a href="http://www.twitter.com/NTASAlerts">www.twitter.com/NTASAlerts</a>        If You See Something Say Something™ used with permission of the NY Metropolitan Transportation Authority.</small></p>			



**KEOLIS TRANSIT AMERICA  
Substance Abuse Policy  
(Zero Tolerance)  
Foothill Transit  
POMONA, CA**

## General Manager Statement

Keolis NA dedicated to providing safe, dependable, and economical transportation services to its patrons. Keolis NA employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

This Substance Abuse Policy implements a drug and alcohol testing program for all safety-sensitive employees. Each employee shall be provided a signed copy of the adopted policy. *Policy items implemented under the authority of Keolis NA are italicized throughout this policy.* All other policy items are implemented under the authority of the US DOT and/or the Federal Transit Administration.

*Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

This policy is approved by Keolis NA Board of Directors and is effective on 1/1/2015.

Name: Steve Shaw  
Title: President and CEO, Keolis Transit America



Signature:

Date: January 1, 2015

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## 1. **Background**

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse. 49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine drug testing and breath alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

In addition, the U.S. Department of Transportation (DOT) has issued 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" to provide uniform procedures and standards for conducting drug and alcohol testing programs. The drug and alcohol testing program of Keolis NA will be conducted in accordance with 49 CFR Parts 40 and 655, as amended. Employees may request copies of the applicable regulations by contacting Keolis NA designated employer representative listed in Section 25 of this policy.

## 2. **Purpose**

This policy is established to comply with FTA drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with and incorporate 49 CFR Part 32, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

## 3. **Covered Employees**

This policy applies to all safety-sensitive transit system employees as identified and described herein. Paid part-time employees and contractors, when performing safety-sensitive duties, are also covered by this policy when performing any Keolis NA related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Additionally, this policy applies to volunteers who perform safety sensitive duties who are required to hold a Commercial Driver's License, or who receive remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity. This written policy shall be distributed to all employees and applicable volunteers in safety-sensitive positions. Adherence to this policy and its provisions are a condition of employment in a safety sensitive position; per 49 CFR Part 655.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service
2. Operate a non-revenue service vehicle when such is required to be operated by a holder

- of a commercial driver's license
- 3. Control the movement/dispatch of a revenue service vehicle
- 4. Perform maintenance on a revenue service vehicle or equipment used in revenue service
- 5. Carry a firearm for security purposes
- 6. May perform any of the above safety sensitive functions in a supervisory or training role.

This policy is applicable to the following positions within Keolis NA

- *Mechanics*
- *Drivers*
- *Road Supervisors*
- *Dispatchers*

#### **4. Prohibited Substances**

In accordance with US DOT 49 CFR Parts 655 and 40, the following are prohibited substances:

- Cocaine
- Opiates (e.g., heroin, codeine)
- Phencyclidine (PCP)
- Cannabinoids (Marijuana)
- Amphetamines (includes methamphetamine and MDMA- Ecstasy)
- Alcohol Misuse as defined in Section 23, below.

#### **5. Prescription and Over the Counter Medications**

The appropriate use of legally prescribed drugs and non-prescription medications are not prohibited. A legally prescribed drug means a prescription or other written approval from a physician for the use of a drug by an individual in the course of medical treatment. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, before performing safety sensitive duties.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs.

*Keolis NA strongly encourages employees to inform their prescribing physician of the safety-sensitive job functions that they perform, in order to ensure that appropriate medications are prescribed.*

#### **6. Employee Protections**

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process and the confidentiality of the test results.

All urine drug testing and breath alcohol testing will be conducted in accordance with

applicable with 49 CFR Part 40, as amended. All urine specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS).

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT.

1. Except as required by law or expressly authorized in this section, Keolis NA shall not release employee information that is contained in records maintained per 49 CFR Part 655.73.
2. An employee may, upon written request, obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. Keolis NA shall release information regarding an employee's records as directed, by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.
4. Records pertaining to a Substance Abuse Professional's evaluation, treatment and follow up testing results shall be made available to a subsequent DOT employer upon receipt of written consent from an employee.

#### **7. Employee Responsibility to Notify Keolis NA of Criminal Drug Conviction**

It is a violation of this policy for any employee to fail to immediately notify Keolis NA of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. Violating employee shall be immediately removed from safety sensitive duties.

*Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

#### **8. Employee Training**

Safety-sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and 60 minutes on the physical, behavioral and performance indicators of probable alcohol use.

**9. Pre-employment Drug and Alcohol Background Checks**

In compliance with 49 CFR Part 40.25, Keolis NA must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. Keolis NA will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to Keolis NA. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for Keolis NA

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional's evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

**10. Pre-Employment Testing**

All safety-sensitive position applicants shall undergo a urine drug test prior to placement in a safety sensitive position. Keolis NA must be in receipt of a negative urine drug test result prior to the applicant's performance of any safety sensitive function. A cancelled test result will require an applicant to undergo a subsequent pre-employment urine drug test, until a negative test result can be obtained.

*If an applicant's pre-employment urine drug test result is verified as **positive**, the applicant will be excluded from consideration for employment per Keolis NA authority. Applicant will be provided a referral to a Substance Abuse Professional meeting the required qualifications per 49 CFR Part 40.281, as amended.*

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was removed from the random testing selection pool, will be subject to a pre-employment urine drug test. Keolis NA must be in receipt of a negative drug test result prior to the employee being reinstated to safety sensitive duty.

**11. Random Testing**

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing and the minimum annual percentage rate for random controlled substances testing shall be in accordance with 49 CFR



Part 655, as amended. The percentages of testing shall be based on the average number of safety-sensitive employees per calendar year.

The administering of random testing shall be spread reasonably throughout the calendar year and throughout all times of day when safety-sensitive functions are performed. Each covered employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the testing site.

Random alcohol testing shall be conducted on a safety sensitive employee during, just before or just after the performance of a safety-sensitive function.

Random urine drug testing may be conducted anytime while an employee is on duty or on call, or on standby duty.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

## 12. Reasonable Suspicion Testing

All safety-sensitive employees are subject to reasonable suspicion urine drug testing and/or breathe alcohol testing. Reasonable suspicion testing is required when one or more trained company officials can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, and speech or body odors of the employee. Reasonable suspicion testing for alcohol misuse can only be made when observations leading to that testing occur during, just preceding, or just after the period of the workday that the employee is required to be in compliance with FTA regulations. Reasonable suspicion testing for prohibited drugs may be conducted anytime an employee is on duty.

## 13. Post-Accident Testing

**Fatal Accident:** A safety-sensitive employee shall be required to undergo urine drug and breath alcohol testing following an accident involving a revenue service vehicle that results in a fatality (regardless of whether or not the vehicle is in revenue service at the time of the event). Any other employee(s), i.e., maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested. As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and alcohol testing.

**Non-Fatal Accident:** A post-accident test shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, *and/or* if one or more vehicles incurs disabling damage that requires towing from a site; unless Keolis NA determines, using

the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety sensitive employee whose performance could have contributed to the accident shall be tested. The decision regarding whether or not the employee's performance could have contributed to the accident will be the sole discretion of Keolis NA using the best information available at the time of the decision.

Following an accident, the employee must be "readily available" for testing. Post accident tests will be conducted as soon as possible, all reasonable efforts shall be made to test the safety sensitive employee(s) within (2) two hours of the accident, but not after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, Keolis NA shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered and efforts to conduct testing shall cease.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee, who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing, shall be considered to have refused the test.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond Keolis NA control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by Keolis NA. (Per 49 CFR Part 655.44)

#### **14. Refusal to Submit to Urine Drug Testing**

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as described in sections 10-13. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have "refused testing". Refusal to submit to DOT required testing is a violation of this substance abuse policy.

*Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

The following actions constitute a “refusal to test” in accordance with 49 CFR Part 40, as amended:

- (1) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer (pre-employment testing not applicable).
- (2) Failure to remain at the testing site until the testing process is completed (after the process has been started)
- (3) Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen
- (5) Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Failure or decline to take an additional drug test the employer or collector has directed you to take
- (7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by Keolis NA
- (8) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) For an observed collection, failure to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (10) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admitting to the collector or MRO that you adulterated or substituted the specimen.
- (12) When the MRO verifies your drug test result as adulterated or substituted.

Refusals to test will result in employee’s immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

## **15. Observed Urine Drug Collections**

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer must witness the employee’s urine leave the body and enter the collection cup. The collector/observer must be the same gender as the employee being observed.

Observed collections are required in the following circumstances:

- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- Anytime a follow up or return to duty test is required (test types not applicable to Keolis NA policy)

#### 16. Specimen Analysis

All specimens will be analyzed in accordance with the procedures set forth in 49 CFR Part 40, as amended. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### 17. Dilute Test Results

Upon receipt of MRO verified **negative-dilute** drug test results with creatinine levels greater than 5 mg/dl and less than 20 mg/dl, Keolis NA will exercise the option to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The collection of the second specimen will not be conducted under direct observation. The result of the second urine drug test will be accepted as the final result.

*Keolis NA will exercise this option uniformly for all pre-employment and random tests that produce a negative-dilute test result with creatinine levels greater than 5mg/dl but less than 20mg/dl.*

Upon receipt of a **positive-dilute** urine drug test result, Keolis NA will immediately remove the employee from safety sensitive duty and provide the employee with a referral to a DOT qualified Substance Abuse Professional. A positive dilute result is always deemed as a final positive result. *Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

### **18. Medical Review Officer's Role and Responsibilities**

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders. Keolis NA shall use the following Medical Review Officer:

Name of MRO: Dr. Natalie Hartenbaum - FirstLab  
 Address: 100 Highpoint Drive, Suite 102, Chalfont, PA 18914  
 Phone Number: 215-396-5500  
 Fax Number: 215-396-5610

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

### **19. Verified Positive Results**

MRO verified positive urine drug tests will result in immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O, will be provided to employee.

*Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

### **20. Cancelled/Invalid Test Results**

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by

the MRO as a cancelled test.

When a negative urine drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

## **21. Split Specimen Testing**

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different DHHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Canceled". The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a re-collection under direct observation is required. Direct observation collection procedures will be in accordance with 49 CFR Part 40 as amended.

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

### **Payment of Split Specimen Testing:**

When an employee has made a request to the MRO for a test of the split specimen, Keolis NA is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. *Keolis NA will seek reimbursement from the employee for the cost of the completed test, if the results reconfirm the original positive finding.*

## **22. Alcohol**

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 655 authorizes alcohol testing and requires Keolis NA to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

## **23. Alcohol Use and Breath Alcohol Testing**

No safety-sensitive employee shall report for duty or remain on duty requiring the

performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be under the influence of alcohol while performing safety sensitive functions, the employee shall not be permitted to perform or continue to perform safety-sensitive functions, pending a reasonable suspicion interview, conducted per Section 12. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

A Breath Alcohol Technician (BAT) qualified to conduct DOT breath alcohol testing shall conduct all DOT required alcohol screening tests.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to Keolis NA in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Keolis NA affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Handling of tests and confidentially shall be in conformance with 49 CFR Part 40, and as described below:

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee testing positive for alcohol will be immediately removed from safety sensitive duty and will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

*Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

## **24. Refusal to Submit to Alcohol Testing**

The following actions constitute a refusal to submit to Alcohol Testing:

(1) Fail to appear for any test within a reasonable time, as determined by the employer,

consistent with applicable DOT agency regulations, after being directed to do so by the employer.

- (2) Fail to remain at the testing site until the testing process is complete
- (3) Fail to provide an adequate amount of saliva or breathe for any alcohol test required by this part or DOT agency regulations
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (5) Fail to undergo a medical examination or evaluation, as directed by the [Agency]
- (6) Fail to sign the certification at Step 2 of the ATF
- (7) Fail to cooperate with any part of the testing process.

A referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided. *Per Keolis NA authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

## 25. System Contacts

### **Local Drug and Alcohol Program Manager or Designated Employer Representative**

Name: Richard McKinney  
 Address: 200 S East End Ave Pomona, CA 91766  
 Phone: 626-426-1040  
 E-mail: richard.mckiney@keolisna.com

### **Alternate DER**

Name: Dianna Ortegon  
 Address: 200 S East End Ave Pomona, CA 91766  
 Phone: (626) 394-7980  
 E-mail: diana.ortega@keolisna.com

### **Keolis Corporate Drug and Alcohol Program Administrator**

Reginald C. Reese – Vice President, Safety and Risk Management  
 6053 W. Century Blvd, 9<sup>th</sup> Floor  
 Los Angeles, CA 90045  
 (424) 645-9548  
 E-Mail: reginald.reese@keolisna.com

### **Substance Abuse Professional**

Name: SAP Referral Services (SRS)  
 Address: 8441 Belair Road Suite 204 Nottingham, MD 21236  
 Phone: 1-888-720-7277



**Employee Assistance Program (Substance Abuse Professional Assignment)**

Managed Health Network

PO Box 10697

San Rafael, CA 94912

1-800-535-4985

[www.members.mhn.com](http://www.members.mhn.com)

**Third Party Drug and Alcohol Program Administrator**

FirstLab

Highpoint Business Campus

100 Highpoint Drive Suite 102

Chalfont, PA 18914

**Phone:** 215-396-5500 ~ 800-732-3784

**Secure Fax:** 215-396-5495

**National Hot-Line Numbers and Help Lines:**

1-800-COCAINE

The American Council on Alcoholism Help Line

1-800-527-5344

The National Institute on Drug Abuse Hot Line

1-800-662 HELP

Alcoholics Anonymous 212-686-1100

A copy of the referenced regulations (49 CFR Parts 40 and Part 655); are available on the CUTR Substance Abuse Management Resource Website: [sam.cutr.usf.edu](http://sam.cutr.usf.edu)

Please sign the Acknowledgement of Receipt of this Policy (attached) and return to your supervisor or Designated Employer Representative.



Employee Acknowledgement of Receipt  
Of Keolis NA Substance Abuse Policy

I have received a legible copy of Keolis NA Substance Abuse Policy. I understand that my employment with Keolis NA is conditioned upon full adherence to this policy.

**Employee Name:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**FOOTHILL TRANSIT  
ARCADIA**

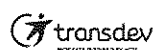
**ZERO TOLERANCE DRUG AND ALCOHOL POLICY  
FOR EMPLOYEES IN SAFETY-SENSITIVE JOB  
FUNCTIONS**

**Summary:** This is a zero tolerance policy covering this transit system and is applicable to all Transdev North America, Inc., employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions. This program was initially installed by this corporation January 1, 1995.

The Drug and Alcohol Program Manager/Designated Employer Representative for this location is (Jamie Ogilvie, Safety, Training & Security Manager):

Date this revision of the Transdev North America, Inc., Drug and Alcohol Policy was installed at this location: January 2019

- Revision # 1: January 2007
- Revision # 2: June 2007
- Revision # 3: September 2008
- Revision # 4: May 2010
- Revision # 5: March 2012
- Revision # 6: September 2014
- Revision # 7: April 2015
- Revision # 8: January 2016
- Revision # 9: January 2018



Revision # 10: December 2018

## I. INTRODUCTION

TRANSDEV is dedicated to providing safe, dependable transportation services to our passengers. We are also dedicated to providing a safe, drug and alcohol-free workplace for our employees.

Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) in 49 CFR Part 40, and Part 655, as amended.

This program became effective on January 1, 1995.

## II. POLICY ADOPTION

The TRANSDEV Board of Directors has adopted this policy.

Note: Additional requirements and/or disciplinary actions established under Transdev's own authority are entered in *ITALICS*.

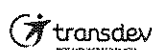
## III. EMPLOYEE CATEGORIES SUBJECT TO TESTING

Employees subject to the provisions of the anti-drug and alcohol misuse prevention program are all safety-sensitive classifications. Safety sensitive function means any of the following duties, when performed by employees of TRANSDEV or its contractors or sub-contractors:

1. Operating a revenue service vehicle, including when not in service;
2. Operating a non-revenue service vehicle, when required to be operated by a CDL holder;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes.
6. Volunteers this location **Does Not** use volunteer services

A list of the job titles specifically considered to be safety sensitive is contained in Appendix A.

Supervisors are subject to the provisions **only** if they perform or may be called upon to perform a safety-sensitive function.



Participation in the drug and alcohol testing program and submission to drug and alcohol testing administered in accordance with part 655 is a requirement of each safety sensitive employee, and therefore, is a condition of employment.

#### IV. PROHIBITED BEHAVIOR

The DOT prohibited drugs – marijuana, cocaine, opioids, amphetamines / methamphetamines, PCP and MDMA (Ecstasy) are always illegal and employees are prohibited from consuming any of them at any time.

The “opioids” category will continue to test for codeine, morphine, and heroin; however, the “opioid” testing panel will be expanded to include four (4) semi-synthetic opioids:

1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone, and (4) Oxymorphone.
2. Common brand names for these semi-synthetic opioids include, but may not be limited to: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

*In addition, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited at any time. Use of prescription drugs which may impair job performance or mental or motor function by an employee or any other person to whom this Policy applies while on company premises or in the course of conducting company business, including while subject to being on-call in a paid status, at lunch or on breaks, is strictly prohibited. Employees covered by this policy can be tested for prohibited drugs anytime while on duty.*

Safety sensitive employees may not use alcohol from any source while on duty, within four (4) hours prior to performing safety-sensitive duty, while subject to being on-call in a paid status, or within eight (8) hours following an accident requiring an alcohol test, unless the test was completed within eight hours. *The possession or use of alcohol on company premises or while in the course of conducting company business is strictly prohibited.*

*Transdev North America, Inc. strongly encourages employees to abstain from alcohol consumption for at least 8 hours prior to performing safety sensitive duties.*

Alcohol tests may only be conducted just before, during, or just after an employee’s performance of a safety-sensitive function. Covered employees are prohibited from performing or continuing to perform a safety-sensitive function while having an alcohol concentration of 0.04 or greater.



## **V. NOTICE OF CONVICTIONS**

*It is the policy of TRANSDEV that employees notify the company within 5 days of any criminal drug statute conviction for a felony or misdemeanor violation occurring in the workplace. Within 30 days, TRANSDEV will make a determination of action based upon the incident. Employees convicted of drug offenses will be subject to discipline up to and including termination.*

## **VI. EMPLOYEE SELF-REFERRAL INTO A SUBSTANCE ABUSE TREATMENT PROGRAM**

*It is Transdev's policy that a safety sensitive employee may refer himself or herself, prior to being notified of or otherwise subject to an upcoming substance abuse test, into a substance abuse program, by reporting his or her substance abuse problem to the Employee Assistance Program (EAP), Substance Abuse Counselor, their immediate supervisor, or department manager. The Substance Abuse Program Administrator will make a referral to a substance abuse counselor and place the employee on unpaid Administrative Suspension. Once notice has been received from the substance abuse counselor that the employee is ready to return to duty and has been compliant with the prescribed treatment plan, the employee will be required to take a Non-DOT Return to Duty test and be subject to Non-DOT Follow-Up testing as directed by the substance abuse counselor.*

*In the instance of a self-referral, the employee will be subject to non-USDOT return-to-duty and follow-up testing modeled using the process described in 49 CFR Part 40. However, all non-USDOT return-to-duty and non-USDOT follow-up tests and all paperwork associated does not constitute a violation of the Federal regulations and will be conducted under the sole authority of Transdev on non-USDOT testing forms.*

## **VII. CIRCUMSTANCES FOR TESTING**

Any testing in addition to the FTA-required test(s) will be conducted under Company authority using non-Federal forms. The non-DOT test will be secondary and will require a urine void or breath sample that is totally separate from the FTA test. Policy mandates that employees selected for drug and /or alcohol testing be provided a notification form which documents the referral to testing. The form should specify the type of test required, the date and time the employee was notified, time the employee arrived at the collection site and authority mandating the test. The completed form should be returned to Transdev upon completion of the test, and filed for reference. (Formatted notification forms



can be found in the Transdev North America, Inc., Safety Policies and Procedures Manual.

DOT tests must be completely separate from Non-DOT tests in all respects.

#### **A. Pre-Employment**

Following a conditional offer of employment, applicants for all safety-sensitive positions will undergo urine drug testing as a condition of employment. Applicants will be notified of the testing requirement during the application process.

A verified negative drug test result is required prior to performing any safety-sensitive functions and is a condition of employment. If the test is cancelled, the applicant must re-take the test and receive a verified negative test result prior to performing any safety-sensitive function. In the event that a pre-employment test is determined by the MRO to be a verified "negative dilute" result, the applicant is required by Transdev to re-test, and receive (the equivalent of) a verified negative test result before performing any safety sensitive function. Depending on the level of creatinine reported by the lab, the MRO may order a re-test to be conducted under direct observation. The results of the second test will be considered the test result of record. Contact your TPA or the corporate Drug and Alcohol Program Manager if there are questions.

Applicants will be asked whether he/she has ever been refused employment because of a positive DOT pre-employment drug or alcohol test. Applicants will be required to provide the name and complete contact information for all DOT covered employers for the previous two years. Applicants are required to provide a consent statement permitting the previous DOT covered employers to release drug and alcohol test results to TRANSDEV. Applicants who have previously failed a drug or alcohol test will not be considered for employment until he/she provides proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 655.62, subpart G.

Current employees transferring into safety-sensitive positions will not be allowed to perform safety sensitive duties until the employee undergoes a pre-employment drug test with a verified negative result. Additionally, any current employee returning to a safety sensitive position after not performing said safety-sensitive functions for a period of 90 days or more, regardless of the reason, and who has been out of the random pool during this time, must undergo a pre-employment drug test with a verified negative result before performing safety sensitive duties.



## **B. Reasonable Suspicion**

A safety-sensitive employee shall be required to submit to a FTA reasonable suspicion drug and/or alcohol test when a supervisor or company official suspects the employee has used a prohibited drug or misused alcohol. The testing referral will be made by a trained supervisor or company official based upon specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odor of the employee. A reasonable suspicion test for drugs can be conducted anytime a covered employee is on duty. A reasonable suspicion alcohol test is authorized only if observations are made during, just preceding, or just after the performance of safety-sensitive functions.

*It is Transdev's policy that in any Reasonable Suspicion circumstance, the supervisor will transport the employee to an appropriate collection site facility and await the completion of the collection procedure. The Supervisor will then transport the employee back to TRANSDEV premises, where a spouse, family member, or other individual will be contacted to transport the employee to his/her home. In the event no such individual is available, TRANSDEV will transport the employee to his/her home. If the employee refuses to agree to be transported and attempts to operate his/her own vehicle, TRANSDEV will make appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee, failing to cooperate with the procedures described above, will be subject to disciplinary action up to and including termination of employment.*

*It is the policy of TRANSDEV that any employee required to submit to a reasonable suspicion test may not perform safety sensitive duties pending the outcome of the drug and/or alcohol test. The employee will be placed on an Administrative Suspension pending the results of the drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.*

*If the employee tests negative, he or she may return to work in their position and will be reimbursed for any regularly assigned work lost.*

## **C. Post-Accident (FTA)**

All safety-sensitive employees will be required to undergo FTA post-accident drug and alcohol tests if they are involved in an accident with a Public Transportation vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive





employees that operated the vehicle and any other whose performance could have contributed to the accident.

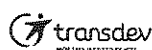
In addition, if the public transportation vehicle is a bus, electric bus, van or automobile (in the capacity of a Commercial Motor Vehicle) the driver (whether employee or contractor) will be required to undergo FTA post-accident drug and alcohol tests if an accident results in bodily injury and an individual immediately receives medical treatment away from the scene of the accident, or one or more of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo FTA post-accident drug and alcohol tests.

*If the vehicle is a van or automobile (not in the capacity of a Commercial Motor Vehicle-not transporting passengers in revenue service) the driver (whether employee or contractor) will be required to undergo a Non-DOT post-accident drug and alcohol tests if an accident results in injuries requiring immediate transportation to a medical treatment facility, or one or more of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo a Non-DOT post-accident drug and alcohol tests.*

Post-accident alcohol tests will be conducted as soon as possible following the accident. If the post-accident alcohol test is not completed within two hours of the accident, the company will file a report as to the reason why. If the post-accident alcohol test is not completed within eight hours of the accident, the company will cease attempts to obtain a specimen and update the two-hour report as to why. Post-accident drug tests will be conducted as soon as possible, but no longer than 32 hours following the accident. If the company is unable to conduct the drug test within 32 hours, it will document the reason for the inability to test.

If TRANSDEV is unable to perform post-accident tests within the required period of compliance, TRANSDEV will use the test results administered by Federal, State or local law enforcement personnel under its own authority, provided the results are obtained by TRANSDEV in conformance with the law.

Any covered employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the company of his or her location if he or she leaves the scene of the accident prior to submission to such



test, will be deemed by the company to have refused to submit to the post-accident testing.

Accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety sensitive employee who leaves the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test.

*It is Transdev's policy that an employee may be placed on an Administrative Suspension at the discretion of the Company pending the results of post-accident drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.*

#### **D. Random**

Employees in safety sensitive positions will be subjected to random, unannounced and unpredictable testing for drugs and alcohol. TRANSDEV's Third Party Administrator (TPA) will select employees for random drug and alcohol tests that will meet the minimum requirements in accordance to the current FTA regulation. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee has an equal chance of selection each time selections are made. Management does not have any discretion as to who will be selected. The random tests will be unannounced and spread throughout the year, all days of the week, and all hours when safety sensitive functions are performed. Random drug tests may occur at any time the employee is on duty. Random alcohol tests may only occur just before, during, or just after the employee performs safety-sensitive work. Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **Random Testing – End of Shift**

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care



commitment, for the period immediately following an employee's shift, must be provided at least 72 hours before the end of the shift.

#### **E. Return to Duty and Follow-Up Testing**

In general, TRANSDEV has a "zero tolerance" policy. However, in the event that an employee who has previously violated the policy is allowed to return to work for any reason, he or she will be required to complete the return-to-duty process. This includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative return-to-duty drug test and/or alcohol test under 0.02.

In addition, upon return to work, the employee will be subject to follow-up testing for drugs and/or alcohol for a minimum period of 12 months to a maximum of five years. The minimum number of tests during the first 12 months is six. Although they are both unannounced, follow-up testing is apart and separate from random testing. The duration and frequency of testing will be designated by the SAP, but the actual follow-up testing dates will be decided by the employee's manager or supervisor. Effective August 25, 2008: Follow-up and Return-to-Duty drug tests must be conducted using direct observation procedures. (Authority: Final Ruling United States Court of Appeals *FOR THE DISTRICT OF COLUMBIA CIRCUIT* Argued March 26, 2009 Decided May 15, 2009, No. 08-1264)

*Under TRANSDEV authority, the requirements for return-to-duty and follow-up testing will apply to any employee who completes a self-referred substance abuse program. (Return to Duty and Follow Up testing conducted under Transdev North America, Inc., authority will be conducted using a non-DOT chain of custody form Contact your Corporate Drug and Alcohol Program Manager if there are questions.)*

#### **F. Post Industrial Accident/Employee Injury (TRANSDEV Policy)**

*In addition to the FTA post-accident testing requirements, local operating policy may require post-accident drug and alcohol tests under the following circumstances:*

##### Work-Related Injury/Illness

*A post-injury Non-DOT drug and alcohol test is required following any work-related injury requiring medical treatment by a medical provider. In addition, any employee who is responsible for causing (or contributing to the cause of) an*



*occupational accident resulting in a work-related injury/illness to another employee must submit to a Non-Dot drug and alcohol test.*

*Employees subject to company-required post-industrial accident / injury testing must remain readily available for such testing or may be deemed to have refused to undergo testing.*

*An employee may be placed on an administrative suspension at the discretion of the Company pending the results of Non-DOT post-accident/injury drug and alcohol tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees, who cannot be easily contacted, within a reasonable time period, will be considered to have abandoned their job and are subject to termination.*

*This location does not conduct post-industrial accident / injury testing.*

## **VIII. BEHAVIOR THAT CONSTITUTES A TEST REFUSAL**

Behavior that constitutes a test refusal includes the following:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Transdev DER.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Transdev DER. for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Transdev's DER.
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.



- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

A refusal to test constitutes a violation of this policy and carries the same consequences as a positive test result. Any employee who refuses to submit to any drug or alcohol test will be removed from safety sensitive work, provided educational materials, and referred to a substance abuse professional. *It is Transdev's policy that refusal to submit to any drug or alcohol test will also result in termination of employment.*

## **IX. TESTING PROCEDURES**

All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended, which ensures the protection of the employee and the integrity of the testing process. A copy of this document is available for your review from either the corporate or the local Drug and Alcohol Program Administrator upon request. Following is a brief description of the drug and alcohol testing methodology.

### **A. Drug Testing Methodology**

Testing for drugs will be conducted by urinalysis.

1. Initial Test: Initial testing will be performed on the primary sample using the EMIT Immunoassay technique. If the results are negative, no further testing will be required and a report will be provided to the Medical Review Officer (MRO). The MRO is responsible for evaluating, interpreting, and verifying laboratory test results and communicating them to TRANSDEV.
2. Confirmation Test: Will be conducted in accordance with part 40 as amended.



**Specimen Dilutes:** A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the test is reported as a **dilute positive**, the test should be treated as a verified positive test result. If the test is reported as a **negative dilute**, Transdev North America, Inc. will direct the employee to take another test. The retest must not be conducted under direct observation, unless otherwise instructed by the MRO. Since federal regulations give discretion in this manner, Transdev North America, Inc., has established the policy that retests will be required for negative dilutes. The second test will be considered the test of record. All employees must be treated the same for this purpose and must be informed in advance of the policy. Questions should be directed to the MRO, Drug and Alcohol TPA or the Corporate Drug and Alcohol Program Manager.

**Validity Testing:** The laboratory will conduct validity testing to determine if the specimen has been adulterated, tampered with, or diluted. If the MRO reports a "negative-dilute" test result with creatinine levels greater than or equal to 2mg/dL but equal to or less than 5 mg/dL, the employee will be required to take a second test immediately under direct observation with no advance notice. If the MRO reports a "negative-dilute" test result with creatinine levels greater than 5 mg/dL, the employee will be required to take a second test immediately (not observed) with no advance notice.

**Drug Testing Split Specimen:** The urine specimen collected for FTA testing will be split and poured into two specimen bottles. This provides the employee or applicant with the option of having an analysis of the split sample performed at a second laboratory that meets the requirements of 49 CFR Part 40. The employee or applicant has 72 hours after being informed by the MRO of a verified positive, adulterated, or substituted test result to request a test of the split sample. In the case of invalid test results, no split specimen testing is authorized by DOT. All requests for split specimen analysis will be processed by the MRO.

*It is Transdev's policy that employees awaiting the result of a split specimen test following a verified positive, adulterated, or substituted test result may not perform safety sensitive duties pending the outcome of the split specimen test. The employee will be placed on an Administrative Suspension pending the result of the split specimen test. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the result of the split specimen test is reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination. Transdev will seek payment or reimbursement for the cost of the split specimen from the employee, should the employee request testing of the split sample.*



## B. Alcohol Testing Methodology

Testing for alcohol will be conducted by breath analysis. Alcohol tests will be performed by a breath alcohol technician (BAT) who is trained to proficiency in the operation of the Evidential Breath Testing device being used and in the alcohol testing procedures specified in the Federal regulations.

1. Initial Test: If the result of the initial test is an alcohol concentration of less than 0.02, no further testing is required and the test will be reported to TRANSDEV as a negative test.
2. Confirmation Test: If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. The employee is strongly advised not to eat, drink, belch, or put any object or substance into his or her mouth while awaiting the confirmation test.
3. The confirmation test is deemed to be the final result.
4. The alcohol breath sample is to be taken BEFORE the drug specimen is collected, in such cases that warrant both a drug collection and a breath alcohol sample.

## C. ATTRIBUTING TEST RESULTS TO THE CORRECT COVERED EMPLOYEE (DRUG AND ALCOHOL COLLECTIONS AND TESTING)

Procedures that ensure that the test results are attributed to the correct covered employee include utilizing a chain of custody to ensure that each specimen is monitored throughout the collection process during both drug and alcohol collection and testing procedures.

## X. CONSEQUENCES OF DRUG USE AND THE MISUSE OF ALCOHOL

Any covered employee who has a verified positive drug test, an alcohol test result of 0.04 or above, or has refused to submit to a drug or alcohol test will be immediately removed from his or her safety sensitive position, provided educational materials, and referred to a Substance Abuse Professional (SAP). *It is Transdev's policy that positive drug or alcohol tests or refusal to test will also result in termination of employment.*



Any safety sensitive employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, a safety-sensitive function for at least 8 hours following administration of the breath alcohol test, or if the employee was re-tested, the result was less than 0.02.

*Is Transdev's policy that testing positive for alcohol on a return-to-duty breath alcohol test will result in termination of employment.*

#### **A. LIFE CONSEQUENCES OF ALCOHOL MISUSE**

*The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences:*

**Health:** *decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatic dysfunctions, spontaneous abortion and neonatal mortality, ulcers, and birth defects.*

**Work:** *the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.*

**Personal Life:** *the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide, and greater exposure to other forms of accidents.*

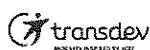
**Signs and Symptoms:** *dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or drowsy condition, slowed reaction rate, and slurred speech.*

*When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/employee assistance service offered by Substance Abuse Professionals that address family problems as well as substance abuse.*

#### **B. EMPLOYEE EDUCATION, TRAINING AND ASSISTANCE PROGRAM**

##### **SUPERVISOR TRAINING**

Any supervisory personnel responsible for determining whether an employee must be tested for substance abuse based on Reasonable Cause/Suspicion will be required to complete at least one (1) session (2 hours) of training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug/alcohol use. One 60-minute session will be devoted to indicators of probable alcohol misuse and one 60-minute session will be devoted to indicators of probable drug use.





*Positions to receive training under this plan are: All Managers, Supervisors, First Line Dispatchers and Foremen. Training will be provided by qualified personnel or processes designated by Transdev North America, Inc.*

### **EMPLOYEE EDUCATION**

Transdev will provide an education program for its employees, which will include the following:

- Display and distribution of informational material on substance abuse;
- Display and distribution of a community service hot-line telephone number for employee assistance; and
- Display and distribution of Transdev's Substance Abuse Plan regarding the use of prohibited drugs and/or alcohol.
- Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
- Periodic updates and refresher training concerning substance abuse, life consequences and policy adherence.

## **XI. PRESCRIPTION AND OVER THE COUNTER MEDICATIONS**

### **MRO VERIFICATION OF PRESCRIPTIONS**

When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.

Specifically, in cases where an MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five (5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist the MRO in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.



*It is Transdev's policy that all safety sensitive employees must notify the Company in writing when they are taking prescription or non-prescription medication that may interfere with their ability to perform work safely. Failure to do so will result in disciplinary action up to and including termination of employment.*

*There is only one approved method of notification. Employees must use the Prescription / Non-Prescription notification form to inform the company of any medications used; as defined by Prescription and Over-The-Counter sections below.*

*Employees are required to obtain a Prescription / Non-Prescription Medication Notification Form, signed by a licensed Physician, licensed Physician Assistant, licensed Pharmacist, or licensed Registered Nurse, for each prescription medication taken by the employee. This form must indicate if the medication(s) will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle. The employee will provide the form to the physician or prescribing individual. The employee is required to advise the physician or prescribing individual of the safety-sensitive nature of his or her job. The employee is also encouraged to ask for alternative treatments that do not have performance altering side effects.*

*Transdev's Drug and Alcohol policy in no way implies that taking approved prescription or non-prescription medication will completely eliminate side effects even if determined to be safe by his/her treating physician. It is the employee's responsibility to fully discuss any and medications with his/her treating physician to reduce possible medication side effect(s).*

*Employees must submit the Prescription / Non-Prescription Medication Notification Form to the Substance Abuse Program Administrator prior to the beginning of his or her shift, if the Substance Abuse Program Administrator is not available, forms must be turned in to the appropriate Department Manager, Supervisor, or Foreman on duty.*

**Over-the-Counter Medications** should be taken with extreme caution.

- *Read all the warning labels before selecting a medication for use while performing safety sensitive functions.*
- *If the label has warnings such as "do not take this medication while operating a motor vehicle, may cause drowsiness, etc." select another medication.*
- *If unsure which medication is safe to take while performing your job, ask your pharmacist. If still unsure, contact your physician for a suitable alternative.*
  - *If no suitable alternative is available, have your Physician complete a Prescription / Non-Prescription Medication Notification Form and*



*submit the form to the Substance Abuse Program Manager, supervisor or manager. This form must indicate if the medication(s) will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle.*

- *Ultimately, you are responsible for ensuring your safety and the safety of your co-workers and customers. Taking medication while performing your duties can impair your ability to meet this obligation.*

*Falsification of the Prescription / Non-Prescription Medication Notification Form in any way is cause for immediate termination.*

*During normal business hours a determination can usually be made immediately as to whether an employee will be allowed to work. If an immediate determination cannot be made, a Medical Review Officer (MRO) will be notified and will make a determination as to an employee's ability to safely work.*

*Employees will not be allowed to clock in until the Substance Abuse Program Administrator or the MRO has made a determination. All normal rules and regulations applying to Miss Outs, No Call No Shows, and Unauthorized Absences shall apply. Employees shall be allowed to use available PTO, EPTO, and vacation until they are cleared to return to work. All normal rules and regulations regarding the scheduling of PTO, EPTO, and vacation may apply.*

## **XII. RECORD KEEPING**

### **DRUGS & ALCOHOL**

**Records will be maintained as detailed in 49 CFR part 40 and Part 655, as revised.**

#### **A. RECORDS MAINTAINED FOR ONE (1) YEAR:**

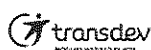
1. Records of Verified Negative and canceled Drug Test Results:
2. Alcohol test results with a concentration of less than 0.02
3. Transdev's copy of custody and control form.

#### **B. RECORDS MAINTAINED FOR TWO (2) YEARS:**

1. Records Related to the Collection Process:
2. Education and Training Records:

#### **C. RECORDS MAINTAINED FOR THREE (3) YEARS**

Information from previous employers concerning drug and alcohol test results



D. RECORDS MAINTAINED FOR FIVE (5) YEARS:

1. Records of covered employee alcohol test results indicating an alcohol concentration of 0.02 or greater
2. Records of covered employee positive controlled substances test results
3. Documentation of refusals to take required alcohol and/or controlled substances tests
4. Records related to the administration of the alcohol and controlled substances testing programs
5. Covered Employee Referrals to Substance Abuse Professional for Return To Duty and Follow Up:
6. Annual MIS Reports.

E. REQUIREMENTS FOR RECORDS AND SPECIMEN STORAGE BY LAB, MRO, AND TRANSDEV TRANSPORTATION.

Records are maintained for program administration and test results of individuals for whom Transdev North America, Inc. has testing responsibility. Upon completion of the collection process, the specimen is to be placed in secure storage until dispatched to the laboratory. The MRO is to maintain all necessary records and send test result reports to Transdev Substance Abuse Program Administrator (DER), who maintains records in a secure location with controlled access. All negative test results will be maintained for a period of no less than one year. All positive test results will be maintained for a period of no less than five years.



**XII. IDENTITY OF CONTACT PERSONS**

**A. Corporate Drug and Alcohol Program Manager**

Louis P. Young Jr  
Corporate Drug and Alcohol Program Manager  
720 E. Butterfield Rd, Suite 300  
Lombard, IL 60148  
Telephone: (702) 208-8315  
Fax: (630) 495-1377  
Email: Louis.Young@transdev.com

**B. Primary Drug and Alcohol Program Manager (DER) (Foothill Transit)**

Name: Jamie Ogilvie  
Title: Safety, Training & Security Manager  
Address: 5640 Peck Rd.  
Arcadia, CA 91006  
DER PHONE NUMBER: (626) 357-7912 Ext. 234  
DER PHONE NUMBER: (213) 840-2643

**C. Alternate Drug and Alcohol Program Manager (Foothill Transit)**

Name: Bill Jackson  
Title: General Manager  
Address: 5640 Peck Rd.  
Arcadia, CA 91006  
ALT DER PHONE NUMBER: (626) 357-7912 Ext. 222

**D. Substance Abuse Program Medical Review Officer**

Company Name: EDPM  
MRO: Dr. Paul Teynor  
Address: 505 20<sup>th</sup> Street North, Suite 200  
Birmingham, AL 35255  
Phone: 205-326-3100  
FAX: 205-380-2502

**E. Corporate Drug and Alcohol Third Party Administrator**

Name: Sterling Backcheck



Address: 6111 Oak Tree Blvd  
Independence, OH 44131

Telephone: 216-685-7422 direct | 800-853-3228 toll free | 216-685-7470 fax

***SterlingBackcheck Customer Service Directory:***

Stacy Kail – Customer Service Representative  
1-800-853-3228  
Option 1 Extension 57412  
**[stkail@sterlinginfosystems.com](mailto:stkail@sterlinginfosystems.com)**

Donna Piros – Random Administrator  
1-800-853-3228 Option 1 Extension 57426  
DID: 1-216-685-7426  
**[dpiros@sterlinginfosystems.com](mailto:dpiros@sterlinginfosystems.com)**

Liz Lastafka – Drug Screening Manager  
1-800-853-3228 Option 1 Extension 57422  
DID: 1-216-685-7422  
**[llastafka@sterlinginfosystems.com](mailto:llastafka@sterlinginfosystems.com)**

**F. Testing Laboratory**

Name: LabCorp  
Address: 1904 Alexander Drive  
RTP, North Carolina, 27709  
Telephone: (800) 833-3984

**G. Employee Assistance Program**

Quantum Employee Assistance Program  
14 Park Lake Road, Suite 2  
Sparta, New Jersey 07871  
Customer Service (Employee Assistance): 1-877-747-1200



## Appendix A – Safety Sensitive Employees

The following positions are considered to be safety sensitive:

- Vehicle Operators
- Armed Security (Transdev Employees)
- Dispatchers
- Mechanics and other Maintenance Personnel

## Appendix B - Definitions

**Accident** - an occurrence associated with the operation of a vehicle is as a result:

- 1) An individual dies; or
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- 3) with respect to an occurrence in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus or vessel, the public transportation vehicle is removed from operation.

**Adulterated Specimen** – A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**Alcohol Use** – The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

**Breath Alcohol Technician** – A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

**Cancelled Test** – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

**Collector** – A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control form.



**Dilute Specimen** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Disabling Damage** – Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- 1) Inclusion: Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.
- 2) Exclusions:
  - a. Damage that can be remedied temporarily at the scene of the accident without special parts or tools.
  - b. Tire disablement without other damage even if no spare tire is available.
  - c. Headlamp or tail light damage.
  - d. Damage to turn signals, horn, or windshield wipers, which make the vehicle inoperable.

**DOT, the Department, DOT Agency** – All DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.

**Evidential Breath Testing (EBT) Device** – The NHTSA conforming products list (CPL) for evidential devices are the only devices you may use to conduct alcohol confirmation tests under 49 CFR Part 40.

**FTA** – The Federal Transit Administration, an agency of the U.S. Department of Transportation.

**HHS** – The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

**Medical Review Officer (MRO)** – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

**Public Transportation Vehicle** – a vehicle used to transport the public or one used for ancillary services.

**Split Specimen** – In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted specimen.





**Substance Abuse Professional (SAP)** – A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders; as amended in part 40.281.

**Substituted Specimen** – A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

**Verified Test** – A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

**Volunteer** - A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity

**Appendix C**

*TRANSDEV FTA DRUG AND ALCOHOL POLICY  
ACKNOWLEDGEMENT OF RECEIPT*

I, the undersigned employee of TRANSDEV hereby certify that I have been furnished with a copy of Transdev's Substance Abuse Policy for Safety-Sensitive Employees, including its Employee Assistance Program (EAP) and that I have had training on the same. I understand that should I decide to use the services of the Employee Assistance Program (EAP) for a substance abuse problem, that the EAP is required to notify Transdev's Substance Abuse Program Administrator in order to protect my employment. I further certify that I have been provided with informational material, education and training on the dangers and problems of drug and/or alcohol use.

Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name



Appendix D

**RESOLUTION AUTHORIZING THE ADOPTION OF SUBSTANCE ABUSE  
POLICY**

**WHEREAS**, the purpose of Transdev's Substance Abuse Policy is to establish guidelines in implementing a drug and alcohol testing program that meets the requirements of the Federal Transit Administration (FTA); and

**WHEREAS**, the goal of the prohibited substance abuse testing program is to achieve a drug and alcohol-free work force in the interest of the health and safety of the employees and the public; and

**WHEREAS**, participation in the prohibited substance abuse testing program is a requirement of each safety sensitive employee, and, therefore is a condition of employment.

**NOT THEREFORE BE IT RESOLVED** by the President of TRANSDEV, North America, as follows:

Section 1. That all testing under the FTA requirements are conducted in accordance with 49 CFR Part 40, as revised: Procedures for Transportation Workplace Drug and Alcohol Testing Programs and in accordance with 49 CFR Part 655: Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations; and

Section 2. That the amended policy of Substance Abuse becomes effective on January 01, 2018.

Alessandro Guariento  
Vice President of Safety and Training, Transdev North America, Inc.



# Foothill Transit

## Drug and Alcohol Program

### Oversight Protocol

As promulgated by the Federal Transit Administration's (FTA) Drug & Alcohol Regulations, Foothill Transit is required to monitor each service contractor's drug and alcohol program proactively over the course of the contract.

The following procedures and protocols will be implemented to ensure that Foothill Transit is in full compliance with FTA's regulations in their role as a grantee (recipient) of Federal funds.

- Foothill Transit will, by contract, require each service contractor to:
  - Annually provide Foothill Transit with a copy of its drug and alcohol program policies and implementation procedures.
  - Provide Foothill Transit with service contractor employee and supervisor training documentation. Documentation will include dates of training, a copy of training materials, and sign-in sheets.
  - Provide Foothill Transit with names and locations of the designated Collection Site(s), Testing Laboratory, Medical Review Officer (MRO), Breath Alcohol Technician (BAT), Screening Testing Technician (STT), and Substance Abuse Professional (SAP) - utilized by the service contractors.
  - Provide Foothill Transit with a copy of the service contractor's random selection process.
  - Provide Foothill Transit with a copy of the service contractor's quarterly management reports summarizing all test results
  - All transit service contract providers to Foothill Transit will develop and submit to the FTA Grantee a draft MIS Report. This report will be reviewed for accuracy by the Foothill Transit Designee. If the draft is accurate it will be converted to a submittal report and sent online to the FTA. If there is an error in the report, it will be returned to the appropriate contractor for rectification of the error(s). Once the discrepancy is resolved and the accuracy verified - the report will be submitted to FTA online.
  
- As part of its Drug and Alcohol Program monitoring procedures and protocols, Foothill Transit shall:
  - Verify the certifications of its service contractors' testing sites.
  - Verify that all collectors and Breath Alcohol Technicians (BAT's) have been trained in accordance with DOT Part 40.33 (a-g) by

# Foothill Transit Drug and Alcohol Program Oversight Protocol

reviewing copies of Breath Alcohol Technicians (BAT's) Certificates.

- Verify that Specimen Collectors' "Proficiency Demonstration" certificates are current.
- Verify current calibration documentation for evidential Breath Testing Devices log sheet.
- Review contracts with collection sites and BAT (Breath Alcohol Testers) stating they must be in compliance with the requirements in 49 CFR Part 40 and have knowledge of the FTA testing criteria.
- Review the service contractors' site visit reports.
- Produce monitoring reports reflecting results of its oversight of the service contractors.
- Produce quarterly management reports summarizing test results of the service contractors.
- Ensure that at least one member of the Foothill Transit Management Contract staff is trained in Reasonable Suspicion and Substance Abuse Management (contract/service agent oversight, record keeping/record retention, collection site audits) provided through the U.S. Dept. of Transportation (DOT).
- Conduct quarterly meetings with Safety Managers from the service contractors to ensure that the service contractors and their collection sites are in compliance with FTA regulations. The following items will be addressed during the quarterly meetings:
  - If there has been a change in collection sites or an additional collection site. If changes are made - the information in our records will be updated and current certifications will be verified;
  - Review/Collect clinic contracts;
  - Review/Collect collection audits;
  - Review/Collect Drug & Alcohol testing data collection form;
  - Review/Collect specimen Mock Reports;
- Foothill Transit management contract staff will conduct Collection Site Audits of clinics used by its service contractors annually, to:
  - Review Collection Procedures;

# Foothill Transit Drug and Alcohol Program Oversight Protocol

- Ensure that the Collection Facility environment is in compliance with FTA's urine collection requirements which entails:
  - Making sure the restrooms are large enough to conduct an observed collection with sufficient personal space for the donor;
  - Checking for restroom sinks with electrical switches that allow the hot and cold running water to be turned off from outside the restroom;
  - Ensuring absence of drop ceilings in the restrooms;
  - Verifying pressurized cold water system in the toilet tank that prevents access without dismantling the system;
  - Verifying the presence of lockable storage containers suitable for securing valuables such as a purse or wallet
  
- Review current Clinic Certifications.
  
- All service contract providers to Foothill Transit will develop and submit to the FTA Grantee (Foothill Transit) a draft MIS Report. This report will be reviewed for accuracy by the Foothill Transit Designee. If the draft is accurate it will be converted to a submittal report and sent online to the FTA. If there is an error in the report, it will be returned to the appropriate contractor for rectification of the error(s). Once the discrepancy is resolved and the accuracy verified - the report will be submitted to FTA online.