

Memorandum of Understanding

Between the

**Federal Transit Administration
American Association of State Highway and Transportation Officials
American Public Transportation Association
Community Transportation Association of America**

In Regard to the

FTA Model Transit Bus Safety and Security Program

Introduction

The Federal Transit Administration (FTA) has developed a Model Transit Bus Safety and Security Program in cooperation with the American Public Transportation Association (APTA), the Community Transportation Association of America (CTAA), the American Association of State Highway and Transportation Officials (AASHTO), and other representatives from the transit bus industry. This effort has culminated in a draft Program¹ that has been accepted in principle by the FTA and its industry partners.

This Memorandum of Understanding is an agreement in principle to:

- **Promote the Model Transit Bus Safety and Security Program**
- **Provide support to further the Program**
- **Assess the activities of the signing parties' constituents in implementing the Program.**

The four partner organizations' representatives signify the acceptance of the Model Program and demonstrate the commitment of their organizations to its objectives by their signatures to this Memorandum of Understanding.

Model Transit Bus Safety and Security Program Elements

The Model Program contains two general categories of Program elements: *Core Safety Program Elements* and *Enhanced Safety Program Elements*. Collectively, these elements define the comprehensive FTA Model Transit Bus Safety and Security Program.

¹ The Model Program will be published as an FTA report in response to National Transportation Safety Board recommendations (PB98-917006, NTSB/SIR-98/03).

Core Safety Program Elements are the safety program elements that all transit providers should implement. Core elements apply to all Section 5307 and 5311 transit providers. As the size and resources of the transit provider increase or as operational experience indicates additional needs, the transit provider should implement applicable Enhanced Safety Program Elements. In cases where service is contracted with 5307 or 5311 funds, the grantee shall ensure that the contractor would implement the core and enhanced safety program elements as applicable. Section 5310 provider participation in a safety and security program is subject to state discretion however Section 5310 provider participation is encouraged.

The degree of applicability is largely dependent on operations. The scope of applicability will be defined in the individual technical assistance materials.

The Core Safety Program Elements include:

- Security
- Driver/Employee Selection
- Driver/Employee Training
- Vehicle Maintenance
- Drug and Alcohol Abuse Programs
- Safety Data Acquisition and Analysis.

Enhanced Safety Program Elements improve the transit provider's safety program beyond the Core Safety Program Elements. Transit providers in urban areas typically include these elements. Other transit providers should expand their safety program as their services, resources, and infrastructures grow to include Enhanced Safety Program Elements as a part of a continuous improvement approach to transit bus safety and security. The Enhanced Safety Program Elements are grouped into three general categories:

- **Safety Process-Centric Elements** – These elements focus on understanding the safety issues within the transit bus operations (accidents, incidents, and hazards) so that resources can be properly directed.
- **Human-Centric Elements** – These elements focus on processes or procedures that are directed toward driver and employee safety issues.
- **Infrastructure and Equipment-Centric Elements** – These elements address safety issues related to the transit system vehicles and general infrastructure.

Attachment A to this Memorandum contains additional definitions of the Core Safety Program Elements and additional information about the Enhanced Safety Program Element categories.

Implementation Approach

The Partners agree that the voluntary approach to implementation will be used to assess transit provider implementation of the Model Program requirements. The voluntary approach to implementation requires good faith efforts on the part of grantees and the national partner organizations with an expectation that the absence of a more formal regulatory structure will not be detrimental to overall Model Program objectives.

Under the voluntary approach, implementation is expected on a voluntary basis – a regulatory or contractual directive for implementation of the Model Program for transit system grantees (and sub-recipients) is not proposed by FTA. However, if the FTA determines that this approach to implementation is not satisfactory for ensuring implementation, the FTA reserves the right to revisit the

issue of the Implementation Approach. States, however, do have the right to adopt more prescriptive requirements.

Examples of acceptable approaches include those developed by the partners, individual DOTs, insurance pools, and other industry groups.

Some of these programs include the following:

- APTA's Bus Safety Management Program
- CTAA's Community Transportation Training and Safety Review Program
- Bus Safety programs developed by state transportation departments
- Safety programs of insurance pools
- Fleet safety program of the National Safety Council
- Safety program guidelines of transit management training programs
- Local transit operating agency safety programs and procedures

FTA and its Partners recognize that under the voluntary approach there is no single safety model within the industry which must be adopted by transit systems or states overseeing such systems. The key agreement in this understanding is that the appropriate safety elements for the type of transit system be developed and implemented. In other words, any model which embraces the appropriate core elements will comply with the intent of the FTA approach. Examples of acceptable approaches could include those developed by the Partners, individual DOTs, insurance pools and other industry groups.

In regards to bus safety and security programs, FTA Triennial Reviews and State Management Reviews will identify areas of concern relative to the voluntary compliance practices and specify recommended improvements rather than audit compliance on a "comply/not comply" basis.

Role of the FTA and the States in Assessing Transit Provider

The FTA will assess implementation with the Model Transit Bus Safety and Security Program by its direct grantees through the Triennial Review Program or another similar approach.

The States will assess the implementation of the Model Transit Bus Safety and Security Program by their Section 5311 sub-recipients in a manner similar to that which the States use for assessing sub-recipient compliance with other FTA requirements. Section 5310 grantees would be exempt from the Model Program requirements, but encouraged to implement the Core Safety Program Elements.

FTA and the States will conduct these assessments in a cooperative and positive manner with the grantees, promoting a proactive environment to assist transit systems in meeting the Model Program requirements.

FTA Technical Assistance and Outreach

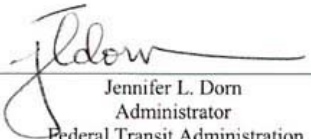
The FTA, in cooperation with the Partners, will develop and disseminate appropriate technical assistance and outreach materials to be used by the FTA staff, the Partners, and the transit system grantees in implementing the Model Program. FTA efforts will include training through the Transportation Safety Institute (TSI), the National Transit Institute (NTI) and other activities, to the extent possible. Attachment B contains additional descriptions of anticipated FTA technical assistance and outreach.


Responsibility of All Parties in Promoting the Program

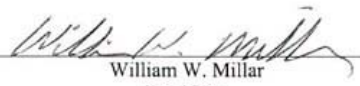
The Partners to the Model Program will actively **promote** the Program and its objectives; will provide **support** to further the Program; and will **assess** the activities and performance of their constituents in implementing the Model Program. These efforts will incorporate all reasonable actions necessary to ensure good faith efforts by transit providers in developing and maintaining their own Transit Bus Safety and Security Programs.

Commitment to Program Improvement Efforts

The Partners will review the Model Program on a regular basis and revise it, as appropriate, to meet the objectives of furthering transit bus safety and security. The Partners agree to meet on a regular basis to discuss positive aspects of the Program, along with areas needing improvement. The Partners also agree to implement those changes to the Program, as appropriate, to continue to enhance transit bus safety and security.


Jennifer L. Dorn
Administrator
Federal Transit Administration


John Hersley
Executive Director
American Association of State Highway
and Transportation Officials


William W. Millar
President
American Public Transportation Association
of America


Dale J. Marsico
Executive Director
Community Transportation Association
of America

Date: December 15, 2003

Attachment A

Safety and Security Program Elements FTA Model Transit Bus Safety and Security Program

The comprehensive requirements for the FTA Model Transit Bus Safety and Security Program consist of two parts; (1) the core safety program elements and (2) enhanced safety program elements.

The concept of a core safety program element is simply a safety activity that **every** transit bus provider should be doing as part of a minimum safety and security program. Core safety program elements should receive adequate resources to support these core activities. While all activities are subject to resource limitations, these core safety and security activities should be a high priority in resource allocation.

All transit providers should implement the core safety program elements as the minimum acceptable approach to transit bus safety. The remaining "enhanced" elements of the comprehensive safety and security program should be incorporated into safety efforts as needs are identified and resources are available.

The concept of an enhanced safety program element is used to describe safety and security activities that go beyond the scope of the core requirements. Enhanced program elements are those safety and security activities that will enhance safety and security program effectiveness for the larger and more complex transit bus providers. The transit provider's safety and security program should grow with the transit provider's services, resources, and infrastructure to continuously and proactively manage safety throughout their operations.

Large transit bus providers, with adequate resources, typically have a need for all or most of these enhanced elements in their safety and security programs. Smaller transit bus providers should incorporate these enhanced elements as their size and/or responsibilities grow or as the need is indicated by operational safety and security experience to further improve their safety program.

The following table lists the program elements for the comprehensive FTA Model Transit Bus Safety and Security Program. Core program elements are identified in the table and are further defined in the paragraphs following the table. Enhanced elements are further described in the FTA report defining the Model Program. This attachment describes the current delineation of core and enhanced program elements. However, FTA may, from time to time, redesignate the core and enhanced program elements as indicated by industry needs.

**Safety and Security Program Elements
FTA Model Transit Bus Safety and Security Program**

<p>Security*</p> <p>Safety Process-Centric Elements</p> <ul style="list-style-type: none"> • Safety Data Acquisition/Analysis* • Accident/Incident Reporting & Investigation • Hazard Identification/Resolution Process • Emergency Response Planning, Coordination and Training • Internal Safety Audit Process <p>Human-Centric Elements</p> <ul style="list-style-type: none"> • Driver/Employee Selection* • Driver/Employee Training* • Drug & Alcohol Abuse Programs* • Employee Safety Program • Fitness for Duty (additional requirements beyond the drug and alcohol FFD requirements) 	<ul style="list-style-type: none"> • Rules/Procedures Review • Contractor Safety Coordination <p>Infrastructure & Equipment-Centric Elements</p> <ul style="list-style-type: none"> • Vehicle Acquisition • Vehicle Maintenance* • Facilities Inspections • Maintenance Audits/Inspections • Hazardous Materials Program • Alternative Fuels and Safety • System Modification Review/Approval Process • Interdepartmental/Interagency Coordination • Configuration Management • Procurement • Operating Environment and Passenger Facility Management • Dedicated Busway or Roadway Inspection and Maintenance <p>* Core Safety Program Element</p>
--	--

Core Safety and Security Program Element Descriptions

Security: The security of passengers and employees is paramount to promoting the objectives of the FTA and its partner organizations in developing a Model Program. Transit providers must take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment/facilities. To further this objective, transit providers will need to develop security plans and procedures and emergency response plans and procedures. The plans must include coordination with local law enforcement and with other regional transit providers, the conduct of exercises for their emergency plans, and assessment of critical assets and measures to protect these assets.

Driver/Employee Selection: Driver selection is critical to safe transit operations. The driver of a transit vehicle is directly responsible for the safety of their passengers and other motorists that share the road with transit buses. The transit provider should have a clear definition of driver qualifications and background. This applies to all safety-critical employees, both paid and volunteer.

Driver/Employee Training: Once qualified candidates are identified and hired, initial and on-going training is critical to insure proper operations and adherence to the transit providers' rules and regulations. Proper qualification of operating and maintenance personnel is a vital part of a safe transit environment. Driver training should address specific safety-related issues appropriate to the type of vehicle and driving assignment including fitness for duty.

Vehicle Maintenance: Proper maintenance of vehicles and equipment is critical to the continued safe operation of the transit system. Unsafe vehicles present unnecessary hazards to the driver, passengers, and other vehicles on the road. Basic vehicle maintenance practices must regularly address safety-related vehicle equipment to ensure that no unsafe vehicles are dispatched for service.

Drug and Alcohol Abuse Programs: Since many transit providers receive FTA operating and capital funds, the FTA Drug Testing Requirements form the basis for drug abuse programs. An alcohol abuse program is also required. The bottom line is protection of the riding public and transit employees, and all efforts should be geared toward this end. The transit provider's safety program should outline the specific policies, procedures and responsibilities, or reference the appropriate master document containing that information.

Safety Data Acquisition/Analysis: Understanding safety data is an important step toward allocating important (and often scarce) resources to implement safety program elements. Safety data relative to transit provider operations can be used to determine safety trends in system operation. These data include information gathered from within the system on safety-related events such as passenger injuries or claims, employee injuries, accidents, incidents, and preventability. Driver reports (sometimes called logs) can be an important source of safety problems, such as dangerous stop locations, problems with bus equipment, safety problems with the route, and other issues. The data are useful in a formal hazard identification and resolution process to help identify hazards before they cause accidents. The data may also help improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public. In addition, trend analyses of safety data can help determine the effectiveness of safety initiatives that have been implemented.

Attachment B

FTA Technical Assistance and Outreach Activities FTA Model Transit Bus Safety and Security Program

The FTA in concert with its Partners is committed to develop and disseminate appropriate technical assistance and outreach materials to be used by its staff, its Partners (AASHTO, APTA, and the CTAA), and the transit system grantees in implementing the Model Program. These technical assistance activities will include training through TSI, NTI and other Partner and industry sources, as resources permit. The following list provides examples of technical assistance activities and products that, to the extent possible, FTA will provide as part of their continuing promotion and support of the Model Program.

- Technical guidance on criteria to be used for determining appropriateness of “Enhanced” Safety Program Elements
- Manuals for the development of model Transit Bus Safety and Security Programs
- Manuals for assisting the states in conducting assessments of sub-recipients
- Training programs for transit providers and states
- Training classes for transit providers and state representatives
- Manuals for developing System Safety Program Plans and Security Program Plans
- Identification and dissemination of transit bus safety “best practices”
- Presentations/facilitation of discussions at conferences and workshops
- Informational brochures and program summaries
- Program awareness/marketing products
- Guidelines for data collection/analysis that address both rural and suburban systems.
- Identification of funding resources that may be used by states to perform voluntary assessments of subrecipients’ implementation of the model program.
- Identification of information resources, such as websites developed by its Partners, on the elements of the model program and how those elements may be applied.