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Department of Transportation
Docket Operations
M-30, West Building Ground Floor, Room W12-140
1200 New Jersey Avenue S.E.
Washington, DC 20590

Subject: Docket No. FTA-2023-0018

Dear Docket Clerk:

The American Public Transportation Association (APTA) represents a \$79 billion industry that directly employs 430,000 people and supports millions of private-sector jobs. Safety is the number one core value of the public transportation industry, including bus, rail, commuter and intercity rail and ferry operators. The employees responsible for managing and operating public transportation systems are fully committed to the safety of their systems, passengers, fellow employees, and the public. As a result of this commitment to safety, traveling by public transportation is 10 times safer per mile than traveling by car.

We greatly appreciate the ongoing dialogue between the Federal Transit Administration (FTA) and APTA regarding safety. We also appreciate the opportunity to respond to FTA's Transit Worker Hours of Service and Fatigue Risk Management Programs Advance Notice of Proposed Rulemaking (HOS and FRMP ANPRM) published in the *Federal Register* at 88 FR 74107 on October 30, 2023.

After speaking with APTA's diverse membership of small, medium and large size operators and bus, transit rail, commuter rail and ferry members, APTA is supportive of federal hours of service and fatigue risk management programs for rail and bus transit agencies that are not currently operating under state, local, or property-specific hours of service regulations or fatigue risk management requirements (state/local HOS requirements).

For those agencies, APTA strongly encourages FTA to adopt program requirements that are flexible and take into consideration the unique operating characteristics of each mode. Moreover, APTA strongly recommends an 18-month implementation period for any final standards for all properties.

Per FTA's request, APTA has addressed its comments specifically to the enumerated list of issues in the HOS and FRMP ANPRM.

A. Regulatory Options

1. Generally, why should or should not FTA adopt mandatory Federal hours of service (HOS) and fatigue risk management programs (FRMP) requirements for transit workers?

APTA supports FTA developing federal HOS requirements for those rail and bus transit agencies that are not currently operating under state/local HOS regulations. For those agencies, APTA recommends that FTA adopt follow the protocols associated with the Federal Motor Carrier Safety Administration (FMCSA) passenger-carrying commercial motor vehicle HOS regulations for bus transit operators and the APTA "Train Operator Hours-of-Service Requirements" Standard (APTA RT-OP-S-015-09) (APTA Rail Transit HOS)¹ for rail transit operators.

Agencies currently operating under state/local HOS requirements should by regulation be permitted to maintain those standards and required to follow any necessary monitoring and reporting requirements that are established. Agencies that are already operating under state/local HOS requirements are concerned that adoption of a federal "one size fits all" requirement would eliminate local flexibility to address the complexities of each individual agency and negatively impact service operations.

FTA should allow for at least 18 months for implementation for all FTA-regulated properties. This would provide public transit agencies the necessary time to include the standards in their operating procedures, possibly hire and train additional operators, and ensure that their service needs can be met. To do otherwise could cripple transit agencies' ability to provide service nationwide.

Public Transit Bus Operations

APTA recommends that if FTA were to pursue HOS regulations for agencies that are not currently operating under state/local HOS requirements, that it consider the protocols established in FMCSA's passenger-carrying commercial motor vehicle standards for public transit bus operations. FMCSA's HOS requirements for commercial motor vehicles prohibits drivers of passenger-carrying commercial motor vehicles from driving more than 10 hours following eight consecutive hours off duty. Such drivers also may not drive after being on duty for 15 hours following eight consecutive hours off duty. FMCSA limits on-duty time to no more than 70 hours over eight consecutive days for motor carriers that operate every day of the week.²

¹ APTA, [Train Operator Hours-of-Service Requirements, APTA RT-OP-S-015-09 Rev 1](#) (June 7, 2019).

² 49 C.F.R. § 395.5.

The FMCSA HOS protocols provide a known framework for those agencies that may need to incorporate such standards into their operating procedures. APTA also strongly encourages FTA to provide flexibility in implementing any HOS regulations, especially for small operators.

Moreover, APTA stands ready to assist in creating a standard for public transit bus HOS, using its APTA Standards Development Program as it has accomplished for Rail Transit HOS as discussed below.

Rail Transit

For those Rail Transit agencies that are not currently operating under state /local HOS regulations, APTA strongly recommends that FTA adopt the APTA Rail Transit HOS Standard. The APTA Rail HOS standard provides that a Rail Transit Agency (RTA) shall not schedule a train operator to be on duty for an overall elapsed time from start to finish greater than 16 hours, with no more than 12 hours of work in the aggregate. The RTA shall define what activities are considered work or operating duties. In addition, the RTA shall require a minimum off-duty time between shifts of 10 hours or more and shall not allow train operators to work seven or more consecutive days.³

Adopting APTA's Rail Transit HOS standard for those rail transit agencies that are not currently operating under a state/local HOS requirement would provide a known framework for those that may need to incorporate such standards into their operating procedures.

- 2. What aspects of transit operations should FTA consider if it develops Federal HOS and FRMP requirements for transit workers? Are there unique characteristics of transit operations, as compared to motor carrier and railroad operations, that FTA should consider when evaluating existing FMCSA and FRA requirements? How should FTA consider differences in urban and rural operating environments and agency size?**

APTA believes that the operating environment of public transit is very unique, especially compared to other modes of transportation, including motor carrier and railroad operations. For example, in 2019, Americans took 9.9 billion trips on public transportation and 6,800 organizations provide public transportation in the United States⁴. The sheer number of organizations that provide public transit nationwide is a much larger number than that of motor carrier and railroad operations. FTA should also consider differences in urban and rural operating environments and agency size, and should therefore provide the maximum amount of flexibility in terms of HOS and Fatigue Risk Management policies, especially for small and rural operators.

³ APTA Rail Transit HOS, at 1. APTA's Rail Transit HOS provides minimum HOS requirements for rail transit systems that do not otherwise comply with more restrictive existing federal or state HOS requirements.

⁴ APTA Public Transportation Facts <https://www.apta.com/news-publications/public-transportation-facts/>.

3. Specifically, what are the reasons you would or would not support any of the following options? What alternatives should FTA consider? Please explain.

APTA comments are focused on questions 3.c., d., and e.

c. The APTA train operator standard of a maximum time of 12 operating hours, a maximum duty day of 16 hours, a minimum off-duty time of 10 hours, and a maximum period of 7 consecutive workdays. Is there a likely increase in safety risk by adopting the APTA standard for a maximum duty day of 16 rather than 14 hours? How would a 16-hour duty day change transit agency operations as compared to a 14- hour duty day?

For rail transit operators that are not currently operating under a state/local HOS requirement, APTA supports its Rail Transit HOS Standard for train operators of a maximum time of 12 operating hours, a maximum duty day of 16 hours, a minimum off-duty time of 10 hours, and a maximum period of 7 consecutive workdays. APTA does not believe there is a likely increase in safety risk by adopting the APTA standard for a maximum duty day of 16 hours rather than 14 hours.

APTA's Rail Transit HOS Standard was developed over several years and represents the basic elements of an HOS program to create the conditions which train operators have an opportunity to get sufficient rest between work shifts to minimize the impact of fatigue on job performance. Considering the staffing needs of the rail transit industry and the shortage in operators nationwide, APTA believes this is the most appropriate standard to adopt for agencies not currently operating under a state/local HOS protocol, as it allows flexibility for rail transit agencies while creating a safe environment for operators.

In promulgating any HOS requirements, FTA should allow for at least 18 months for implementation to provide rail transit agencies the necessary time to include the standards in their operating procedures, hire additional operators, and ensure that their service needs can be met.

d. For transit bus operators, FMCSA's passenger carrier HOS requirements of a 15-hour on-duty limit and a 10-hour driving limit following 8 consecutive hours off-duty, and no more than 70 hours over 8 consecutive days. Could adoption of different HOS requirements for transit bus drivers than FMCSA's passenger carrier requirements cause confusion for drivers?

For public transit bus operators that are not currently operating under a state/local HOS requirement, APTA supports FMCSA's passenger carrier HOS requirements of a 15-hour on-duty limit and a 10-hour driving limit following 8 consecutive hours off-duty, and no more than 70 hours over 8 consecutive days. APTA agrees that adopting different HOS requirements for transit bus drivers other than FMCSA would cause confusion for drivers.

As noted above, the FMCSA HOS requirements provide a known framework for those that may need to incorporate such standards into their operating procedures. In promulgating any HOS

requirements, FTA should allow for at least 18 months for implementation to allow bus operators the necessary time to include the standards in their operating procedures, hire additional operators, and ensure that their service needs can be met.

e. A requirement for transit agencies to develop and implement an FRMP. If transit agencies were required to develop and implement an FRMP, what elements should the FRMP include? Should transit agencies have primary responsibility for developing the FRMP? For agencies that have a Safety Committee, should the Safety Committee have a role in developing or approving the FRMP?

For rail and bus transit agencies that are not currently operating under state or local fatigue risk management requirements, APTA strongly recommends that FTA ensure that any requirement is flexible, scalable and considers the unique operating environments for bus and rail transit agencies (i.e., not a one-size-fits-all approach).

In 2017, APTA adopted a standard for Fatigue Management Program Requirements (APTA FMPR) for rail transit with a goal of providing a roadmap for policies and procedures that support optimal personnel alertness and performance while reducing the likelihood and frequency of negative impacts due to fatigue.⁵ The APTA FMPR recognizes the need for flexibility due to the unique operating environments of rail transit systems, and describes a way to build a program from within each organization. The APTA FMPR includes the following core elements: development of studies, plans and policies and roles and responsibilities of key personnel; fatigue considerations in incident investigation; personnel work scheduling; fatigue management education; fatigue-related absences and reports; rest areas; sleep disorder screening and treatment; and data assessment metrics.

APTA strongly believes that transit agencies should have the primary responsibility for developing the FRMP based on their own individual operational needs. Moreover, APTA does not believe that Safety Committees should have a role in the development or approval of an FRMP. APTA encourages the FTA to utilize the APTA Standards in designing any requirement for FRMPs, and to ensure that it provides ample technical assistance to transit agencies in implementing any FRMP requirement.

4. What specific qualities of workers' regular tasks should FTA consider to make them subject to HOS requirements? Does the definition of "safety-sensitive function" in 49 CFR 655.4 include all categories of employees who FTA should consider for HOS requirements? Are there employees who perform safety-sensitive functions who should not be subject to HOS requirements?

APTA would like to work with FTA to develop a more accurate definition of "safety sensitive function"⁶ that would be subject to any federal HOS regulation. It is essential that FTA make it clear which employees would be subject to any additional requirements.

⁵ APTA, [Fatigue Management Program Requirements, APTA RT-OP-S-23-17](#) (April 7, 2017).

⁶ APTA notes that one member agency has identified and adopted HOS rules for certain safety-sensitive functions, including Train Operators, Conductors, Tower Operators and Bus Operators.

- 5. Would you support a single HOS standard that applies across all transit modes subject to safety regulation by FTA? Or would you support multiple HOS standards based on the varying characteristics of different transit modes, for example, one set of standards for bus operators and a different set of standards for rail operators? Please explain.**

As noted above, for those bus and rail transit agencies not currently operating under state/local HOS regulations, APTA supports multiple HOS standards based on the varying characteristics of different transit modes, including one set of standards for bus operators and a different set of standards for rail operators. APTA is in support of FMCSA HOS requirements for bus transit agencies and APTA's Rail Transit HOS Standard for rail transit agencies.

In promulgating any HOS requirements, FTA should provide ample technical assistance and allow for at least 18 months for implementation.

- 6. Should shift schedulers who create work schedules have minimum certification and training requirements? If so, please explain what minimum requirements for training and/or certification FTA should consider establishing.**

APTA's members agree that shift schedulers who create work schedules should have some training on fatigue management but should not have to undergo a certification process. APTA strongly encourages FTA to issue guidance and best practices for shift scheduler skill sets and knowledge, as well as recommendations on tools or software that can be utilized to enhance scheduling practices. Finally, APTA recommends that FTA develop checklists for schedulers to use in carrying out their duties.

B. Benefits and Costs

- 7. How would changes in hours, as a result of new HOS requirements, impact worker health and safety?**

APTA believes that a change in hours resulting from new HOS requirements would impact worker health and safety positively and reduce operator fatigue. However, APTA members have raised concerns about worker secondary employment and other off duty habits beyond an agency's control that may reduce the usefulness of an HOS standard. Moreover, many states will not allow an agency to restrict secondary employment or inquire about an employee's off duty hours. FTA must assess the impact that such secondary employment has on any HOS standard, as discussed more in-depth in question 18 below. In addition, any rollout of an HOS policy should be done in conjunction with an education campaign on the effects of fatigue and its impact on safety.

8. Do you have information on any HOS research FTA should consider as part of this or future rulemakings?

FTA should consider two additional reports including a National Academy of Sciences, “Research on Fatigue in Transit Operations”⁷, and a research report from the Mineta Transportation Institute titled “Detecting Driver Drowsiness with Multi-Sensor Data Fusion Combined with Machine Learning”⁸.

9. How would changes in hours, as a result of HOS requirements, impact transit agency operations (e.g., their ability to fully staff service)? How would changes in hours impact customers? What costs would agencies incur to change their operations and ensure that workers comply with the requirements?

The impact of a federal HOS requirement on transit agency operations is of great concern to transit agencies given severe staffing shortages. The transit industry experienced a nationwide driver shortage during the COVID-19 public health emergency, and agencies are still struggling to recruit and retain their workforce. According to a recent APTA workforce shortage survey and report, 96 percent of agencies reported experiencing a workforce shortage, 84 percent of which said the shortage affects their ability to provide service.⁹

An HOS program will likely result in transit agencies re-thinking their approach to staffing and procedures for calling in the next person (i.e. the “extra board”). Agencies are concerned that implementation of an HOS requirement will require additional staff to ensure a concomitant level of service. Accordingly, FTA must provide ample flexibility in both the application and implementation of any HOS requirement so as not to exacerbate an already difficult hiring situation, and take into account the potential impact of an HOS requirement on service across the country.

In addition, APTA members, especially small member agencies, are very concerned about the tracking and reporting burden associated with an HOS requirement. Over the past few years, agencies have been tasked with increasingly complex policy and tracking requirements resulting from FTA safety and reporting rules (e.g., PTASP, TAM, and changes to NTD reporting requirements). Each additional reporting requirement results in greater personnel hours and oftentimes the acquisition of more advanced and expensive software solutions with ongoing administrative costs. This increased spending on administrative overhead does not directly relate to the ability to provide front line services.¹⁰

⁷ National Academy of Sciences, [Research on Fatigue in Transit Operations](#) (2011).

⁸ Mineta Transportation Institute, San Jose State University, [Detecting Driver Drowsiness with Multi-Sensor Data Fusion Combined with Machine Learning](#) (2015).

⁹ APTA, [Transit Workforce Shortage Synthesis Report](#) (March 2023), at 1; *see also* [Transit Workforce Shortage: Root Causes, Potential Solutions, and the Road Ahead](#) (September 2022).

¹⁰ One APTA member suggested that for bus transit operations, Commercial Driver’s License holders should be responsible for the recording and monitoring of HOS requirements.

Moreover, many APTA public transit agency members are facing operating budget shortfalls, also known as the “Fiscal Cliff”. In an APTA survey conducted in May of 2023, one-half of responding agencies stated that they are facing a Fiscal Cliff in the next five years.¹¹ Increasing administrative burdens by additional reporting and tracking of HOS may add to the already existing shortfall. Accordingly, if detailed HOS tracking and reporting is required of public transit agencies that are not currently operating under state/local HOS requirements, especially small agencies, APTA strongly recommends federal support for acquisition of tracking systems.

Last, waivers of the HOS requirements should also be an option in certain emergency circumstances, such as natural disasters (e.g., hurricane, earthquake, or a flood) or other emergencies (e.g., police or fire-related events). In addition, APTA strongly urges FTA to provide at least 18 months for implementation of any final bus or rail transit HOS rule.

C. Fatigue Data Collection

10. Is the prevalence of fatigue among transit workers and its safety implications tracked or measured? Please explain. Do you have any data on the prevalence or impact of fatigue among transit workers?

APTA is aware of a few transit agencies that measure or track some level of fatigue among transit workers. For example, one agency noted that its accounting department provides a list of people that have over 50 hours of work logged within a week, to its safety department.

However, APTA believes that any formal tracking requirement would place an undue burden on transit agencies already stretched thin meeting the multitude of safety event tracking required by FTA.

11. As a standard process, do investigations consider whether fatigue was a probable cause or contributing factor in a transit safety event? If so, please explain. How are such data recorded or tracked? Do you have any data on transit safety events in which fatigue was determined to be a probable cause or contributing factor?

APTA members confirm that, as a standard process, incident and accident investigations consider whether fatigue was a probable cause or contributing factor in a transit safety event. For example, one agency indicated that it considers fatigue in incident/accident investigations after a safety event occurs. In addition, another agency uses video investigations to see if fatigue was a factor, including the use of bio-mathematical modeling. Finally, a third agency indicated that it also uses video during investigations, but it does not currently have any data on the number of fatigue-related incidents.

Moreover, APTA’s Rail Transit HOS Standard includes a section on “Fatigue considerations in incident investigation,” which requires RTA’s to update their existing incident investigation

¹¹ See APTA Policy Brief, [Public Transit Agencies Face Severe Fiscal Cliff](#) (June 2023).

procedures to consider the potential role of fatigue in incidents. The APTA Standard notes that such potential roles should consider work and sleep schedules in days leading up to the event, as well as evidence of loss of alertness at the time of the incident.¹² APTA believes that its Rail Transit HOS provides a good model for incorporating assessment of fatigue issues in incident and accident investigations.

12. Would you support requirements for State Safety Oversight Agencies in investigating the potential role of fatigue in rail safety events and near misses? If so, what requirements would you support? What would be the burdens to the industry? What would be the benefits?

APTA does not support additional authority for State Safety Oversight Agencies (SSOAs) to investigate the potential role of fatigue in rail safety events and near misses. Including such authority would create a large financial, time and administrative burden for transit agencies, including the safety departments at these agencies.

13. Would you support routine data collection through the National Transit Database on whether an incident was fatigue related? What additional data would help assess national trend analyses on the safety impacts of fatigue? For example, FTA could update National Transit Database reporting for major safety events to include elements, such as the number of hours the operator was on duty, the end time of the operator's previous shift before the current shift, and the number of consecutive days the operator was on duty. Which of these would be useful? Would other data elements be useful? What barriers might impact the collection of additional data? Would this data be useful for both bus and rail events?

APTA does not support routine data collection through the National Transit Database (NTD) to determine whether incidents were fatigue related. APTA is concerned about the burden that collection and consideration of this data will impose on transit agencies. In addition, many APTA members believe that if fatigue data collection were to be required, it still might not prove that fatigue is the underlying issue for a safety event.

14. What would the burdens to the industry be if FTA instituted new requirements to record transit worker fatigue data in the National Transit Database? What would be the benefits to the industry of having such worker fatigue data for transit safety events?

APTA believes that the current state of data collected for NTD reporting is very ambiguous, and is concerned that any data collected and reported may be inaccurate and not comparable across the country. Accordingly, APTA does not recommend that FTA require additional data collection to record transit worker fatigue.

¹² APTA Rail Transit HOS Standard at 3.

15. FTA recently began collecting annual counts of fatal bus collisions from transit operators that are not currently required to file major safety event reports. These are primarily operators in rural areas, or operators with fewer than 30 vehicles in peak service. Some of these fatal bus collisions may be fatigue-related. Should FTA consider gathering data on fatigue from these events?

APTA does not recommend that FTA consider gathering data on fatigue from these events. Gathering such data from rural or operators with fewer than 30 vehicles would be extremely burdensome, as such agencies are already stretched thin. APTA does not believe there is a safety need to collect this granular level of data.

D. Current Hours of Service and Fatigue Risk Management Policies

16. Do you have information or data on whether and how transit agencies are currently using their documented safety risk management processes to assess the associated safety risk and, based on the results of the safety risk assessment, identify safety risk mitigations or strategies as necessary to address the safety risk of transit worker fatigue through their Agency Safety Plan?

APTA does not have information or data on whether and how transit agencies are currently using their documented safety risk management (SRM) processes to assess and identify risk mitigations or strategies for transit worker fatigue through their Agency Safety Plan.

One transit agency expressed that to conduct SRM, there would have to be an event or series of events where fatigue was the issue. Such events have been isolated so there has been no need to gather data on a larger scale.

APTA members have also expressed concerns about the availability of information, especially given state privacy laws. To gather the data, transit agencies would have to question employees on sleep habits, medications, and other pertinent information. Such information may be hard to obtain from employees, especially where state privacy laws do not allow such questioning. Finally, for the largest agencies with thousands of employees, it would be near impossible to get this granular level of information and data from each employee.

- 17. Do you have information or data on existing State or local HOS or FRMP requirements that apply to transit workers? a. To which transit agencies do they apply? b. To which modes do they apply? c. To which classifications of workers do they apply (e.g., operators, maintenance, dispatchers)? d. Are waivers allowed to accommodate exigent or other circumstances? Please explain. e. Please describe the HOS and FRMP requirements (e.g., hours restrictions, training requirements, designated breaks, and rest areas). f. Has the effectiveness of the HOS or FRMP requirements been evaluated? How were they evaluated and what were the results? g. Are existing HOS requirements part of collective bargaining agreements? If so, what are the details? If not, how would HOS or FRMP requirements interact with existing collective bargaining agreements?**

One agency in California described the HOS requirements implemented by their SSOA, the California Public Utilities Commission (CPUC).¹³ In California, light rail employees are restricted to working 12 hours over a 16-hour spread, however there is no limit on consecutive days worked. California also has a definition of safety-sensitive employees, but it does not consider all employees under the requirement.

Further, California also allows for waivers of the HOS requirements if the department documents the need for an employee to work longer hours, such as in an emergency or natural disaster (e.g., earthquake, flooding, or fire). It is APTA's understanding that no evaluation has taken place measuring the effectiveness of California's HOS requirements.

Pennsylvania also has a statewide order in place that covers bus HOS requirements. The Pennsylvania HOS prohibits bus operators from working more than 16 hours per workday with a minimum of 8 hours off duty time between shifts. Also, employees may not work more than 30 hours in 2 consecutive days. Pennsylvania also allows for waivers of the HOS requirement in the event of emergencies, natural disasters, or large-scale events such as sporting events and concerts that would need an increase in employee hours.¹⁴

- 18. Is transit worker secondary employment tracked? If so, how? Are secondary employment hours tracked in addition to primary employment? Do transit agencies face any limitations on their ability to track secondary employment?**

APTA members are very concerned about the issue of secondary employment and how it might impact any HOS requirement. There is a concern that once an HOS requirement is implemented, employees may find a secondary job with a rideshare service (e.g., Uber, Lyft) or another company to make up the hours that they may be "losing" due to the HOS limitations. In such cases, secondary employment would defeat the purpose of requiring public transit agencies to implement

¹³ See Cal. Pub. Util. Comm'n., G.O. 143-B [Safety Rules and Reguls. Governing Light-Rail Transit] (as amended January 20, 2000).

¹⁴ See Commonwealth of Pennsylvania Department of Transportation Order Number 017 (July 23, 2013), as amended and extended (July 27, 2020).

HOS requirements. APTA strongly recommends that FTA research the issue of the effect of secondary employment on potential HOS requirements.

The issue of secondary employment does not appear to be widely tracked by public transit agencies. However, some agencies do have policies in place. For example, at one agency, the city has a policy in place that allows employees to get permission or acknowledge that they have secondary employment. Further, that agency is in the process of reviewing and enforcing an updated policy regarding secondary employment and determining what recourse, if any, the city-run transit agency can take with employees whose secondary employment could lead to fatigue-related issues.

Accordingly, APTA supports FTA reviewing available options to limit secondary employment to avoid fatigue-related issues.

19. Do you have information on transit worker schedules for operators, maintenance workers, control center workers, and other workers? a. How long are shifts? How long are overtime shifts? b. What are the non-operational job responsibilities of bus and rail operators? How much time do workers spend on-task, for example, operating a vehicle or performing maintenance work, as compared to other work, such as office administrative work? c. How many breaks do workers get? How long are the breaks? d. How much off-duty time do workers get? e. What split-shift policies are used? What is their service span on their longest service days? Which workers work split shifts? f. How consistent are transit workers' shift schedules? Are assigned service hours stable week-to-week? Month-to-month? Year-to-year?

It is APTA's understanding that the schedules of maintenance workers, control center workers, and other workers varies from agency to agency, and thus it would be burdensome to collect this data in any meaningful form that would be useful.

20. What fatigue-related factors are considered when developing bus and rail schedules? Why are these factors considered?

Many transit agencies have departments that develop schedules for bus and rail operators. One fatigue-related factor that is considered in developing schedules is release periods. For example, one agency is reviewing the adoption of 10-hour release periods to ensure an opportunity for operators to have sufficient sleep. It also considers late night work, including operating during "high risk" periods, such as 11:00 p.m. to 5:00 a.m., as a fatigue-related factor that is considered as part of scheduling.

Another agency stated that it reviews fatigue-related factors in its scheduling practices and has software that assists it in reviewing fatigue for night shift operations. Although this software may not be feasible for all agencies, it may be useful for FTA to review how it is utilized in scheduling practices.

As noted in question 6 above, APTA believes that schedulers should be trained in fatigue-related factors.

21. Do you have information on transit agency use of other safety enhancing policies or technology solutions that FTA should consider?

APTA supports the use of technology to enhance safety. For example, car manufacturers now produce sensors for when a driver is “dosing off” at the wheel. FTA should undertake research to evaluate such devices for use in transit operations.

Summary

In summary, APTA appreciates this opportunity to provide comments on the Transit Worker HOS and Fatigue Risk Management ANPRM. APTA’s Working Group that developed these comments includes numerous large, medium, and small public transit agencies in the United States and represents all modes of public transportation (e.g., bus, commuter rail, rail transit and ferries). Many of these transit agencies also plan to submit similar comments on the Transit Worker Hours of Service and Fatigue Risk Management ANPRM, from their individual agencies.

Safety is the number one core value of APTA, and our member agencies and APTA wants to ensure that FTA is fully focused on safety of the transit industry moving forward. APTA supports federal hours of service and fatigue risk management programs standards for rail and bus transit agencies that are not currently operating under state/local hours of service or fatigue risk management requirements. For those agencies, APTA strongly encourages FTA to adopt program requirements that are flexible and take into consideration the unique operating characteristics of each mode. Moreover, APTA strongly recommends an 18-month implementation period for any final HOS standards.

If you have any questions regarding this letter, please contact Brian Alberts, APTA’s Senior Director of Safety and Advisory Services, at balberts@apta.com or 202.496.4885.

Thank you for your consideration and we look forward to continuing to work with FTA to improve safety throughout the transit industry.

Sincerely,



Paul P. Skoutelas
President and Chief Executive Officer