

**FEDERAL REGISTER NOTICE:
FTA NOTICE AND REQUEST FOR COMMENTS
NATIONAL TRANSIT DATABASE REPORTING
SAFETY AND SECURITY REQUIREMENTS**

DETAILS

Link to FR Notice: [Federal Register :: National Transit Database Safety and Security Reporting Changes and Clarifications](#)

COMMENTS DUE: September 13, 2022

HIGHLIGHTS OF NOTICE

Background

Pursuant to 49 U.S.C. 5334(k), FTA is seeking public comment on proposed National Transit Database (NTD) safety and security (S&S) reporting changes and clarifications. The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act requires FTA to make changes and clarifications on two topics: (1) assaults on a transit worker; and (2) fatalities that result from an impact with a bus.

Assaults on Transit Workers

The BIL requires that recipients of a grant under Chapter 53 submit to the NTD “any data on assaults on transit workers of the recipients.” BIL also amended 49 U.S.C. 5302(1) to define “assault on a transit worker as: [A] circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.” FTA plans to incorporate this definition into NTD reporting without change and is not seeking about that definition. FTA proposes to define “transit worker” as: “any employee, contractor, or volunteer working on behalf of the transit agency.” And, to maintain consistency between this definition and the statutory definition of “assault on a transit worker,” FTA proposes to amend the definition of “assault” contained in the NTD Safety and Security Policy to: “an

attack by one person on another without lawful authority or permission,” which currently defines “assault” as an “unlawful attack by one person upon another.”

FTA identifies three different reporting groups: (1) full reporters; (2) reduced, tribal, and rural reporters; and (3) capital asset-only reporters. “Full Reporters” would report all assaults on transit workers on either the S&S-40 or S&S-50 (“Non-Major Summary Report”) forms. The S&S-40 captures safety and security “major event” reports such as fatalities. The S&S-50 collects monthly counts from full reporters related to “non-major” events. The S&S-40 form is detailed, requiring one unique report per event. FTA proposes adding two new questions on the S&S-40 if the event is an assault or a homicide. The first proposed question asks reporters to identify whether assault or homicide events were against operators, other transit workers, or someone else. If the first question indicates an assault against an operator or other transit worker occurred, a second proposed question asks whether the assault was physical or non-physical, which are defined as follows: • Physical Assault on a Transit Worker: An assault in which the attack involves physical contact with the transit worker. This could include any physical contact with the victim from the attacker’s body, a weapon, a projectile, or other item. • Non-Physical Assault on a Transit Worker: An assault in which the attack involves no physical contact with the transit worker. This could include threats or intimidation that did not result in any physical contact with the transit worker. FTA proposes to require that any assault on a transit worker that is not reported on the S&S-40 must be reported on the S&S-50 form. Currently, the S&S-50 does not identify which non-major events involved assaults. FTA proposes to add a four-by-four matrix with sixteen fields to the S&S-50 to collect counts related to assaults on a transit worker. The matrix would ask for counts to be distinguished based on whether the assaults were physical or non-physical, whether they were assaults on operators or on other transit workers, and whether the assaults occurred in a transit vehicle, a revenue facility, a non-revenue facility, or some other location.

For “reduced, tribal, and rural reporters”, FTA proposes that they begin reporting assaults on transit workers on a new annual form (S&S-60). Reduced and rural reporter types already report safety data on the RR-20 form. At present, the NTD asks three safety questions on the RR-20 form: total fatalities from the prior year, total injuries from the prior year, and total events from the prior year. FTA proposes to remove these questions from the RR-20 form and transfer them to the new S&S-60 form. Additionally, FTA proposes asking these reporters to report transit worker assault data using matrix format. The proposed S&S-60 form will collect data that is similar to the data captured from full reporters on both the S&S-40 and S&S-50 forms. This would facilitate consistent data collection from all reporters. The proposed S&S-60 questions are intended to provide annual counts of where transit worker assaults occurred, whether assaults were against operators or other transit workers, whether the assaults were physical or non-physical, whether the events were major or non-major (consistent with the S&S-40 and S&S-50 definitions) and counts of affected person-type(s). FTA proposes that reporting for transit worker assault data on the S&S-60 begin in RY 2023.

For “capital asset-only reporters” FTA proposes that they begin reporting assaults on transit workers on a new annual form (S&S–60). The S&S–60 asks for annual counts of transit worker assaults across two different matrixes and is a monthly summary tally.

Fatalities from Impact with a Bus

The BIL also amended 49 U.S.C. 5335(c) to require “each recipient of a grant” under Chapter 53 to report “any data on fatalities that result from an impact with a bus.” FTA identifies the same three reporting groups as noted above and proposes different ways to collect this data, depending on the reporter type. “Full reporters” already report all fatalities that result from an impact with a bus to the NTD because all events that result in a fatality, including those from an impact (or “collision”) with a bus, must be reported on the S&S–40 form. FTA welcomes comments on whether the BIL otherwise affects reporting for full reporters. For “reduced reporters, tribal reporters, and rural reporters”, FTA proposes to collect bus fatality collision data from rural, reduced, and tribal reporters on the new S&S–60 form. The RR–20 form currently collects summary annual fatality data from these reporters. However, the form combines fatality counts of all types, making fatalities that result from an impact with a bus indistinguishable from other fatalities. The RR–20 also does not distinguish major events from non-major events. FTA proposes to add eleven questions on a matrix in the S&S–60. The proposed form will delineate collisions with pedestrians and vehicles, as well as major from non-major events. FTA proposes that these changes take effect in RY 2023.

For “capital asset-only reporters”, FTA proposes that they begin reporting data on fatalities that result from an impact with a bus on a new annual form (S&S–60). The S&S–60, which will replace the major event, fatality, and injury questions on the RR–20, currently does not apply to capital asset-only reporters. The S&S–60 asks for counts of major events, fatalities, and injuries.

ADDITIONAL INFORMATION

This is the second notice regarding NTD reporting changes. The first can be found here: [2022-14502.pdf \(federalregister.gov\)](#)