

**86th Meeting of the
Metro Area Transit Coordinating Board
March 17, 2021 – 8:00 am**

Virtual Meeting

Meeting Agenda

1. Call to Order and Introductions
2. Action Items:
 - a. February 3, 2021, Meeting Minutes
 - b. Preliminary Budget Discussion – Julie Bommelman & Lori Van Beek
 - i. Capital Improvement Plans
 - ii. Review Five-year Plan Recommendations
 - c. U-Pass Contracts for 2021-22 Proposed Rates – Lori Van Beek
 - d. Moorhead 2021 Title VI Program 3-year Update – Shaun Crowell
 - e. Changes to Moorhead Routes 6 & 9 – Taaren Haak
3. Informational Items
 - a. Update on Mask Requirements for Transit – Julie Bommelman
 - b. Update on Safety Plan to Include Metro Senior Ride – Jordan Smith
 - c. 2021 Operations Reports – Matthew Peterson & Lori Van Beek
 - d. Interesting Transit Articles
4. Other Business
5. Adjournment

NOTE: Full Agenda packets can be found on the Metro COG Web Site at <http://www.fmmetrocog.org> – Committees

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**85th Meeting of the
Metro Area Transit Coordinating Board
February 3, 2021
Virtual Meeting**

Members Present:

Jim Aasness, Dilworth City Council
Brian Arett, Valley Senior Services
Kevin Hanson, Chair
Steve Lindaas, Moorhead City Council
Brad Olson, West Fargo City Commission
Larry Seljevold, Moorhead City Council
Brit Stevens, NDSU
Teresa Stolfus, M|State
John Strand, Fargo City Commission
Annie Wood, MSUM

Members Absent:

Tony Grindberg, Fargo City Commission
Paul Grindeland, Valley Senior Services
Jackie Maahs, Concordia College

Others Present:

Lisa Bode, City of Moorhead
Julie Bommelman, City of Fargo
Shaun Crowell, City of Fargo
Taaren Haak, City of Moorhead
Michael Maddox, FM Metro COG
Matthew Peterson, City of Fargo
Edward Pearl, First Transit
Jordan Smith, City of Moorhead
Lori Van Beek, City of Moorhead

1. Call to Order and Introductions

a. Larry Seljevold, Moorhead City Council

Chair Hanson called the meeting to order and introduced Larry Seljevold as a new Moorhead City Council Member. A quorum was present.

2. Action Items

a. November 18, 2020 Meeting Minutes

A motion to approve the minutes was made by Mr. Olson and seconded by Mr. Seljevold. The motion was voted on and unanimously approved.

b. Federal Grant Application for 2021 Capital (Moorhead)

Ms. Van Beek began by giving a brief overview of the federal funding sources for transit capital projects in Moorhead. Along with federal grants received as an urban area under Section 5307, the state of Minnesota selects projects that are funded with their federal pass-through funds. As

part of this process, the City of Moorhead is planning a number of projects. Some of these projects include the replacement of a large transit bus, two paratransit buses and a bus shelter.

A motion to approve the City of Moorhead's federal grant application was put forward by Ms. Arett and seconded by Mr. Lindaas. The motion was voted on and unanimously approved.

c. Federal Grant Application for 2021 Capital (Fargo)

In a similar process as outlined by Ms. Van Beek in action item 2.b., Ms. Bommelman explained what the City of Fargo plans to include in their application for federal grants. Funds will be used for maintenance, ADA costs, planning assistance and operating assistance. Unlike the City of Moorhead, there are no major capital investments in this particular application however a public hearing is still required.

A motion to approve the City of Fargo's federal grant application was put forward by Mr. Strand and seconded by Mr. Lindaas. The motion was voted on and unanimously approved.

d. Award of LED Lighting Project for Metro Transit Garage

Mr. Smith explained that both the City of Fargo and Moorhead were allocated grant money for a lighting upgrade at the Metro Transit Garage. The project was put out to bid, with Superior Electric Fargo placing the lowest bid. Mr. Smith expressed that investment in this project will dramatically save energy and costs in the long term.

A motion to recommend to the Fargo City Commission and the Moorhead City Council the award of the LED Lighting Project for Metro Transit Garage was put forward by Mr. Olson and seconded by Mr. Lindaas. The motion was voted on and unanimously approved.

e. Annual List of Free, Reduced, Promotional and Pilot Fares

As is presented to the board at the beginning every year, Ms. Haak explained that the attached list contains all promotional fares that deviate from the normal fare structure. This includes internal promotions run by the City as well as those in partnership with local community events.

A motion to recommend the annual list of free, reduced, promotional and pilot fares to the Moorhead City Manager was put forward by Mr. Seljevold and seconded by Mr. Lindaas. The motion was voted on and unanimously approved.

3. Informational Items

a. Ground Transportation Center Project Update

Ms. Bommelman gave an overview of the GTC project history from the initial study period to funding. There were some unexpected issues during the renovation process but the budget was ultimately met. The interior renovation is now complete with occupancy late last year. The exterior renovation phase of the project will move forward and the same consultant (KLJ) was hired. Exterior renovations will commence this Spring. Renovations will include the replacement of the entire roof and fascia, deck improvements, upgraded canopies over the deck area and re-pouring concrete in pedestrian areas. Ms. Bommelman went through the numbers of the budget and the estimated costs. This phase of the project is expected to be completed by early Fall 2021 and, depending on the status of COVID-19, there will be an open house.

Mr. Lindaas asked about disruptions to bus motion at the site during exterior renovations. In reply, Ms. Bommelman explained that buses will use 4th Street as an access point when needed. The contractors will work on Sundays, which means regular operations at the GTC will be able to continue despite the renovations.

Mr. Hanson asked about comments received from the riders and GTC staff in regards to the interior renovations. Ms. Bommelman has said feedback has been positive, particularly from staff who love the more collaborative working environment. Mr. Peterson added that having the fixed route dispatchers and paratransit reservationists in the same space has been successful. Separating radio communications from those responding to passenger phone calls has also successfully mitigated noise issues and improved concentration. Dispatch staff have been very adaptable to change.

b. COVID-19 Update on Fares

Ms. Van Beek reminded everyone that fares have been suspended during the pandemic. This suspension is due to expire at the end of March. New fareboxes are being prepared in time for April 1.

Mr. Strand expressed his wish for transit to continue fare-free, but understands it's not realistic. Ms. Bommelman sympathized with Mr. Strand's wishes and explained that going fare-free has been possible due to federal CARES Act funding. She also said she would leave the door open to consider a fare-free transit system in the future.

c. COVID-19 Update on Vehicle Improvements

Mr. Smith outlined some of the projects for vehicle improvements in light of COVID-19. Completed projects include, air and surface purification system installation in every vehicle, driver barriers in some TapRide and paratransit vehicles and installation of hand sanitizer dispensers. Some driver barriers for fixed route buses are still yet to be installed but are expected to be in within the next two weeks.

d. 2021 Fuel Bids

The City of Fargo Transit and Public Works Department goes out for bid twice a year for fuel. Mr. Smith informed that in January, the department awarded for the third and fourth quarter of 2021. The winning bid will bring the total price for diesel well under last year's costs. Mr. Smith also added that putting out a bid for fuel has always meant significant savings.

Following a comment from Mr. Hanson about the low cost, Mr. Smith acknowledged that historically this is some of the cheapest per gallon prices the department has seen.

e. 2020 Incidents Report

Mr. Peterson expressed that this information will be covered in informational item 3.g., prompting Chair Hanson to move on.

f. 2020 Achievements Report

An attachment was handed out with a list of achievements from 2020, grouped by category. Ms. Van Beek outlined the list. Some of these achievements included, buying a new-fare collection system expanded to paratransit, a green light priority system, LED lighting and a faster web-based maintenance system at the Metro Transit Garage, going fare-free and minor route

changes due to the pandemic, GTC renovations, new shelters, completing a transit authority study and going out to bid for driver services which led to the successful bid from First Transit.

g. 2020 Annual Operations Report

Mr. Peterson went through a presentation of the 2020 Annual Operations Report. Due to COVID-19, ridership in 2020 was almost 30% lower than in the year previous. Ridership in Fargo fell more significantly than Moorhead, largely due to the colleges resuming classes virtually. Ridership towards the end of the year steadily increased, thanks in part to rides being fare-free. Routes that typically serve college students were the worst performing. Although numbers for fixed-route service in Fargo and paratransit across the region were down, TapRide for the industrial park did see a significant increase in ridership. Furthermore, Routes 3 and 5 in Moorhead slightly increased in ridership. By demographic, adult ridership increased while college-aged, elderly, disabled and child ridership all dropped. There was little change in vehicle revenue hours, with the exception of low numbers for paratransit. There was a slight decrease in revenue hours in Fargo largely due to suspending 15-minute service for Route 15. Social media traffic was down in 2020 as there wasn't much advertising for events and promotions throughout the year. Calls to MATBUS did increase however, mostly due to people asking questions about service during the pandemic. Mr. Peterson then summarized the tables that tallied the number of complaints, reported incidents, other feedback items, missed trips, system failures and collisions. The results were consistent with expectations and collision statistics were particularly promising.

Ms. Van Beek gave an overview of college ridership in 2020. Since transit was fare-free for most of the year, college students have not been showing their student ID cards to board. This means that the numbers of college students counted relied on bus drivers noting ridership, mainly by college campuses. Therefore, college ridership numbers in 2020 are not entirely accurate.

Mr. Hanson had a question about access to vaccination sites. He asked whether there were any increased demands for rides, questions or specific requests. Mr. Peterson said he hadn't heard anything. Ms. Van Beek mentioned that Clay County bus drivers will be vaccinated in the next week or so.

h. Interesting Transit Articles

Ms. Van Beek drew the board members attention to some transit articles that were shared with them and encouraged people to view if interested.

4. Other Business

Hearing no other business, Mr. Hanson adjourned the meeting at 8:57 AM.



Memorandum

To: MAT Coordinating Board

From: Julie Bommelman, Fargo Transit Director

Date: March 10, 2021

Re: *Proposed 2022-2026 Fargo Transit Capital Improvement Plan (CIP)*

The attached listing is an excerpt from the 10-year Financial Plan of capital equipment and facility improvements needed for the 2022-2026 CIP.

The 2022 projects listed would require a local share match of \$1,255,551. The annual CIP allocation to Mass Transit would be requested during the budget process.

Recommended Motion: Provide the 2022-2026 CIP to the budget team and recommend the 2022 projects for consideration in the 2022 budget.

City of Fargo - Transit		2022	2023	2024	2025	2026
5 YEAR PLAN		Estimated	Estimated	Estimated	Estimated	Estimated
CAPITAL GRANTS - 5339/5310/UR						
GTC Deck Overlay (5339/5310)						
	federal				\$ 800,000	
	local				\$ 200,000	
	total				\$ 1,000,000	
Replace 2010 Para Scheduling Software - Fargo Share of \$125K total ((\$125,000 grand total - will cost share with Mhd; amount shown is Fargo's share only)						
	federal		\$ 26,800			
	local		\$ 6,700			
	total		\$ 100,000			
Replace 2012 AVA System - Fargo Share of \$900K						
	federal		\$ 480,000			
	local		\$ 120,000			
	total		\$ 600,000			
Misc. Support Equipment (5339/5307) (Informational/Interactive Kiosks at West Acres, GTC, NDSU plus headsigns, cameras and farebox for expansion cutaways; computers)						
	federal	80,000	80,000	80,000	80,000	80,000
	local	20,000	20,000	20,000	20,000	20,000
	total	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Shop Truck - Fargo Share of \$100K grand total (5339/5307)						
	federal	\$ 53,334				
	local	\$ 13,333				
	total	\$ 66,667				
Replace Bus Wash - Fargo Share of \$60K grand total (5339/5307)						
	federal	\$ 32,000				
	local	\$ 8,000				
	total	\$ 40,000				
Replace A/C Recovery Machine - Fargo Share of \$5600 grand total (5339/5307)						
	federal	\$ 3,536				
	local	\$ 884				
	total	\$ 4,420				
Replace Air Conditioner MTG (may need in 2021) - Fargo Share of \$35K grand total (5339/5307)						
	federal	\$ 22,400				
	local	\$ 5,600				
	total	\$ 28,000				
Replace Boilers/Water Heater MTG - Fargo Share of \$67K grand total (5339/5307)						
	federal	\$ 35,734				
	local	\$ 8,933				
	total	\$ 44,667				
Replace ToolCat - Fargo Share of \$83,700K grand total (5339/5307)						
	federal		\$ 44,640			
	local		\$ 11,160			
	total		\$ 55,800			
Transit Development Plan - Fargo Share of \$34,485 grand total (COG pays 80%) (5339/5307)						
	federal				\$ 27,588	
	local				\$ 6,897	
	total				\$ 34,485	
WA Shelter (5339/5310)						
	federal		<i>(construction)</i> \$ 1,760,000			
	local		\$ 440,000			
	total		\$ 2,200,000			
WA Shelter Engineer Design/Bid/Build (12% for fixed fee)						
			\$ 211,200			
			\$ 52,800			
			\$ 264,000			
Upgrade Metro Transit Garage per Study (5339/5310)						
	federal		\$ 9,600,000			
	local		\$ 2,400,000			
	total		\$ 12,000,000			
Upgrade MTG Engineer Design/Bid/Build (12% for fixed fee)						
			\$ 1,152,000			
			\$ 288,000			
			\$ 1,440,000			
Mobility Manager Salary (Fargo share) 5310						
	federal	\$ 20,000	\$ 20,600	\$ 21,218	\$ 21,855	\$ 22,510
	local	\$ 80,000	\$ 81,400	\$ 82,822	\$ 84,266	\$ 85,733
	total	\$ 100,000	\$ 102,000	\$ 104,040	\$ 106,121	\$ 108,243
Replacement Fixed Rt Buses						
	STP/UR/5339/5310 funding federal		<i>(5-2010 vehicles)</i> \$ 2,300,000	<i>(2-2011 vehicles)</i> \$ 1,000,000	<i>(5-2013 vehicles)</i> \$ 2,600,000	
	local		\$ 575,000	\$ 200,000	\$ 650,000	
	total		\$ 2,875,000	\$ 1,200,000	\$ 3,250,000	
	(Note: increase of \$25,000 each year estimate in cost)					
Replacement Para Buses						
	STP/UR/5339/5310 funding federal		<i>(3 vehicles)</i> \$ 204,000	<i>(3 vehicles)</i> \$ 216,000		
	local		\$ 51,000	\$ 54,000		
	total		\$ 255,000	\$ 270,000		
	(Note: increase of \$5,000 each year estimate in cost)					
	TOTAL FEDERAL	\$ -	\$ 4,722,203	\$ 1,316,600	\$ 101,218	\$ 2,701,855
	TOTAL LOCAL	\$ -	\$ 1,255,551	\$ 355,400	\$ 102,822	\$ 754,266
	GRAND TOTAL	\$ -	\$ 5,977,754	\$ 1,672,000	\$ 204,040	\$ 3,456,121



Memorandum

To: MAT Coordinating Board

From: Lori Van Beek, Moorhead Transit Manager

Date: March 10, 2021

Re: *Proposed 2022-2026 Moorhead Transit Capital Improvement Plan (CIP)*

The attached listing is an excerpt from the 10-year Financial Plan of capital equipment and facility improvements needed for the 2022-2026 CIP.

The 2022 projects listed would require a local share match of \$46,973. The annual CIP allocation to Mass Transit of \$150,000 would be used, with the remaining \$103,027 banked for future capital projects.

Recommended Motion: Provide the 2022-2026 CIP to the Moorhead City Manager and recommend the 2022 projects for consideration in the 2022 budget.

Attachment 2(c)

Moorhead Mass Transit	2022	2023	2024	2025	2026	TOTAL
Shelters - Replace Annually	75,000	33,000	45,600	34,490	36,000	224,090
Tap Ride - New Expansion Vehicle	100,000					100,000
Senior Unit #5221 Replaces Unit #5181 (STBGP 80%)	36,000					36,000
Facility Improvements & Equip (1/3 Mhd Cost):						-
Replace Shop Truck	33,333					33,333
Replace Bus Wash	20,000					20,000
Replace A/C Recovery Machine	1,867		2,000			3,867
Replace Air Conditioner (May be 2021)	11,667					11,667
Replace Boilers / Water Heater		22,333				22,333
Other		138,548				138,548
Technology - Replace 2012 AVA (1/3 Share Mhd)		300,000				300,000
Technology - Replace 2010 Para Scheduling Software (20% of \$125,000 for Mhd)		25,000				25,000
Para Unit #7231 Replaces Unit #7181		96,000				96,000
Senior Unit #5231 Replaces Unit #5191		36,000				36,000
Senior Unit #5232 Replaces Unit #5192		36,000				36,000
Senior Unit #5233 Replaces Unit# 5193		36,000				36,000
Tool Cat Replace (1/3 Share Mhd)		27,900				27,900
Para Unit #7241 Replaces Unit #7191			98,000			98,000
Technology - Replace PEM at MTG (100% Mhd Share)			21,000			21,000
Para Unit #7251 Replaces Unit #7211				101,000		101,000
Para Unit #7252 Replaces Unit #7212				101,000		101,000
TDP Consultant (5 year plan - 100% Local Match)				11,495		11,495
Facility Improvements & Equip. (1/3 Mhd Cost):						-
Replace Scrubber/Washer				24,190		24,190
Replace Press				4,000		4,000
Replace Man Lift					8,667	8,667
Replace Pressure Washer					2,667	2,667
Senior Unit #5261 Replaces Unit #5221					37,000	37,000
Fixed Route Expansion bus					609,000	609,000
Technology - replace cameras, radios, etc.					70,000	70,000
TOTAL	277,866	750,781	166,600	276,175	763,333	2,234,756
Subtotal Vehicles	100,000	204,000	98,000	202,000	646,000	1,250,000
Subtotal 100% Local Match	-	-	-	11,495	-	11,495
Subtotal Other Equipment	177,866	546,781	68,600	62,680	117,333	973,261
FUNDING:						
CIP	150,000	150,000	150,000	150,000	150,000	750,000
Federal Grant @ 85% (FTA 5307)	85,000	173,400	83,300	171,700	549,100	513,400
Federal Grant @ 80% (FTA 5307 & STBGP)	142,293	437,425	54,880	50,144	93,867	684,742
State Grant @ 10%	3,600	-	-	-	-	3,600
Mass Transit Reserves	(103,027)	(10,044)	(121,580)	(95,669)	(29,633)	283,014
TOTAL	277,866	750,781	166,600	276,175	763,333	2,234,756

FY2021-22 U-Pass Distribution

Draft 3/11/2021

2021 Moorhead MATBUS Budget:

Expenses	\$	2,834,873	
Farebox Revenue (2019 Year-end actual)	\$	368,115	Using 2019 as pre-COVID-19
30% Fare Revenue from Colleges per MOU	\$	110,435	Up 11.55% over 2019-20

2021 Goals / 2020 Achievements:

- New air filtration system installed in vehicles and increased cleaning for COVID-19.
- New mobile app launched with updated farebox system in 2021.
- New transit hub at Dilworth Walmart in 2021.
- New Green Light Priority traffic signal project to improve on-time performance of routes as of May 2021.
- Rebid contract for driver services for 2021-2022.

	CY2019*	
<u>Ridership</u>	<u>Riders</u>	<u>% of Total</u>
MSUM	42,258	57.43%
Concordia College	11,350	15.43%
M State	19,971	27.14%
TOTAL	73,579	100.00%

*Due to fare-free during COVID-19, 2020 Ridership for College students was difficult to determine as ID's were not used.

	2019-20		2018-19			
<u>Enrollment</u>	<u>Enrollment</u>	<u>% of Total</u>	<u>Enrollment</u>	<u>Difference</u>	<u>% Difference</u>	
MSUM	4,879	51.38%	4,894	(15)	-0.31%	
Concordia College	2,076	21.86%	2,224	(148)	-6.65%	
M State (not updated)	2,540	26.75%	2,540	-	0.00%	
TOTAL	9,495	100.00%	10,435	(163)	-1.56%	

	<u>Enrollment</u>	2021-22		2020-21*		2019-20	2019 vs. 2021	
<u>Fee Distribution</u>	<u>% of Total</u>	<u>U-Pass Revenue</u>	<u>Revised 2020-21</u>	<u>U-Pass Revenue</u>	<u>U-Pass Revenue</u>		<u>Difference</u>	<u>% Difference</u>
MSUM	51.38%	\$ 56,747	\$ 32,244	\$ 52,441	\$ 4,306	8.21%		
Concordia College	21.86%	\$ 24,146	\$ 14,653	\$ 20,577	\$ 3,569	17.34%		
M State	26.75%	\$ 29,542	\$ 16,735	\$ 25,985	\$ 3,557	13.69%		
TOTAL	100.00%	\$ 110,435	\$ 63,632	\$ 99,003	\$ 11,432	11.55%		

*2020-21 U-Pass Revenue was reduced to reflect fare-free during COVID-19 from April-December 2020.

NOTES:

Enrollment is based on an unduplicated count for the entire academic year excluding students who took all their courses online.
 Academic year includes: Fall 19, Spring 20, Summer 20

PLANNING FOR 2022-23 U-PASS:

Colleges will contact Lori in August 2021 with enrollment for Fall 20, Spring 21, Summer 21.
 Lori will contact the Colleges in July 2020 with estimated farebox revenue based on Jan-June 2020 actual revenue.

Lori will contact the Colleges in mid-January 2022 with final farebox revenue based on CY2021 actual revenue at year-end.

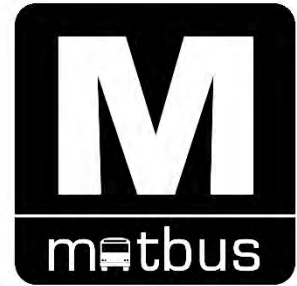
Memorandum

To: MAT Coordinating Board

From: Shaun Crowell, Mobility Manager
Lori Van Beek, Transit Manager

Date: March 17, 2021

RE: *Moorhead Title VI 3-Year Program*



Every three-years, Federal grant recipients are required to submit a Title VI Program. Moorhead's 2021 Title VI Program is due to expire in April 2021. A preliminary draft should be sent to FTA for review and comment to ensure that final submission and approval is received prior to expiration of the previous plan.

Background / KEY POINTS: All programs receiving financial assistance from the FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Department of Transportation's implementing regulations, Circular 4702.1B.

As a recipient of federal funding, MATBUS for the City of Moorhead must:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promote full and fair participation in public transportation decision-making without regard to race, color or national origin;
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

Every three years, MATBUS must report to FTA by submitting materials that show their programs, policies and activities comply with DOT's Title VI regulations. All recipients must also have their Title VI program approved by the appropriate governing official, i.e. the City Council for City-operated entities.

Moorhead Transit's Title VI program includes the following:

- Any notices to the public of protections against discrimination afforded by Title VI, as well as a list of their locations;
- A Title VI discrimination complaint form and instructions to the public on how to complete it;
- A list of any public transportation-related Title VI investigations, complaints or lawsuits filed with the recipient since the time of the last submission;
- A public participation plan including outreach to minority and limited English proficient populations within the service area (may also include other traditionally

underserved constituencies, such as people with disabilities and low-income populations);

- The recipient's plan for assisting persons with limited English proficiency;
- The recipient's service standards and service policies;
- Any additional relevant information that demonstrates adherence to Title VI regulations.

Attached is Moorhead's draft 2021 Title VI Program for your review.

Requested motion: The request is for the MAT Coordinating Board to recommend to the Moorhead City Council approval of the 2021 Title VI Plan and submission to FTA.

March 31, 2021

Morgan Hecht
Regional Civil Rights Officer
Federal Transit Administration
1961 Stout Street
Suite 13-301
Denver, CO 80202

RE: City of Moorhead - General Title VI Requirements

Dear Ms. Hecht:

The following information is being submitted as required by Title VI Program Guidelines for Federal Transit Administration Recipients, Circular 4702.1B.

During the past three years, route changes were made to Moorhead MATBUS in accordance with our Fare and Route Change Policy lease see Attachment A, Route Changes 2018-2020, for a detailed list of these changes. This attachment also includes the most up-to-date version of our maps and timetables. Our full system map is also available online at the following link:

<http://www.matbus.com/>

Per FTA Circular 4702.1B, Chapter III, General Requirements and Guidelines, and Chapter IV, Requirements and Guidelines for Fixed Route Transit Providers, the City of Moorhead hereby certifies:

- 1. Annual Title VI Certification and Assurances:**
Moorhead has electronically executed and submitted its annual certifications and assurances through TEAM or TrAMS, including Title VI.
- 2. Route Changes and Title VI Notice to the Public:**
Please reference **Attachment A** to see route changes made in 2018-2020. Please reference **Attachment B: The Public Notice** *which is a vital document*, to see the posters and announcements provided by MATBUS. The Public Notice from both the cities of Moorhead and Fargo is posted on the Public Notice Bulletin Board at the Ground Transportation Center (GTC) and on the Employee Bulletin Boards at the Metro Transit Garage (MTG), the City of Moorhead, and First Transit. The Policy Notice is posted prominently in all fixed route and paratransit vehicles (examples are included) as well as passenger shelters. Also included is the policy as listed on our website at www.matbus.com.
- 3. Title VI Complaint Procedures and Form:**
MATBUS Discrimination Complaint Form with instructions is included in **Attachment C**

and is a vital document: Title VI Complaint Form

4. **Title VI Investigations, Complaints, Lawsuits and Investigations:**
There have been one transit-related complaints a investigations alleging discrimination on the basis of race, color or national origin filed against the City of Moorhead within the past three years.
5. **Public Participation Plan:**
The City of Moorhead makes every effort to ensure public participation of all populations, including minority, low-income, and LEP populations, in the course of conducting public outreach and involvement activities – notices are posted in various publications (the local newspaper, with the local MPO), on our webpage, on all vehicles and in all transit facilities where locations are conspicuous and accessible to all individuals. Letters and/or emails are sent to agencies providing services to minority, LEP, and low- income populations; and public meetings are held to encourage participation by all populations. We utilize social media, such as email rider alerts, Facebook, and Twitter to communicate with our passengers on detours, promotions, service and fare changes, planning studies, storm detours, and any other information necessary to utilize the services effectively. Efforts since the last Title VI program have included all of the above activities, as well as updating of our web page www.matbus.com.
6. **Access to Services by Persons with LEP:**
See **Attachment D** for the City of Moorhead Limited English Proficiency (LEP) Plan. We have also translated our “MAT Paratransit” brochure into Spanish. Our “How to Ride” video posted on our web site has an accompanying video script in MS Word, which can be translated online using Google Translate (translate link is contained of our web page).
7. **Membership of Non-elected Decision-Making Bodies:**
The Moorhead City Council is the decision-making body and they are elected officials. The Metro Area Transit (MAT) Coordinating Board is an advisory board to the Moorhead City Council and Fargo City Commission; and therefore is not a decision-making body. See **Attachments E, F and G** for the racial breakdown of City employees. First Transit employees and Valley Senior Services employees.
8. **Subrecipient Title VI Programs:**
The City of Moorhead Transit Department does not have any subrecipients. However, our contracted operators (First Transit and Fargo Park Board d/b/a Valley Senior Services) do have Title VI programs. (see **Attachment G**)
9. **Title VI Equity Analysis for New Facilities:**
There have been no facilities constructed within the last three years.
10. **Governing Entity Approval:**
This Title VI Program submission is scheduled for approval at the City of Moorhead City Council meeting on March 22, 2021. We will be able to provide a certified resolution of approval for this program immediately following this date. The draft resolution is included and will be replaced upon approval.
11. **Census and Environmental Justice Data:**

Included items are: demographic information, 2010 Census Tract racial distribution data (**Attachments H and I**) and 2015 Environmental Justice Database Update prepared by the Fargo-Moorhead Metropolitan Council of Governments.

12. **Service Standards for Transit Providers:**

Service Standards, including vehicle load, headway, on-time performance and service availability can be referenced in **Attachment J**. **Attachment K** includes our Operations and Ridership Reports for 2020, which track performance measures by route and service.

13. **Service Policies for Transit Providers:**

Transit Amenities and Vehicle Assignments are outlined in **Attachment L**.

Should you have any questions concerning this information, please contact me or Shaun Crowell, Mobility Manager, at 701-241-8140 or e-mail LVanbeek@matbus.com or SCrowell@matbus.com.

Sincerely,

Lori Van Beek
Moorhead Transit Manager

Attachments:

- A: Route Changes 2018-2020, Map & Timetables
- B: Title VI Notices to the Public (Notice on Bulletin Boards, Notice in Fixed Routes Buses, Notice in MAT Paratransit Buses, Notice in Metro Senior Ride Vans, Notice in Passenger Shelters, Notice from Web Page,)
- C: MATBUS Discrimination Complaint Form with Instructions
- D: City of Moorhead Limited English Proficiency Plan, MAT Paratransit Brochure in Spanish, Sample page from web page in Spanish)
- E: Moorhead EEO 2020 Report,
- F: First Transit 2020 Affirmative Action Plan: Memos, FT Affirmative Action- Transit Workforce Analysis, EEO, Harassment Free Workplace
- G: Valley Senior Services Title VI Plan dated 3.10.20
- H: Fargo/Moorhead Demographic Forecast Study and additional demographic reports
- I: Environmental Justice Data with Route Map – Produced by MetroCog
- J: Service Standards for Transit Providers
- K: 2020 Operations Report with Performance Measures
- L: Service Policies for Transit Providers (Amenities and Vehicles)

Attachment A

Route Changes 2018-2020

2018

20th/21st Street Grade Separation Project: Route 3 started a long-term detour on July 30, 2018, due to project road closures. With this detour, Route 3 is no longer serving the Moorhead Municipal Pool directly, and has moved two blocks south. This detour is ongoing in March 2021. Beginning November 3, 2018, Route 4 also began a long-term detour due that required the route to bypass the Target shelter by one block.

2019

Routes 6 and 9: Effective January 2, 2019, trips were adjusted between the interlined routes 6 and 9. Due to ridership demand on Route 6, two trips were added on weekday evenings – 6:10 p.m. and 6:40 p.m. The 6:10 p.m. trip was shifted from Route 9, since ridership had decreased after the closing of Sam's Club. The 6:10 a.m. trip was also removed from Route 9 due to low ridership.

Metro Senior Ride Hours: The start time for this on-demand senior service changed from 7:40 a.m. to 7:30 a.m. Monday-Friday. This change was to bring hours in line with system operating policy.

Route 4: The temporary road work that prevented Route 4 from reaching Target became permanent. This work modified the intersection at 34th Street S and Highway 10, and did not allow the bus to make a left turn from the Target frontage road. The detour became permanent effective August 1, 2019.

2020

LinkFM: Effective January 1, 2020, the LinkFM downtown circulator route discontinued daily service. This jointly funded route (50% Moorhead, 50% Fargo) was adjusted to operate during special events only, with a list of 11 approved events. Other community events are able to request LinkFM service and are approved if they meet pre-determined specifications.

Route 4 Social Distancing: Due to social distancing needs during the COVID-19 pandemic, an extra bus was added to Route 4 for peak weekday ridership hours – 10:00 a.m. to 7:00 p.m. The extra bus was in service May 8-June 25, 2020.

Grocery Delivery Service: Due to supply needs during the COVID-19 pandemic, MAT Paratransit vehicles began to be used for a new grocery delivery service. This service is available to seniors and Paratransit-eligible riders.

Fare and Service Change Policy

In order to provide appropriate levels of service, the City of Moorhead's public transit system (MATBUS) may bring forth proposed changes in routes and fare structure. Before enacting any changes in fares or service, MATBUS will evaluate the changes to determine if they are temporary, minor, or major. If the change is found to be major, MATBUS will follow a procedure to solicit public comment and City Council approval. These evaluation definitions and procedures are outlined in the following document.

Definitions

Temporary Service Change

Temporary service changes are those that are in effect for a limited time period, due to road construction, special events, etc., and are not intended to be permanent.

The Transit Manager shall make temporary service changes administratively. If a temporary service change is to become permanent, the Transit Manager will evaluate the change to determine if it is minor or major and follow the procedures outlined below.

Minor Service Change

A route or service change is considered minor if it affects less than 25% of the route's mileage and/or annual revenue hours.

Minor service changes shall be made upon approval of the City Council.

Major Service Change

A route or service change is considered major if any of the following apply:

1. Elimination or addition of a route
2. Any change in routes affecting greater than 25% of the route's mileage and/or annual revenue hours.
3. Changes that would reduce or eliminate service to schools, elderly/public housing, hospitals or social service agencies.

All major route changes will be subject to the public hearing process and implemented after approval by the City Council.

All fare changes will be considered a major service change, except short-term fare-free or reduced fare promotions. Short-term promotional fares will be presented to the City Manager for approval in advance of the change.

Public Comment/Hearing Procedure

The City of Moorhead must solicit and consider public comment before implementation of all changes in fares or major changes in service.

Public hearings will be held for all fare and major route changes. Public hearing dates are set and hearing notices appear in the official Moorhead newspaper approximately two weeks prior to the actual hearing. Hearings are held during the City Council's regularly scheduled meetings at Moorhead City Hall. Hearings are open to the public; anyone wishing to speak at the hearing is afforded the opportunity. If someone is unable to attend the hearing, written comments are accepted prior to the hearing.

Fare and Service Change Policy

The Transit Manager will summarize all comments received prior to the public hearing. The summary and an analysis of the proposed change(s) will be provided to the City Council during the scheduled public hearing for consideration.

Notification Process

The public will be notified of an upcoming public hearing through a variety of methods, in order to ensure adequate opportunity for public comment and participation in the public hearing.

The notification methods will be required as follows:

- Newspaper – The public hearing notice will be published in the City’s official newspaper at least once, with the first notice appearing in the newspaper a minimum of two weeks prior to the public hearing.
- City Website – A notice of the hearing will be published with the City Council agenda, which is published on the City of Moorhead website (cityofmoorhead.com).
- MATBUS Website – A notice of the hearing will be published on the MATBUS website (MATBUS.com).
- Rider Alerts – A notice of the hearing will be distributed through a MATBUS Rider Alert. Members of the public can sign up for Rider Alert emails through the MATBUS website.
- Social Media – Notice of the hearing will be published on MATBUS’s social media pages (Facebook and Twitter).
- Transit Center Posted Information – Notice of the hearing will be posted at the main transportation hub, the Ground Transportation Center at 502 NP Avenue, Fargo, ND. Additional information and hard copy comment sheets will be made available at the dispatch window and/or an informational display.

Notification Format

The public hearing notice will include the following information:

- Time, date and location of the public hearing
- Description of proposed changes
- Statement that the public will have the opportunity to comment at the hearing
- Contact information for the person that may be contacted for additional information, or to provide comments prior to the public hearing
- Instructions on how to request accessible formats of the information or accommodation during the public hearing

Council Action

At the conclusion of the public hearing, the City Council will vote to approve or deny the proposed change(s). If passed, the approved change will be documented through a written resolution and filed in public record.

Policy Date

This policy is dated September 10, 2018.

Attachment B

POST PERMANENTLY ON ALL BULLETIN BOARDS

PUBLIC NOTICE

**CITY OF MOORHEAD AND CITY OF FARGO
POLICY OF NONDISCRIMINATION ON THE BASIS OF
RACE, COLOR OR NATIONAL ORIGIN
ON FEDERAL TRANSIT ADMINISTRATION PROJECTS**

The City of Moorhead and the City of Fargo are recipients of Federal financial assistance from the U.S. Department of Transportation through the Federal Transit Administration (FTA) for transit operating, planning and/or capital projects and is therefore subject to Title VI Civil Rights Requirements.

The following is a summary of said Title VI requirements for non-discrimination on FTA projects receiving this federal assistance.

1. Any person who is, or seeks to be, a patron of any vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color or national origin.
2. No person who is or seeks to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.
3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color or national origin.
4. The location of projects requiring land acquisition and the displacement of person from their residences and businesses may not be determined on the basis of race, color, or national origin.

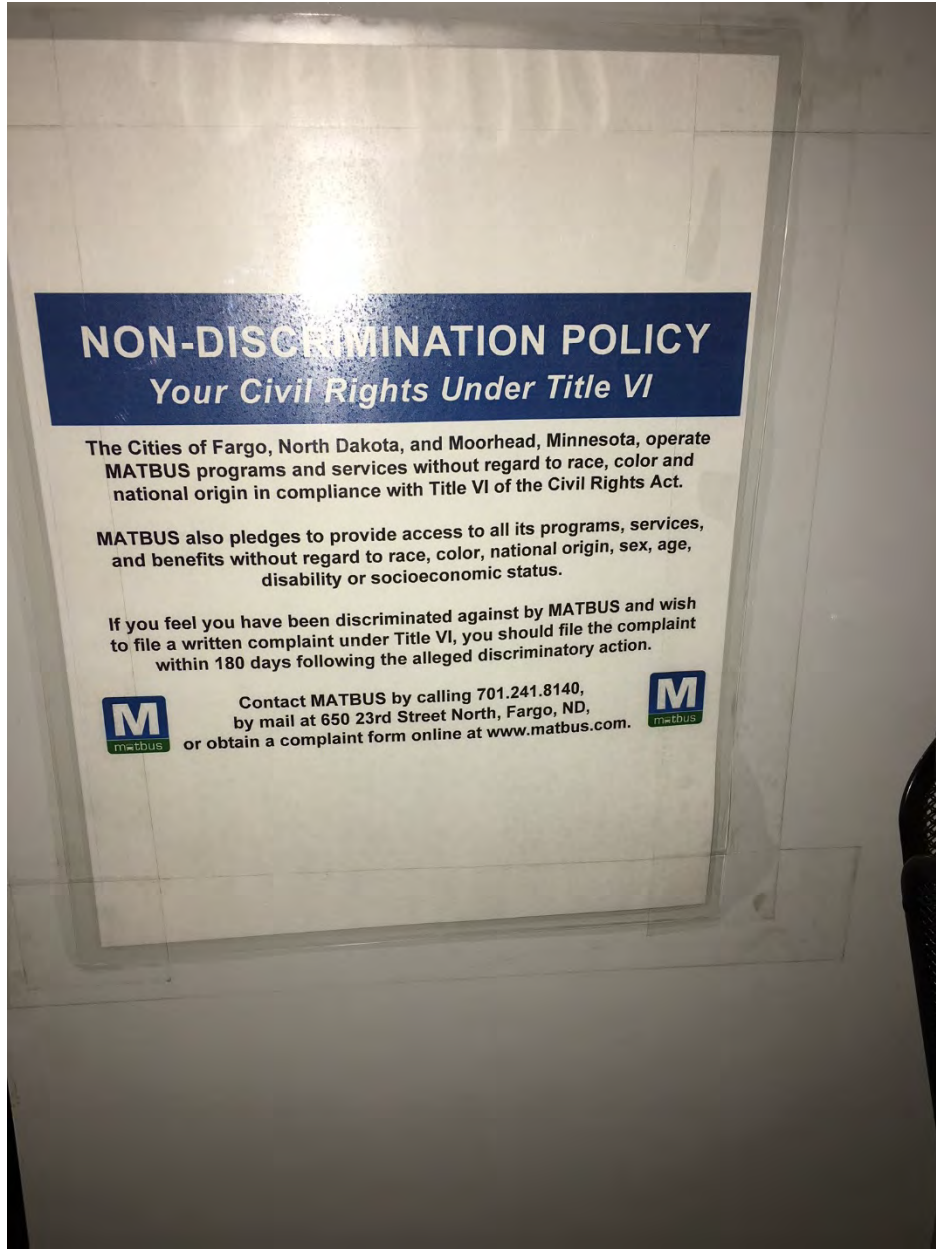
The City of Moorhead and the City of Fargo maintains records and other information and submit compliance reports and assessments regarding Title VI as directed by FTA. This information may be made available to the public upon request. Requests for information from Moorhead should be made to Lori Van Beek, Moorhead Transit Manager, 701-476-6782, City of Moorhead, 500 Center Avenue, P.O. Box 779, Moorhead, MN 56561. Request for information from Fargo should be made to Julie Bommelman, Transit Director, 701-241-8140, Metro Area Transit, 650 23 Street North, Fargo, ND, 58102.

Discrimination complaints may be filed with the City of Moorhead or the City of Fargo for resolution by contacting the appropriate contact person at the telephone numbers and addresses shown above. If the complainant is dissatisfied with the resolution by the City of Moorhead or the City of Fargo, the same complaint may be submitted to FTA or the Secretary of Transportation within 180 calendar days after the date of the alleged discrimination. The Civil Rights Office for FTA Region 8 is Kevin Osborn (303) 362-2393, 1961 Stout Street Suite 13-301, Denver, CO 80202.

Title VI nondiscrimination posters and all Title VI public notices are posted in accessible and conspicuous locations for everyone to see and read.

Fixed Route bus





Passenger Shelter



Metro Senior Ride Service

Please call by 4:00 p.m. for return ride

Fee for 1-way ride - \$3.00

Fee for one-way ride to a VSS meal site—\$1.00
(exact dollar amount please)

Punch cards are available from our drivers

 **Valley Senior Services**
helping seniors maintain independence



STATEMENT OF NON-DISCRIMINATION

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall be, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities funded in whole or in part with Federal funds.

Contact the Transportation Director - 701 356-1421, 2801 32nd Ave So, PO Box 2217, Fargo ND 58108; valleyseniorservices@valleyseniors.org to request additional information on our nondiscrimination obligations or to file a complaint. Persons with limited English proficiency may receive language assistance free of charge upon request.

NON-DISCRIMINATION POLICY

Your Civil Rights Under Title VI

The Cities of Fargo, North Dakota, and Moorhead, Minnesota, operate MATBUS programs and services without regard to race, color and national origin in compliance with Title VI of the Civil Rights Act.

MATBUS also pledges to provide access to all its programs, services, and benefits without regard to race, color, national origin, sex, age, disability or socioeconomic status.

If you feel you have been discriminated against by MATBUS and wish to file a written complaint under Title VI, you should file the complaint within 180 days following the alleged discriminatory action.



**Contact MATBUS by calling 701.241.8140,
by mail at 650 23rd Street North, Fargo, ND,
or obtain a complaint form online at www.matbus.com.**





Statement of Non-Discrimination

The Cities of Fargo, ND and Moorhead, MN operate MATBUS and provide access to all its programs, services and benefits in compliance with Title VI of the Civil Rights Act of 1964 without regard to race, color national origin, sex (23 U.S.C. 324), age (42 U.S.C. 6101), disability/handicap (29 U.S.C 794), or socioeconomic status (E.O. 12898).

For more information or to file a discrimination complaint, please contact MATBUS at 701.241.8140. This statement, as well as the MATBUS schedules and maps, is available in alternative format upon request. MATBUS will provide reasonable accommodations for people with disabilities when possible.

PUBLIC NOTICE CITY OF FARGO AND CITY OF MOORHEAD POLICY OF TITLE VI NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN ON FEDERAL TRANSIT ADMINISTRATION PROJECTS

The City of Fargo and the City of Moorhead are recipients of Federal financial assistance from the U.S. Department of Transportation through the Federal Transit Administration (FTA) for transit operating, planning and/or capital projects and is therefore subject to Title VI Civil Rights Requirements.

The following is a summary of said Title VI requirements for non-discrimination on FTA projects receiving this federal assistance.

1. Any person who is, or seeks to be, a patron of any vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color or national origin.
2. No person who is or seeks to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal,

advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.

3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color or national origin.

4. The location of projects requiring land acquisition and the displacement of person from their residences and businesses may not be determined on the basis of race, color, or national origin.

The City of Fargo and the City of Moorhead maintains records and other information and submit compliance reports and assessments regarding Title VI as directed by FTA. This information may be made available to the public upon request. Requests for information regarding City of Fargo and/or City of Moorhead may be requested from the MATBUS Mobility Manager, located at 650 23rd St N Fargo, ND 58102 or by phone at (701) 476-5967.

Discrimination complaints may be filed with the City of Fargo or the City of Moorhead for resolution by contacting the appropriate contact person at the telephone numbers and addresses shown above. If the complainant is dissatisfied with the resolution by the City of Fargo or the City of Moorhead, the same complaint may be submitted to FTA or the Secretary of Transportation within 180 calendar days after the date of the alleged discrimination. The Civil Rights Office for FTA is:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Title VI nondiscrimination posters and all Title VI public notices are posted in accessible and conspicuous locations for everyone to see and read.

Title VI, ADA & Discrimination

Title VI, ADA & Discrimination

File	Size	Type
Fargo Discrimination Policy Statement	339.86 KB	PDF
Title VI, ADA & Discrimination Complaint Form	247.84 KB	PDF

Contact Information

MATBUS Admin Office
650 23rd St N
Fargo, ND 58102

[Get Directions >](#)

701.241.8140

Office Hours

Monday - Friday
7:45 am - 4:30 pm
Except for Legal Holidays

Contact Information

First Transit - Driver Services Contractor
650 23rd St N
Fargo, ND 58102

[Get Directions >](#)

701.241.8171

Office Hours

Monday - Friday
8:00 am - 5:00 pm

Memorandum

To: MAT Coordinating Board

From: Taaren Haak – Moorhead Asst. Transit Planner
Lori Van Beek – Moorhead Transit Manager

Date: March 17, 2021

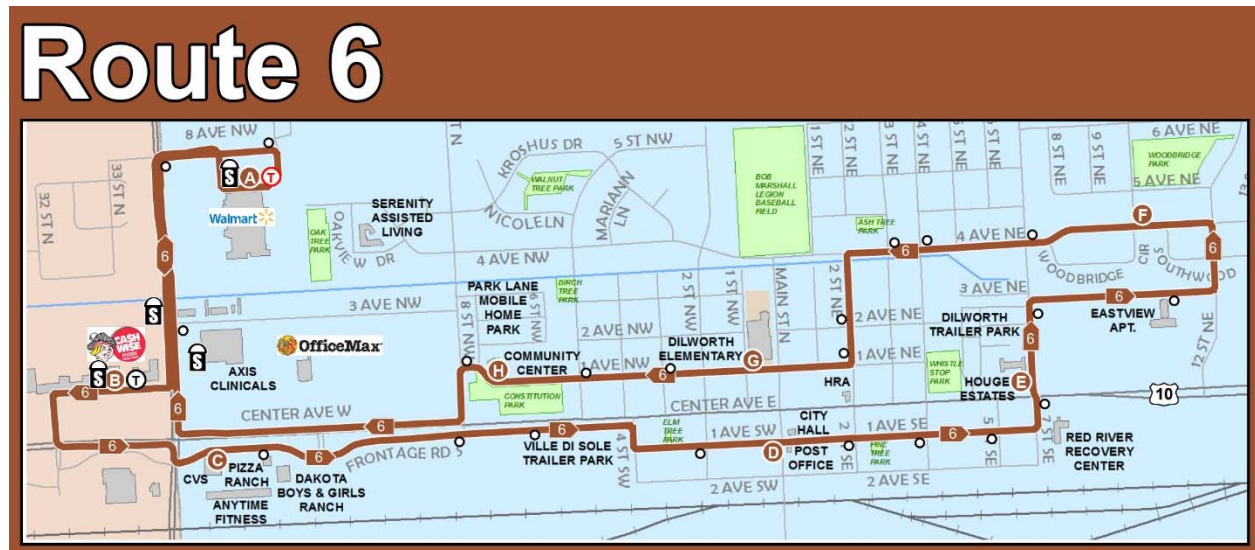
Re: *Proposed Changes to Route 6 and Route 9*



Background

Based on a request from the City of Dilworth administration, MATBUS is proposing a modification that will allow Route 6 to extend further east to a new development area. This area includes commercial businesses, an apartment complex, and a memory care facility.

MATBUS staff used software to explore the possibility of reaching this new area while keeping the rest of the route as it was, but found that it was not possible within the route's current 30-minute trip time.



Current Route 6

Route 6 currently operates using the above route pattern, with the Dilworth Walmart as its transfer hub. The route runs on weekdays 6:40 a.m. to 7:10 p.m. and Saturdays 7:40 a.m. to 6:10 p.m. It is a 30-minute route that operates once an hour, as well as one extra trip at 6:10 p.m. on weekdays.

Route 6 is connected to Route 9 through a process called interlining, which means one bus travels each route in alternating trips throughout the day.

MATBUS has also received requests to modify Route 9 in order to serve the Vista Center for Education on the west side of 34th Street. With the current route, passengers must cross the busy, 6-lane road to reach a bus stop.

Route 9 also uses the Dilworth Walmart as its transfer hub. The route runs on weekdays 7:10 a.m. to 5:40 p.m. and Saturdays 7:10 a.m. to 6:40 p.m. It is a 30-minute route that operates once an hour.

Route 9

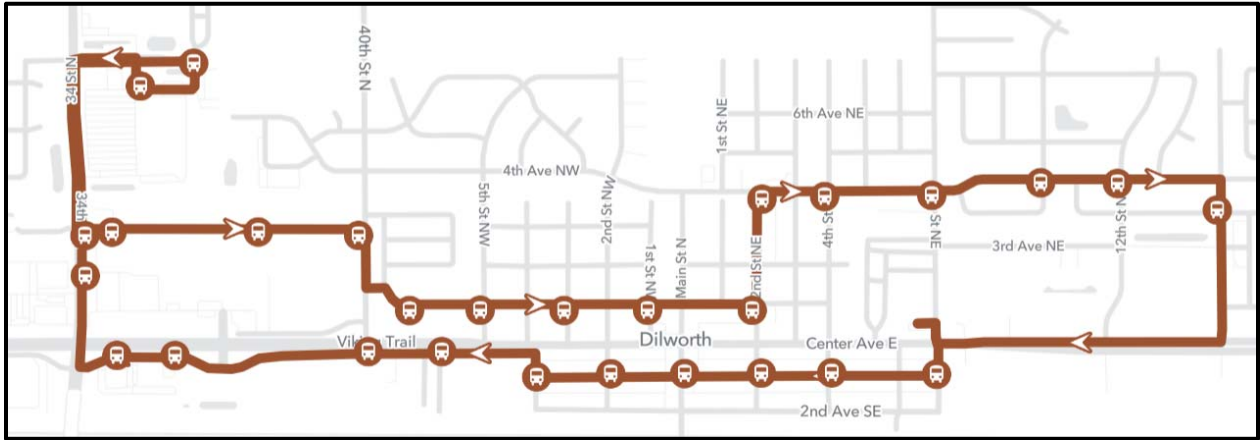


Proposed Changes

Route 6

- Extend Route 6 east to 14th Street NE.
- Reverse the direction of the route, allowing Route 6 to serve CVS Pharmacy at the end of its trip. This will also create a more efficient path to CVS, after its original path was affected by the intersection redesign at 34th St. and Hwy 10.
- Remove the portion of the route that travels through the Cashwise parking lot at the EastTen Mall. This will allow the proposed Route 6 to reach the desired development area while keeping the route within its 30-minute cycle. Route 6 passengers will continue to have direct access to groceries on their route at the Dilworth Walmart.

Current Route 9



Proposed Route 6

Route 9

- Remove a portion of the loop that currently travels west of the Moorhead Public Schools Career Academy.
- Reverse the loop that travels to Sanford. This will allow the route to serve the Vista Center for Education on the west side of 34th Street S.
- Offer service on request to the Vista Center building through its parking lot. The regular route would include a bus stop on the street, but it would be a long distance for passengers who use mobility aids. Passengers could call dispatch to request that the bus travel through the parking lot on its next trip. Passengers who wish to get dropped off at the building can notify the driver when they board.

These route changes would be cost neutral for both the City of Moorhead and the City of Dilworth. Both routes would continue to operate with their current hours, allowing for direct transfers to Moorhead's Route 4 at the Dilworth Walmart hub.

The changes would be considered a one-year pilot program to determine effectiveness and could be modified depending on the final recommendations of the 2021-2026 Transit Development Plan.



Proposed Route 9

Public Hearings

Per City of Moorhead policy, permanent changes are considered significant and require a public hearing when they eliminate a route, add a route, affect 25% or more of the existing route mileage or annual revenue hours, or reduce or eliminate service to schools, elderly/public housing, hospitals or social service agencies. These proposed changes meet the definition of significant.

Notice of the proposed changes, informational displays and public hearings were published in The Forum (Dilworth official newspaper) and The Extra, posted inside the buses and at the Ground Transportation Center (GTC), and posted on the MATBUS website and the City of Moorhead website. Notice was also given to passengers through Rider Alert emails and posts on Facebook and Twitter. Passengers were given the opportunity to comment on the changes by contacting MATBUS staff or turning in comment sheets that were available at the GTC.

The first public hearing was held on March 8, 2021 at Dilworth City Council. There were no comments received from the public, and the Council voted to recommend the changes to Moorhead City Council.

The second public hearing will be held at Moorhead City Council on March 22, 2021, to allow for public comment from City of Moorhead citizens.

MAT Coordinating Board Action

Motion to recommend the described route changes to the Moorhead City Council.

Memorandum



To: MAT Coordinating Board

From: Julie Bommelman, Fargo Transit Director

Date: March 10, 2021

Re: *Masks and Public Transportation*

On January 21, 2021 President Biden issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, requiring masks to be worn in airports, on commercial aircraft, and in various modes of transportation, including public transportation vehicles and in public transportation facilities.

On January 29, 2021 the Centers for Disease Control (CDC) issued an Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b), “persons must wear masks over the mouth and nose when traveling on conveyances into and within the United States”.

On January 31, 2021, the Transportation Security Administration (TSA) issued Security Directive 1582/84-21-01, to “mitigate the spread of COVID-19”.

There are limited exemptions to these Orders outlined in the directives where mask usage is not required, for example: (1) sole occupant of a private office, (2) sole occupant of a vehicle and (3) people with a disability who cannot wear a mask. In addition, a “mask” is defined as “a material covering the nose and mouth of the wearer, excluding face shields”. Employees and visitors, where the exemptions do not apply, are required to wear a face mask at all times while on our vehicles and in our facilities, failure to observe these guidelines is a violation of federal law and will be enforced by the TSA until at least May 11, 2021.

Attached are the referenced documents.

Executive Order on Promoting COVID-19 Safety in Domestic and International Travel

JANUARY 21, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Science-based public health measures are critical to preventing the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad. The Centers for Disease Control and Prevention (CDC), the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID-19. Accordingly, to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely, it is the policy of my Administration to implement these public health measures consistent with CDC guidelines on public modes of transportation and at ports of entry to the United States.

Sec. 2. Immediate Action to Require Mask-Wearing on Certain Domestic Modes of Transportation.

(a) **Mask Requirement.** The Secretary of Labor, the Secretary of Health and Human Services (HHS), the Secretary of Transportation (including through the Administrator of the Federal Aviation Administration (FAA)), the Secretary of Homeland Security (including through the Administrator of the Transportation Security Administration (TSA) and the Commandant of the United States Coast Guard), and the heads of any other executive departments and agencies (agencies) that have relevant regulatory authority (heads of agencies) shall immediately take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC guidelines in or on:

- (i) airports;
- (ii) commercial aircraft;
- (iii) trains;
- (iv) public maritime vessels, including ferries;
- (v) intercity bus services; and
- (vi) all forms of public transportation as defined in section 5302 of title 49, United States Code.

(b) Consultation. In implementing this section, the heads of agencies shall consult, as appropriate, with interested parties, including State, local, Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

(c) Exceptions. The heads of agencies may make categorical or case-by-case exceptions to policies developed under this section, consistent with applicable law, to the extent that doing so is necessary or required by law. If the heads of agencies do make exceptions, they shall require alternative and appropriate safeguards, and shall document all exceptions in writing.

(d) Preemption. To the extent permitted by applicable law, the heads of agencies shall ensure that any action taken to implement this section does not preempt State, local, Tribal, and territorial laws or rules imposing public health measures that are more protective of public health than those required by the heads of agencies.

(e) Coordination. The Coordinator of the COVID-19 Response and Counselor to the President (COVID-19 Response Coordinator) shall coordinate the implementation of this section. The heads of agencies shall update the COVID-19 Response Coordinator on their progress in implementing this section, including any categorical exceptions established under subsection (c) of this section, within 7 days of the date of this order and regularly thereafter. The heads of agencies are encouraged to bring to the attention of the COVID-19 Response Coordinator any questions regarding the scope or implementation of this section.

Sec. 3. Action to Implement Additional Public Health Measures for Domestic Travel.

(a) Recommendations. The Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA and the Commandant of the Coast Guard), in consultation with the Director of CDC, shall promptly provide to the COVID-19 Response Coordinator recommendations concerning how their respective agencies may impose additional public health measures for domestic travel.

(b) Consultation. In implementing this section, the Secretary of Transportation and the Secretary of Homeland Security shall engage with interested parties, including State, local, Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

Sec. 4. Support for State, Local, Tribal, and Territorial Authorities. The COVID-19 Response Coordinator, in coordination with the Secretary of Transportation and the heads of any other relevant agencies, shall promptly identify and inform agencies of options to incentivize, support, and encourage widespread mask-wearing and physical distancing on public modes of transportation, consistent with CDC guidelines and applicable law.

Sec. 5. International Travel.

(a) Policy. It is the policy of my Administration that, to the extent feasible, travelers seeking to enter the United States from a foreign country shall be:

(i) required to produce proof of a recent negative COVID-19 test prior to entry; and

(ii) required to comply with other applicable CDC guidelines concerning international travel, including recommended periods of self-quarantine or self-isolation after entry into the United States.

(b) Air Travel.

(i) The Secretary of HHS, including through the Director of CDC, and in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall, within 14 days of the date of this order, assess the CDC order of January 12, 2021, regarding the requirement of a negative COVID-19

test result for airline passengers traveling into the United States, in light of subsection (a) of this section. Based on such assessment, the Secretary of HHS and the Secretary of Homeland Security shall take any further appropriate regulatory action, to the extent feasible and consistent with CDC guidelines and applicable law. Such assessment and regulatory action shall include consideration of:

- (A) the timing and types of COVID-19 tests that should satisfy the negative test requirement, including consideration of additional testing immediately prior to departure;
- (B) the proof of test results that travelers should be required to provide;
- (C) the feasibility of implementing alternative and sufficiently protective public health measures, such as testing, self-quarantine, and self-isolation on arrival, for travelers entering the United States from countries where COVID-19 tests are inaccessible, particularly where such inaccessibility of tests would affect the ability of United States citizens and lawful permanent residents to return to the United States; and
- (D) measures to prevent fraud.

(ii) The Secretary of HHS, in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall promptly provide to the President, through the COVID-19 Response Coordinator, a plan for how the Secretary and other Federal Government actors could implement the policy stated in subsection (a) of this section with respect to CDC-recommended periods of self-quarantine or self-isolation after a flight to the United States from a foreign country, as he deems appropriate and consistent with applicable law. The plan shall identify agencies' tools and mechanisms to assist travelers in complying with such policy.

(iii) The Secretary of State, in consultation with the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation (including through the Administrator of the FAA), and the Secretary of Homeland Security, shall seek to consult with foreign governments, the World Health Organization, the International Civil Aviation Organization, the International Air Transport Association, and any other relevant stakeholders to establish guidelines for public health measures associated with safe international travel, including on aircraft and at ports of

entry. Any such guidelines should address quarantine, testing, COVID-19 vaccination, follow-up testing and symptom-monitoring, air filtration requirements, environmental decontamination standards, and contact tracing.

(c) Land Travel. The Secretary of State, in consultation with the Secretary of HHS, the Secretary of Transportation, the Secretary of Homeland Security, and the Director of CDC, shall immediately commence diplomatic outreach to the governments of Canada and Mexico regarding public health protocols for land ports of entry. Based on this diplomatic engagement, within 14 days of the date of this order, the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation, and the Secretary of Homeland Security shall submit to the President a plan to implement appropriate public health measures at land ports of entry. The plan should implement CDC guidelines, consistent with applicable law, and take into account the operational considerations relevant to the different populations who enter the United States by land.

(d) Sea Travel. The Secretary of Homeland Security, through the Commandant of the Coast Guard and in consultation with the Secretary of HHS and the Director of CDC, shall, within 14 days of the date of this order, submit to the President a plan to implement appropriate public health measures at sea ports. The plan should implement CDC guidelines, consistent with applicable law, and take into account operational considerations.

(e) International Certificates of Vaccination or Prophylaxis. Consistent with applicable law, the Secretary of State, the Secretary of HHS, and the Secretary of Homeland Security (including through the Administrator of the TSA), in coordination with any relevant international organizations, shall assess the feasibility of linking COVID-19 vaccination to International Certificates of Vaccination or Prophylaxis (ICVP) and producing electronic versions of ICVPs.

(f) Coordination. The COVID-19 Response Coordinator, in consultation with the Assistant to the President for National Security Affairs and the Assistant to the President for Domestic Policy, shall coordinate the implementation of this section. The Secretary of State, the Secretary of HHS, the Secretary of Transportation, and the Secretary of Homeland Security shall update the COVID-19 Response Coordinator on their progress in implementing this section

within 7 days of the date of this order and regularly thereafter. The heads of all agencies are encouraged to bring to the attention of the COVID-19 Response Coordinator any questions regarding the scope or implementation of this section.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 21, 2021.

**CENTERS FOR DISEASE CONTROL AND PREVENTION
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**ORDER UNDER SECTION 361
OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. 264)
AND 42 CODE OF FEDERAL REGULATIONS 70.2, 71.31(b), 71.32(b)**

**REQUIREMENT FOR PERSONS TO WEAR MASKS
WHILE ON CONVEYANCES AND AT TRANSPORTATION HUBS**

SUMMARY:

Notice and Order; and subject to the limitations under “Applicability,” pursuant to 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), and 71.32(b):

(1) Persons¹ must wear² masks over the mouth and nose when traveling on conveyances into and within the United States. Persons must also wear masks at transportation hubs as defined in this Order.

(2) A conveyance operator transporting persons into and within the United States³ must require all persons onboard to wear masks for the duration of travel.

(3) A conveyance operators operating a conveyance arriving at or departing from a U.S. port of entry must require all persons on board to wear masks for the duration of travel as a condition of controlled free pratique.⁴

(4) Conveyance operators must use best efforts to ensure that any person on the conveyance wears a mask when boarding, disembarking, and for the duration of travel. Best efforts include:

- boarding only those persons who wear masks;
- instructing persons that Federal law requires wearing a mask on the conveyance and failure to comply constitutes a violation of Federal law;
- monitoring persons onboard the conveyance for anyone who is not wearing a mask and seeking compliance from such persons;
- at the earliest opportunity, disembarking any person who refuses to comply; and
- providing persons with prominent and adequate notice to facilitate awareness and compliance of the requirement of this Order to wear a mask; best practices may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email;

¹ As used in this Order, “persons” includes travelers (*i.e.*, passengers and crew), conveyance operators, and any workers or service providers in the transportation hub.

² To “wear a mask” means to wear a mask over the nose and mouth.

³ This includes international, interstate, or intrastate waterways, subject to the jurisdiction of the United States.

⁴ As a condition of this controlled free pratique to commence or continue operations in the United States, conveyance operators must additionally require all persons to wear masks on board conveyances departing from the United States and for the duration of their travel until the conveyance arrives at the foreign destination if at any time any of the persons on the conveyance (passengers, crew, or conveyance operators) will return to the United States while this Order remains in effect. This precaution must be followed regardless of scheduled itinerary.

posted signage in multiple languages with illustrations; printing the requirement on transit tickets; or other methods as appropriate.

(5) Operators of transportation hubs must use best efforts to ensure that any person entering or on the premises of the transportation hub wears a mask. Best efforts include:

- allowing entry only to those persons who wear masks;
- instructing persons that Federal law requires wearing a mask in the transportation hub and failure to comply constitutes a violation of Federal law;
- monitoring persons on the premises of the transportation hub for anyone who is not wearing a mask and seeking compliance from such persons;
- at the earliest opportunity, removing any person who refuses to comply from the premises of the transportation hub; and
- providing persons with prominent and adequate notice to facilitate awareness and compliance with the requirement of this Order to wear a mask; best practices may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on transit tickets; or other methods as appropriate.

DEFINITIONS:

Controlled free pratique shall have the same definition as under 42 CFR 71.1, meaning “permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.”

Conveyance shall have the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle,⁵ vessel . . . or other means of transport, including military.” Included in the definition of “conveyance” is the term “carrier” which under 42 CFR 71.1 has the same definition as conveyance under 42 CFR 70.1.

Conveyance operator means an individual operating a conveyance and an individual or organization causing or authorizing the operation of a conveyance.

Mask means a material covering the nose and mouth of the wearer, excluding face shields.⁶

Interstate traffic shall have the same definition as under 42 CFR 70.1, meaning

⁵ This includes rideshares meaning arrangements where passengers travel in a privately owned road vehicle driven by its owner in connection with a fee or service.

⁶ A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this Order. CDC guidance for attributes of acceptable masks in the context of this Order is available at: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

“(1):

(i) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation that is entirely within a state or possession—

(ii) From a point of origin in any state or possession to a point of destination in any other state or possession; or

(iii) Between a point of origin and a point of destination in the same state or possession but through any other state, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.”

Intrastate traffic means the movement of any conveyance or the transportation or movement of persons occurring solely within the boundaries of a state or territory, or on tribal land.

Possession shall have the same definition as under 42 CFR 70.1 and 71.1, meaning a “U.S. territory.”

State shall have the same definition as under 42 CFR 70.1, meaning “any of the 50 states, plus the District of Columbia.”

Territory shall have the same definition as “U.S. territory” under 42 CFR 70.1 and 71.1, meaning “any territory (also known as possessions) of the United States, including American Samoa, Guam, the [Commonwealth of the] Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.”

Transportation hub means any airport, bus terminal, marina, seaport or other port, subway station, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

Transportation hub operator means an individual operating a transportation hub and an individual or organization causing or authorizing the operation of a transportation hub.

U.S. port shall have the same definition as under 42 CFR 71.1, meaning any “seaport, airport, or border crossing point under the control of the United States.”

STATEMENT OF INTENT:

This Order shall be interpreted and implemented in a manner as to achieve the following objectives:

- Preservation of human life;
- Maintaining a safe and secure operating transportation system;
- Mitigating the further introduction, transmission, and spread of COVID-19 into the United States and from one state or territory into any other state or territory; and
- Supporting response efforts to COVID-19 at the Federal, state, local, territorial, and tribal levels.

APPLICABILITY:

This Order shall not apply within any state, locality, territory, or area under the jurisdiction of a Tribe that (1) requires a person to wear a mask on conveyances; (2) requires a person to wear a mask at transportation hubs; and (3) requires conveyances to transport only persons wearing masks. Such requirements must provide the same level of public health protection as — or greater protection than — the requirements listed herein.

In addition, the requirement to wear a mask shall not apply under the following circumstances:

- While eating, drinking, or taking medication, for brief periods;
- While communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication;
- If, on an aircraft, wearing of oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation;
- If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance;⁷ or
- When necessary to temporarily remove the mask to verify one's identity such as during Transportation Security Administration screening or when asked to do so by the ticket or gate agent or any law enforcement official.

This Order exempts the following categories of persons:⁸

⁷ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

⁸ Operators of conveyances or transportation hubs may impose requirements, or conditions for carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SARS-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SARS-CoV-2 viral test and documentation of recovery are available in the Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub. Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

- A child under the age of 2 years;
- A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁹
- A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.

This Order exempts the following categories of conveyances, including persons on board such conveyances:

- Private conveyances operated solely for personal, non-commercial use;
- Commercial motor vehicles or trucks as these terms are defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle or truck;
- Conveyances operated or chartered by the U.S. military services provided that such conveyance operators observe Department of Defense precautions to prevent the transmission of COVID-19 that are equivalent to the precautions in this Order.

This Order applies to persons on conveyances and at transportation hubs directly operated by U.S. state, local, territorial, or tribal government authorities, as well as the operators themselves. U.S. state, local, territorial, or tribal government authorities directly operating conveyances and transportation hubs may be subject to additional federal authorities or actions, and are encouraged to implement additional measures enforcing the provisions of this Order regarding persons traveling onboard conveyances and at transportation hubs operated by these government entities.

To the extent permitted by law, and consistent with President Biden’s Executive Order of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel),¹⁰ Federal agencies are required to implement additional measures enforcing the provisions of this Order.

BACKGROUND:

There is currently a pandemic of respiratory disease (coronavirus disease 2019 or “COVID-19”) caused by a novel coronavirus (SARS-COV-2). As of January 27, 2021, there have been 99,638,507 confirmed cases of COVID-19 globally, resulting in more than 2,141,000 deaths. As of January 27, 2021, there have been over 25,000,000 cases identified in the United States and over 415,000 deaths due to the disease. New SARS-CoV-2 variants have emerged in recent weeks, including at least one with evidence of increased transmissibility.¹¹

The virus that causes COVID-19 spreads very easily and sustainably between people who are in close contact with one another (within about 6 feet) mainly through respiratory droplets

⁹ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability. CDC will issue additional guidance regarding persons who cannot wear a mask under this exemption. <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

¹⁰ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-promoting-covid-19-safety-in-domestic-and-international-travel/>

¹¹ <https://www.cdc.gov/coronavirus/2019-ncov/more/science-and-research/scientific-brief-emerging-variants.html>

produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths, eyes, or noses of people who are nearby and possibly be inhaled into the lungs. Infected people without symptoms (asymptomatic) and those in whom symptoms have not yet developed (pre-symptomatic) can also spread the virus. In general, the more closely an infected person interacts with others and the longer those interactions, the higher the risk of COVID-19 spread. COVID-19 may be transmitted by touching surfaces or objects that have the virus on them and then touching one's own or another person's eyes, nose, or mouth.

Masks help prevent people who have COVID-19, including those who are pre-symptomatic or asymptomatic, from spreading the virus to others.¹² Masks are primarily intended to reduce the emission of virus-laden droplets, i.e., they act as source control by blocking exhaled virus.¹³ This is especially relevant for asymptomatic or pre-symptomatic infected wearers who feel well and may be unaware of their infectiousness to others, and who are estimated to account for more than 50% of transmissions.^{14,15} Masks also provide personal protection to the wearer by reducing inhalation of these droplets, i.e., they reduce wearers' exposure through filtration.¹⁶ The community benefit of wearing masks for SARS-CoV-2 control is due to the combination of these effects; individual prevention benefit increases with increasing numbers of people using masks consistently and correctly.

Appropriately worn masks reduce the spread of COVID-19—particularly given the evidence of pre-symptomatic and asymptomatic transmission of COVID-19. Seven studies have confirmed the benefit of universal masking in community level analyses: in a unified hospital system,¹⁷ a German city,¹⁸ a U.S. State,¹⁹ a panel of 15 U.S. States and Washington, D.C.,^{20,21} as

¹² <https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>

¹³ Leung NHL, Chu DKW, Shiu EYC, et al. Respiratory virus shedding in exhaled breath and efficacy of face masks. *Nature Medicine*. 2020;26(5):676-680. <https://dx.doi.org/10.1038/s41591-020-0843-2>

¹⁴ Moghadas SM, Fitzpatrick MC, Sah P, et al. The implications of silent transmission for the control of COVID-19 outbreaks. *Proc Natl Acad Sci U S A*. 2020;117(30):17513-17515.10.1073/pnas.2008373117. <https://www.ncbi.nlm.nih.gov/pubmed/32632012>

¹⁵ Johansson MA, Quandelacy TM, Kada S, et al. SARS-CoV-2 Transmission From People Without COVID-19 Symptoms. Johansson MA, et al. *JAMA Netw Open*. 2021 Jan 4;4(1):e2035057. doi: 10.1001/jamanetworkopen.2020.35057.

¹⁶ Ueki H, Furusawa Y, Iwatsuki-Horimoto K, et al. Effectiveness of Face Masks in Preventing Airborne Transmission of SARS-CoV-2. *mSphere*. 2020;5(5).10.1128/mSphere.00637-20. <https://www.ncbi.nlm.nih.gov/pubmed/33087517>

¹⁷ Wang X, Ferro EG, Zhou G, Hashimoto D, Bhatt DL. Association Between Universal Masking in a Health Care System and SARS-CoV-2 Positivity Among Health Care Workers. *JAMA*. 2020.10.1001/jama.2020.12897. <https://www.ncbi.nlm.nih.gov/pubmed/32663246>

¹⁸ Mitze T., Kosfeld R., Rode J., Wälde K. *Face Masks Considerably Reduce COVID-19 Cases in Germany: A Synthetic Control Method Approach*. IZA – Institute of Labor Economics (Germany);2020.ISSN: 2365-9793, DP No. 13319. <http://ftp.iza.org/dp13319.pdf>

¹⁹ Gallaway MS, Rigler J, Robinson S, et al. Trends in COVID-19 Incidence After Implementation of Mitigation Measures – Arizona, January 22–August 7, 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(40):1460-1463.10.15585/mmwr.mm6940e3. <https://www.ncbi.nlm.nih.gov/pubmed/33031366>

²⁰ Lyu W, Wehby GL. Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US. *Health Aff (Millwood)*. 2020;39(8):1419-1425.10.1377/hlthaff.2020.00818. <https://www.ncbi.nlm.nih.gov/pubmed/32543923>

²¹ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

well as both Canada²² and the United States²³ nationally. Each analysis demonstrated that, following directives from organizational and political leadership for universal masking, new infections fell significantly. Two of these studies^{24,25} and an additional analysis of data from 200 countries that included localities within the United States²⁶ also demonstrated reductions in mortality. An economic analysis using U.S. data found that, given these effects, increasing universal masking by 15% could prevent the need for lockdowns and reduce associated losses of up to \$1 trillion or about 5% of gross domestic product.²⁷

Wearing a mask especially helps protect those at increased risk of severe illness from COVID-19²⁸ and workers who frequently come into close contact with other people (e.g., at transportation hubs). Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. Using masks along with other preventive measures, including social distancing, frequent handwashing, and cleaning and disinfecting frequently touched surfaces, is one of the most effective strategies available for reducing COVID-19 transmission.

Traveling on multi-person conveyances increases a person's risk of getting and spreading COVID-19 by bringing persons in close contact with others, often for prolonged periods, and exposing them to frequently touched surfaces. Air travel often requires spending time in security lines and crowded airport terminals. Social distancing may be difficult if not impossible on flights. People may not be able to distance themselves by the recommended 6 feet from individuals seated nearby or those standing in or passing through the aircraft's aisles. Travel by bus, train, vessel, and other conveyances used for international, interstate, or intrastate transportation pose similar challenges.

Intrastate transmission of the virus has led to—and continues to lead to—interstate and international spread of the virus, particularly on public conveyances and in travel hubs, where passengers who may themselves be traveling only within their state or territory commonly interact with others traveling between states or territories or internationally. Some states, territories, Tribes,

²² Karaivanov A., Lu S.E., Shigeoka H., Chen C., Pamplona S. *Face Masks, Public Policies and Slowing the Spread of Covid-19: Evidence from Canada* National Bureau of Economic Research 2020. Working Paper 27891. <http://www.nber.org/papers/w27891>

²³ Chernozhukov V, Kasahara H, Schrimpf P. Causal Impact of Masks, Policies, Behavior on Early Covid-19 Pandemic in the U.S. *J Econom.* 2021 Jan;220(1):23-62. doi: 10.1016/j.jeconom.2020.09.003. Epub 2020 Oct 17.

²⁴ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

²⁵ Chernozhukov V, Kasahara H, Schrimpf P. Causal Impact of Masks, Policies, Behavior on Early Covid-19 Pandemic in the U.S. *J Econom.* 2021 Jan;220(1):23-62. doi: 10.1016/j.jeconom.2020.09.003. Epub 2020 Oct 17.

²⁶ Leffler CT, Ing EB, Lykins JD, Hogan MC, McKeown CA, Grzybowski A. Association of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks. *Am J Trop Med Hyg.* 2020 Dec;103(6):2400-2411. doi: 10.4269/ajtmh.20-1015. Epub 2020 Oct 26.

²⁷ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

²⁸ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

and local public health authorities have imposed mask-wearing requirements within their jurisdictional boundaries to protect public health.²⁹ Any state or territory without sufficient mask-wearing requirements for transportation systems within its jurisdiction has not taken adequate measures to prevent the spread of COVID-19 from such state or territory to any other state or territory. That determination is based on, *inter alia*, the rapid and continuing transmission of the virus across all states and territories and across most of the world. Furthermore, given how interconnected most transportation systems are across the nation and the world, local transmission can grow even more quickly into interstate and international transmission when infected persons travel on non-personal conveyances without wearing a mask and with others who are not wearing masks.

Therefore, I have determined that the mask-wearing requirements in this Order are reasonably necessary to prevent the further introduction, transmission, or spread of COVID-19 into the United States and among the states and territories. Individuals traveling into or departing from the United States, traveling interstate, or traveling entirely intrastate, conveyance operators that transport such individuals, and transportation hub operators that facilitate such transportation, must comply with the mask-wearing requirements set forth in this Order.

America's transportation systems are essential. Not only are they essential for public health, they are also essential for America's economy and other bedrocks of American life. Those transportation systems carry life-saving medical supplies and medical providers into and across the nation to our hospitals, nursing homes, and physicians' offices. Trains, planes, ships, and automobiles bring food and other essentials to our communities and to our homes. Buses bring America's children and teachers to school. Buses, trains, and subways, bring America's workforce to their jobs.

Requiring masks on our transportation systems will protect Americans and provide confidence that we can once again travel safely even during this pandemic. Therefore, requiring masks will help us control this pandemic and aid in re-opening America's economy.

The United States and countries around the world are currently embarking on efforts to vaccinate their populations, starting with healthcare personnel and other essential workers at increased risk of exposure to SARS-CoV-2 and people at increased risk for severe illness from the virus. While vaccines are highly effective at preventing severe or symptomatic COVID-19, at this time there is limited information on how much the available COVID-19 vaccines may reduce transmission in the general population and how long protection lasts.³⁰ Therefore, this mask requirement, as well as CDC recommendations to prevent spread of COVID-19,³¹ additionally apply to vaccinated persons. Similarly, CDC recommends that people who have

²⁹ Based on internet sources, 37 states plus D.C. and Puerto Rico mandate the wearing of masks in public. Among the jurisdictions that have imposed mask mandates, variations in requirements exist. For example, exemptions for children range in cutoff age from 2 to 12, but masks are generally required in indoor public spaces such as restaurants and stores, on public transit and ride-hailing services, and outdoors when unable to maintain 6 feet of distance from others. See <https://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html> (accessed January 28, 2021).

³⁰ <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>

³¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

recovered from COVID-19 continue to take precautions to protect themselves and others, including wearing masks;³² therefore, this mask requirement also applies to people who have recovered from COVID-19.

ACTION:

Until further notice, under 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), and 71.32(b), unless excluded or exempted as set forth in this Order, a person must wear a mask while boarding, disembarking, and traveling on any conveyance into or within the United States. A person must also wear a mask at any transportation hub that provides transportation within the United States.

Conveyance operators traveling into or within the United States may transport only persons wearing masks and must use best efforts to ensure that masks are worn when embarking, disembarking, and throughout the duration of travel. Operators of transportation hubs must use best efforts to ensure that any person entering or on the premises of the transportation hub wears a mask.

As a condition of receiving controlled free pratique under 42 CFR 71.31(b) to enter a U.S. port, disembark passengers, and begin operations at any U.S. port of entry, conveyances arriving into the United States must require persons to wear masks while boarding, disembarking, and for the duration of travel. Conveyance operators must also require all persons to wear masks while boarding and for the duration of their travel on board conveyances departing from the United States until the conveyance arrives at the foreign destination, if at any time any of the persons onboard (passengers, crew, or conveyance operators) will return to the United States while this Order remains in effect. These travel conditions are necessary to mitigate the harm of further introduction of COVID-19 into the United States.

Requiring a properly worn mask is a reasonable and necessary measure to prevent the introduction, transmission and spread of COVID-19 into the United States and among the states and territories under 42 U.S.C. 264(a) and 42 CFR 71.32(b). Among other benefits, masks help prevent dispersal of an infected person's respiratory droplets that carry the virus. That precaution helps prevent droplets from landing in the eye, mouth, or nose or possibly being inhaled into the lungs of an uninfected person, or from landing on a surface or object that an uninfected person may then touch and then touch his or her own or another's eyes, nose, or mouth. Masks also provide some protection to the wearer by helping reduce inhalation of respiratory droplets.

This Order shall not apply within any state, locality, territory, or area under the jurisdiction of a Tribe, where the controlling governmental authority: (1) requires a person to wear a mask on conveyances; (2) requires a person to wear a mask at transportation hubs; and (3) requires conveyances to transport only persons wearing masks. Those requirements must provide the same level of public health protection as—or greater protection than—the requirements listed herein.

In accordance with 42 U.S.C. 264(e), state, local, territorial, and tribal authorities may impose additional requirements that provide greater public health protection and are more restrictive than

³² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>

the requirements in this Order. Consistent with other federal, state, or local legal requirements, this Order does not preclude operators of conveyances or transportation hubs from imposing additional requirements, or conditions for carriage, that provide greater public health protection and are more restrictive than the requirements in this Order (e.g., requiring a negative result from a SARS-CoV-2 viral test or documentation of recovery from COVID-19 or imposing requirements for social distancing or other recommended protective measures).

This Order is not a rule within the meaning of the Administrative Procedure Act (“APA”) but rather is an emergency action taken under the existing authority of 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), 71.32(b). In the event that a court determines this Order qualifies as a rule under the APA, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and comment and the opportunity to comment on this Order and the delay in effective date. Considering the public health emergency caused by COVID-19, it would be impracticable and contrary to the public’s health, and by extension the public’s interest, to delay the issuance and effective date of this Order. Similarly, the Office of Information and Regulatory Affairs has determined that if this Order were a rule, it would be a major rule under the Congressional Review Act, but there would not be a delay in its effective date as the agency has determined that there would be good cause to make the requirements herein effective immediately under the APA.

This order is also an economically significant regulatory action under Executive Order 12866 and has therefore been reviewed by the Office of Information and Regulatory Affairs of the Office of Management and Budget. The agency is proceeding without the complete analysis required by Executive Order 12866 under the emergency provisions of 6(a)(3)(D) of that Order.

If any provision of this Order, or the application of any provision to any carriers, conveyances, persons, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any carriers, conveyances, persons, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

To address the COVID-19 public health threat to transportation security, this Order shall be enforced by the Transportation Security Administration under appropriate statutory and regulatory authorities including the provisions of 49 U.S.C. 106, 114, 44902, 44903, and 46301; and 49 CFR part 1503, 1540.105, 1542.303, 1544.305 and 1546.105.

This Order shall be further enforced by other federal authorities and may be enforced by cooperating state and local authorities through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18 and 71.2.³³

³³ While this Order may be enforced and CDC reserves the right to enforce through criminal penalties, CDC does not intend to rely primarily on these criminal penalties but instead strongly encourages and anticipates widespread voluntary compliance as well as support from other federal agencies in implementing additional civil measures enforcing the provisions of this Order, to the extent permitted by law and consistent with President Biden’s Executive Order of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel).

EFFECTIVE DATE:

This Order shall enter into effect on February 1, 2021, at 11:59 p.m. and will remain in effect unless modified or rescinded based on specific public health or other considerations, or until the Secretary of Health and Human Services rescinds the determination under section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists.

In testimony whereof, the Director of the Division of Global Migration and Quarantine at the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, has hereunto set his hand at Atlanta, GA, this 29th day of January 2021.

A handwritten signature in black ink, appearing to read "Martin S. Cetron" with "M.D." written to the right. The signature is written over a horizontal line.

Martin S. Cetron, M.D.
Director, Division of Global Migration and Quarantine
Centers for Disease Control and Prevention



**Transportation
Security
Administration**

MEMORANDUM

To: Covered Owners/Operators

Date: January 31, 2021

Subject: Security Directive 1582/84-21-01

Attached to this memorandum is Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements. This SD is issued to implement the January 21, 2021, Executive Order on promoting measures to prevent the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad. This SD also supports enforcement of the Centers for Disease Control and Prevention (CDC) Order mandating masks issued on January 29, 2021.

This SD applies to the passenger railroads, intercity bus services, and public transportation. Please refer to the SD for the specific applicability.

All queries concerning the attached SD should be submitted to TSA via email at TSA-Surface@tsa.dhs.gov

A handwritten signature in black ink, appearing to read "Darby LaJoye", written over a horizontal line.

Darby LaJoye
Senior Official Performing the Duties of the TSA Administrator

Attachment:
Security Directive 1582/84-21-01



SECURITY DIRECTIVE

NUMBER SD 1582/84-21-01

SUBJECT Security Measures – Mask Requirements

EFFECTIVE DATE 11:59 pm EST on February 1, 2021

EXPIRATION DATE May 11, 2021

CANCELS AND SUPERSEDES Not Applicable

APPLICABILITY Each owner/operator identified in 49 CFR 1582.1(a); each owner/operator identified in 49 CFR 1584.1 that provides fixed-route service as defined in 49 CFR 1500.3

AUTHORITY 49 U.S.C. 114

LOCATION United States

PURPOSE AND GENERAL INFORMATION

Due to the ongoing COVID-19 pandemic and to reduce the spread of the virus, the President issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, on January 21, 2021, requiring masks to be worn in airports, on commercial aircraft, and in various modes of surface transportation. On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed requiring the Transportation Security Administration (TSA) to issue this Security Directive (SD) to implement the Executive Order and enforce the related Order¹ issued by the Centers for Disease Control and Prevention (CDC), pursuant to the authority of 49 U.S.C. section 114. Consistent with these mandates and TSA's authority, TSA is issuing this SD requiring masks to be worn to mitigate the spread of COVID-19. The requirements in this SD must be applied to all persons in or on one of the conveyances or a transportation facility used by one of the modes identified above. TSA developed these requirements in consultation with the Department of Transportation (including the Federal Railroad Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration) and the CDC.

¹ See Order Under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 Code of Federal Regulations §§ 70.2, 71.31(B), 71.32(B); Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs (January 29, 2021).

DEFINITIONS

For the purpose of this SD, the following definitions apply:

Conveyance has the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle, vessel...or other means of transport, including military.”

Mask means a material covering the nose and mouth of the wearer, excluding face shields.²

Transportation hub/facility means any airport, bus terminal, marina, seaport or other port, subway stations, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

ACTIONS REQUIRED

- A. Owner/Operators must notify passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.³ At a minimum, this notice must inform passengers, at the time tickets are purchased or when otherwise booking transportation *and* at the time the conveyance departs its location after boarding passengers, of the following:
1. Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal.
 2. Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.
- B. Owner/Operators must require that individuals wear a mask, except as described in Sections D., E., or F., as follows:
1. Any persons in a public transportation, passenger railroad, or bus conveyance covered by this SD.
 2. Any person in public areas of transportation hubs/facilities controlled by the owner/operator (such as for purposes of purchasing tickets, waiting areas, and platforms for boarding and disembarking) for the duration of travel, boarding, and disembarking.

² A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this SD. CDC guidance for attributes of acceptable masks in the context of this SD is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

³ Notice may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; or other methods as appropriate.

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- C. Owner/Operators must ensure that direct employees and contractor employees wear a mask at all times when in conveyances or in or around transportation facilities under their control, except as described in Sections D., E., or F.
- D. The requirement to wear a mask does not apply under the following circumstances:
1. When necessary to temporarily remove the mask for identity verification purposes.
 2. While eating, drinking, or taking oral medications for brief periods⁴. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
 3. While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.
 4. If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance.⁵
- E. The following conveyances are exempted from wearing masks:
1. Persons in private conveyances operated solely for personal, non-commercial use.
 2. A driver, when operating a commercial motor vehicle as this term is defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle.
- F. This SD exempts the following categories of persons from wearing masks:⁶
1. Children under the age of 2.

⁴ The CDC has stated that brief periods of close contact without a mask should not exceed 15 minutes. *See* <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

⁵ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

⁶ Owner/Operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SAR-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SAR-CoV-2 viral test and documentation of recovery are available in Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Owners/Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub/facility. Owners/Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

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2. People with disabilities who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁷
 3. People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.
- G. Owner/Operators must establish procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by the owner/operator with respect to wearing a mask, the owner/operator must:
1. Deny boarding;
 2. Make best efforts to disembark the individual as soon as practicable; or
 3. Make best efforts to remove the individual from the transportation hub/facility.
- H. If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the owner/operator must report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203.

PREEMPTION

The requirements in this SD do not preempt any State, local, Tribal, or territorial rule, regulation, order, or standard necessary to eliminate or reduce a local safety hazard, which includes public health measures that are the same or more protective of public health than those required in this SD, if that provision is not incompatible with this SD.

PROCEDURES FOR SECURITY DIRECTIVES

- A. The owner/operator must immediately provide written confirmation of receipt of this SD via email to TSA at TSA-Surface@tsa.dhs.gov.
- B. The owner/operator must immediately disseminate the information and measures in this SD to corporate senior management, security management representatives, and any personnel having responsibilities in implementing the provisions in this directive. The owner/operator may widely share this SD with anyone subject to the provisions of this directive to include,

⁷ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult. CDC intends to issue further guidance regarding this exception.

but not limited to, federal, state, and local government personnel; direct owner/operator employees; tenants; contractors; transport personnel; taxi drivers; law enforcement; *etc.*

- C. All individuals responsible for implementing this SD must be briefed by the owner/operator. If the owner/operator is unable to implement the measures in this SD, the owner/operator must submit proposed alternative measures and the basis for submitting the alternative measures to TSA for approval.
- D. The owner/operator may comment on this SD by submitting data, views, or arguments in writing to TSA via email at TSA-Surface@tsa.dhs.gov. TSA may amend the SD based on comments received. Submission of a comment does not delay the effective date of the SD.

APPROVAL OF ALTERNATIVE MEASURES

The owner/operator must immediately notify TSA via email at TSA-Surface@tsa.dhs.gov if unable to implement any of the measures in this SD. The owner/operator may submit proposed alternative measures and a justification for adopting those measures to the email addresses above.



Darby LaJoye
Senior Official Performing the Duties of the TSA Administrator

Order: Wearing of face masks while on conveyances and at transportation hubs

The Centers for Disease Control and Prevention (CDC) issued an Order [\[PDF – 11 pages\]](#) on January 29, 2021 requiring the wearing of masks by travelers to prevent spread of the virus that causes COVID-19. Conveyance operators must also require all persons onboard to wear masks when boarding, disembarking, and for the duration of travel. Operators of transportation hubs must require all persons to wear a mask when entering or on the premises of a transportation hub.

This Order must be followed by all passengers on public conveyances (e.g., airplanes, ships, ferries, trains, subways, buses, taxis, ride-shares) traveling into, within, or out of the United States as well as conveyance operators (e.g., crew, drivers, conductors, and other workers involved in the operation of conveyances) and operators of transportation hubs (e.g., airports, bus or ferry terminals, train or subway stations, seaports, ports of entry) or any other area that provides transportation in the United States.

People must wear masks that cover both the mouth and nose when awaiting, boarding, traveling on, or disembarking public conveyances. People must also wear masks when entering or on the premises of a transportation hub in the United States.

This Order [\[PDF – 11 pages\]](#) is effective as of February 2, 2021 and was published in the Federal Register [\[link\]](#) on February 3, 2021.

For frequently asked questions, visit the FAQs.

The following are attributes of masks needed to fulfill the requirements of the Order. CDC will update this guidance as needed.

- A properly worn mask completely covers the nose and mouth.
- Cloth masks should be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source).
- Mask should be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers.
- Mask should fit snugly but comfortably against the side of the face.
- Mask should be a solid piece of material without slits, exhalation valves, or punctures.

The following attributes are additionally acceptable as long as masks meet the requirements above.

- Masks can be either manufactured or homemade.
- Masks can be reusable or disposable.
- Masks can have inner filter pockets.
- Clear masks or cloth masks with a clear plastic panel may be used to facilitate communication with people who are hearing impaired or others who need to see a speaker's mouth to understand speech.
- Medical masks and N-95 respirators fulfill the requirements of the Order.

The following do not fulfill the requirements of the Order.

- Masks worn in a way that does not cover both the mouth and nose
- Face shields or goggles (face shields or goggles may be worn to supplement a mask that meets above required attributes)
- Scarves, ski masks, balaclavas, or bandannas

- Shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose.
- Masks made from loosely woven fabric or that are knitted, i.e., fabrics that let light pass through
- Masks made from materials that are hard to breathe through (such as vinyl, plastic or leather)
- Masks containing slits, exhalation valves, or punctures
- Masks that do not fit properly (large gaps, too loose or too tight)

Additional guidance on the use of masks to slow the spread of COVID-19 is available on CDC's website.

Page last reviewed: February 2, 2021

Memorandum

To: MAT Coordinating Board
From: Jordan Smith, Transit Fleet & Facilities Manager
Date: March 17th, 2021
Re: *Safety Plan Revision*



MATBUS Safety Plan was adopted by the cities of Fargo and Moorhead in 2020. Moorhead contracts service from Valley Senior Services who provide rides for seniors over the age of 60. Moorhead pays for these services, therefore these services need to be covered under the MATBUS Safety Plan. Valley Senior Services was not covered under the originally approved Safety Plan.

These revisions add Valley Senior Services as a contracted service covered under the Safety Plan and adding them as a permanent member on the Safety Committee. This revision also removes the City of Fargo Assistant Transit Director, Contractor General Manager and Road Supervisors from the Safety Committee.



PUBLIC TRANSPORTATION
AGENCY SAFETY PLAN (PTASP)
FOR THE CITIES OF
FARGO, ND
MOORHEAD, MN

Prepared by: Jordan Smith

METRO TRANSIT GARAGE, 650 23rd St. N. Fargo, ND 58102



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TRANSIT AGENCY INFORMATION

Transit Agency Name	City of Fargo / City of Moorhead (jointly operating as MATBUS)
Transit Agency Address	Metro Transit Garage, 650 23 rd St N Fargo, ND 58102
Name and Title of Accountable Executive	Julie Bommelman, Fargo Transit Director / Dan Mahli, Moorhead Acting City Manager
Name of Chief Safety Officer(s) or SMS Executives	Jordan Smith, Fargo Fleet and Facilities Manager / Lori Van Beek, Moorhead Transit Manager
Mode(s) of Service Covered by This Plan	Fixed Route; Paratransit
List of All FTA Funding Types	5307, 5310, 5339
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)	Modes: Fixed Route and Paratransit. The Cities of Fargo, ND and Moorhead, MN use contracted labor to operate the revenue vehicles for both modes.
Does the agency provide transit service on behalf of another transit agency?	The City of Fargo and City of Moorhead have a Joint Powers Agreement (JPA) for the operation of public transit in the metropolitan area. Under that agreement, the City of Fargo provides staff for building maintenance, vehicle maintenance, Fixed Route dispatch, mobility management, and Paratransit Reservationists, with the City of Moorhead paying a portion based on cost-sharing formulas in the JPA. The City of Fargo and the City of Moorhead jointly own the Metro Transit Garage where vehicles are stored, fueled and maintained and where administrative offices are located for City and contract staff. Fargo and Moorhead together select a contracted operator, but have separate contracts with the operator. Fixed Route vehicles are owned by the individual cities. Paratransit vehicles are owned by the individual cities; however, Moorhead leases their vehicles to Fargo for operation of the metro Paratransit system. The City of Fargo owns and operates the Ground Transportation Center (GTC) which acts as the main transfer facility for several routes from Fargo and Moorhead; there are also staff members located at the GTC. Moorhead cost shares in the GTC Operations.

ORGANIZATION STRUCTURE AND SYSTEM SAFETY RESPONSIBILITIES

<p>CITY OF FARGO Accountable Executive Julie Bommelman</p> <p>CITY OF MOORHEAD Accountable Executive Dan Mahli</p>	<p>The Transit Director serves as the City of Fargo Transit Accountable Executive and the City Manager serves as the City of Moorhead Accountable Executive with the following authorities, accountabilities and responsibilities under this plan:</p> <ul style="list-style-type: none"> • Controls and directs human and capital resources needed to develop and maintain the PTASP and SMS. • Designates an adequately trained Chief Safety Officer who is a direct report.
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	<ul style="list-style-type: none"> • Ensures that City of Fargo SMS is effectively implemented. • Ensures action is taken to address substandard performance in SMS. • Assumes ultimate responsibility for carrying out City of Fargo and City of Moorhead PTASP and SMS. • Maintains responsibility for carrying out the agency's Transit Asset Management Plan.
<p>CITY OF FARGO Chief Safety Officer Jordan Smith</p> <p>CITY OF MOORHEAD Chief Safety Officer Lori Van Beek</p>	<p>The Fargo Accountable Executive designates the Fleet and Facilities Manager as the Chief Safety Officer. The Moorhead Accountable Executive designates the Moorhead Transit Manager as the Chief Safety Officer. The Chief Safety Officer has the following authorities, accountabilities and responsibilities under this plan:</p> <ul style="list-style-type: none"> • Develops the PTASP and SMS policies and procedures • Ensures and oversees day-to-day implementation and operation of the SMS. • Chairs the Safety Committee. <ul style="list-style-type: none"> - Coordinates the activities of the committee - Establishes and maintains the Safety Event Log to monitor and analyze trends in hazards, occurrences, incidents and accidents - Maintains and distributes minutes of committee meetings • Advises the Accountable Executive on SMS progress and status. • Identifies substandard performance in the SMS and develops action plans for approval by the Accountable Executive. • Ensures policies are consistent with safety objectives • Provides Safety Risk Management expertise and supports other personnel who conduct and oversee Safety Assurance activities.
<p>Agency Leadership and Management</p>	<p>Agency Leadership and Management also have authorities and responsibilities for day-to-day SMS implementation and operation of the SMS under this plan. Agency Leadership and Management include:</p> <ul style="list-style-type: none"> • Fargo Assistant Transit Director • Moorhead Transit Manager • Driver Services General Manager (Contracted) • Driver Services Operations Manager (Contracted) • Driver Services Safety Manager (Contracted) • Operations managers and supervisors <p>Leadership and Management personnel have the following authorities, accountabilities and responsibilities:</p> <ul style="list-style-type: none"> • Participate as members of the Safety Committee (operations managers and supervisors will be rotated through the Safety Committee on a two-year term and other positions are permanent members) • Complete training on SMS and PTASP elements. • Oversee day-to-day operations of the SMS in their departments. • Modify policies in their departments consistent with implementation of the SMS, as necessary • Provide subject matter expertise to support implementation of the SMS as requested by the Accountable Executive or the Chief Safety Officer, including SRM activities, investigation of safety events, development of safety risk mitigation, and monitoring of mitigation effectiveness.

Key Staff and Activities	<p>City of Fargo and City of Moorhead Transit use the Safety Committee, as well as the monthly Drivers' Meeting and weekly Team Meeting, to support its SMS and safety programs:</p> <ul style="list-style-type: none"> - Safety Committee: Any safety hazard reported will be jointly evaluated by the Safety Committee and the Chief Safety Officer during the Safety Committee Meeting. The Safety Committee is made up of the following members: <ul style="list-style-type: none"> - Fargo and Moorhead Chief Safety Officers (Permanent Members) - City of Fargo Operations Supervisor (Permanent Member) - Driver Services Safety Manager (Permanent Member) - Valley Senior Services Transportation Manager (Permanent Member) - City of Fargo Dispatcher (Two-Year Term) - Maintenance Shop Supervisor (Two-Year Term) - Maintenance Shop Building Supervisor (Two-Year Term) - Bus Operator (Two-Year Term) <p>Safety Committee will meet bimonthly to review issues and make recommendations to improve safety.</p> <ul style="list-style-type: none"> - Drivers' Meetings: A permanent agenda item in all monthly Drivers' Meetings is dedicated to safety. Safety issues are discussed and documented. - All Staff Team Meetings: Hazard reports and mitigations will be shared, safety topics will be brought up for open discussion, further feedback solicited, and hazard self-reporting further encouraged. Information discussed in these meetings will be documented.
Contracted Agencies Covered under this Plan	<p>Valley Senior Services (Metro Senior Ride)</p> <ul style="list-style-type: none"> • Valley Senior Services operates a transportation service call Metro Senior Ride. These services are designed for people age 60 and older. The City of Moorhead leases vehicles to Valley Senior Services to assist them in providing rides for the elderly.

PLAN DEVELOPMENT, APPROVAL AND UPDATES

Name of Person Who Drafted This Plan	Jordan Smith, Fleet and Facilities Manager		
CITY OF FARGO Signature by the Accountable Executive	Signature	Title	Date
		Transit Director	
CITY OF FARGO Approval by Proper Authority	Signature	Title	Date of Approval
	Relevant Documentation (title and location)		

CITY OF MOORHEAD Signature by the Accountable Executive	Signature	Title	Date
		City Manager	
CITY OF MOORHEAD Approval by Proper Authority	Signature	Title	Date of Approval
		Mayor	
	Relevant Documentation (title and location) (Insert City Council Resolution Number)		

ACTIVITY LOG

City of Fargo and City of Moorhead Transit Safety Plan

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Authorizing Person (Signature)	Remarks
11/18/2020	MAT Coordinating Board – Review and Recommend Adoption of Safety Plan to Fargo City Commission and Moorhead City Council		
11/30/2020	Fargo City Commission - Adoption of Plan		
12/10/2020	Metropolitan Council of Governments (MPO) Transportation Technical Committee - Review and Recommend Approval of Safety Plan to Policy Board		
12/14/2020	Moorhead City Council - Adoption of Plan		Resolution #2020-1214-P
12/17/2020	Metropolitan Council of Government (MPO) Policy Board - Approval of Plan		
3/01/2021	Revision	Jordan Smith	Removed Assistant Transit Director, Contractor GM and Road Supervisor from Safety Committee. Added Valley Senior Services

			Transportation Manager. Add Valley Senior Services as Contracted Agencies Covered Under this Plan
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SAFETY POLICIES AND PROCEDURES

1.1 COMMITMENT TO SAFETY

We are committed to Safety Management as a systematic and comprehensive approach to identify safety hazards and risks associated with transit system operations and related maintenance activities. We have adopted a Safety Management System (SMS) framework as an explicit element of the agency's responsibility by establishing safety policy; identifying hazards and controlling risks; goal setting, planning and measuring performance. We have adopted SMS as means by which to foster agency-wide support for transit safety by establishing a culture where management is held accountable for safety and everyone in the organization takes an active role in securing transit safety.

To ensure transit safety and in order to comply with Federal Transit Administration (FTA) requirements, we have developed and adopted this Public Transit Agency Safety Plan (PTASP) to comply with FTA regulations established by section 5329(d) of the Moving Ahead for Progress in the 21st Century (MAP-21) Act.

The Fargo Transit Director, Moorhead City Manager, Metropolitan Council of Governments and City of Fargo Commission/City of Moorhead Council, in cooperation with the North Dakota Department of Transportation and Minnesota Department of Transportation, have reviewed the PTASP and assures that the content has met the requirements of Section 5329 (d) of MAP-21 through the establishment of a comprehensive Safety Management System (SMS) framework. Fundamental safety beliefs guiding our approach include:

- Safety is a core business value
- Safety excellence is a key component of our mission
- Safety is a source of our competitive advantage; our business will be strengthened by making safety excellence an integral part of all our public transportation activities; and
- Accidents and serious incidents are preventable; they are often preceded by precursors (events, behavior, and conditions) that can be identified, assessed and mitigated.

Basic elements of our safety approach include:

- Top Management Commitment to Safe Operations
- Responsibility and Accountability of all Employees
- Clearly Communicate Safety Goals
- Safety Assurance and Performance Measurement for Improvement

1.2 ANNUAL PTASP REVIEW AND UPDATE

Our Fargo-Moorhead management will review the PTASP annually, update the document as necessary and implement the changes within a timeframe that will allow the agency to timely submit the annual self-certification of compliance to the Federal Transit Administration (FTA). Annual self-certification will consist

of the Fargo Transit Director and Moorhead City Manager signing and dating this document and submitting to FTA for review and approval. The annual review of the PTASP will be conducted by the agency as part of the PTASP review to be conducted no later than **June 30th** of each calendar year. Necessary updates outside the annual update window will be handled as PTASP addendums which will be incorporated in the body of the PTASP. Reviews of the PTASP by the local agency, any subsequent updates and addendums, adoption and distribution activities will be documented in the PTASP Document Activity Log.

1.3 SAFETY PROMOTION, CULTURE AND TRAINING

We believe safety promotion is critical to the success of SMS by ensuring that the entire organization fully understands and trusts the SMS policies, procedures and structure. It involves establishing a culture that recognizes safety as a core value, training employees in safety principles and allowing open communications of safety issues.

1.4 SAFETY CULTURE

Positive safety culture must be generated from the top-down. The actions, attitudes and decisions at the policy-making level must demonstrate a genuine commitment to safety. Safety must be recognized as the responsibility each employee with the ultimate responsibility for safety resting with the Fargo Transit Director and Moorhead City Manager. Employees must trust that they will have management support for decisions made in the interest of safety while recognizing that intentional breaches of safety will not be tolerated.

The primary goal of safety promotion is to develop a positive safety culture that allows SMS to succeed. A positive safety culture is defined as one which is:

- **An Informed Culture**
 - Employees understand the hazards and risks involved in their areas of operation
 - Employees are provided with the necessary knowledge, training and resources
 - Employees work continuously to identify and overcome threats to safety
- **A Just Culture**
 - Employees know and agree on what is acceptable and unacceptable behavior
 - Human errors must be understood but negligence and willful violations cannot be tolerated
- **A Reporting Culture**
 - Employees are encouraged to voice safety concerns and to share critical safety information without the threat of punitive action
 - When safety concerns are reported they are analyzed and appropriate action is taken
- **A Learning Culture**
 - Learning is valued as a lifetime process beyond basic skills training
 - Employees are encouraged to develop and apply their own skills and knowledge to enhance safety
 - Employees are updated on safety issues by management and safety reports are fed back to staff so that everyone learns the pertinent lessons

1.5 TRAINING

During the initial implementation of the SMS, specific training will be required for all employees, including contract staff, to explain the agency's safety culture and describe how SMS works. The Safety Officer is the resource person for providing a corporate perspective on our approach to safety management. Once the SMS is implemented, safety training needs will depend on the safety responsibilities of the individual staff members and the nature of tasks performed.

- **Level One Training**
 - **Initial Safety Training for All Staff**

- Basic Principles of safety management including the integrated nature of SMS, risk management, safety culture, etc.
 - Corporate safety philosophy, safety goals and objectives, safety policy and safety standards
 - Importance of complying with the safety policy and SMS procedures, and the approach to disciplinary actions for different safety issues
 - Organizational structure, roles and responsibilities of staff in relation to safety
 - Current safety record, including areas of weakness
 - Reporting accidents, incidents and perceived hazards
 - Feedback and communication methods for the dissemination of safety information
 - Safety promotion and information dissemination
- **Level Two Training**
 - **Safety Training for Operations Personnel – In Addition to Level One Training**
 - Unique hazards facing operational personnel
 - Seasonal safety hazards and procedures
 - Procedures for hazard reporting
 - Procedures for reporting accidents and incidents
 - Emergency procedures
- **Level Three Training**
 - **Safety training program for all employees and contractors directly responsible for safety.**
 - Bus vehicle operators (Driver Training Performed by Driver Services Contractor)
 - Dispatchers
 - Maintenance technicians
 - Managers and supervisors
 - Leadership and Executive Management
 - Chief Safety Officers

Resources will be dedicated to conduct a comprehensive safety training program, as well as training on SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and their role in the SMS.

Operations safety-related skill training may include the following:

The following training is performed by the Driver Services Contractor. Reference Exhibit A

- New-hire bus vehicle operator classroom and hands-on skill training
- Bus operator refresher training
- Bus operator retraining (recertification or return to work)
- Classroom and on-the-job training for operations supervisors and managers
- Accident investigation training for operations supervisors and managers

Vehicle maintenance safety-related skill training includes the following:

The following training is performed by the City of Fargo

- Ongoing vehicle maintenance technician skill training
- Ongoing skill training for vehicle maintenance supervisors

- Accident investigation training for vehicle maintenance supervisors
- Ongoing hazardous material training for vehicle maintenance technicians and supervisors
- Training provided by vendors.

SAFETY RISK MANAGEMENT

2.1 HAZARD IDENTIFICATION

Establishing effective hazard identification programs is fundamental to safety management. Hazard identification can be reactive or proactive in nature. Occurrence reporting, incident investigation and trend monitoring are essentially reactive. Other hazard identification methods actively seek feedback by observing and analyzing day-to-day operations. Common hazard identification activities include:

- Safety assessments
- Trend monitoring
- Hazard and incident reporting
- Safety surveys
- Safety audits
- Evaluation of customer suggestions and complaints

The number of near-miss incidents, known as precursors, is significantly greater than the number of accidents for comparable types of events. The practice of reporting and learning from accident precursors is a valuable complement to other hazard identification practices. To be successful, hazard identification must take place within a non-punitive and just safety culture. We will employ systematic safety improvements by discovering and learning of potential weaknesses in the system's safety. We will utilize the FTA's Resource Library to help identify potential sources of hazard information.

The Chief Safety Officer(s) or their designee is responsible for the risk assessment. The Chief Safety Officers may conduct further analyses of hazards and consequences to collect information and identify additional consequences and to inform which hazards should be prioritized for safety risk assessment.

Safety risks are recorded and tracked in SharePoint. This will allow for any recorded safety risks to be searched and reports to be generated when necessary.

2.1 NON-PUNITIVE REPORTING POLICY

We are committed to the safest transit operating standards possible. To achieve this, it is imperative that we have uninhibited reporting of all incidents and occurrences which may compromise the safe conduct of our operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety. Such communication must be completely free of any form of reprisal.

We will not take disciplinary action against any employee who discloses an incident or occurrence involving transit safety. This policy shall not apply to information we receive from a source other than the employee, or which involves an illegal act, or deliberate or willful disregard of safety regulations or procedures.

The primary responsibility for transit safety rests with the Transit Operator and Safety Officers, however transit safety is everyone's concern.

Our method of collection, recording and disseminating information from transit safety reports, has been developed to protect the identity of any employee who provides transit safety information. We urge all staff to practice the SMS transit safety procedures outlined in the PTASP to help us become a leader in providing transit riders and employees with the highest level of transit safety.

2.2 RISK ASSESSMENT

Once hazards have been identified, we will conduct an assessment to determine their potential consequences. Factors to be considered are the likelihood of the occurrence, the severity of the consequences should there be an occurrence and the level of exposure to the hazard. We will assess risks subjectively by experiences personnel using a Risk Assessment Matrix (RAM). We will use the RAM to measure the level of safety risk in terms of severity and likelihood. This will allow us to combine the assessment of severity and likelihood to determine the overall risk rating of the potential consequence of the hazard.

Results of the risk assessment process will help determine whether the risk is being appropriately managed or controlled. If the risks are acceptable, the hazard will simply need monitoring. If the risks are unacceptable, steps will be taken to lower the risk to an acceptable or tolerable level, or to remove or avoid the hazard.

2.3 RISK MITIGATION

The assessment process may indicate that certain hazards have an acceptable level of risk, while others require mitigation to an acceptable or tolerable level. The level of risk can be lowered by reducing the severity of the potential consequences, by reducing the likelihood of occurrence and/or by reducing the exposure to that risk. In general, we will take the following safety actions to mitigate risk. These actions can be categorized into three broad categories, including:

- **Physical Defense**
 - These include objects and technologies that are engineered to discourage, or warn against, or prevent inappropriate action or mitigate the consequences of events. (e.g. traffic control devices, fences, safety restraining systems)
- **Administrative Defenses**
 - These include procedures and practices that mitigate the likelihood of an accident or incident. (e.g. safety regulations, standard operating procedures, supervision inspection, training)
- **Behavioral Defenses**
 - These include behavioral interventions through education and public awareness campaigns aimed at reducing risky and reckless behavior of motorists, passengers and pedestrians; factors outside the control of our agency.

2.4 PRIORITIZE SAFETY RISKS

Once hazards have been identified and risk levels assessed, we will prioritize safety risks. A Prioritized Safety Risk Log will be used to organize the system safety risks. The Prioritized Safety Risk Log will identify the priority level for safety risks, a description of the risk, planned mitigation strategies to address the risk, the outcome of the planned mitigation strategies, responsible staff, timeline of the planned mitigation strategies and the status of the prioritized safety risk. We will update the Prioritized Safety Risk Log to ensure continual progress towards risk reduction.

2.5 SAFETY ASSURANCE

Safety Assurance provides the necessary feedback to ensure that the SMS is functioning and we are meeting or exceeding its safety objectives. Safety assurance requires a clear understanding of how safety performance will be evaluated and what metrics will be used to assess system safety and determine if the safety management system is working properly. Having decided on the metrics by which success will be

measured; safety management requires embedding these metrics in the organizational culture and encouraging their use for ongoing performance improvement.

SAFETY PERFORMANCE MONITORING AND MEASUREMENT

3.1 MONITORING THE SYSTEM FOR COMPLIANCE WITH PROCEDURES FOR OPERATIONS AND MAINTENANCE

We have many processes in place to monitor our entire transit system for compliance with operations and maintenance procedures including:

- Safety audits,
- Informal inspections,
- Regular review of onboard camera footage to assess drivers and specific incidents,
- Safety surveys,
- Investigation of safety occurrences,
- Safety review prior to the launch or modification of any facet of service,
- Daily data gathering and monitoring of data related to the delivery of service, and
- Regular vehicle inspections and preventative maintenance.

Results from the above processes are compared against recent performance trends periodically by the Chief Safety Officers to determine where action needs to be taken. The Chief Safety Officers enter any identified non-compliant or ineffective activities, including mitigations, into the tracking system in SharePoint for reevaluation by the Safety Committee.

3.2 MONITORING OPERATIONS TO IDENTIFY ANY SAFETY RISK MITIGATIONS THAT MAY BE INEFFECTIVE, INAPPROPRIATE, OR WERE NOT IMPLEMENTED AS INTENDED

We monitor safety risk mitigations to determine if they have been implemented and are effective, appropriate, and working as intended. The Chief Safety Officers maintain a list of safety risk mitigations. The mechanism for monitoring safety risk mitigations varies depending on the mitigation

The Chief Safety Officers establish one or more mechanisms for monitoring safety risk mitigations as part of the mitigation implementation process and assigns monitoring activities to the appropriate director, manager, or supervisor. These monitoring mechanisms may include tracking a specific metric on daily, weekly, or monthly logs or reports; conducting job performance observations; or other activities. The Chief Safety Officer will endeavor to make use of existing processes and activities before assigning new information collection activities.

The Chief Safety Officers and Safety Committee review the performance of individual safety risk mitigations during periodic Safety Committee meetings, based on the reporting schedule determined for each mitigation, and determine if a specific safety risk mitigation is not implemented or performing as intended. If the mitigation is not implemented or performing as intended, the Safety Committee will propose a course of action to modify the mitigation or take other action to manage the safety risk. The Chief Safety Officers will approve or modify this proposed course of action and oversee its execution.

The Chief Safety Officers and Safety Committee also monitor operations on a large scale to identify mitigations that may be ineffective, inappropriate, or not implemented as intended by:

- Reviewing results from accident, incident, and occurrence investigations;
- Monitoring employee safety reporting;
- Reviewing results of internal safety audits and inspections; and
- Analyzing operational and safety data to identify emerging safety concerns. The Chief Safety Officers work with the Safety Committee and Accountable Executive to carry out and document all monitoring activities.

3.3 INVESTIGATIONS OF SAFETY EVENTS TO IDENTIFY CAUSAL FACTORS

We maintain documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event. These procedures also reflect all traffic safety reporting and investigation requirements established by the state of North Dakota and Minnesota Department of Motor Vehicles.

The Chief Safety Officers maintain all documentation of investigation policies, processes, forms, checklists, activities, and results. An investigation report is prepared and sent to the Safety Committee for integration into their analysis of the event.

- The accident was preventable or non-preventable;
- Personnel require discipline or retraining;
- The causal factor(s) indicate(s) that a safety hazard contributed to or was present during the event; and
- The accident appears to involve underlying organizational causal factors beyond just individual employee behavior.

3.4 MONITORING INFORMATION REPORTED THROUGH THE INTERNAL SAFETY REPORTING PROGRAM

The Chief Safety Officers and Safety Committee routinely review safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officers and Safety Committee ensure that the concerns are investigated or analyzed through the Safety Risk Mitigation (SRM) process.

The Chief Safety Officers and Safety Committee also review internal and external reviews, including audits and assessments, with findings concerning safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations.

3.5 SAFETY COMMUNICATION

The Chief Safety Officers coordinate the safety communication activities for the SMS. Activities focus on the three categories of communication activity established in 49 CFR Part 673 (Part 673):

- Communicating safety and safety performance information throughout the agency: Communicates information on safety and safety performance monthly during all regular Team Meetings and contractor Driver Safety Meetings. A permanent agenda item in all monthly Driver Safety Meetings dedicated to safety. Information typically conveyed during these meetings includes safety performance statistics, lessons learned from recent occurrences, upcoming events that may impact service or safety performance, and updates regarding SMS implementation. Information is requested from drivers during these meetings, which is recorded in meeting minutes. Finally, the Safety Officer posts safety bulletins and flyers on the bulletin boards located in all bus operator and maintenance technician break rooms, advertising safety messages and promoting awareness of safety issues.
- Communicating information on hazards and safety risks relevant to employees' roles and responsibilities throughout the agency: As part of new-hire training, safety policies and procedures are distributed to all employees. Training on these policies and procedures and discusses them during safety talks between supervisors and bus operators and vehicle technicians. For newly emerging issues or safety events at the agency, the Chief Safety Officers issue bulletins or messages to employees that are reinforced by supervisors in one-on-one or group discussions with employees.
- Informing employees of safety actions taken in response to reports submitted through the ESRP: Provides targeted communications to inform employees of safety actions taken in response to reports submitted through the ESRP, including handouts and flyers, safety talks, updates to bulletin boards, and one-on-one discussions between employees and supervisors, including contract operator employees and supervisors.

DEFINING SAFETY GOALS AND OBJECTIVES/OUTCOMES

Setting safety goals and objectives is part of strategic planning and establishing safety policy. Clearly defining safety goals is the first part in creating a safety performance measurement system. Safety goals are general descriptions of a desirable long-term impact. Whereas safety objectives or outcomes are more specific statements that define measurable results.

The safety objectives and outcomes will be measured by defining specific performance metrics, including baseline and targets that we will determine as reasonable.

4.1 DEFINING SAFETY PERFORMANCE MEASURES

We will utilize these basic principles of performance measurement:

- Stakeholder involvement and acceptance
- Focus on agency goals and activities
- Clarity and precision
- Credibility
- Forward-looking measures
- Integration into agency decision-making
- Timely reporting
- Realism of goals and targets

4.2 METRICS

Defining safety performance measures includes the use of safety related metrics. There are some general safety related metrics that can be used to measure transit safety performance. The following is a list of performance target areas and metrics that we will use. These targets will be evaluated over a fiscal year period with a baseline year of Fiscal Year 2021. (7/1/2020 – 6/30/2021)

Injuries	<ul style="list-style-type: none"> • Number of Injuries (Fixed Route) • Number of Injuries (On Demand) • Number of Injuries per 100,000 vehicle revenue miles (Fixed Route) • Number of Injuries per 100,000 vehicle revenue miles (On Demand) • Employee work days lost to injuries per specific time period
Fatalities	<ul style="list-style-type: none"> • Number of Fatalities (Fixed Route) • Number of Fatalities (On Demand) • Number of Fatalities per 100,000 vehicle revenue miles (Fixed Route) • Number of Fatalities per 100,000 vehicle revenue miles (On Demand) • Work-related fatalities per specific time period
Safety Events	<ul style="list-style-type: none"> • Total Number of Safety Events (Fixed Route) • Total Number of Safety Events (On Demand) • Number of Safety Events per 100,000 vehicle revenue miles (Fixed Route) • Number of Safety Events per 100,000 Vehicle revenue miles (On Demand)
System Reliability	<ul style="list-style-type: none"> • Mean distance between major mechanical failure (Fixed Route) • Mean distance between major mechanical failure (On Demand) • Percent of preventative maintenance inspections completed within 10% of scheduled mileage
Safety Culture	<ul style="list-style-type: none"> • Number of training hours for staff per specified time period • Results of employee survey • Percentage of staff participating in hazard reporting

4.3 TARGETS

Measuring safety performance metrics includes targets or goal we strive to accomplish. The following lists are the targets we will set for our agency. The Cities of Fargo, ND and Moorhead, MN will officially transmit its targets in writing to the States of North Dakota and Minnesota by July 15 of each year. Where are these numbers coming from?

Mode of Service	Injuries (Total)		Injuries (per 100k VRM)		Employee work days lost
	Fargo	Moorhead	Fargo	Moorhead	
Fixed Route Bus	3	1	.35	.17	10
On Demand/ADA Paratransit	2		1.64		

Mode of Service	Fatalities (Total)	Fatalities (per 100k VRM)	Work-related employee fatalities
Fixed Route Bus	0	0	0
On Demand/ADA Paratransit	0	0	0

Mode of Service	Safety Event (Total)	Safety Event (per 100k VRM)
Fixed Route Bus	70	8.09
On Demand/ADA Paratransit	50	40.92

Mean distance between major mechanical failures (Fixed Route)	Mean distance between major mechanical failures (On Demand)	Percentage of PM completed within 10% of scheduled mileage
9000	12000	90

Number of safety training hours for staff	Percentage of staff participating in hazard reporting
20hr/per staff member	10

Safety Performance Target Coordination		
The Accountable Executive shares our PTASP, including safety performance targets, with the ND DOT and MN DOT in our service area each year after its formal adoption by the City of Fargo Commission and the City of Moorhead City Council. Personnel are available to coordinate with ND DOT and MN DOT and the MPO in the selection of ND DOT and MN DOT and MPO safety performance targets upon request.		
Targets Transmitted to the State	ND DOT	Date Targets Transmitted
Targets Transmitted to the State	MN DOT	Date Targets Transmitted

4.4 INTEGRATING RESULTS INTO AGENCY DECISION-MAKING PROCESS

We are committed to using the data collected and information learned to inform decision making and instill positive change. The main objective is the continuous improvement of transit system safety. When performance goals are not met, we will identify why such goals were not met and what actions can be taken to minimize the gap in achieving defined goals. However, when goals are easily achieved, action will be taken to exceed expectations and re-establish a reasonable baseline.

Uses of Performance Results include:

- Focus attention on performance gaps and trigger in-depth investigations of what performance problems exist
- Help make informed resource allocation decisions
- Identify needs for staff training or technical assistance

- Help motivate employees to continue making program improvements
- Support strategic planning efforts by providing baseline information for tracking purposes
- Identify best practices through benchmarking
- Respond to elected officials and the public's demand for accountability

4.5 SUSTAINING A SAFETY MANAGEMENT SYSTEM

In order to sustain a safety management system, we will ensure that particular processes are employed to instill an organizational foundation. Examples of actions taken to sustain SMS include:

- **Create measurement-friendly culture**
 - All staff, including management, should be actively engaged in creating measurement-friendly culture by promoting performance measurement as a means of continuous improvement. Management will also lead by example and utilize performance metrics in decision making processes
- **Build organization capacity**
 - Investment in developing skilled human resources capacity is essential to sustaining an SMS. Both technical and managerial skills will be needed for data collection and analysis, and goal setting. We are committed to providing the financial resources required for organizational capacity and maintaining an SMS on a continuous basis.
- **Reliability and transparency of performance results**
 - The SMS will be able to produce and report results, both good and bad. Performance information should be transparent and made available to all stakeholder. Messengers should be protected to preserve the integrity of the measurement system. The focus should be on opportunities for improvement rather than allocating blame.
- **Demonstrate continuous commitment to measurement**
 - Visible commitment to using metrics is a long-term initiative. We will demonstrate a commitment to performance measurement by establishing a formal process of reporting performance results, such as including Transit Safety and Performance measurement as a standing agenda item at Transit Board, City Commission and City Council meetings.

SUPPORTING DOCUMENTATION

We will maintain documentation related to the implementation of its SMS; the programs, policies, and procedures used to carry out this PTASP; and the results from its SMS processes and activities for three years after creation. Documentation will be maintained in SharePoint and will be available to the FTA or other Federal or oversight entity upon request.

Additional documentation used to create the PTASP includes the MATBUS Operating Policies and Procedures what document is this?, PTASP Potential Sources of Hazard Information for Bus Transit Operations, PTASP Technical Assistance Center

5.1 DEFINITIONS OF TERMS USED IN THE SAFETY PLAN

We incorporate all of FTA's definitions that are in 49 CFR § 673.5 of the Public Transportation Agency Safety Plan regulation.

- 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; an evacuation for life safety reasons..
- 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.
- 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.
- 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.
 - 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 FTA.
 - Public Transportation Agency Safety Plan (PTASP or Agency Safety Plan) means the documented comprehensive Agency Safety Plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.

- 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 function 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 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 (SRM) means a process within a transit agency's 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 when 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.
- Transit agency means an operator of a public transportation system.
- Transit Asset Management Plan (TAMP) 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

5.2 COMMONLY USED ACRONYMS

Acronym	Word or Phrase
ADA	American's with Disabilities Act of 1990
ASP	Agency Safety Plan (also referred to as a PTASP in part 673)
CFR	Code of Federal Regulations
ESRP	Employee Safety Reporting Program
FTA	Federal Transit Administration
MATBUS	Fargo-Moorhead Metropolitan Area Transit Public Bus System
MNDOT	Minnesota Department of Transportation
MPO	Metropolitan Planning Organization
NDDOT	North Dakota Department of Transportation
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)
PTASP	Public Transportation Agency Safety Plan
RAM	Risk Assessment Matrix
SMS	Safety Management System
SRM	Safety Risk Management
TAMP	Transit Asset Management Plan
U.S.C.	United States Code
VRM	Vehicle Revenue Miles

Exhibit A

Exhibit B

Risk Assessment Matrix

Identified Risk:

Severity	Impact of Risk					Probability of Risk				
	Cost (Thousands)	People	Asset	Environment	Quality	< 1% Very Low (1)	1% - 10% Low (2)	10% - 50% Medium (3)	50% - 90% High (4)	> 90% Very High (5)
Very High 5	>50	Multiple Fatalities	Major Damage, multiple units	Massive Effect	Complete discontinuation of service	5	10	15	20	25
High 4	25-50	Permanent total disability or one fatality	Major Damage, unit level	Major Effect	Substantial disruption of service	4	8	12	16	20
Medium 3	10-25	Serious injury, hospitalization	Moderate Damage	Moderate Effect	Slight disruption of service	3	6	9	12	15
Low 2	1-10	Slight injury, medical treatment	Minor Damage	Minor Effect	Minimal disruption of service	2	4	6	8	10
Very Low 1	<1	First aid or no injury	No/Slight Damage	No/Slight Effect	No disruption of service	1	2	3	4	5
Risk Value										

Assessed Risk Value:

Instructions

1. Estimate potential consequences and severity (thought of as what could happen if hazard actually occurred)
2. Estimate likelihood of such consequences occurring (using historical evidence, data and experiences)
3. Multiply the severity for each consequence by the likelihood of that consequence occurring. This is the risk value.
4. Sum the risk values for a total assessed risk. (out of 125)

Prioritized Safety Risk Log

This Prioritized Safety Risk Log is used to organize identified safety risks facing the MATBUS system. The log should be updated frequently to demonstrate continual progress towards risk reduction through mitigation strategies. A timeline is used to highlight projected completion dates.

Completed by: _____ Last Updated: _____

Priority	Risk Description	Planned Mitigation Strategies	Outcomes of Planned Mitigation Strategies	Responsible Staff	Timeline	Status
1						
2						
3						
4						
5						
6						
7						

Exhibit D



Safety Event Reporting Form

Name (optional) _____

Date of Event _____

Event Time _____

Event Information

Location _____

City _____ State _____

Specific Area of Location (if applicable) _____

Event Description

Name/Contact of Witnesses

1. _____

2. _____

3. _____

Biodiesel, not electric, buses may join Metro Transit fleet

Environmentalists express dismay as transit agency asks for biodiesel instead.

By Janet MooreStar Tribune | MARCH 3, 2021 — 5:01AM

In late 2018, Metro Transit unveiled an ambitious plan to add electric buses to its fleet — a clean alternative that was cheered by environmental and social justice groups.

The [idea](#) was to stop buying buses powered by diesel fuel by 2022.

Since then, the transit agency has deployed just eight electric buses. A proposal to spend \$122 million for 143 new biodiesel buses will be considered by the Metropolitan Council next week. The deal represents about 15% of Metro Transit's fleet of 900 buses.

This has exasperated many groups that applauded Metro Transit's commitment to electric buses three years ago.

"Every new diesel bus locks us into a minimum of 12 more years of dirty exhaust, climate pollution and reliance on imported fossil fuel," said Joshua Houdek, senior program manager at the Sierra Club North Star Chapter. "We should be transitioning to clean electric buses now."

The proposed contract with New Flyer of America Inc. calls for the council to buy the 60-foot biodiesel buses over the next three years, with an option to buy up to 29 additional buses. Each bus costs about \$748,000, while electric buses cost \$1.2 million.

The biodiesel fuel used by Metro Transit is a mixture of diesel gas, soybean byproducts and animal fats, but the majority of the mix is diesel. The U.S. Environmental Protection Agency says exposure to diesel fuel can lead to serious health conditions such as asthma and respiratory illnesses, and it contributes to global warming.

"We need to see rapid electrification of our state's bus fleets to address climate change in Minnesota," said Madi Johnson, clean transportation and membership organizer for MN350, a Minneapolis-based environmental group.

Metro Transit officials said the pilot program involving eight electric buses on the C line arterial bus route has proved challenging. The first electric buses were rolled out to great fanfare in 2019, but the system soon [encountered issues](#) with charging equipment. On Tuesday, the electric chargers overheated, resulting in all eight buses being sidelined.

Cold climates like Minnesota's can also sap electric vehicle charges. The plan adopted three years ago called for half of the area's new rapid transit buses to be electric. But Metro Transit officials now say electric buses are not a good fit because the new lines cover too much territory, making establishing a network of charging stations challenging.

Those routes include the [Orange Line](#), a 17-mile bus rapid transit project connecting downtown Minneapolis to Burnsville, which will begin service later this year; the [D line](#), arterial bus rapid transit connecting Brooklyn Center to the Mall of America, which is slated to begin service next year; and the [B line](#), linking Uptown to downtown St. Paul, which will open in 2024.

"It's too long," said Brian Funk, Metro Transit's deputy chief operating officer-bus. "They just do not fit the profile, given the operating range."

That hasn't ruled out Metro Transit using electric buses on some of its shorter local bus routes, Funk said, noting the transit agency is exploring a federal grant to help pay for them.



GLEN STUBBE, STAR TRIBUNE

Metro Transit unveiled its first electric bus in February 2019.

"We are still committed to the electric bus program," Metro Transit General Manager Wes Kooistra said. "We know the technology is going to improve. Our peers in other cities are having the same experience."

Lisa Jerram, director of bus programs for the American Public Transportation Association in Washington, D.C., said other cities have launched pilot programs for electric buses with longer-term plans to go all electric.

"For most agencies it's not something you can do overnight," said Jerram, who estimated that fewer than 1,000 electric buses are in service nationwide.

The Met Council's Transportation Committee unanimously approved the \$122 million deal with New Flyer last month. The full council will consider the proposal on March 10.

Transportation reporter **Janet Moore**

Public-Transit Drivers Struggle to Enforce Mask Mandates

At least 90 percent of public-transit passengers wear masks while on buses, but some still wear their masks incorrectly and others refuse to wear them at all, threatening the health of others on board.

by Stacie Kershner Georgia State University; The Conversation

March 4, 2021



ADVERTISEMENT

(THE CONVERSATION) Many U.S. metropolitan areas report that at least 90 percent of public-transit passengers wear masks while on buses to prevent the spread of the coronavirus.

However, some passengers still wear their masks incorrectly. And some refuse to wear them at all, threatening the health and safety of others on board.

Staff at many transit systems have already faced the difficult task of enforcing passenger compliance with local and state mask mandates. Now, staff and passengers of public-transit systems must also comply with federal orders, issued in January and February.

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In addition to driving, public-transit drivers are now responsible for preventing unmasked passengers from boarding, monitoring passengers for compliance and removing unruly customers.

These responsibilities create hurdles for drivers, particularly when public-transit systems prefer customer-friendly approaches instead of civil or criminal penalties to increase compliance.

Federal mask orders

President Joe Biden issued an executive order on Jan. 21 mandating that certain federal government agencies require travelers to wear masks while on commercial airlines, trains and buses.

The Centers for Disease Control and Prevention issued its own order on Jan. 29 requiring all passengers to wear masks, except babies and toddlers under age 2 and persons with disabilities. The order also requires transportation companies and public-transit systems to enforce mask-wearing in airports, seaports, train terminals and bus stations.

The Transportation Security Administration also issued a directive on Jan. 31 supporting President Biden's directive and implementing the CDC's orders. The TSA also issued guidance to public-transit systems for reporting violations so that the TSA can issue fines.

Through ongoing research funded by the Natural Hazards Center, our team of lawyers, sociologists and urban planners at the Georgia State University Urban Studies Institute conducted focus groups with public-bus drivers in the Atlanta metro area to assess public transit's response to Covid-19.

The goal of the research is to develop policies to prevent future disease spread, maintain service during emergencies and protect community access to public transit.

The bus drivers in the focus groups shared the difficulties they have faced so far when enforcing mask orders.

Driver problems

Besides their traditional job of safe driving and maintaining a timely schedule, public-bus drivers now must encourage passengers to wear masks and remove passengers who refuse. They must also promote social distancing by limiting the number of passengers and clean buses between routes.

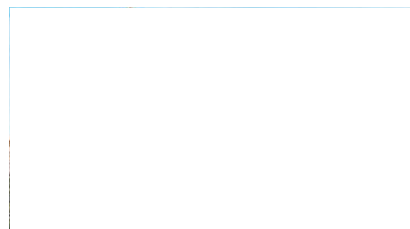
Drivers report that buses often don't have enough masks for passengers who arrive without one. Many public-transit systems have installed mask kiosks at rail or bus stations, but bus stops don't have them. Though many buses have been retrofitted with mask dispensers, supplies must be monitored and regularly replenished, another new



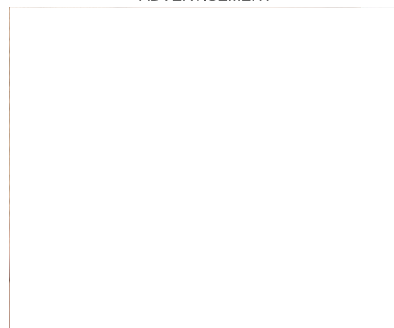
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Train operators are separated from passengers because they are in a separate, closed-off compartment. They are spared from having to enforce mask orders. But this leaves compliance largely unchecked.

On buses, however, drivers do have contact with passengers and must enforce mask orders. But, drivers are generally the only staff on board. They cannot easily remove passengers for not following orders. They also fear endangering themselves or other passengers.

Across the country, drivers have faced hostility and even violence when trying to enforce mask mandates.

We found that drivers use several tactics to address passenger refusal to wear masks.

Drivers can call security to provide help. These calls are not always answered quickly, and sometimes they are not answered at all. When security does respond, drivers report actions that reward noncompliant passengers. To defuse a situation, security might provide a free taxi or ride-share service. This promotes future noncompliance by passengers.

Drivers can also refuse to move the bus as leverage to force passengers to wear masks. However, this can make the bus and its passengers late. Other passengers might file complaints for delays or missed connections. And drivers might be reprimanded by supervisors.

Drivers worry these complaints might jeopardize performance reviews and job security.

Potential solutions

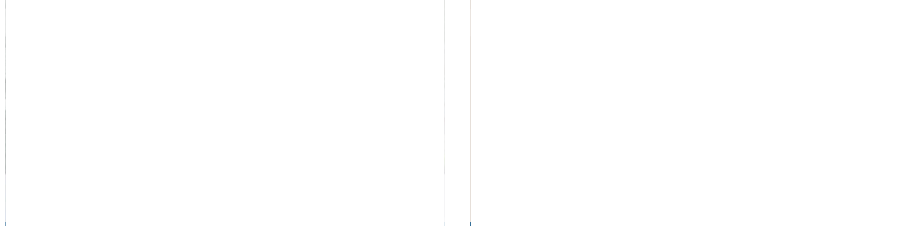
Based on our interviews, there are some potential solutions that public-transit systems might take to support drivers and increase mask usage on buses.

These include:

- Hiring more staff to assist with enforcement.
- Supplying masks and replenishing distribution kiosks frequently.
- Developing clear policies on the measures drivers are expected to take when enforcing mask mandates.
- Providing driver training on enforcement methods, including how to deescalate upset passengers.
- Training management on how to balance supporting the drivers with maintaining

All these efforts would cost more money. So providing local, state and federal funding for these efforts, including money from the CARES Act, and the Coronavirus Response and Relief Supplemental Appropriations Act, might help public-transit systems increase passenger mask-wearing.

These solutions could help protect the health and safety of passengers and staff as full service is restored and more passengers return to public transit.



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