

**FTA Federal Mask Requirement**  
**February 9, 2021**  
**Stakeholder Call #2 Transcript**

**>>Matt Welbes:**

Good afternoon, everyone, and welcome to the second in a series of calls that the Federal Transit Administration will hold during the month of February to support implementation of the Federal mask requirement for public modes of transportation. I'm Matt Welbes, FTA's Executive Director, and thank you for joining us today.

The purpose of today's call is for us to provide updates and discuss some of the questions we've received since the last call we hosted on February 2nd. And before we get started, let me cover a few housekeeping items.

First, if you missed last week's call, a recording is available on [FTA's YouTube Channel](#), and our [COVID-19 website](#). The Department also has posted a number of FAQs on its website, and please do review those general FAQs, which apply across the transportation industry, as well as the FAQs specific to public transportation as you may find your questions answered there.

For our session today, we encourage you to submit your questions and comments. To do so, select the Q&A on the right side of your screen. You can submit questions using your name or submit anonymously. Our plan is to respond to today's questions and those submitted via email to our [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov) during subsequent calls and by posting FAQs to our website.

Now, it's my pleasure to introduce FTA's Acting Administrator Nuria Fernandez. Acting Administrator Fernandez is no stranger to FTA and public transportation. With more than 35 years of experience, she is an inspiring leader in the transportation industry and Nuria comes to FTA most recently after serving as the General Manager and Chief Executive Officer of the Santa Clara Valley Transportation Authority for the past seven years. Now, let me turn it over to you, Nuria.

**>>Nuria Fernandez:**

Thank you, Matt, and thanks to all of you for joining us today.

Let me begin by thanking you for your dedication and resilience during this COVID-19 public health emergency. We greatly appreciate your commitment to providing transportation to everyone during these unprecedented times.

We're here today to discuss President Biden's Executive Order to promote safety during the COVID-19 public health emergency in domestic and international travel. Within a week of the President signing the Executive Order on January 21<sup>st</sup>, the Centers for Disease Control and Prevention issued an Order which became effective last Monday at 11:59 p.m., and it required that all transit passengers and workers wear masks on transit vehicles and in transit facilities.

That was followed by the Transportation Security Administration with a Security Directive that implemented the [CDC Order](#). Now, TSA will continue to play an active role in collaborating with transit agency police and local law enforcement to enforce the [CDC Order](#). Those actions put force behind the Executive Order and reinforce that mask wearing, physical distancing, appropriate ventilation, timely testing and vaccination can reduce the risk of travelers spreading COVID-19 throughout our nation's transportation system and within our communities.

Last week, we hosted our first stakeholder call and invited representatives from the CDC and TSA to join us. As Matt mentioned, you can listen to that call on [FTA's YouTube Channel](#).

Since then, we have been collecting your responses and concerns, including during additional discussions U.S. DOT held with labor union leaders. So, thanks to all of you for your questions we have received so far. In fact, FTA, we've received over 300 questions and comments through the stakeholder call chat feature and [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov) email. And this has all been valuable. We have heard your concerns about enforcement, the potential for operator incidents, and applicability, and will provide responses to your questions on those topics today.

Our primary goal, of course, is for the entire industry to be successful in implementing the [CDC Order](#). In addition to these calls, FTA has taken other actions to support your implementation of the mask requirement. Just today, we posted an amendment to the [Master Agreement](#) that incorporates the requirements of the CDC Mask Order, and we want to make clear that our role is principally to increase mask wearing and that the Master Agreement amendment provides another tool to ensure that the FTA and its resources can support transit agencies in complying with the mask requirement.

In addition, with our partner, the National Transit Institute, we're providing a course on Assault Awareness and Prevention for Transit Operators. This month, we quickly converted the course from an in-person to virtual delivery in response to your feedback. So, remember, we will continue to hold these calls weekly for the next several weeks so that we can share the most current information and answer your questions in real-time.

Now, I would like to turn to FTA's Chief Safety Officer Henrika Buchanan who is going to facilitate our Q&A session. Henrika?

**>>Henrika Buchanan:**

Thank you, Matt, and thanks to all of you for being here today. I will now pose some questions we have received over the past week about the federal mask requirement to Acting Administrator Fernandez. These questions cover enforcement, applicability and implementation aspects of the requirement.

Acting Administrator Fernandez, the first question is *how will FTA enforce the [CDC Order](#)?*

**>>Nuria Fernandez:**

Thanks, Henrika.

FTA, as I mentioned, has amended the Master Agreement to incorporate the requirements of the [CDC Order](#). So, pursuant to the terms and conditions of the FTA Master Agreement, FTA may take enforcement action against a recipient or subrecipient that fails to comply with the order, including, but not limited to, actions authorized under the Public Transportation Safety Program when a recipient does not comply with Federal law with respect to the safety of its public transportation system. However, the goal is compliance, not enforcement. We want to get everyone to mask up to control and reduce the spread of the virus. At FTA, we will continue to work with transit agencies and transit stakeholders to achieve this goal.

**>>Henrika Buchanan:**

Thank you. Question number two is *what federal resources are available to support enforcement of mask usage on transit systems and to reduce the risk of assault to operators who might enforce the [CDC Order](#)?*

**>>Nuria Fernandez:**

Again, the primary goal of the Order is compliance, not enforcement. The [CDC Order](#) requires transit operators to use their best efforts to ensure that persons wearing masks while boarding and alighting a transit vehicle, for the duration of the trip and within the transit facility. Best efforts should take into consideration the safety of transit operators when identifying roles and responsibilities for implementing the [CDC Order](#).

FTA recipients may use the \$39 billion in Coronavirus Aid, Relief, and Economic Security Act, or the CARES Act, and the Coronavirus Response and Relief Supplemental Appropriations Act funds to implement the [CDC Order](#). Operating expenses incurred beginning on January 20, 2020 for all rural and small and large urban recipients are also eligible using FTA Urbanized Area and Rural Formula Funds, including operating expenses to purchase and provide masks to employees or passengers, and other security elements eligible under the transit program to hire transit security personnel, and/or enter into additional contracts for security services to implement the [CDC Order](#).

The Federal Emergency Management Agency funding also may be available.

**>>Henrika Buchanan:**

Thank you. The next question is *does FTA have training on de-escalation for transit operators?*

**>>Nuria Fernandez:**

Yes. FTA works with the [National Transit Institute](#) at Rutgers University to deliver three-hour training on [Assault Awareness and Prevention for Transit Operators](#), which addresses de-escalation techniques. As I mentioned, virtual offerings of this training began -- will become available this month, and will continue through March and as needed thereafter.

The goal of the course is to give bus operators and the transit industry the knowledge and skills to reduce the likelihood of assault incidents. The course includes learning activities and scenarios focused on passenger mask wearing, prevention strategies focused on communication and response skills, and the value of reporting incidents.

To register for the course, please visit the NTI website.

**>>Henrika Buchanan:**

Question four, *do transit employees who work behind plexiglass barriers or shields on public transportation conveyances or in transportation hubs still need to wear a face mask?*

**>>Nuria Fernandez:**

Yes. A transit employee is required to wear a mask unless covered under an exemption, even if the employee is segregated from passengers or other employees by plexiglass or another protective barrier. While protective barriers help limit transmission, respiratory droplets that can spread the virus that causes COVID-19 can still enter shielded areas. Masks provide an additional and necessary layer of protection against transmission.

**>>Henrika Buchanan:**

Thank you. Question number five; *can transit workers and passengers wear a face shield instead of mask?*

**>>Nuria Fernandez:**

Face shields do not fulfill the requirements of the Order. Face shields may be worn in addition to a mask that fulfills the requirement of the Order, but face shields may not be worn instead of a mask.

A face shield is effective at protecting the person wearing it from splashes to the face, particularly the eyes, but face shields do not protect others from respiratory droplets exhaled by the wearer. A face shield worn without a mask also does not protect the person wearing it from inhaling respiratory droplets.

**>>Henrika Buchanan:**

Thank you. Question six; *does the mask requirement apply to employees in transit maintenance and operations facilities?*

**>>Nuria Fernandez:**

Yes. Transit employees must wear a mask while on public transportation conveyances and at transportation hubs. The starting point is that everyone should be wearing a mask and employees are broadly required to wear masks by the [CDC Order](#). So, as applied to transit, public transportation conveyances are transit vehicles being used in revenue service. A transportation hub is any location where people gather to wait, board, or disembark public transportation, such as bus and ferry terminals, train and subway stations, and rideshare pick-up locations. It also

includes any facility directly involved in providing transit service such as a ticket sales office, vehicle maintenance facilities, vehicle cleaning facilities, operations control centers, electric vehicle charging facilities, operator break areas and fueling facilities.

The [CDC Order](#) broadly requires persons to wear masks whenever possible, particularly in any transit facility or location where persons are not alone. Employees must wear a mask while on the premises of a transportation hub unless they are only in the work area, such as in a private office.

The [CDC Order](#) exempts from the mask requirement persons for whom a mask would create a risk to workplace health, safety or job duty as determined by the relevant workplace safety guidelines or federal regulations are not required to wear a mask.

FTA encourages transit agencies to implement mask policies in all areas of the organizations, including those areas where masks are not required to be worn under the [CDC Order](#).

CDC has developed specific guides for [rail](#) and [bus](#) transit employees to protect transit workers in the workplace.

In addition, the Occupational Safety and Health Administration issued guidance named [Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#) to help identify a risk of being exposed to COVID-19 in workplace settings and to determine any appropriate control measures to implement, which could be informative to the use of masks in transit offices and facilities.

**>>Henrika Buchanan:**

Thank you. Our last question is *does the mask requirement apply in administrative facilities?*

**>>Nuria Fernandez:**

No. The CDC Mask Order does not apply in purely administrative facilities that are not located in a transportation hub. Administrative facilities include, for example, executive offices and construction field offices that are not located in a transportation hub, however, other jurisdictions have stricter public health orders that would need to be complied with at the local levels. CDC and FTA, nevertheless, strongly encourage transit agencies to implement mask policies in all areas of their organizations, including those areas where masks are not required to be worn under the [CDC Order](#).

**>>Henrika Buchanan:**

Thank you, Acting Administrator Fernandez. I hope that we've been able to provide more clarity for our transit systems on implementing this Federal requirement with the questions and answers that we've shared today.

I want to remind our listeners to send their questions to [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov). That's [TransitMaskUp@dot.gov](mailto:TransitMaskUp@dot.gov).

I will now turn back to you Acting Administrator Fernandez to close out the call.

**>>Nuria Fernandez:**

Thank you, Henrika, and thank you, Matt as well, for organizing today's session, and of course, thanks to all of our transit stakeholders for your time today.

I just want to once again reiterate that under Secretary Buttigieg's leadership, the Biden Administration will continue to make safety our number one priority throughout the transit industry. Again, we're dedicated to keeping transit workers and passengers safe and this mask requirement will help us support that goal.

We look forward to hosting the next call on Tuesday, February 16 at 3 p.m. In the meantime, continue sending us your questions and please check the DOT website for updated FAQs.

Be safe, and thanks again.

**>>Matt Welbes:**

This concludes today's session. Thank you all for joining.