

**FTA Federal Mask Requirement**  
**February 16, 2021**  
**Roundtable Transcript**

**>>Matt Welbes:**

Good afternoon, everyone, and welcome to the third in a series of stakeholder outreach events that the Federal Transit Administration is hosting during the month of February to support implementation of the Federal Mask Requirements for public modes of transportation. I am Matt Welbes, FTA's Executive Director, and thank you for joining us today.

Today's roundtable provides an opportunity for representatives from labor unions and transit agencies to share their experiences on implementing the Federal Mask Requirement. We will host two panel discussions today during which each representative will share successful practices and answer questions.

Before we get started, let me just cover a few housekeeping items. First, if you missed the stakeholder calls we held over the past couple of weeks, recordings are available on the FTA YouTube [channel](#) and our FTA COVID-19 [website](#). The Department of Transportation has also posted FAQs on its website and I encourage you to review those [general FAQs](#) which apply across the transportation industry as well as specific [FAQs for transit](#).

During our session today, we encourage you to submit your questions and comments. To do so, select the Q&A on the bottom of your Zoom screen. You can submit questions using your name or anonymously. While we will not be monitoring the Q&A during the call, our plan is to respond to today's questions and those we have received via email to our TransitMaskUp@dot.gov email account during subsequent outreach events and by posting FAQs on our website.

Now, it's my pleasure to introduce the FTA's Acting Administrator Nuria Fernandez who will be leading today's discussion. 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 as serving as the General Manager and CEO 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 very much, Matt, and I also want to thank all of our guest speakers for taking the time to share their experiences with us today.

We have been on this journey for a couple of weeks now and you all have made it possible for us to share and listen to some of the concerns and challenges that the industry is experiencing as we are implementing together this mask mandate. The collective advocacy from all of you, that's

from labor unions, transit agencies, and transit associations played a very important role in the Biden Administration's response to the COVID-19 public health emergency.

As you all know, on January 21<sup>st</sup> President Biden signed an Executive Order to promote safety during COVID-19 in domestic and international travel. Within a week, the Centers for Disease Control and Prevention issued an Order which became effective on February 1<sup>st</sup>, requiring that all transit passengers and workers wear masks in transit vehicles and in transit facilities. The Transportation Security Administration soon followed with a Security Directive implementing the CDC Order. TSA will continue to play an active role in collaborating with transit agency police and local law enforcement to enforce the CDC Order. In fact, we have invited Sonya Proctor, and Sonya, thank you so much. You have joined us on various stakeholder calls for surface transportation agencies here at the Department of Transportation and you're back with us today to talk about the enforcement aspect of this Order.

To provide another tool to increase mask-wearing on transit, last week the Federal Transit Administration posted an amendment to the Master Agreement to incorporate the requirements of the CDC Mask Order into FTA grants. Why did we do this? Because we want to make clear that our role is primarily to increase mask-wearing and the Master Agreement amendment provides another tool so that FTA-- and its resources-- can support transit agencies in complying with the mask requirement.

All of these actions put force behind the Executive Order and it reinforces 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.

As Matt said, we've already held two stakeholder calls with more than 2,200 transit stakeholders participating. Through events like this one, we will continue to collect your questions and concerns through the Q&A feature and the TransitMaskUp@dot.gov email. It is important to us that you have easy access to information and tools that you need so that you can implement the mask requirement while keeping your workers and riders safe.

That is why we are holding this roundtable today. We want to leverage the knowledge and experience that you bring, from not only the workers, but also leaders across the country, so that we can be successful. We also want to understand what are the challenges you are facing, provide an opportunity for labor and management to hear each other's concerns, and to share best practices because that's why we are here today; we want to learn, but also want to work together and learning what the other Federal partners can do to help, we as Federal partners. So, this is just one of several steps in addressing de-escalation, best practices, and also to improve mask compliance. It is critical, especially during these early weeks of implementation, that we hold these types of forums, such as this one, because the more questions we get the more prepared we can make everyone by providing responses, and my expectation is that within the next few weeks or a month that the number of questions will decrease because we are all doing and

implementing relatively good suggestions and working together, not only with our local law enforcement, but relying on our Federal partners to continue leading us down the right path so that we can not only be compliant, but we can do so in a safe manner.

Now, what I would like to do is to introduce our speakers on this first panel and ask them to provide some opening remarks. We will start out with Sonya Proctor. Sonya is the Assistant Administrator for Surface Operations with the Transportation Security Administration. Sonya, please join me.

**>>Sonya Proctor:**

Thank you so much, Nuria. It's great to see you. Thank you for having us here today.

This is a great opportunity. One thing you mentioned I think that is so important and it's the working together that we've been doing to implement this Executive Order. We have published the Security Directive and in our surface transportation world, as you know, this is the first Security Directive in 16 years. For many of our partners in surface, this is new. So we expected that they would need more discussion and perhaps more guidance to make sure that they were fully implementing this Security Directive as it is intended to be.

The Security Directive was issued on February 1, so we are now some 15 days into the issuance of the Directive. As we started, we wanted to make sure that we were working hand-in-hand with our security partners to educate, to make sure that they understood the purpose of the Security Directive, which is to prevent the spread of the coronavirus in surface transportation. That is our primary focus here. The way that we do it is with the guidance that's given in the Security Directive. We also sought to inform, to inform our regulated parties about the steps that they needed to take to comply with that Security Directive. And then to encourage, to encourage them to continue that process of enforcing the requiring of the wearing of masks in public transportation to prevent the spread of the virus in public transportation. Our initial approach was educate, inform, and encourage.

And I think [inaudible] for the start of 15 days into this, we do have 26 cases that we are going to have to review. These are cases that have been reported to our Transportation Security Operations Center and in these cases, there is either some question about the level of compliance or some need to repeat the requirement to the regulated party, so we will be following up on those cases.

What we have found in most of our engagements with our surface partners is that sometimes they have questions about exactly what is required, whether it is the signage or the audio messaging, and we are doing our best to make sure that we give them that guidance because the first thing we want them to do is to be able to get the information out to their passengers. We are continuing to promote the focus of educating our surface partners. We have also developed some Frequently Asked Questions to help give them some guidance, and for those regulated parties that have acknowledged receipt of the security directive, which is what is required, that

they notify TSA that they have received the security directive, they will receive an email receive the directive. They will receive an email that contains the Frequently Asked Questions. If there are others who would like to get a copy of those Frequently Asked Questions, we are going to provide the link to TSA Surface so that they may request a copy of those. That is also the same mailbox where any questions can be asked of TSA about compliance with the security directive.

We have taken this as an opportunity to help educate and inform while in my role as Assistant Administrator for Surface Operations, those surface inspectors do work for us; they are our responsibility in the field, so they understand this approach and their approach is to make sure that they are helping our partners to understand what is required. They do have the authority to enforce. This is a security directive. It is a regulation. But that is really a last resort for them because we are sticking with the goal of minimizing the transfer of the virus within public transportation.

There are civil fines that can be levied on violators, and those fines for first offense range from \$250 to \$500, and for second offense range from \$500 to \$1,500, because this would be considered a violation of a regulation. It is not our goal to fine people. We do not think that is going to get us where we want to be in terms of getting mask-wearing, so what we are really focused on is getting people to wear their masks in all of the public transportation facilities.

We are going to share that mailbox and that link for the TSA.gov/coronavirus address also. That is a good location for resources, signage, and also a copy of the Security Directive on the TSA.gov/coronavirus site. We will put up the other one which is a place where questions can be directed to TSA.

**>>Nuria Fernandez:**

Thank you very much, Sonya. We really appreciate your comments and thank you again for coming back and joining us. You have a lot of good information to share. I am just going to put this out there for my team to see if we can create a link from our site to your FAQs and then that way, we can facilitate all of those who are participating and, of course, all of our grant recipients access to that whole treasure trove of information, especially at this time when we are all looking for the best information we can put our hands on.

Now, let me turn to our panelists and joining us today are Polly Hanson, who is the Senior Director of Security Risk and Emergency Management at the American Public Transportation Association (APTA). We have John Costa who is the President of the Amalgamated Transit Union; Greg Regan, who is the Secretary-Treasurer of the Transportation Trades Department of the AFL-CIO; and John Samuelsen, President of the Transit Workers Union. We will ask each of the panelists to introduce a few brief remarks and say who you are with just a brief overview of your actions in support of the implementation of the Federal Mask Requirement. I would like to start with Polly Hanson from APTA. Polly?

**>>Polly Hanson:**

Thank you very much. Thanks for having us, and as the Acting Administrator said, my name is Polly Hanson and I am the Senior Director of Security Risk and Emergency Management with APTA. I come to APTA after 40 years in law enforcement; over three decades of that was in transit policing. What we know is that from the start of the pandemic, public transportation systems have worked really hard to keep riders safe, and wearing face masks on public transportation is a life-saving measure the industry has endorsed. Since last spring, some transit systems have operated under executive orders that were issued by their governors which mandate many of the same requirements contained in the TSA Security Directive that Ms. Proctor just talked about. Agencies have been using education, information, humor, and patience to achieve high levels of compliance in the wearing of face masks.

Agencies give away masks. They leverage their own in-house advertising networks that include posters, dioramas, bus cards, digital displays, canned messages, social media, and YouTube.

At the request of the FTA, the National Transit Institute (NTI) did create a course to help frontline employees and agency trainers become familiar with the issues of transit worker assaults. Of course, we know the most frequent incidents are verbal threats, intimidation, or harassment. APTA issues awards to agencies who have developed model programs that address operator assaults, and we are currently creating a matrix of best recommended practices. We do know effective mitigation strategies include using best efforts to gain compliance and for that reason, APTA did write to TSA and advocate that the requirement that *owner/operators must deny boarding to somebody who is not complying*, that that language be changed to ‘use best efforts’ because we have concerns about a conflict being created between a transit employee and someone who is not in compliance.

We do know that active listening helps, providing an explanation – ‘It’s the law; you’ve got to wear a mask. I wear a mask to protect my coworkers.’ And to find a solution such as giving away a free mask. Then certainly you tell people what you want them to do – going back to we want you to wear a mask. We know transit workers are professional. They require CDL’s and other required licenses and they are trained on how to provide high levels of customer service, and so the key is to project knowledge, to maintain a professional manner, which they do every day. We know there are going to be times when an employee has to act and that may mean calling Central Control, activating the silent alarm. Ms. Proctor did indicate there were some reports to TSA about security incidents. Not everybody does have transit police and calling local law enforcement can pose a problem because generally, these types of regulations, rules, even though it’s a law or an Executive Order, are hard for law enforcement to enforce.

We do know that a CDC Mask Order is another step that will allow public transportation to be a key component in reviving our communities and our nation’s economy, because we know that mask-wearing is one of several measures that can reduce the spread of COVID-19.

APTA has added a Federal Mask Mandate page on our COVID-19 hub that has a variety of information that we hope you will find helpful. Thank you.

**>>Nuria Fernandez:**

Thank you very much, Polly. We really appreciate your remarks and in addition to that, that you pointed out the link on the APTA site for best practices.

Next, I want to invite John Costa, President of Amalgamated Transit Union (ATU). John?

**>>John Costa:**

Hello Nuria. Thank you for inviting me to speak at this roundtable discussion on the Federal Mask Mandate. I appreciate the FTA bringing us together and recognize the importance of sharing the experiences of transit workers and the importance of this conversation.

After nearly a year fighting for and urging mask mandates under the previous Administration that was rebuffed time and time again, we are very thankful for President Biden's quick response and action to require masks on public transportation.

The urgent need and importance of a mask mandate hits very close to home for transit workers. You may remember watching the news and hearing about an ATU member from Detroit named Jason Hargrove. When the pandemic first began back in March last year, Jason posted a Facebook Live video complaining about one of his passengers who openly coughed several times on his bus without covering her mouth. Eleven days later, Jason died of COVID-19.

The dangers of spreading COVID-19 on transit systems are all too real for us. Our members, day in and day out, drive in tin cans down the road with poor air circulation. Every time that someone coughs on a bus, our members, their hands grip the wheel a bit tighter knowing they might have been exposed. Including Jason, we have lost 132 members to COVID with more than 4,600 infected and we will never know just how many riders and their family members have died because of maskless passengers.

Now that we have a mask mandate, the main issue becomes enforcement. Even before the FTA took this action, some transit agencies were already requiring face coverings. Our members, the public face of transit systems, have been taking a beating over the mask enforcement. Just to name a few, we had a baseball bat assault on a bus in California, a 2x4 attack in Texas, a bone-breaking sucker punch in New York. Last May, a St. Louis man boarded a bus without a mask. After the female operator informed him he could not ride the bus without a face mask, the man fired a 9-millimeter pistol at the driver. She was saved only by shields that were installed as part of the COVID-19 response.

All too often, the burden of enforcing mask mandates has fallen largely upon our members as the mask police because the nature of our work as frontline workers. That should not and cannot be the case with this new mandate. The transit agencies and our employers must develop protocols to ensure maximum compliance with the mandate, without placing unrealistic and unfair expectations on transit workers. In addition to the mask mandate, the transit agencies must

continue to implement social distancing measures on buses, trains, and appropriate service levels to prevent overcrowding. Rear door boarding should continue. Transit workers must be supplied proper PPEs to keep them and the passengers safe. Proper barriers should be installed; improvements need to be made for the airflow and air sterilization.

This pandemic has taught us that all these measures are needed to provide protection against a deadly disease. I don't want to deal with any members being assaulted because I deal with them day in and day out with the fare system. We've already been down this road. What we need to do is work together, and I appreciate once again being here.

**>>Nuria Fernandez:**

Thank you for your remarks also, John. My expressions of condolences and sentiments to the ATU workers who lost their lives to COVID. They are – they were transit workers and part of the transit community and family. Thank you for your remarks.

I now want to move to our third participant and that is Greg Regan, Secretary-Treasurer of the Transportation Trades Department of the AFL-CIO. Greg? There you are.

**>>Greg Regan:**

First of all, I want to echo everything my friend John Costa said about the importance of this and the threat that every transit worker faces every day when they are out there performing their essential job functions in our country. It is unfortunately far too often they are put in dangerous positions just because they don't have the resources or the leadership from their employers or from the Federal Government to be able to enforce these types of mask mandates.

We are thankful, very thankful the Biden Administration acted as quickly as it did. We in transportation labor first called for a nationwide mask mandate back in July of last year. We formally petitioned DOT to implement this across transit and across other modes. They flat out rebuffed us and said they weren't a public health organization, which frankly, I think was a dereliction of duty, so we are very pleased to see the actions you've taken here.

But I think some of the issues that were addressed by John and by Polly show the need for real strong Federal leadership with it comes to the enforcement here. It shows that they have a really important role to play in making sure that everybody who operates and also who rides our transit systems are doing so in a safe manner because leaving this up on the shoulders of transit operators is not the solution to this.

I think it also exposed some ongoing problems we've seen from assaults that John mentioned earlier. The fact we do not have – there has been industry-wide resistance to implementing things like physical barriers, de-escalation training, and other assault mitigation efforts that this agency can take real leadership in terms of making sure that we develop the protocols necessary to have safe operations throughout our country, and I think there is a real opportunity here to not only protect people during this pandemic as it winds down, but to create a new environment and

new rules and new leadership when it comes to safe operations in transit, and I hope that's one that this DOT and this FTA will take seriously.

One last thing I would want to mention here as we look for ways to improve the implementation of this order and moving forward, there is money that's been appropriated now twice by Congress for joint labor-management for frontline workforce training. That has been ignored by the last Administration. It's an opportunity here to take that money and implement it in a way that will provide the right type of training for frontline transit workers in a way that was intended by Congress, and right now, having that leadership from FTA and having the ability to move this initiative forward, I think will go a long way towards helping to improve operations in this country. So, thank you.

**>>Nuria Fernandez:**

Thank you, Greg, and you are correct. There is the funding and there is the opportunity for the transit agencies to be trained and to train their workers. We will be talking some more about that later.

Now, I would like to ask our final speaker John Samuelsen, who is the President of the Transportation Workers Union (TWU), to join us.

**>>John Samuelsen:**

Good afternoon everybody. Thank you for having us. I think it's a little bit difficult to go after John Costa and Greg Regan. I mean we really all are in collective agreement about the issues.

One thing I do want to point out, which also has been noted, the efforts by the trade union movement to reach out to your predecessors, and to Secretary Chao in particular, have just absolutely fallen with deafness. That's been the response, so I think what we are doing right now today demonstrates in a great way the contrast between Administrations and the contrast between leadership on behalf of workers.

Now, just in terms of the physical impact of COVID-19, the TWU has suffered over 165 fatalities nationally and 134 of those are in transit, so we have really kind of had the bitter bite of this pandemic and felt it in an up-close and personal way. I'm sure John would recognize this to be true as well. There's not one of us who don't know somebody that was close to us that passed away from COVID-19 in terms of transit workers. That is the stark reality here.

Just a couple of things that I think that have not been noted, instead of just treading over the ground that was covered already. Everybody knows that the economies, particularly local economies and the combined economies that really goes a long way towards advancing the national economy, they are not going to bounce back unless we have safe, reliable transit, and riders are not going to come into transit systems where they perceive there is a possible threat or a potential of getting COVID-19, so the mask mandate becomes super important on so many levels. On absolutely so many levels, not just protecting transit workers, frontline transit



workers, but also on creating an atmosphere where folks that right now are driving their cars into urban business districts rather than getting on public transit, will begin to feel safe to migrate back into the system. I think that is one of the most important elements of what's going on here. Also combined with the stimulus money, the huge investment into public transit where riders as they migrate back into the system, can migrate back into systems that are in states of good repair and states of high reliability. I think this as a tactic of an overall strategy to address the problems that are plaguing public transit right now, is really super and we are thankful in the TWU that it has happened.

I think the issue of enforcement has been touched on and as I listen to the conversation, it seems to me the focus on passenger enforcement and what are we going to do about passengers, but we are in a situation right now where we have systems even on, that are on this call, SEPTA for instance, that have actually taken a position with the TWU that they are not going to enforce the mask mandate. We cannot have that situation. We've engaged in industrial action in transit cities, on transit properties during the height of the pandemic, industrial action where we shut the systems down over lack of enforcement on mask mandates, which was also mentioned before, where there were various Governors' Executive Orders. So, right now, the enforcement issue for us, it is more important than the rider mandate, than the passenger mandate, that these systems – I mean, SEPTA is like the sixth biggest system in the country, that they understand fully that the Federal Government is requiring them to enforce a mask mandate. We do not have that right now, and frankly, I don't have talking points in front of me, and any talking points I would have had would have mirrored Greg's and John's as well, but when a system like SEPTA takes that position, they automatically put themselves on a collision course towards some sort of industrial action with the unions and it's just so absolutely unnecessary. The President of the United States of America has ordered them to comply and they're refusing. It's one thing for them to refuse the Governor of Pennsylvania's instructions, but they are now refusing the instructions of the President of the United States. They are on this call so, again, this issue of enforcement is not just about ridership enforcement to create a safe workplace for transit workers; it's about the systems themselves actually standing up for riders and for workers to create a safe ride and a safe workplace for all of us.

I don't want to take any more time. I'm sure I went over the three minutes, but thank you very much again for inviting us on, and, again, the contrast between what's going on right now and the Trump Administration is stark and greatly appreciated. Thank you.

**>>Nuria Fernandez:**

Thank you for joining us, John, and for sharing not only the broader national experience, but also talking very specific about regions. To that point, I thought maybe let's just start having this conversation because I'm looking for you all to help us at the Federal Government so that we can help the thousands of transit agencies out there.

What techniques can you all recommend on the mask-wearing? We would like to emphasize that to wear the mask because it's where we stop the spread of the virus. We want to de-escalate

confrontations between operators and passengers because we want to protect the operators and we don't want to put them in harm's way.

Sonya, let me start with you because the Security Directive is one that you all issued. What suggestions do you have?

**>>Sonya Proctor:**

We recognized the concerns the operators would have in regard to engaging with people who are noncompliant with the mask-wearing, so the guidance that we have given systems is not to have the operators to engage directly other than to make an announcement, which is a reminder to everybody on the conveyance that they need to wear a mask, but not to engage a specific individual to try to enforce the mask mandate, but instead to contact their control and then let the determination be made whether or not they need to involve law enforcement. We are concerned about the safety of our operators and we do not want to create an environment where there is unnecessary engagement that could result in an assault.

**>>Nuria Fernandez:**

We have a situation where we have the unions that represent the membership of the transit agencies, the operators and maintenance personnel, and all the public-facing people, we have the transit agencies, and we have law enforcement. How can we at the Federal level help those three groups to come together so there is an implementation, there are practices that could be brought to bear? I look to Polly, John, and Greg as well. This is about all of us trying to come up with a solution. We know what the challenges are. We know that the transit agencies vary in size from small, medium, and large. Not everyone has resources. Many of them are serving areas that are very sparsely populated, very spread out, so we are not going to get an immediate response. What ideas can – what are some of the takeaways that you all can share with those who are participating? The 400-plus people who are participating today, and then those who are going to be watching this recording later. Let me start with Polly.

**>>Polly Hanson:**

I'd say a couple of things. One of the things that APTA did advocate for early on in the conversations with TSA was having a national campaign so that everybody understands the reasons why it is so important and that there are effective strategies given out. Going back to Mr. Costa's reference to that video, it's just hard to watch something like that and, of course, I think putting a name and a face to the really brave transit workers who have been here since the beginning getting essential workers to their jobs and that's why, once again, and with strong advocacy for public transit workers to be in 1b for the recipient of the vaccine.

That said, we do hear that there are very high levels of compliance, but once again, one transit worker getting assaulted is one too many, and going back to what John said, we know that happens from the farebox and with fare disputes. I think there has been a tremendous amount of effort. As I referenced, FTA has supported NTI in developing training. Of course, that training is best when it is done in person and role-playing, so it's hard to do that kind of training virtually,

but there are techniques and I think that our workers are so professional and, of course, the workers themselves know the best strategies.

Going back to what Sonya said, it is making the best effort. We do know that Paragraph G does say ‘must deny’ and we would suggest that that language does need to be changed to ‘best efforts’ so that employees don’t feel like they have to get in a confrontation with somebody.

**>>Nuria Fernandez:**

John Costa, why don't you share – I know you have got extensive experience with the challenges that operators have brought to your attention. Could you share some of the ideas around how to remind the passengers to wear masks, what to do when a passenger doesn't wear a mask, and how can we do together – when I say we I'm looking at the Federal Government as an opportunity – but how can we help you help the workers and help the customers do what is right?

**>>John Costa:**

I believe the agencies have to make our members feel like they care, that they are with them, that they're not going to let them stand out there by themselves. I witnessed this in much of my career with the farebox, with the fare situation, and many of your employees, our members have been assaulted and killed over just trying to collect fares or making a statement about a fare.

This is a good start. This Administration at least is sitting here and listening to us. There are ways to do this.

You know what's funny? I sit here and I look, if something like this happens on a plane, the employees there feel safe because the Feds will be on and take a person off like that. And as a matter of fact, the person will never be able to get back on that plane, right? But when it comes to a bus, it's like we are left out there by ourselves. And if we ask for help, it takes forever. I have operators that ask for help and the police don't even want to – I'm not going to arrest somebody with a mask. That has to be changed. Our culture has to be changed. Fortunately, it so long now because the last Administration didn't do – I won't curse, I promise – nothing on this, and pretty much felt that we didn't need it. Our members are already dealing with this and have already dealt with the rude customer, the politics on the bus, it's crazy. But the challenge is, if we don't make the riders feel safe on our equipment, they're not going to come back. The cities are not going to come back. We are going to fail. So we have to not only protect our operator and give them the feeling that you are there with us and you are going to back us and I'm not going to get fired for saying something to somebody or if I get in an altercation, you're going to be there with me, or if I hit the signal saying ‘help me’ because of a mask violation, that person is going to show up. But at the same time, the public is going to need to know that it is safe to get on a bus because they don't want to deal with all this bull either. How are you going to get them back?

We're facing the situation that if we want our industry to come back, and like John Samuelsen has said, the agency has to realize that we need to redesign this bus, make it safer not only with everything I said but even the design of the workstation. Move the door back, put in other doors for our operator to get out. There are ways we can do this, which we've been pushing for a long time, but with the pandemic, my members don't feel totally convinced that this mandate is going to work and are very skeptical of how this falls out.

I believe a lot of things have been talked about, signs, PA systems, push it out, push it out so they see, but there's going to have to have – we're going to have to have enforcement, we're going to have to have security, police out there have to be seen so people know this is serious and they're not going to mess with – you mess with an operator, you don't come on that bus, they will be taken off the bus and not only taken off the bus but maybe never allowed to come back on the bus.

**>>Nuria Fernandez:**

Greg, did you have some other thoughts to add to what John and Polly said?

**>>Greg Regan:**

I would actually defer to John Samuelsen if he had something he would like to share here.

**>>Nuria Fernandez:**

John Samuelsen.

**>>John Samuelsen:**

Yeah, I would. I'm listening to just the suggestion that Polly Hanson from APTA – I hope I got your name right – made about best efforts rather than must enforce. We totally disagree with that. Once the FTA puts language in place that says best efforts, the employees are going to do whatever they want. They're just going to do whatever the hell they want, particularly the private employers, not the public sector-run systems. It has to be a 'must' enforcement. The FTA has to step in and figure out a way to mandate enforcement right now, otherwise, really there is no change. It just becomes a piece of paper and no change from the previous Administration. What looks good on paper, if there's not an enforcement mechanism that just doesn't require the companies to make best efforts, then it's somewhat useless. We'll have companies like SEPTA and particularly the private carriers that run public transit for various transit agencies are just going to do whatever they way. There has to be enforcement and there has to be a way to figure out – as has been touched on many times before, there has to be a way to figure out how to get the onus absolutely off frontline transit workers.

I'm sure everybody is aware, there's an absolute full moon atmosphere in public transit right now. It's downright scary, as scary as I've ever seen it in the 28 years I've been here, to ride public transit. And the mask mandate, it must be enforced; it can't just be best efforts.

I think in a nutshell, really, that's my biggest concern of all the conversations that I've heard.

**>>Nuria Fernandez:**

Sonya, as we are wrapping this segment up, you've heard several of the participants touch on enforcement and leveraging the resources that either they have or the Federal Government can bring to bear. Transit is a little different than the aviation industry but the example that was provided in terms of how TSA reacts on an airplane versus how they could or may react on a transit system. Any thoughts here?

**>>Sonya Proctor:**

It is different in aviation and they've been pretty aggressive. It's a very different environment. We do have Federal air marshals that are on those, but the flight crews are also trained to engage in those cases.

Our surface transportation partners do deal with a different situation, and we recognize that enforcement of this really is going to require some local support.

One thing that might be considered is on a local level to look for the kind of support that can be provided by your local legislators because we are aware that some police departments have indicated that they don't have the authority to enforce this regulation because it's a civil regulation. So, looking inward and determining what kind of support can be obtained through the local jurisdictions is, I think, it's a good idea. But the campaign to make people aware, the more signage the better so that people can't say they did not know when they were approaching a bus or a train to board. More signage is better. Indicating that it is now a Federal requirement. The more we do that; some of those incidents can be prevented with people knowing that this is not optional.

**>>Nuria Fernandez:**

Yes. Well, I guess continued conversation around this. Greg, any final thoughts before I turn to the next panel? I don't want to leave you out.

**>>Greg Regan:**

I would just say – I mean I think you heard clearly from John and John about the need to have real enforcement from people; it can't just be an honor system here. That doesn't work.

But I also would encourage you as you continue to look at how this is working and what best practices are used, make sure that you're talking to the unions on the ground who are experiencing this day-to-day. They're hearing from their members directly about what is working and what isn't working, how bad compliance may or may not be. I think it's important you use not just the operators but the unions and hearing directly from the workers to make sure you understand what needs to happen that isn't happening and where the enforcement is – is it working or falling short? I just think that that is a level of engagement that I think is far too often missed when you are hearing directly from the people who are doing the work themselves,

so I would just encourage you to continue to talk to ATU, TWU, and other transit unions and do it on the local level as well. That would be my request.

**>>Nuria Fernandez:**

That's a great suggestion and one we have noted. I want to take this opportunity again to thank you all. This is a very important conversation. We will continue this dialogue. Please, as you encounter more opportunities, more practices, continue to share those with us so we can post them on our FAQs on TransitMaskUp@dot.gov.

Again, thanks to all of you for sharing your knowledge and now I'm going to turn it over to Matt who is going to walk us through the halls to the next round table. Matt?

**>>Speaker:**

Thank you very much.

**>>Speaker:**

Thank you.

**>>Nuria Fernandez:**

Thank you all.

**>>Speaker:**

Thank you.

**>>Matt Welbes:**

As we are gathering our next round table group, I just want to remind everyone of more FTA online resources that are available. The first is FTA's COVID-19 Recovery Discussion Forum. You can see it on the screen right now and it provides a platform for peer-to-peer exchanges on ideas, practices, other information that transit agencies are using right now to recover from the public health emergency.

And then, FTA also has a COVID-19 Response Practices in Transit resource that provides some links to practices implemented by transit systems across the country responding to COVID-19.

Lastly, I want to highlight as was noted earlier, the National Transit Institute is providing a virtual course supported by funding by FTA on assault awareness and prevention for transit operators. And these virtual courses quickly filled up when they became available last week, so we are pleased to offer seven additional offerings right now.

We are going to move to the second roundtable here in a moment. So, with people ready to roll, I'm going to turn it back over to our Acting Administrator Nuria Fernandez.

**>>Nuria Fernandez:**

Thanks again, Matt.

Here we are. Now joining us on our roundtable for transit CEOs we have Barbara Cline who is the President of Prairie Hills Transit in Spearfish, South Dakota, and she's the current Board Chair of the Community Transportation Association of America. Also joining us is Tom Lambert. He is the President and CEO of the Houston Metro; Leslie Richards, General Manager of the Southeastern Pennsylvania Transportation Authority, known as SEPTA, and Paul Wiedefeld who is the General Manager and CEO of the Washington Metropolitan Area Transit Authority, or WMATA.

Again, the instructions are that you introduce some brief remarks of your organization's experience and actions, and you had an opportunity to listen to the labor panel, so if you want to expand on some of the things that were said and what you are doing on your own properties to that regard, it would be really helpful.

With that, I'm going to ask Barbara if you would be first.

**>>Barbara Cline:**

I appreciate the opportunity to speak for the rural operators around the nation. Our challenges, I think, are a little bit different than what we heard earlier from labor unions. Our system, specifically, operates in a 16,500 square mile area. So, population densities are not what they are in larger urban areas. I spoke with a number of our agencies in South Dakota this morning just because I wanted to give you not just my picture but a picture of what transit agencies in our State are seeing, as well as a little bit of the discussion from our CTAA members. But our challenges have been very minor compared to what we heard earlier. We have been requiring masks since mid-February/early-March of 2020. We had a lot of these mandates in place if you will. Our drivers were required to wear masks early on and that was when you could not get masks. So, as I told Nuria a couple of weeks ago, I was at my sewing machine for lots of days making masks so I could make sure our drivers could wear masks and we had some extras for passengers to make sure that we could keep everyone safe. I know my story is not just specific to western South Dakota, but we have provided masks for people. We are now able to order masks. FTA helped us out with a shipment months ago. We have provided lots of signage. We've had great cooperation from our communities.

My governing board is made up of different community members and so, from that standpoint, I have a Superintendent of Schools, a couple of Mayors, folks that are involved very closely with a mask-up mandate, even before FTA came out with theirs. Our role goal has been safety, safety, safety, both for the drivers and our passengers. I'm really proud to say that we have done an above-average job, I think. We haven't had threats. We've seen appreciation. We've seen a little frustration, as you can imagine, but all in all, it's not been a bad process for us. So, speaking for fellow South Dakotans and the way we have done things, we are in good shape right now. I can talk more later as we go if you have other questions.

**>>Nuria Fernandez:**

Thank you, Barbara. Appreciate that. Next, we have Tom Lambert, and Tom, like Polly Hanson on our previous panel, was also a Chief of Police and now General Manager and CEO. Tom?

**>>Tom Lambert:**

Administrator Fernandez, thank you for the opportunity and the Federal Transit Administration for really bringing this roundtable together. I think it's very important that we do work as partners in how we are continuing to take care of the employees that provide an essential service to the community, those that use our services to get to essential jobs, and again, we are very proud. I'm very appreciative to have the opportunity to speak today.

I want to begin by thanking my union, the Transport Workers Union of America, particularly Local 260 and their President Horace Marves, because we have a partnership and the things we do to provide the essential services to our community, we don't do that in a vacuum, we do it in partnership. So, I'm very appreciative of their efforts to make sure that we stay focused on the things we need to be focused on.

I want to spend just a couple of minutes to talk about the things we've done and build a bit upon what Barbara has said. You know, we really at Houston Metro began to see the need to make sure we were following all the Centers for Disease Control guidelines back in March and that really focused to include masks. So we began to encourage our customers, along with all of us that operated the system, to make sure we were following not only the social distancing requirements – we did all the things we were encouraged to do – but we focused also on encouraging people to wear a mask on the system.

Our Board of Directors then saw the significant importance and back in June they passed a health and safety rule that allowed us to mandate the wearing of masks on our system, so we've done the mandatory requirements going back to June.

In advance of that, we also saw the need not to do this from a standpoint of being punitive but being helpful. We issued masks to those customers that did not have a mask. Since really going back to March, we've handed out over 2 million facial masks to our customers and we started at a high of about 15,000 a day and we are down to about 5,000 a day. I want to continue to reinforce that, and we think that's an extremely important thing to do. So, when the Transportation Security Administration came out with their Security Directive on February the 1st, what that really did is just reinforce the importance of everything we were doing on the system in Houston that we have seen done across the country. And I want to compliment APTA and all the leadership that they have taken on the health and safety commitments they have made and the systems that have also joined into that commitment and all the things we are doing.

When the Federal mandate came out, we wanted to continue our focus to continue to encourage and educate and really inform individuals why it was so important to do so. We wanted to make sure we were reducing barriers so no one could not be available to wear a mask and that's why



we've handed them out. We've done every form of education and announcements, whether it's the hard media, social media, digital bulletin boards at our facilities, service awards to all of our customers, signage, car cards, announcements on the system, continued to reinforce that to show the importance, following the message of public health officials and why this is so important for us to do in supporting our community.

We are very comfortable with what we are doing, but we did not want to place the burden on our operators of being the enforcers. That is not their job. And so, we did establish a protocol that if someone comes on the system and is not in compliance, the operator is to notify control – and Sonya had mentioned this earlier. We stop the bus. We give them the opportunity to come in compliance. If they don't come in compliance, the bus does not continue until we get a service supervisor or a police officer to respond to get that compliance. That compliance can come from either complying with the rule or you exit the service. I'm very appreciative that we've not had a lot of incidents that we've had to respond to, but we take this very seriously. We want to make sure it is a public health need, that we make sure that we do our part to take care of not only our customers and the broader community, but those individuals that operate our service. And so our Metro police have done all the things we need to do to make sure we are in compliance with the Security Directive, whether it's someone that is not meeting the requirements and failed to comply and if it meets that threshold of a significant incident, we will be reporting that to the TSA Security Operations Center. Fortunately, we've not had that yet, but we'll be making sure that we do that. The more we do to work together, and Madame Administrator, your leadership in bringing this group together because we are in this together, and the more we can learn from each other and how we're going to support our colleagues who operate the service and our customers who need this essential service is extremely important.

Thank you again for the opportunity to participate.

**>>Nuria Fernandez:**

Thank you, Tom, for joining us and for sharing that protocol that you all have instituted. With that, I'm going to turn now to Leslie Richards at SEPTA. Leslie?

**>>Leslie Richards:**

Thank you. Good afternoon everybody. Thank you, Acting Administrator Fernandez for inviting me to participate in this very important conversation and for the FTA's ongoing efforts to lead the nation's transit agencies through this extremely unprecedented and challenging time.

FTA has been an invaluable partner since the beginning of the pandemic, and I wanted to thank Terry Garcia-Crews and her team at Region 3 for their proactive guidance and assistance.

Also, just as Tom said, I want to thank our local TWU 234 for ongoing discussions and seeing how we can best deal with the challenges this pandemic has presented for all of us.

I do want to say that SEPTA has been impacted in a real way. We have lost ten members of our family to COVID-19 and we have had 1,000 positives among our team as well. I'm glad to report that nearly 70 percent have fully recovered and are back to work.

Customer and employee safety have always been number one priorities for us here at SEPTA and the pandemic has increased the scope of what that means for us. We pivoted quickly to develop enhanced cleaning and disinfecting measures, establishing social distance protocols, installing operator protective barriers in our vehicles, and conducting employee temperature screenings. We also provide free COVID tests for all of our employees and we implemented a system-wide mask requirement.

Since last spring, SEPTA has required all employees and customers to wear face masks on vehicles and in our stations, and at all of our facilities. We have worked hard to reinforce our mask requirement through awareness, information, and engagement. Last July, we introduced our social distancing coaches program, and in January we launched Mask Force Philly as part of a regional initiative with New York's MTA, New Jersey Transit, and the Port Authority of New York and New Jersey, as well as with Amtrak. With Mask Force Philly, SEPTA employee volunteers and transit stakeholders are deploying throughout the system to positively engage our customers and distribute masks. We want to thank the FTA and FEMA for providing the masks that we are handing out to customers in need, and I'm proud to say that the vast majority of SEPTA riders are doing their part. Compliance rates have consistently been over 90 percent with as many as 97 percent wearing masks. However, the 90 to 97 percent difference is some are not wearing them correctly, and so we are working very carefully to reach those remaining 5 percent to 10 percent of riders who are not fully complying with the mask mandate. We are focusing on ensuring our operators and other frontline personnel are not placed in confrontational situations, just like we've heard from our other speakers here. We want to do everything to avoid any assaults or any dangerous or confrontational behaviors.

I do want to mention before I conclude my comment here that at the same time as we are dealing with mask compliance, our resources are stretched thin because as the pandemic has heightened the health and safety challenges related to our vulnerable population here in Southeastern Pennsylvania. Those experiencing homelessness and opioid use disorders, they're seeking shelter and they're seeking shelter on our system. So, I know SEPTA is not alone in addressing these issues and I look forward to sharing our experiences, learning from our transit community, working with our labor leaders to achieve FTA's goal, which is also our goal, which is for the successful implementation of the CDC order.

Thank you so much for inviting me today.

**>>Nuria Fernandez:**

Thank you for joining us, Leslie, and we look forward to the discussion that will ensue right after Paul Wiedefeld from WMATA shares his remarks. Paul?

**>>Paul Wiedefeld:**

Hi Nuria. Thank you again for inviting us all. I see we have got about 10 minutes left so I will be very, very brief.

First and foremost, I think it's very important you keep labor engaged in all these discussions. I also would suggest that maybe we broaden a little bit and bring in some of the labor unions that represent police, whether we have our own force or we rely on other police because I think it's – they're dealing with the same issues we're dealing with, to be frank, and some of the issues you just heard from the other labor leaders. That would be one suggestion.

I think Leslie hit it on one big issue which is I think when it's a black and white issue it's fairly clear. If someone doesn't have a mask, they refuse to put one on, it gets elevated fairly quickly.

There's a lot of grey areas in this business. Basically, someone gets on the system and then decides either to pull the mask down or starts talking without it or whatever you do, and it's not unique to us. You watch any sporting event, it's very hard to find a coach that doesn't literally pull down their mask to talk to their players and then put it back on, which I don't quite understand. They scream with it off and then they put it back on when they don't talk, so I mean this isn't unique to us. You see it play out on our system.

Also, we have to recognize that we deal with the entire community. We deal with everyone that comes on that bus or the rail system and they bring lots of things with them. A lot of them have emotional and mental health issues. That's the reality, right? And they may not even – all the advertising and all signs and all, it doesn't resonate. Right? There's something else going on there. So, we have to recognize that as part of the equation.

I think it's very important we always keep in mind this is a public health issue. We are not police. Operators are not enforcement police. This is dealing with a public health issue, so we need to engage the entire community to do that.

One example of something that we've done in Washington, we joined with the group called Black Coalition Against COVID, and basically, it's a group of health workers, people from the faith community, community organizers and we partner with them, what else can we be doing together to get people when they use public transit to use it – obviously to use it in other places – and one of the things we've done with them is we look particularly at the younger people. What is it that – we literally created a partnership with them, we created a focus group, where we said, 'What is it that you miss now that the pandemic is here?' and we listened to them. Then we said, 'Okay, what is the message you would send to your cohort to get them to understand the way to get to those things that you want is to wear a mask.' We are actually creating a whole campaign around that. I mean, that's just one example, but we all need to think of different ways, again, to get the public health message out of this. We're not doing this as a penalty; we're doing this because we're all in this together and the sooner we get out of it, the sooner we can all get back to where we want to be.

So, that's the sort of approach we're trying to move towards, again, and not putting our frontline people into an enforcement role because it's just not their job. They're not trained for it. We can do all the – trying to get them to bring things down in temperature, yes, we do that, but at the end of the day, basically, that is not their job.

I will stop there because I know you are up against the clock. Thank you so much again for inviting us.

**>>Nuria Fernandez:**

Thank you, Paul, because one of the things that you've done is to share an effective practice and that is engaging the community and getting to where the community is and bringing in the younger generation, who is most likely to use public transportation if they're not driving.

Now, let's just broaden this conversation. We heard from labor. We've heard from TSA about what they are doing and what they have made available to all of the transit operators. You know what we have been doing at the Federal Transit Administration, providing funding so that is available to all of our transit grant recipients, and it's funding they can use to not only protect the workers but also to provide masks and they can provide masks to customers. So, what more can we do at the Federal level? I am saying that, so this is our opportunity to draw from what happened in the panel prior to yours and then some of the things you have heard here. Are there any other areas that we should be considering? Can we do more helping with the messaging? With posters? I don't know, I'm just kind of looking to you all for how can we help. Let me start with Barbara.

**>>Barbara Cline:**

Thank you. One of the things that – one of the parallels that we have seen is that we provide a significant amount of transportation for school-aged children so mom and dad can get to work and so forth, but while we are requiring our children to wear masks on the bus, the yellow buses are not requiring children to wear masks on the bus. That is one situation we have seen. Parents have called and said, 'If my kids rode the yellow school bus, they would not have to wear masks. Why are you making them?' We explain and, of course, we do it in a very kind and compassionate way, but my five-year-old grandson went home and told his dad the other day that I am wearing my mask on the bus' – and it would be a Prairie Hills Transit bus – 'because Joe Biden said I needed to.' When dad said, 'Who is Joe Biden?' the little boy didn't know, my grandson didn't know. But presenting that to children and having them understand conceptually why we're asking them to wear a mask is a little bit of a challenge. I realize that's not the biggest thing we have going here, but consistency – we've hit planes, trains, automobiles, and buses, but yellow buses still seem to be kind of out there and there are no requirements for them. That would be one of the considerations that we have talked about.

**>>Nuria Fernandez:**

To that point, on the consistency, that's something I noticed Sonya's taking notes on that too because it does come up regularly and that could be the subject of its own panel, but that same question I'm going to pose to the other three. I can go in order or I can just ask Tom since he...

**>>Tom Lambert:**

Madame Administrator, I'll start, and what you're doing today I think is a good example. Information sharing, where you compile best practices. A lot of systems are doing things that quite frankly the opportunity to bring that all together, to share; everybody can get some value out of that exercise. I think sitting down having a working task force, if you will, of labor, operators, law enforcement as Paul said, I think it really begins to frame what the real challenges are, and then the opportunities as to how we can go forward in the longer term to address them. Because, we're talking masks today but I think Leslie made a very good point; there's a lot of societal issues that transit is really caught in the middle of, and the more we can identify those issues and have a longer term strategy, whether it's training, operations, vehicle design, all the things we've been talking about today, that can be a tremendous benefit of continuing to progress the industry in serving communities.

Information sharing, opportunities to really identify problems going forward would be an extremely important thing. And thanks again for the funding you're bringing, that's a very important area to do the things we need to do as well.

**>>Nuria Fernandez:**

Great. Thank you for that. Let's go to Leslie and then we'll wrap up with Paul. Leslie?

**>>Leslie Richards:**

Sure. I agree this discussion is fantastic and there are so many different and diverse transit agencies. We are also so different. We are a legacy agency with many access points. I know Paul's agency also has a long history but they don't have the access issues we have and how we are spread out, so we all have different challenges in the way we can help each other and share ideas.

Again, this conversation, I hope it's just the beginning of us all helping each other, and also, there are some very big challenges that we have that is going – transit should be part of the solution, but we can't be the only ones coming up with the solution because, as Tom just said, the problem is so big. And, so, we would love to have those conversations as well.

As transit workers are able to get vaccines, I think FTA can do a good job and also getting the message out that masks should be continued to be required even after the vaccines, there has been some discussion on that.

I also wanted to thank you for working with NTI, the National Transit Institute, for their assault awareness and prevention courses for our frontline workers, our employees, and our supervisors. It's been truly helpful, but a way it could be even more helpful if it would be made available

online. Not all of our frontline and supervisors can get to the classes when they are offered, so maybe expanding in how they could be used and watched, and again, how they could be helpful.

**>>Nuria Fernandez:**

Great. We've noted that as well. Thank you, Leslie. Paul, why don't you bring it home?

**>>Paul Wiedefeld:**

Just very quickly, I wanted to recognize Sonya and her great help in everything she does. She knows I actually ran an airport for eight years, and so I think it is a point that we have to make sure that we don't have monolithic approaches here. The reality is aviation is so different than transit and we have to recognize it, and then within the transit arena, as Leslie just mentioned, I mean the world that Barbara lives in and the issues she's dealing with are totally different than the ones I'm dealing with and vice versa. So, I think we need some flexibility to understand that and different approaches will work in different environments. I think that's a good thing that we remain flexible in that way. I think any flexibility you can give us as we work through these issues and understanding that something that works here may work somewhere else but it may not, and we need to make sure we are constantly keeping that type of communication open so that we can get the best of everything and not apply something because it worked over here that now everyone should follow that same lead because it may not work at all.

Thank you so much again for inviting us.

**>>Nuria Fernandez:**

I want to thank all of you because you have shared some really important insights into what it is to be on the ground, running a transit agency, or sitting behind the wheel of a bus or in the cab of a train. Today's two panels have been invaluable, providing valuable information.

Thanks to the first panel and to this panel for sharing your time and your experiences and, of course, I want to thank all of our participants in the audience for joining us through Zoom today. We've had as high as 450 people on this call.

Under Secretary Buttigieg's leadership, the Biden Administration is going to continue to make safety our number one priority throughout the transit industry, and all of you are going to help us do that. Again, by working together is how we're going to be able to implement this requirement. The more ideas, the more challenges you encounter and solutions that you come up with – there's no solution that's too small that would not benefit all, so just continue to share them. I am confident our dedication and commitment will keep transit workers safe and our passengers safe.

I look forward to hosting my next call with all of you on February 23 at 3 o'clock p.m. Eastern time. We are going to feature answers to many of the questions that we will receive from today's panel discussions, as well as those questions that have been coming in throughout the week. Until then, please continue sending those questions to our DOT website for updated FAQs.

Be safe and thanks to all of you. I will turn it back to Matt to conclude.

**>>Matt Welbes:**

Thank you, Nuria. Everyone, this concludes today's session. Thank you very much for joining us.