




U.S. Department
of Transportation
**Federal Transit
Administration**

Administrator

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ACTION MEMORANDUM TO THE OFFICE OF MANAGEMENT AND BUDGET

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Subject: Requesting Emergency Clearance from OMB for a New Information
Collection to Support the Transit Industry's Coronavirus Disease 2019
Recovery Efforts

ACTION REQUESTED

The Federal Transit Administration (FTA) requests the Office of Management and Budget (OMB) to provide an emergency clearance for a new information collection to inform FTA actions in support of the transit industry's Coronavirus Disease 2019 (COVID-19) recovery efforts and implementation of Federal mask requirements for public modes of transportation.

SUMMARY

The FTA is requesting emergency clearance to collect information regarding transit agencies and transit workers to inform FTA's efforts to support COVID-19 recovery efforts for transit systems and compliance with Executive Order (E.O.) 13998, *Promoting COVID-19 Safety in Domestic and International Travel*. Delay in acquiring this information may hinder federal efforts regarding emergency funding, assessing the impacts of COVID-19 on the transit industry, and assessing compliance with a recent Centers for Disease Control and Prevention (CDC) Order and Transportation Security Administration (TSA) Security Directive implementing E.O. 13998. Such delays increase the risk associated with COVID-19 to transit systems, workers, and passengers.

BACKGROUND

COVID-19 poses significant risk to the Nation's communities and transit providers. In January, the United States suffered the deadliest month of the COVID-19 public health emergency.¹

¹ <https://covidtracking.com/data/charts/us-daily-deaths>.

January 20, 2021, set records for the deadliest day of the pandemic with 4,409 deaths recorded.² New, more transmissible variants of the virus have recently emerged.³ On January 15, 2021, the CDC announced that it expects a new, more transmissible SARS-CoV-2 variant to dominate by March—by some estimates, roughly 50% more transmissible—with “the potential to increase the U.S. pandemic trajectory in the coming months”.⁴

Numerous transit providers have suspended service and a greater number have reduced service. Yet, throughout the COVID-19 public health emergency, transit agencies across the country continue to provide millions of trips to lifeline services, including transporting healthcare personnel and other essential workers on the front line of the Nation’s COVID-19 response. Transit agencies also offer additional essential services to support communities during the public health emergency, such as meal delivery and Wi-Fi access in underserved areas, and have begun offering transportation to vaccination sites. Accordingly, the Cybersecurity and Infrastructure Security Agency designates transit workers as essential critical infrastructure workers.

Transit agencies and other stakeholders have expressed concerns about the risk of COVID-19 to the transit industry, along with the FTA, and have taken steps to address these concerns. Numerous transit agencies have implemented mitigations to limit the transmission of SARS-CoV-2, the virus that causes COVID-19, among their workers and within their systems. Despite these efforts, frontline transit workers remain at high risk for work-related exposure to SARS-CoV-2 because their work-related duties must be performed on-site and involve being in close proximity (<6 feet) to the public or to coworkers. In addition, many transit workers fall within racial and socioeconomic demographics that are at increased risk of getting sick and dying from COVID-19.

In December 2020, the U.S. Food and Drug Administration issued Emergency Use Authorizations for two COVID-19 vaccines. Most States have prioritized distribution of the vaccine to their populations consistent with CDC’s Advisory Committee on Immunization Practices (ACIP) recommendations on the allocation of COVID-19 vaccines during the first phase of vaccine delivery (Phase 1).⁵ Essential workers, including transit workers, are recommended for vaccination in Phase 1b after health care personnel and long term care facility residents. However, FTA’s review of State vaccination plans indicates that approximately 13 States have prioritized transit workers differently than CDC/ACIP guidance and placed another group ahead of transit workers.⁶ It may take many months before all frontline transit workers can be vaccinated, though their communities will continue to rely on them to provide critical transportation services every day—including transportation to vaccination sites.

On January 21, 2021, President Biden issued E.O. 13998, “to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely,” requiring immediate Federal action to mandate masks on public forms of transportation,

² Id.

³ <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html>.

⁴ https://www.cdc.gov/mmwr/volumes/70/wr/mm7003e2.htm?s_cid=mm7003e2_w.

⁵ <https://www.cdc.gov/mmwr/volumes/69/wr/mm695152e2.htm>.

⁶ https://www.nga.org/wp-content/uploads/2021/01/Phased-Allocation-of-COVID-19-Vaccines_Jan-7-2021.pdf.

including transit. On January 29, 2021, the CDC issued an Order⁷ requiring the wearing of masks by travelers, including on public transportation, to prevent spread of the virus that causes COVID-19. The CDC Order requires transportation operators to require that all persons wear masks when boarding, disembarking, and for the duration of travel, with certain exemptions. Operators of transportation hubs, which include bus terminals and subway stations, must require all persons to wear a mask when entering or on the premises of a transportation hub. Subsequently, the TSA issued a Security Directive⁸ on February 1, 2021, that implements the CDC Order.

Without emergency clearance to collect needed information, FTA is ill-equipped to assess the transit industry's compliance with the Federal mask requirements and provide risk-based guidance and support for the COVID-19 recovery efforts of the transit industry. This information collection is essential to FTA's safety oversight and grant-making roles—both critical to the Agency's mission of improving public transportation for America's communities. Delay in acquiring this information may hinder recovery efforts including vaccination and thereby increase the risk of COVID-19 to transit workers and passengers, potentially resulting in additional morbidity and mortality in America's communities.

To address this immediate information need, FTA is seeking emergency clearance to require applicable FTA grant recipients to report data on three topics and submit updates up to every two weeks:

- **Transit Worker Counts**: Total number of transit operators, other frontline essential personnel, and other workers during the reporting period. This data is not currently available to the Federal Government. This information is critical to identifying the number of transit workers supporting transportation for essential workers across the country. The information may become necessary to inform the distribution of vaccine doses based on risk to the transit workforce.
- **COVID-19 Impacts on Transit Agency Service Levels**: Yes or no responses to indicate if the agency suspended service, reduced service, or operated at normal levels during the reporting period. This data is not currently available to the Federal Government. This information is critical to understanding agency-level COVID-19 impacts and continued risk to transit agencies' capability to provide transportation to support essential services in communities across the country, including transportation to vaccination sites.
- **COVID-19 Impacts on Transit Workforce**: Cumulative counts of transit worker COVID-19 positives, fatalities, recoveries, and unvaccinated employees during the reporting period, to the extent that the grant recipient is able to compile such information consistent with applicable privacy laws, and yes or no responses on whether the agency is requiring workers to be vaccinated and whether the agency is implementing the CDC Order that requires workers and passengers to wear masks. This data is not currently

⁷ https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC_GMTF_01-29-21-p.pdf

⁸ https://www.tsa.gov/sites/default/files/sd-1582_84-21-01.pdf

available to the Federal Government. This information is critical to understanding agency-level COVID-19 risk to transit workers and passengers, and the follow-on effects of worker shortages on operational capacity. This information will help inform policy and guidance regarding COVID-19 recovery efforts in transit with consideration for the health and safety of transit workers and passengers.

FTA will collect this information via a fillable online application. FTA will require this information, pursuant to 49 U.S.C. § 5334 and in response to the CDC Order and TSA Security Directive, from recipients and subrecipients of FTA funds under the Urbanized Area Formula Funding program (49 U.S.C. § 5307) or the Formula Grants for Rural Areas program (49 U.S.C. § 5311) that operate transit systems or pass through funds to subrecipients that operate transit systems. Recipients of FTA funds under the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. § 5310) are requested to provide this information on a voluntary basis.

FTA will begin collecting this data on the Monday following OMB approval and will continue for up to 24 additional and consecutive biweekly to monthly collections, through December 31, 2021 or the end of the COVID-19 public health emergency, whichever comes first.

In addition to the emergency clearance, the FTA will also complete the normal OMB review process and post the 60-Day and 30-Day Federal Register Notices following the Emergency Federal Register Notice.

RECOMMENDATION

FTA recommends that OMB review and approve the new information collection to inform FTA actions in support of the transit industry's COVID-19 recovery efforts. Due to FTA's urgent need for this information collection, the FTA requests approval by **February 15**, 2021.

Attachment

1. Federal Register Notice on Agency Information Collection Activity

The Office of Management and Budget

APPROVED: _____

DISAPPROVED: _____

COMMENTS: _____

DATE: _____