

SUPPORTING STATEMENT

A. Justification

The Washington Metropolitan Area Transit Authority (WMATA) launched the Close Call program in April 2013; in May 2016, the program expanded to include bus employees. In 2022, BTS and the partner institutions renewed their commitment to the program by entering into an updated Memorandum of Understanding (MOU) between the Bureau of Transportation Statistics (BTS), WMATA management, the Amalgamated Transit Union (ATU) Local 689, the International Brotherhood of Teamsters (IBT) Local 922 and Office & Professional Employees International Union (OPEIU) Local 2.

This program provides a confidential platform to facilitate the voluntary reporting of close call events without fear of discipline or reprisal. Collecting data on the nation's transportation system is an important component of BTS' mission and responsibility to the transportation community as stated in its authorizing statute (49 U.S.C. Sec. 6302). BTS, WMATA, ATU Local 689, IBT Local 922 and OPEIU Local 2, share a common interest in promoting rail transit and bus safety using timely, accurate and relevant data. WMATA, ATU Local 689, IBT Local 922 and OPEIU Local 2, is sponsoring the Confidential Close Call Program for Transit Rail and Bus to improve safety by studying the effectiveness of its own systems through the data and information collected from reported close call events.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

As part of its commitment to safety, WMATA supports safety management with appropriate resources to create an organizational culture that fosters safe practices, encourages effective employee safety reporting, open communication, and proactively manages safety initiatives. WMATA's frontline employees are often hesitant to report events that could result in adverse safety outcomes, because disclosure may result in discipline for the employee and/or fellow employees. Confidential safety reporting programs address these problems by collecting information about close calls in a way that protects the identity of the reporting employee. When individual close call events are analyzed collectively, the transit agency can identify safety hazards and implement solutions to these threats. Analysis and potential hazard identification from close call reports can provide vital safety information that is beneficial to the transit industry.

Any situation or circumstance that has the potential for safety consequences, but did not result in an adverse safety event, is defined as a close call. Knowledge about a close call presents a

unique opportunity to address unsafe work conditions and practices, prevent accidents, contribute to policy making decisions and improve overall safety in the work environment. BTS collects close call reports submitted by WMATA employees, conducts employee interviews, develops and maintains a secure confidential database containing reported close calls, and provides statistical analysis to WMATA while protecting the confidentiality of the data through its own statute (49 U.S.C. Sec. 6302) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018 (Pub. L: 115-435 Foundations for Evidence-Based Policymaking Act of 2018, Title III). Voluntary reporting of a close call to a confidential system provides a tool, to identify and correct deficiencies within the WMATA, and prevents accidents. Close Call reporting fosters a voluntary, cooperative, non-punitive environment to communicate safety concerns for the greater good.

Through analysis of the data, BTS gives WMATA information about factors that contribute to unsafe events, which becomes the catalyst to develop new training programs and identify root causes that have detrimental effects. The database also provides BTS valuable information regarding precursors to safety risks and contributes to research and development of intervention programs aimed at averting accidents, damage to property and fatalities.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

BTS collects, process, analyze and store the reported close call data confidentially. The information provided will be used for statistical purposes only, in accordance with the BTS' confidentiality statute (49 U.S.C. § 6307) and CIPSEA. BTS conducts a study of the data to identify trends and emerging probability. An ad hoc report of findings is written by BTS subject matter experts, sharing reporting activity, lessons learned and suggested recommendations. The report is communal among the WMATA Peer Review Team (PRT) before it is placed on BTS' website in its public domain.

BTS makes the data available to the PRT to perform tasks associated in the design, implementation, monitoring identified problem(s), preventive action processes, and supporting the design and application of information dissemination within the WMATA and the public domain. Before BTS releases any program products (such as or ad hoc Reports, Newsletter Articles or online postings,) BTS coordinates with the PRT and the Close Call Steering Committee (CCSC) to ensure congruency in the products and other program communicate before they are placed in the public domain.

This data collection may be used to develop new or modified guidance programs, assess risk and allocate resources to address those risks, and learn why potentially hazardous events occur. WMATA, in partnership with its Unions may use any public communications to perform safety oversight, the circulation of important safety information to employees and develop safety and enforcement tools i.e., regulations, to address any/all widespread safety concerns.

3. Describe whether, and to what extent, the collection of information involves the use of

automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

BTS is promoting electronic reporting and has developed tutorials and correlating user guides that assists respondents with filing electronic close call reporting forms. In developing the reporting requirements, BTS ensures that the forms and platforms of all data collection tools are designed to minimize the burden of respondents while increasing the confidence and trust in the close call reporting system. In addition to electronic reporting, BTS accepts reports submitted through their 1-800 telephone line.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information collection is an expansion of the establishment of BTS as an authorized repository for the previously approved information collections. There is no duplication of effort within this collection. As part of WMATA's efforts to promote this process, they took steps necessary to ensure that similar data was not being collected elsewhere by a public entity. The BTS-WMATA data archives serve as a tool to identify trends in serious injury, damage (loss) of assets, or impact related to quality information sharing on close call events, and for comprehensive safety improvements within the transit system.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

This information compilation is limited to the establishment of BTS as an authorized repository for the previously approved information collections. For the purposes of this collection BTS has WMATA employees as the sole respondents; and the collection does not impact small business or other small entities.

6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.

If this voluntary safety data were not collected, it will inhibit the comprehensive assessment of leading indicators within the transit infrastructure, by identification of trends and patterns before safety is compromised. BTS's efforts encourage the use of vital voluntary data from industry that includes essential details about verified close calls and incidents, that aides WMATA's mission to protect safety initiatives and prevent fatalities.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, government contracts, grant-in-aid, or tax records for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that pertain to this information collection.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to the notice and describe actions taken by the agency in response to these comments.

BTS published a 60-day Federal Register notice on January 23, 2023, Vol 88. FR 2997. There were no pertinent public comments to the 60-day Notice. The public was also invited to submit comments directly to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) in a 30-day Notice on April 10, 2023, Vol 88. FR 21230. There

were no comments.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

No payment or gift of any kind is being made to respondents.

10. Describe any assurances of confidentiality provided to respondents.

The confidentiality of the data collected is protected under the BTS confidentiality statute (49 U.S.C. 6302) and Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018 (Pub. L: 115-435 Foundations for Evidence-Based Policymaking Act of 2018, Title III). In accordance with these confidentiality statutes, only statistical and non-identifying data is made publicly available through reports. Further, BTS will not release to any public or private entity any information that might reveal the identity of participating WMATA employees reporting a close call or individuals mentioned in these reports.

BTS operates WMATA under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) (44 U.S.C. § 3501 note). Under CIPSEA, it is a felony, punishable by up to \$250,000 in fines and up to 5 years in jail, for BTS or its agents to release identifiable data confidentially submitted in reports by individuals, companies or other entities. BTS has very strict protocols in place for collecting and protecting such data. CIPSEA protections include, but are not limited to:

- protection from subpoenas and Freedom of Information Act disclosure
- protection from release to the public, WMATA, or any other government agency
- protection from uses other than statistical purposes

11. Are there any questions of a sensitive nature?

There are no questions of a sensitive or personal nature.

12. Provide estimates of reporting burden.

For the purposes of this collection BTS has identified the burden for WMATA employees; and the collection does not impact small business or other small entities.

Number of Maximum Responses: 150

Estimated Time per Response: 1 hr.

Frequency: Intermittent for 3 years. Reports are submitted when there is a qualifying event.

Total Annual Burden: 450 hours.

Number of Responses	1
Number of Respondents	150
Frequency of Responses	Intermittent
Burden per Respondent	1

Annual burden hours	150
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Occupational Employment and Wages, May 2022

53-3052 Bus Drivers, Transit, Intercity

Drive bus or motor coach, including regular route operations, charters, and private carriage. May assist passengers with baggage. May collect fares or tickets.

Occupation code	Occupation title (click on the occupation title to view an occupational profile)	Group	Employment	Employment RSE	Median hourly wage	Mean hourly wage	Annual mean wage	Mean wage RSE
53-3052	Bus Driver, Transit and Intercity	detail	141,530	1.1%	\$24.47	\$25.92	\$53,920	0.4%

Based on the occupation title, *Operating Engineers and Other Construction Equipment Operators*, and their mean hourly wage of \$25.92, the cost for the total burden hours for this collection is \$38,880.

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

There is no additional cost to the respondent.

14. Provide estimates of annualized cost to the Federal Government.

Federal Costs

This project is funded by WMATA on a reimbursable basis to BTS.

15. Explain the reasons for any program changes or adjustments in Items 13 or 14 of OMB 83-I.

The reason for no program change is that the proposed collection is a continuation to collect.

16. Is the information received published?

Micro-data received through this data collection will not be made public. The information received through this data collection will be used to identify close call precursors and trends in unsafe situations through multiple cause incident analysis conducted by a limited number of BTS

staff serving as BTS agents. Results of such analyses in aggregate format will be published in ad hoc reports monthly to the peer review team. All BTS agents working on this program will participate in confidentiality training, sign non-disclosure agreements, and be considered BTS agents under CIPSEA.

17. Is the agency seeking approval not to display the expiration date for OMB approval?

No.

18. Explain each exception to the certification statement identified in Item 19, "Certification for paperwork reduction act submissions" of OMB Form 83-I.

None.