

PETITION FOR EMERGENCY ORDER

The Transportation Division¹ of SMART² hereby petitions the Federal Motor Carrier Safety Administration (FMCSA) for an Emergency Order to address safety conditions arising from the novel coronavirus (COVID-19) emergency. As you know, President Trump has declared a national emergency due to the virus. The employees we represent are essential to the health, safety, security, and transport of the nation's citizens. Therefore, it is necessary that the carriers take immediate and appropriate precautions to mitigate against the spread of the virus amongst their workforces and passengers, to minimize the exposure of their employees to the virus during the performance of their duties, and to maintain sufficient staffing levels to compensate for reduced headcounts caused by sick employees and family members until the virus begins to subside.

In order to standardize and define the best protocols across the industry for mitigation of the spread of the virus and the protection of both passengers and employees, there exists a number of safety precautions that need to be immediately ordered by FMCSA, including:

1. OPERATOR STATION SANITATION

- a. Require that every operator station be cleaned and disinfected after every trip or shift, prior to it being staffed by a subsequent employee.

¹ SMART-TD represents bus and mass transit employees on approximately 45 bus and transit systems.

² SMART – The International Association of Sheet Metal, Air, Rail, and Transportation workers.

- i. In the event of an emergency and sanitation is not performed in compliance with this request, each onboarding employee must be provided a mask capable of shielding the employee from contamination of the virus; three (3) sets of protective, medical type gloves; CDC-approved disinfectant spray; and no less than twelve (12) disinfecting wipes.

2. VEHICLE SANITATION

- a. Require that each vehicle be cleaned and disinfected at its origination and destination. This includes the beginning and ending of shifts.
 - i. Per the Center for Disease Control (CDC), *Cleaning* - shall remove dirt and impurities, including germs, from surfaces.
 - ii. Per the CDC, *Disinfecting* – CDC-approved chemicals shall be used to kill germs on surfaces, including the wipe down of all controls, desks, chairs, windows, lavatories, door handles, switches, and any surface that an employee or passenger is likely to touch. Additionally, a disinfectant spray shall be used at the end of cleaning in order to broadly disinfect the vehicle.
- b. Removal of trash shall only be performed by the specified craft designated to clean and disinfect the vehicle.
 - i. Exposed employees shall not handle discarded items unprotected by the above safety procedures.

- c. The craft designated to clean and disinfect the vehicles, as well as remove trash from them shall be equipped with CDC-recommended personal protective equipment (PPE) (such as gowns, gloves, and protective masks) and be trained on how to properly apply and remove the PPE to best prevent contamination.
- d. All vehicles shall have hand sanitizer (of at least 60% alcohol) marked and readily available for both passenger and employee use.
- e. Employees shall be provided with CDC-approved chemical spray to disinfect equipment before or after a passenger occupies a seat and its surrounding area (e.g. armrests, trays, light switches, etc.).
- f. Passenger spacing must be prioritized.
 - i. To the greatest extent practicable, passengers not travelling together shall be separated by at least one seat and one row so as to meet the six (6) foot social distancing recommendations established by the CDC and President Trump.
 - ii. The first four seats on each side of the vehicle shall remain empty.
 - iii. As much as practicable, carriers should assign operators to the same bus so as to limit the spread of the virus amongst its workforce.

3. COMMON ROOM SANITATION

- a. Common rooms (e.g. crew rooms, locker rooms, etc.) occupied by employees shall be cleaned and disinfected at least once every shift, or every eight (8) hours, whichever is sooner.

- i. Per the Center for Disease Control (CDC), *Cleaning* - shall remove dirt and impurities, including germs, from surfaces.
 - ii. Per the CDC, *Disinfecting* – CDC-approved chemicals shall be used to kill germs on surfaces, including the wipe down of all controls, desks, chairs, keyboards, computer accessories, windows, lavatories, door handles, switches, and any surface that the employee is likely to touch during his/her time occupying the facility. Additionally, a disinfectant spray shall be used at the end of cleaning in order to broadly disinfect the rooms being occupied.
- b. Removal of trash shall only be performed by the specified craft designated to clean and disinfect facilities.
 - i. Exposed employees shall not handle discarded items unprotected by the above safety procedures.
- c. The craft designated to perform the cleaning and disinfection of the rooms, as well as remove trash from them shall be equipped with CDC-recommended personal protective equipment (PPE) (such as gowns, gloves, and protective masks) and be trained on how to properly apply and remove the PPE to best prevent contamination.
- d. Require that all common rooms have hand sanitizer (of at least 60% alcohol) stations readily available and marked.
- e. The practice of having employees sit idle in common rooms, while on-duty, to protect service that may arise shall be limited to the greatest extent practicable.

4. OPERATORS EXPOSED AT FARE BOXES

- a. Where fare boxes are present, operators shall be provided CDC-recommended PPE.
 - i. No less than three packages of CDC-recommended PPE shall be provided for use throughout the shift or one-way trip.
- b. To the extent practicable, and where government funding exists as a result of the virus:
 - i. All fares shall be waived so as to limit exposure to critical infrastructure transit operators.
 - 1. Passengers shall then only be loaded and unloaded through the vehicles rear doors, where applicable.

5. EMPLOYEE TEMPERATURE OBSERVATION

- a. Employees coming on-duty shall be scanned for fever at the beginning of each shift or tour of duty.
- b. Employees identified as having an elevated temperature shall be immediately isolated, provided with CDC-approved PPE, and sent home or to a medical facility, at the employee's discretion, for treatment and self-quarantine per CDC guidelines.

6. EMPLOYEES AT THE AWAY FROM HOME TERMINAL (AFHT)

- a. Carriers shall require that contracted lodging facilities clean and sanitize their rooms, per the CDC recommendations listed under “Vehicle Sanitation” of this request, prior to its being occupied by a transit employee.

7. EMPLOYEE DEVELOPS SYMPTOMS

- a. In the event an employee experiences symptoms similar to the virus while on-duty or at the AFHT, he/she shall be immediately isolated until CDC-approved PPE can be provided.
- b. Once the employee has received the proper PPE, he/she shall be picked up by properly disinfected company-approved transportation and taken home or to a medical facility, at the election of the employee.
- c. An employee experiencing COVID-19-like symptoms while on duty or at the AFHT shall be on-duty until he/she has been safely delivered home or to a medical facility.
- d. In the event other employees were in contact with the sick employee, they shall self-quarantine per CDC recommendations.

8. PASSENGER DEVELOPS SYMPTOMS

- a. In the event a passenger begins to feel ill and expresses he/she is experiencing symptoms similar to the virus, he/she shall then be immediately provided PPE and isolated per paragraph (b.) of this subpart.
- b. Provide a mechanism for each vehicle to have a temporary means of isolating a passenger to protect other passengers from being exposed until the sick passenger can depart the vehicle. (A shield or blocking device that would protect other passengers from exposure shall suffice.)
- c. The employee exposed to the ill passenger shall immediately apply PPE and isolate him/her/themselves as much as practicable. Isolation shall not adversely affect the safety of the vehicle or its passengers. Should a task be required of the isolated employee, it shall be performed with PPE in place.
- d. The area where the sick passenger was located shall be sprayed with CDC-approved disinfectant.
- e. Cleaning and disinfection of the vehicle shall be performed as soon as it is practicable to do so.
- f. Upon arriving at the employee's destination, or the earliest point the exposed employee can be replaced, the exposed employee shall place themselves into self-quarantine per CDC recommendations.

9. FURLOUGH RECALL

- a. In anticipation of workforce shortages and subsequent staffing needs, transit carriers with furloughed operators must immediately call back to service 25% of its furloughed operator workforce in preparation for the anticipated spread of the virus.
 - i. The recall shall include the necessary training and qualification requirements per regulation and company policy.
 - ii. The increased emergency staffing level shall remain in place until the virus has been deemed to no longer pose a threat by the CDC.