

TRANSPORTATION RESEARCH BOARD

# Employee Safety Reporting in Public Transportation

**November 2, 2020**

**@NASEMTRB**  
**#TRBwebinar**

# Learning Objectives

1. Determine the requirements for an Employee Safety Reporting (ESR) program
2. Identify successful ESR programs

**#TRBwebinar**



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# TCRP REPORT 218: CHARACTERISTICS AND ELEMENTS OF NON-PUNITIVE EMPLOYEE SAFETY REPORTING SYSTEMS FOR PUBLIC TRANSPORTATION

Transportation Research Board (TRB) Webinar Series

November 2, 2020

Lisa Staes and Jodi Godfrey





# RESEARCH GOAL AND OBJECTIVES

*Goal: to assist transit agencies with developing their programs*

The primary objective – *produce a compilation of the leading/common practices used in non-punitive employee reporting programs*

Secondary objective – *identify technologies, tools, and applications used by implementers (supports TRACS tasking)*

# METHODOLOGY

§ Literature Review

§ Interviews and Survey of Public Transit Agency Representatives

§ Outcomes:

- Identify elements of non-punitive ESR systems
- Identify “common” and “leading” Practices
- Identify technologies, tools, and applications
- Final Report
- Provide input to TRACS

# LITERATURE REVIEW/BACKGROUND RESEARCH

# EXAMPLES OF NON-PUNITIVE ESR SYSTEM STRUCTURES

- § Aviation Safety Reporting System (ASRS)
- § Bureau of Safety and Environmental Enforcement – SafeOCS
- § Federal Railroad Administration (FRA) C3RS
- § Federal Transit Administration (FTA)
- § National Air Traffic Controllers Association (NATCA)
- § Occupational Safety and Health Administration (OSHA)
- § U.S. Nuclear Regulatory Commission (NRC)

# CASE STUDY COMMON PRACTICES

 ACCESS – EASE OF REPORTING

 APPEAL PROCESS

 DATA UTILIZATION AND PERFORMANCE MEASUREMENT

 DOCUMENTED/PREScribed REPORTING AND INVESTIGATIVE PROCESSES

 FEEDBACK LOOPS

 PERIODIC PROCESS AND PROGRAM EVALUATION

 THIRD-PARTY UTILIZATION

 TRAINING AND PROGRAM PROMOTION

 UNION PARTICIPATION

# CHARACTERISTICS AND ELEMENTS

- § Stakeholder Engagement
- § Strategies for Collecting/Managing Data
- § Use of Third Parties
- § Ensuring Procedural Fairness for Employees
- § Scalability

# STAKEHOLDER ENGAGEMENT

## Engage Early and Often – Prescribed Input Process

- Local collective bargaining unit representative (or other employees)
- Organizational management
- Transit agency unit representatives
- State and/or Federal oversight agencies
- An independent third party (where applicable)
- Other external parties

# STRATEGIES FOR COLLECTING/MANAGING DATA

- § Collecting the Right Information
- § Addressing Data Gaps
- § Conducting Interviews
- § Providing Feedback
- § Ease of Reporting
- § Use of Data
- § Data Protections

# TECHNOLOGY AND INFORMATION MANAGEMENT

- § Support structure for collecting/managing data
  - Data collection and release protocols
  - Limit data access
- § Use of vendor or internally created platforms/ mobile applications
- § Trend analyses
- § Report generation and dissemination
- § CAP/mitigation measures monitoring



# UTILIZING 3<sup>RD</sup> PARTY REPORTING SYSTEM

- § Workers perceive greater degree of confidentiality/anonymity
- § Increase employee reporting
- § Option for agencies with less mature safety cultures
- § Evidentiary protections (in some cases)
- § National systems can educate the industry on risks/hazards
- § Case studies – C3RS (MBTA, SEPTA), BTS (WMATA), Navex Global (TriMet uses for anonymous reporters)

# PROCEDURAL FAIRNESS – RESEARCH TEAM DEFINITION

*“The systematic development of processes and procedures, employees’ understanding of the process, and management’s compliance with and execution of those processes and procedures without prejudice to the individual or the process, ensuring effective and fair outcomes.”*

# STRATEGIES FOR PROMOTING PROCEDURAL FAIRNESS

- § The ability to provide input through the investigation and determination of outcomes
- § Well-defined feedback loops
- § Written policy or procedural statement - protects employees from punitive actions or retribution, except for those situations that involve a blatant disregard of agency policies, procedures, or operating practices
- § Notification of investigation findings and follow-up actions
- § Written policy or procedural presentation of the steps that a reporter can take to challenge or appeal an investigation outcome or mitigation strategy use
- § Management adoption and consistent exercise of the process/procedures

# SCALABILITY

- § Scaled – agency-appropriate
- § Large agencies versus smaller
- § Multi-modal versus single transit mode
- § Other operational considerations/local needs
- § Procedural heavy versus simple policy statement
- § Reporting methods (3rd party, online portal, comment box, direct engagement with supervisors)
- § Training/employee outreach

# FRAMEWORK – PROGRAM DESIGN AND ELEMENTS FOR CONTINUOUS IMPROVEMENT



# LITERATURE REVIEW – LEADING PRACTICES

**Investigation and corrective actions** – structured and comprehensive examination of reported hazards or near-misses based on defined reporting parameters and CAPs

**Notification of hazard and dissemination** – a formal approach to dissemination of reported hazards, close call events and mitigation strategies

**Online reporting system** – online reporting systems provide greater access to affected employees and provide both perceived, and in some cases, real anonymity

**Protection from punitive actions** – successes achieved when employees are protected from punitive actions, reflected in significant growth in national ESR systems.

# FTA ESR PROGRAM REQUIREMENTS – PTASP AND SMS

# EMPLOYEE SAFETY REPORTING – PTASP AND SMS

- § SMS framework as the basis for the National Public Transportation Safety Program (49 U.S.C. Section 5329)
- § ESR program – included in Safety Management Policy requirements
- § ESR – key element in Safety Assurance and Safety Risk Management functions and is elemental in the implementation of an effective SMS and PTASP
- § FTA recently release guidance

# FTA ESRP REQUIREMENTS 49 CFR §673.29(B)

## § Safety Management Policy

- Establish and implement a process that allows all employees to report safety conditions to senior management
- Specify protections for employees
- Describe employee behaviors that may result in disciplinary action

## § Safety Assurance

- Monitor information reported

## § Safety Promotion

- Inform employees of safety actions taken in response to reports

# FTA GUIDANCE – ESR PROCESS



# FTA GUIDANCE – “GOOD ESRP”

- § Management’s commitment
- § Safety is everyone’s responsibility
- § Clear safety roles for each individual
- § Empowered employees
- § Staff involved in ESRP planning process
- § Culture of learning from past mistakes

# FTA GUIDANCE – “GOOD SAFETY CULTURE”

- § Culture of learning
- § Flexible/adaptable
- § Flexible organizational structure
- § Both managers and operators should be informed
- § Organizational factors
- § Trust is essential

# CASE STUDIES

# CASE STUDY TRANSIT AGENCIES

Big Blue Bus	Santa Monica, California
Capital Metro Transportation Authority	Austin, Texas
Central Florida Regional Transportation Authority, d.b.a. LYNX	Orlando, Florida
Chicago Transit Authority (CTA)	Chicago, Illinois
Greater Cleveland Regional Transit Authority (GCRTA)	Cleveland, Ohio
Jacksonville Transportation Authority (JTA)	Jacksonville, Florida
King County Metro	Seattle, Washington
Lane Transit District	Springfield, Oregon
Lee County Transit (LeeTran)	Ft. Myers, Florida
Los Angeles County Metropolitan Transportation Authority	Los Angeles, California
Maryland Transit Administration	Maryland
Massachusetts Bay Transportation Authority	Boston, Massachusetts
Metropolitan Area Regional Transit Authority	Atlanta, Georgia
Miami Dade Department of Transportation and Public Works	Miami, Florida
Sacramento Regional Transit District	Sacramento, California
Sarasota County Area Transit (SCAT)	Sarasota, Florida
Southeastern Pennsylvania Transportation Authority (SEPTA)	Philadelphia, Pennsylvania
Tri-County Metropolitan Transportation District of Oregon (TriMet)	Portland, Oregon
Washington Metropolitan Area Transportation Authority (WMATA)	Washington, DC



# ADDITIONAL CASE STUDY TRANSIT AGENCIES – FTA SMS PILOT LOCATIONS

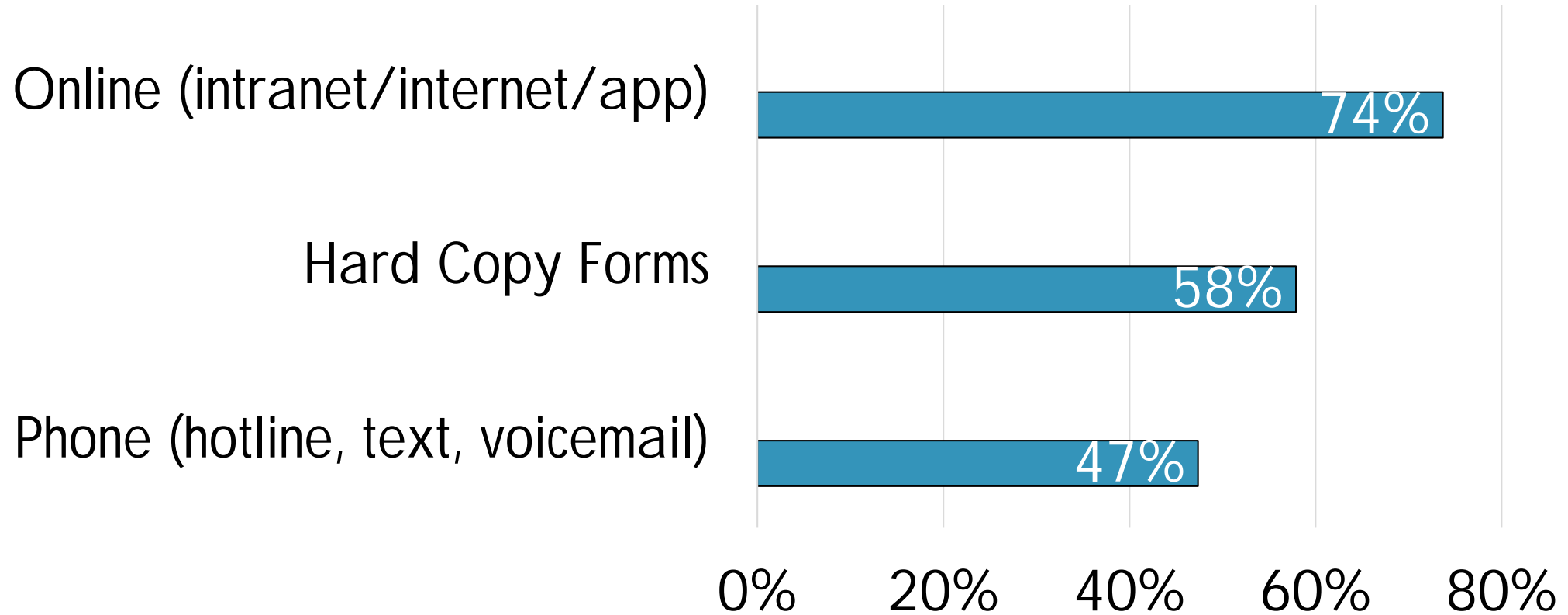
## FTA's SMS Pilot Sites in Maryland

- § Frederick County, MD – *TransIT Services of Frederick County*
- § Montgomery County, MD – *Ride On*
- § Charles County, MD – *Charles County Transit Division*

# SURVEY RESPONSES

- § Methods of Reporting
- § System Age
- § Confidentiality versus Anonymity
- § CBU Involvement in ESR System Design
- § Policies and Reviews
- § Training
- § Employee Input/Acceptance
- § Performance Measures
- § Familiarity with FTA SMS Pilot

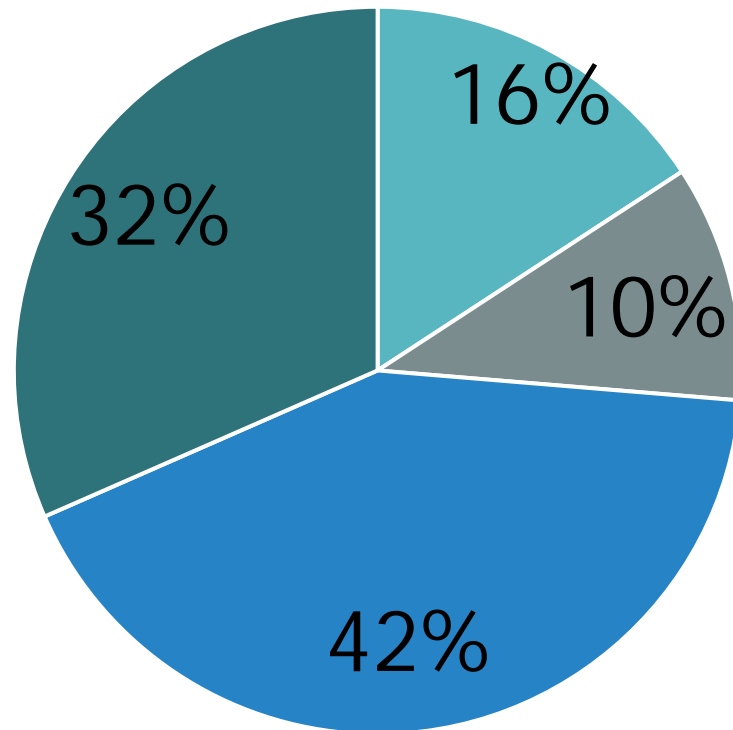
# REPORTING METHODS



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# SYSTEM AGE

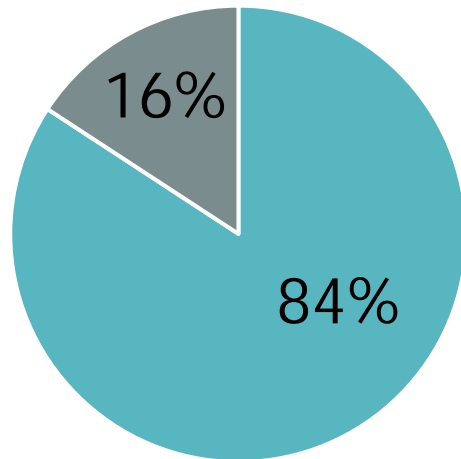


- < 2 years
- 2-5 years
- 5-10 years
- > 10 years

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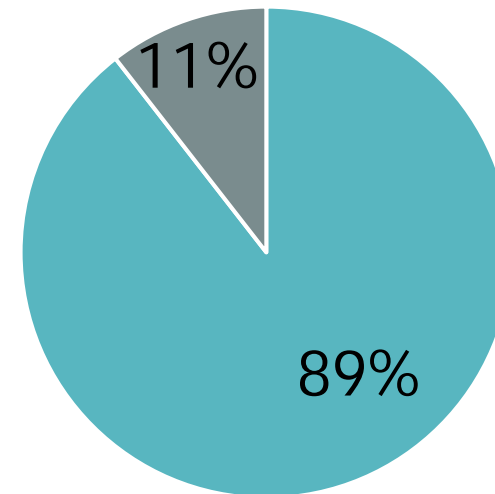
# CONFIDENTIAL VERSUS ANONYMOUS

Is reporting considered confidential?



■ Yes ■ No

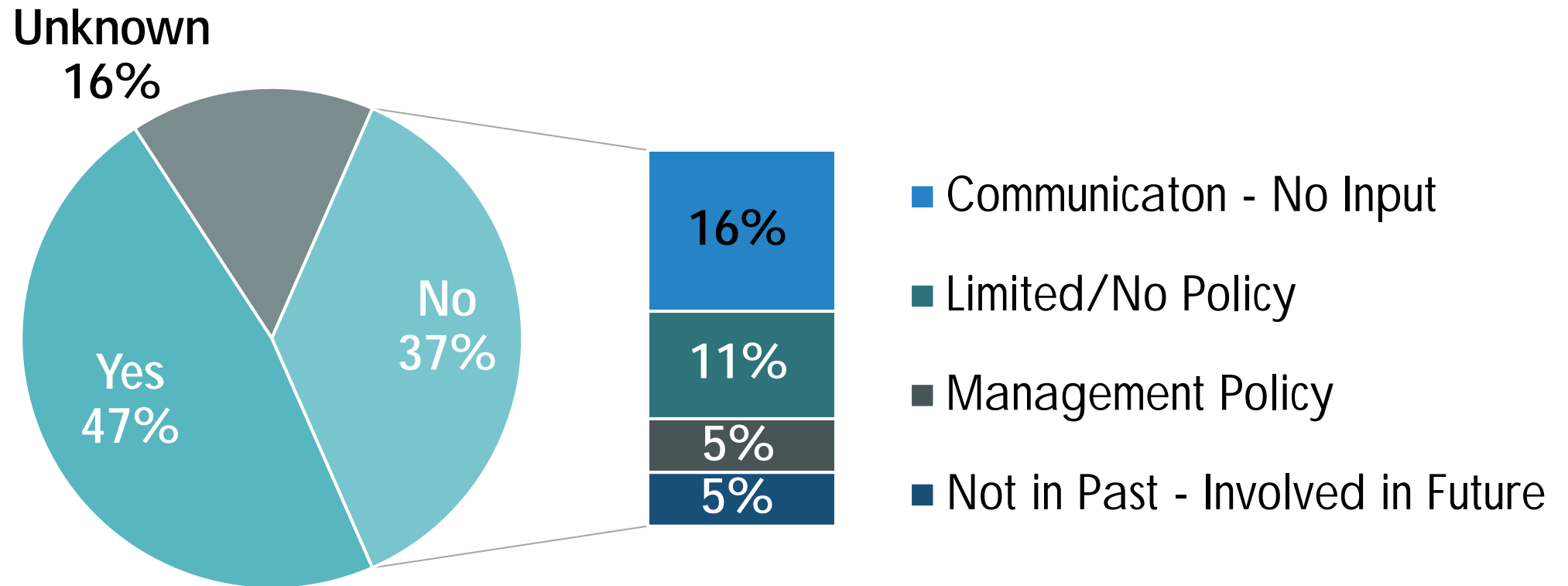
Can reports be made anonymously?



■ Yes ■ No

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# CBU INVOLVEMENT IN REPORTING PROGRAM DESIGN

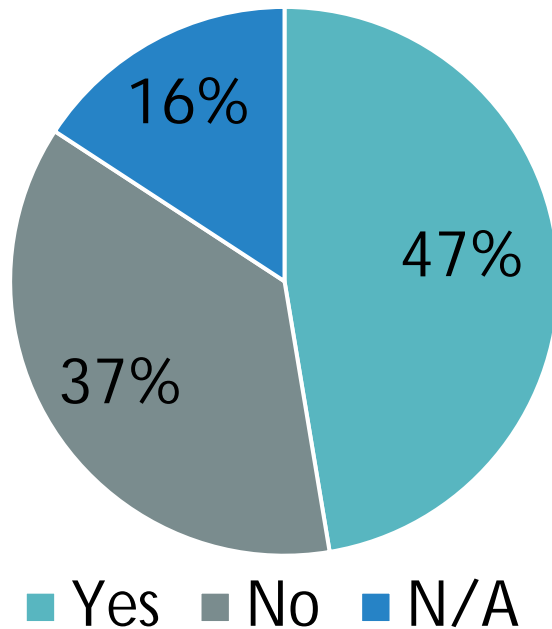


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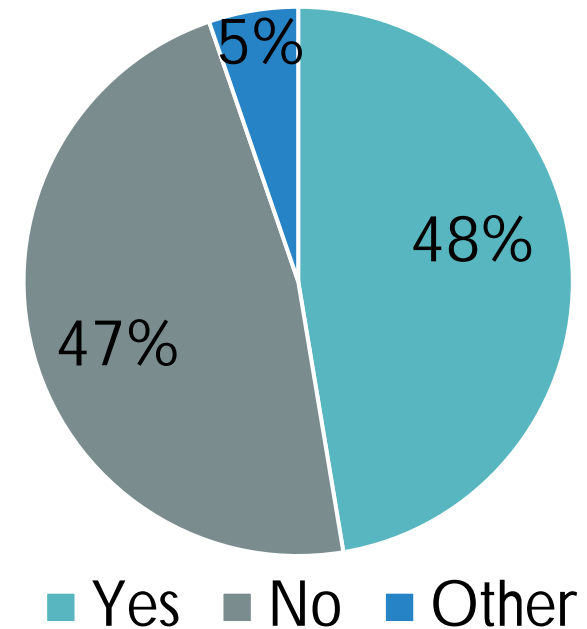
Transit Agency	Location	Agency Size	Age of ESR System (years)	Anonymous	Confidential	CBU Involvement
Big Blue Bus	Santa Monica, CA	Small	4			
Capital Metro	Austin, TX	Medium	2			
LYNX	Orlando, FL	Medium	6			
CTA	Chicago, IL	Large	5			
GCRTA	Cleveland, OH	Medium	8			
JTA	Jacksonville, FL	Small	2			
King County Metro	Seattle, WA	Large	20+			
LTD	Springfield, OR	Small	20+			
Lee Tran	Ft. Myers, FL	Small	1			
LA Metro	Los Angeles, CA	Large	20+			
MTA	Baltimore, MD	Medium	10			
MBTA	Boston, MA	Large	15+			
MARTA	Atlanta, GA	Large	6			
Miami Dade	Miami, FL	Medium	15+			
SacRT	Sacramento, CA	Small	8			
SCAT	Sarasota, FL	Small	1+			
SEPTA	Philadelphia, PA	Large	20+			
TriMet	Portland, OR	Medium	7			
WMATA	Washington, DC	Large	6			

# NON-PUNITIVE POLICIES AND INVESTIGATIONS

Does your policy identify areas that would negate the non-punitive aspects of the reporting system?



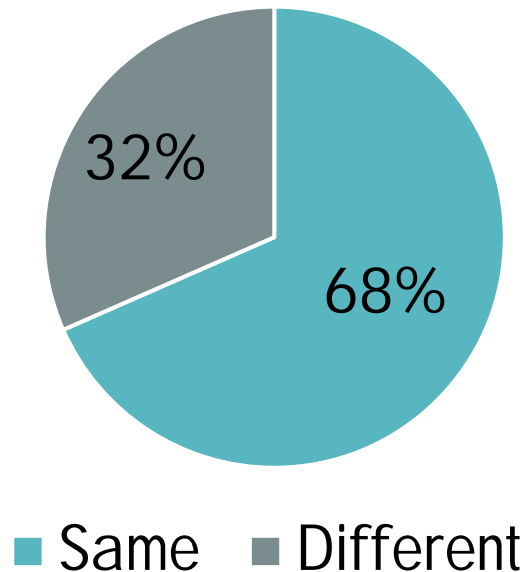
Is there a pre-established team or assigned personnel who review the data?



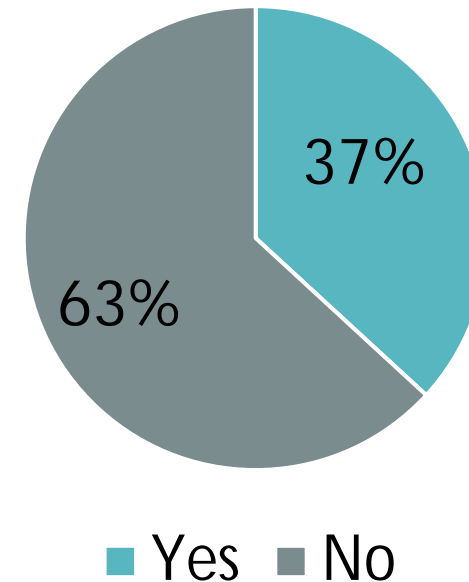
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# TRAINING

Do supervisors and front line employees receive the same training, or is training tailored by employment position?



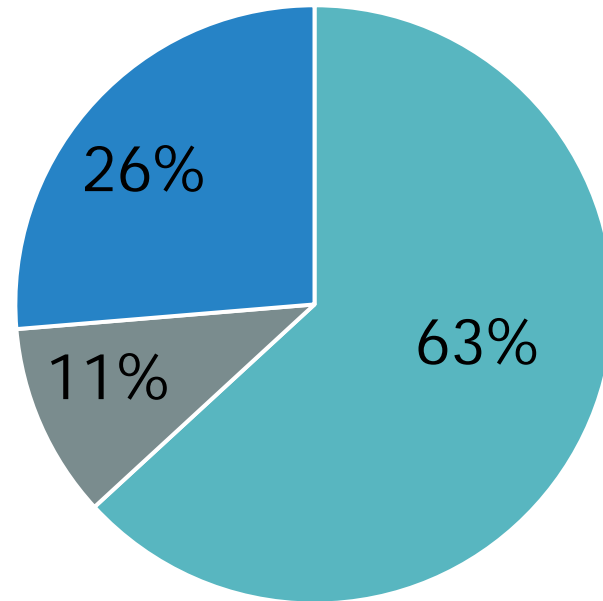
Do you provide any training to others, in addition to agency personnel (e.g. contractors)?



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# EMPLOYEE INPUT AND ACCEPTANCE

Do you provide the opportunity for employees to provide input on the safety reporting system?

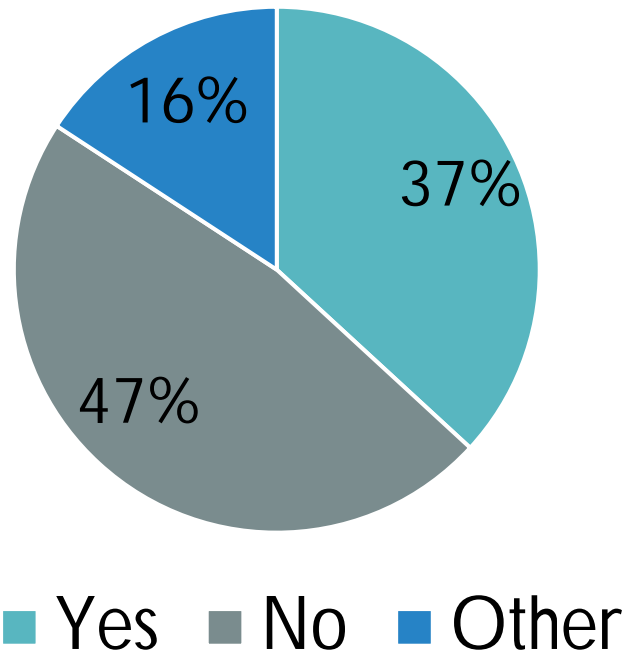


■ Yes ■ No ■ Other

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# PERFORMANCE MEASURES

Do you have performance measures to track the efficacy of your system?  
If so, what are the measures used?



Date reported/due date

Average days to closure

Open versus closed reports

Reports by area (facility, equipment, system, security)

Reports by mode (rail/bus)

Reports per month

Hazard/hazard classification

Root cause

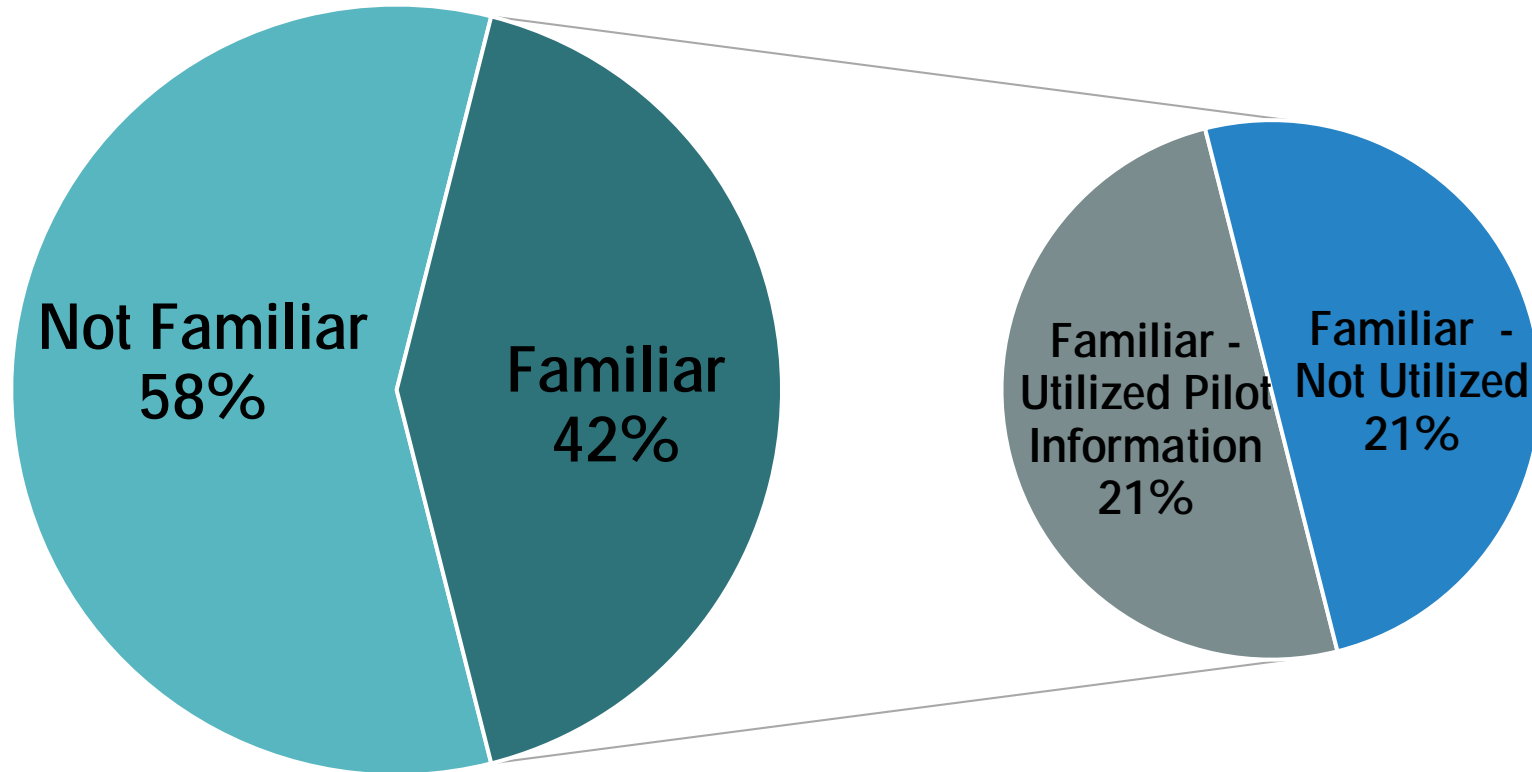
Lost time and non-lost time injury rates per 200,000 work hours

Vehicle accident rates per 100,000 miles

Workers' compensation claims and payouts

Customer complaints

# FAMILIARITY WITH FTA SMS PILOT PROGRAM



N=19 ■ Not Familiar ■ Familiar - Utilized Pilot Information ■ Familiar - Not Utilized

# CASE STUDY AGENCIES – ELEMENTS OF NON-PUNITIVE ESR SYSTEMS

- § Policies/procedures
- § Elements that Promote and Support Employee Reporting
- § Use of Technologies and Tools
- § Training & Stakeholder Input
- § Performance Measures
- § Process Improvement
- § Success Story

# POLICY/PROCEDURAL ELEMENTS

- § Defines terms
- § Identifies who can report
- § Identifies method(s) of reporting
- § Defines reportable events
- § Establishes events that may lead to punitive outcomes
- § Provides method of receipt/confirmation to reporter
- § Identifies report investigation and follow up processes
- § Identifies method(s) used to notify the reporter of the outcome

# MDOT SMS CARD

MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND TRANSIT ADMINISTRATION

## Safety Management System (SMS)



### What is my role in our SMS?

- Work safely/Wear PPE
- Be compliant with procedures & regulations
- Report safety hazards, concerns, or suggestions

### What can I report?

- Hazards/Potential hazards
- Safety issues and concerns
- Accidents/Incidents
- Possible solutions and safety improvements
- Close calls/Near misses

Call the Safety Hotline at  
**844-MTA-SAFE**  
(844-682-7233)

### Safety Reporting Options:

- 📞 Notify your Lead/Supervisor or local Safety Representative
- ☎ Call the Safety Hotline  
**844-MTA-SAFE (844-682-7233)**
- ✉ [reportallhazards@mdot.maryland.gov](mailto:reportallhazards@mdot.maryland.gov)
- 📄 Formally submit a confidential report

### Personal Safety Accountabilities:

- I am accountable for my own safety & the safety of those around me
- I follow procedures, wear PPE, & promptly report safety hazards
- I **must** report injuries and damages
- **My goal:** Be safe at work & at home

### Unacceptable Workplace Behaviors:

- Willful safety violations
- Reckless & neglectful acts
- Criminal activities
- Alcohol or drug use



# ELEMENTS THAT PROMOTE AND SUPPORT EMPLOYEE REPORTERS

- § Procedural fairness is promoted and ensured
- § Opportunities to provide input through the investigation and determination of outcomes
- § Well-defined feedback loops
- § Employee protections are granted through written policy or procedural statement
- § Reporters are notified of investigation findings and follow up actions
- § Ability to challenge or appeal an investigation outcome or mitigation strategy used

# USE OF TECHNOLOGIES AND TOOLS

- § Online employee portal/intranet (BBB, Capital Metro, LAMetro, LYNX, MARTA, MDT, SCAT, SEPTA, TriMet)
- § Elerts – See Something/Say Something (JTA, LYNX, MARTA, MBTA, SEPTA)
- § Origami – cloud-based data management system (King County Metro)
- § Accela Automation – cloud-based platform (Lee Tran)
- § MDT Tracker – agency created, proprietary smartphone application
- § Safety Hotlines – developed and managed by agency or through 3rd party
- § 3rd Party Reporting Platforms (C3RS for SEPTA/MBTA CR, BTS for WMATA – rail and bus, and Navex for TriMet)

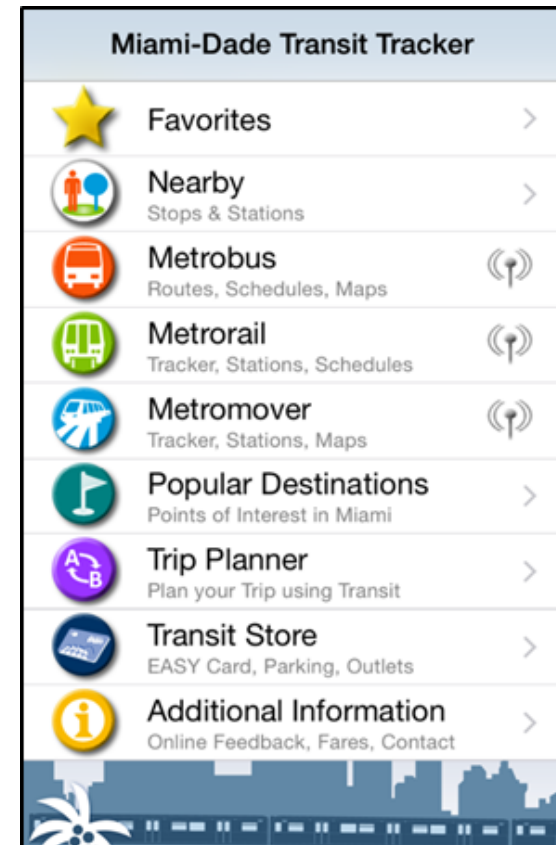
# JTA ELERTS APPLICATION AND MDT TRACKER

## IF YOU SEE SOMETHING, SAY SOMETHING

### Downloading the app allows you to:

- Report safety and security issues
- Connect directly with 911 services
- Anonymously report and provide photos, videos, locations and text messages
- Receive emergency alerts for information and action

**Blackberry and non-smartphone users:** Text a report without the app to **JTA See and Say** SMS Text-a-Tip at **(904) 800-4314**.



# TRAINING AND STAKEHOLDER INPUT ELEMENTS

- § Training program – process and procedural knowledge and internal/external communication strategies/protocols
- § Stakeholder input:
  - Initial program design
  - Program modifications – including development and use of new tools
  - Employee feedback methods – routine and post-reporting follow-up
  - Success of mitigation strategies
  - Identification of unintended consequences



# PERFORMANCE MEASURES – WHAT TO TRACK

## Report Volume/Status

- § Number of reports
- § Open versus closed status
- § Average days to investigate
- § Average days to closure
- § Target closure dates

## Hazard Contributing Factors

- § Hazard/event classification
- § Reports by area
- § Mode
- § Responsible section
- § Root cause/contributors

# PERFORMANCE MEASURES – WHAT TO TRACK

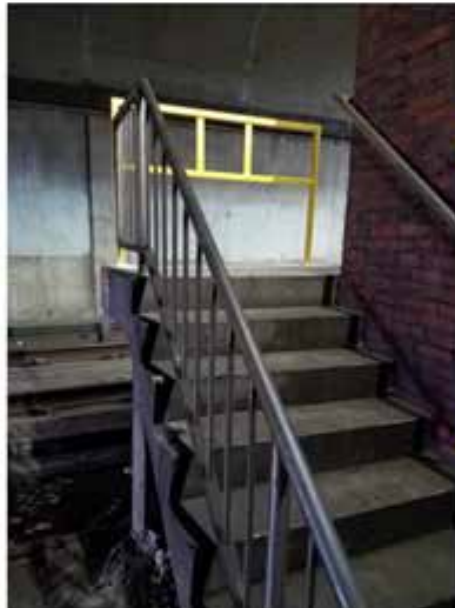
## Program Efficacy

- § Workers' compensation claims/costs
- § Claims/litigation costs
- § Lost time/non-lost time injury rates per work hours
- § Vehicle collision rates per # of miles
- § Success of corrective actions
- § Employee feedback

# PROCESS IMPROVEMENT

- § **Routine and periodic process improvement strategies** – employee/stakeholder feedback surveys, evaluation outcomes, safety trends
- § **Data collection** – longitudinal analyses
- § **Evaluation of mitigation strategies** – follow-up to ensure no unintended consequential hazards were introduced
- § **Performance measures** – develop, track, modify, evaluate

# SUCCESS STORY – SAFETY HOTLINE HAZARD IDENTIFICATION AND MITIGATION IMPLEMENTATION AT MBTA



## SAFETY HOTLINE

To notify MBTA Safety of a workplace safety, Right Of Way (ROW) safety, or other safety concern, please call or e-mail:

**617-222-5135**

**[safetynotification@mbta.com](mailto:safetynotification@mbta.com)**

Please leave a message detailing the following information:

- ✓ SAFETY CONCERN OR HAZARD
- ✓ LOCATION OF THE CONCERN OR HAZARD
- ✓ CONTACT INFORMATION (optional)

If you leave your contact information, an MBTA Safety representative will contact you directly. You can also choose to report the issue anonymously without fear of retribution from a supervisor or co-worker.

MBTA does not tolerate the suppression of any employee's safety concerns or any form of retaliation against persons who report unsafe conditions. Impeding or intimidating an employee can result in disciplinary actions, up to and including discharge.

When a safety concern arises or a hazard is discovered that can cause self harm, affects the safety of our internal or external customers, requires immediate attention, medical assistance, or a response from Transit Police/local Fire Department, immediately contact the OCC Dispatcher. When a defect or a part of the infrastructure is in need of repair, please call the Maintenance Control Center (MCC) and obtain a job work order number.

**Other Important Numbers:**

- MBTA Safety Office — 617-222-6604
- Red Line Dispatcher — 617-222-5707
- Green Line Dispatcher — 617-222-5842
- Orange Line Dispatcher — 617-222-5744
- Blue Line Dispatcher — 617-222-5774
- Silver Line Dispatcher — 617-222-5779
- North Side Bus Dispatcher — 617-222-6777
- South Side Bus Dispatcher — 617-222-5777
- MCC — 617-222-5278

# FINDINGS

# COMMON AND LEADING PRACTICES

- § Common practices were those found across case study transit agencies and identified by the transit agencies as integral to the program success
- § Leading Practices were those deemed integral to the success of the programs discussed in the literature review (or case studies), supported by demonstrated benefits

# COMMON PRACTICES

 ACCESS – EASE OF REPORTING

 APPEAL PROCESS

 DATA UTILIZATION AND PERFORMANCE MEASUREMENT

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# LEADING PRACTICES

**Investigation and corrective actions** – structured and comprehensive examination of reported hazards or near-misses based on defined reporting parameters and CAPs

**Notification of hazard and dissemination** – a formal approach to dissemination of reported hazards, close call events and mitigation strategies

**Online reporting system** – online reporting systems provide greater access to affected employees and provide both perceived, and in some cases, real anonymity

**Protection from punitive actions** – successes achieved when employees are protected from punitive actions, reflected in significant growth in national ESR systems.

# SUCCESS FACTORS FOR CONTINUOUS PROGRAM IMPROVEMENT

## TRAINING

Establish, promote, and train management, employees, and contractors



## DATA ANALYTICS

Comprehensive data collection, analysis, corrective actions and effectiveness monitoring



## INFORMATION SYSTEM PLATFORM

Gather and maintain data in support of ongoing program evaluation and support



## PROCESS IMPROVEMENT

Establish routine and periodic process improvement strategies



## PROCEDURAL FAIRNESS

Develop a structure that includes strategies and processes to promote and evaluate fairness



# FINDING 1

A central repository of public transportation industry reported hazards, close calls, and near miss information may present an opportunity to improve the safety of the nation's public transportation industry and establish the effectiveness of the National Public Transportation Safety Program and the SMS framework. **Research to examine the options available to develop this data portal or produce aggregated national reports would be beneficial.**

## FINDING 2

There are benefits to utilizing a third party to administer and manage an ESRS, which includes increasing the likelihood that employees will report safety events and reducing the likelihood that there will be associated punitive or retaliatory consequences. A centralized national third party ESRS (or option), would improve the effectiveness of close call reporting for all public transportation agencies, and may lead to better safety outcomes. **This presents a research opportunity to develop a strategy for examining opportunities for a national employee safety reporting system for the public transportation industry and the steps that the industry can take to institute such a system.**

## FINDING 3

The industry would benefit from a “Non-Punitive Employee Safety Reporting” toolkit or online resource repository, which could be built upon the sample policy statements, marketing/outreach materials, sample procedures, and sample CBA or MOU language included as a part of this TCRP research project, that public transportation agencies could use as they develop and implement their systems.

# FINDING 4 – EMPLOYEE AND TRANSIT AGENCY PROTECTIONS

It is important that employees who report and public transportation agencies collecting, analyzing, and maintaining safety data in support of SMS are assured that the data can remain confidential. **Without evidentiary protections, the ability of an agency to protect employee submitted data or accident/incident data is limited. The more protections granted to employees, including industry evidentiary protections, will ensure greater reporting and in turn, safer public transportation systems.**

# STATEMENT ON DATA/EVIDENTIARY PROTECTIONS

TRB Special Report 326 – *Admissibility and Public Availability of Transit Safety Planning*

*“Congress should prohibit, by establishing an admissibility bar, the introduction of the records generated by public transit agencies in fulfilling the safety planning requirements of MAP-21 into legal proceedings. This bar should apply only to data, analyses, reports, and other similar information prepared in response to or used in support of the MAP-21 mandate and FTA’s corresponding safety program requirements.”*

# 49 CFR FINAL RULE - § 270.105\*: DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN INFORMATION

(a) Protected information. Any information compiled or collected after August 14, 2017, solely for the purpose of planning, implementing, or evaluating a system safety program shall not be subject to discovery, admitted into evidence, or considered for other purposes in a Federal or State court proceeding for damages involving personal injury, wrongful death, or property damage.

- (1) "Information" includes plans, reports, documents, surveys, schedules, lists, or data, and specifically includes a railroad's analysis of its safety risks under § 270.103(q)(1) and a railroad's statement of mitigation measures under § 270.103(q)(2)
- (2) This section does not protect information that is required to be compiled or collected pursuant to any other provision of law of regulation; and
- (3) A railroad may include a C3RS program in a system safety program established under this part. For Federal or State court proceedings described by this paragraph (a) that are initiated after (date 365 days after date of publication of the final rule), the information protected by this paragraph (a) includes C3RS information a railroad includes in its system safety program, even if the railroad compiled or collected the C3RS information on or before August 14, 2017, for purposes other than planning, implementing, or evaluating a system safety program under this part.

# THANK YOU!



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# Today's Panelists

#TRBWebinar



**Moderator: Brian Alberts, American Public Transportation Association (APTA)**



**Lisa Staes, Center for Urban Transportation Research at the University of South Florida**



**Jodi Godfrey, Center for Urban Transportation Research at the University of South Florida**

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# TRB's Annual Meeting Registration is Open!

- 100<sup>th</sup> TRB Annual Meeting is fully virtual in January 2021
- Continue to promote with hashtag #TRBAM
- [Registration](#) is open!
- Check our [website](#) for more information



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