

Regular Council Meeting

August 24, 2023

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FRESNO CITY COUNCIL

CITY OF FRESNO
CITY CLERK'S OFFICE



Supplement Packet

ITEM(S)

1-V (ID 23-1282)

***Resolution - To Implement a Public Transportation Agency Safety Plan
(Subject to Mayor's Veto)

Contents of Supplement: DOT Response to PTASP Resolution

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

DATE: August 22, 2023

TO: HONORABLE MAYOR JERRY DYER
COUNCIL PRESIDENT TYLER MAXWELL
COUNCILMEMBERS

FROM: GREGORY A. BARFIELD, M.A., Interim Director
Department of Transportation



SUBJECT: DEPARTMENT OF TRANSPORTATION RESPONSE TO A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO IMPLEMENT A PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

On the afternoon of Wednesday, August 16, 2023, the Department of Transportation – Fresno Area Express (FAX) became aware of the proposed City Council Resolution to Implement a Public Transportation Safety Agency Safety Plan (PTASP) through City Manager, Georgeanne White. The proposed resolution contains numerous statements that are inaccurate and omits other relevant information. Further, it is noteworthy that while department-level work is always conducted with maximum transparency and in accordance with all federal, state, and local regulations, the development of this resolution was not accomplished in the same fashion. This inconsistency of process incorrectly implies that there are no guidelines or procedures in place to address safety incidents on the FAX system.

Details responsive to the proposed resolution are below.

Regarding the directive to implement a PTASP:

- FAX already has a PTASP, which was adopted by City Council on February 17, 2022, and subsequently submitted to the Federal Transit Agency (FTA). This document was developed in collaboration with department leadership and safety staff, under guidance of the FTA. The FAX PTASP meets all FTA requirements for the size of the City's transit system, and contains valuable safety data, including bus driver assault statistics.
- FAX also has an established Safety Committee under the structure of the PTASP plan replacing a more ad-hoc committee without as much detailed structure, that includes bus drivers and meets regularly to discuss all safety and security concerns. Any matters raised in that forum are forwarded to department leadership for further research and action.

Regarding the directive to implement a Riders Code of Conduct:

- FAX already has established "Rules to Ride By", as printed in the schedule guide. Passengers who do not abide by those rules or who otherwise create disturbance can be cited, removed, and/or prohibited from riding via processes consistent with California Penal Code 640, Code of Federal Regulations 49 CFR Part 21, the Public Utilities Code, and the Fresno Municipal Code.
- These rules are in place to ensure that any prohibition of transit service does not violate any passenger's civil rights.

Regarding the language allowing bus operators to ban passengers or refuse service for violations:

- The proposed language states "bus drivers are authorized to enforce these policies and may refuse service to anyone who engages in prohibited behavior." However, prohibited behavior is not specifically defined and could therefore be subject to personal interpretation and/or misuse, leading to potential civil rights violations.
- FAX is subject to both Title VI and ADA requirements whereby FAX must provide assurances that riders aren't being denied the benefits of a federally funded program through either disparate treatment or disparate impact. The proposed resolution does not provide necessary safeguards to prevent such violations of civil rights.
- Current FAX policy dictates Transit Supervisors to respond to situations where bus drivers request the removal of passengers. The language in the proposed resolution may create a shift of responsibility and risk from Transit Supervisor job classes to bus drivers, which could have unintended consequences with the relevant labor unions and City labor relations.
- The proposed language also proposes to change the Job Description of a Bus Driver and would be subject to the Meet and Confer process.

Regarding the directive to develop and execute a training program:

- FAX already requires mandatory annual training that includes customer service, assault awareness, and conflict reduction techniques for hostile situations in Verified Transit Training (VTT), a requirement of drivers to maintain their passenger endorsements and license. Additionally, bus drivers are regularly reminded by their Transit Supervisors and via bulletins to apply such techniques to avoid or de-escalate disputes. We are unsure if the resolution's intent is to provide de-escalation training above and beyond what is already offered.
- The City already hosts optional training for preventing workplace violence (which includes a module for active shooter training) that is available to all employees, including bus drivers. FAX is open to continuing to encourage drivers to take advantage of active shorter training that is currently available.

Regarding the directive to create a tracking system for incidents:

- FAX already captures all incidents (including fare disputes, vehicle accidents, passenger incidents, assaults, crimes, etc.) in our Computer Automated Dispatch / Automatic Vehicle Locator (CAD/AVL) software system. On average for FY22 and

FY23, the department captured 19,000 incidents each year. Of that number, an average of 5 incidents per year were recorded as assaults on drivers.

- Each incident on our buses is tracked and evaluated, as many are required to be reported monthly to the FTA and in our annual agency National Transit Database (NTD) report.

Further information to consider:

- No action that removes the rights of another person – such as the proposed resolution language that grants bus drivers the authority to prohibit passengers – should be taken lightly. Rather, detailed legal analysis that includes all Title VI civil rights concerns must be conducted to ensure no policy misapplication or unintended rights violation could result.
- Civil rights violation claims are not without precedence, as civil rights groups such as the ACLU have petitioned against transit suspension policies in recent history.
- FAX makes self-defense oleoresin capsicum spray (pepper spray) available to any bus driver who takes the required training course. FAX pays all applicable training fees and supply expenses on behalf of drivers who choose to participate. As noted in our memo in response to FY24 Budget Hearing Direction #60, 185 FAX Bus Drivers (approximately 62%) are certified to carry pepper spray as of early June 2023 when authored.
- FAX works diligently with our Fresno PD partners, to ensure citations, prohibitions, and restraining orders are issued against passengers who violate policies and laws which is coordinated by one of our Transit Supervisor II's. If criminal charges are warranted, FAX cooperates fully with requests for evidence and all other lawful proceedings. In all instances, relevant prohibition information is forwarded to all bus driver staff.

FAX firmly agrees that there is no excuse for violence against bus drivers and is invested in protecting system safety. While the safety of transit personnel is a high priority, by federal law it must be balanced against the public's right to access transit. This resolution should not be further considered, as FAX as an agency has an FTA-approved safety plan that was developed by staff in partnership with relevant labor unions (including ATU), presented to and approved by the City Council, that has already been studied, analyzed, and established with on-going monitoring.

Finally, we should also note that the department continues to address the excessive absenteeism of bus drivers. Unfortunately, we have not seen an improvement in the data since the drivers became the highest paid in the Valley, as absenteeism continues to average at approximately 26%.

Attachments:

Resolution

Staff Report and Approves PTASP plan approved by Council on February 17, 2022

Rules to Ride By

DOT Response to PTASP Resolution
August 22, 2023
Page 4 of 4

cc: City Clerk as a Supplemental Item to City Council Agenda File Item 23-1282 for 8/24/23
City Attorney
City Manager



Legislation Details (With Text)

File #: ID 22-276 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 2/1/2022 **In control:** City Council

On agenda: 2/17/2022 **Final action:** 2/17/2022

Title: RESOLUTION - Approval of Annual Update of the Public Transit Agency Safety Plan (PTASP) as required by the Federal Transit Administration

Sponsors: Department of Transportation

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Public Transit Agency Safety Plan, 3. 49 CFR Part 673

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|------------------------------|--------|
| 2/17/2022 | 1 | City Council | APPROVED ON CONSENT CALENDAR | Pass |

REPORT TO THE CITY COUNCIL

FROM: JOE VARGAS, Interim Director
Department of Transportation

BY: BELINDA McMILLAN HAENER, Administrative Manager
Department of Transportation

SUBJECT

RESOLUTION - Approval of Annual Update of the Public Transit Agency Safety Plan (PTASP) as required by the Federal Transit Administration

RECOMMENDATION

Staff recommends the City Council approve the annual update of the Department of Transportation/FAX Public Transit Agency Safety Plan (PTASP), as required by the Federal Transit Administration (FTA) and authorize the Director of Transportation or designee to execute and file all necessary documents on behalf of the City. This annual update is required by the FTA and the changes reflect new leadership within FAX and updated safety targets.

EXECUTIVE SUMMARY

The Federal Transit Administration (FTA) published a final rule for Public Transportation Agency Safety Plans, as authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21). This final rule requires operators of public transportation systems that receive Federal financial

assistance under 49 U.S.C. Chapter 53 to develop Public Transportation Agency Safety Plans (PTASP) based on the Safety Management System (SMS) approach. Operators of public transportation systems will be required to implement the safety plans and submit annual updates to the FTA. The development and implementation of safety plans will help ensure that public transportation systems are safe nationwide.

The PTASP was approved May 21, 2020, by the Fresno City Council. This is an update which reflects new leadership within the FAX department and updated safety targets.

BACKGROUND

On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule (49 C.F.R. Part 673), which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

Operators of public transportation systems are required to implement the safety plans by July 20, 2020, and provide annual updates to their plans to the FTA. The development, implementation, and updates of safety plans will help ensure that public transportation systems are safe, nationwide.

The public transportation industry remains among the safest surface transportation modes in terms of total reported safety events, fatalities, and injuries. Nonetheless, given public transportation service complexities, the condition of transit equipment and facilities, turnover in the transit workforce, and the quality of policies, procedures, and training, the public transportation industry remains vulnerable to catastrophic accidents.

This rule outlines requirements for Public Transportation Agency Safety Plans that would carry out explicit statutory mandates in the Moving Ahead for Progress in the 21st Century Act (MAP- 21), which was reauthorized by the Fixing America's Surface Transportation Act (FAST Act) and codified at 49 U.S.C. 5329 (see attached), to strengthen the safety of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

This rule requires the adoption of SMS principles and methods; the development, certification, implementation, and update of Public Transportation Agency Safety Plans; and the coordination of Public Transportation Agency Safety Plan elements with other FTA programs and rules, as specified in 49 U.S.C. 5303, 5304, and 5329.

The Fresno Area Express (FAX) Public Transit Agency Safety Plan is made up of the elements required by the FTA that includes:

- Safety Performance Targets

- Safety Management Policy
- Safety Risk Management Strategies
- Safety Assurance
- Safety Promotion

The FAX Public Transit Agency Safety Plan was developed in collaboration with department leadership and safety staff, under guidance of the Federal Transit Administration. The FAX Public Transit Agency Safety Plan meets all FTA requirements for the size of the City's transit system. The benefits of a Public Transit Agency Safety Plan include

- Improved transparency and accountability for safety management compliance
- Data-driven safety performance monitoring
- Transit system safety performance outcomes
- Maintaining eligibility for FTA funds and complying with the FAST Act.

The consequences of not having a FTA-compliant Public Transit Agency Safety Plan include, but are not limited to:

- Loss or reduction of FTA funding
- Higher safety risk liability (determined by accidents per 100,000 miles)
- Decreased transit system operational safety
- Higher vulnerability for a catastrophic event

ENVIRONMENTAL FINDINGS

Approval of the annual update of the Department of Transportation/FAX Public Transit Agency Safety Plan (PTASP), is not a "project" for the purposes of the California Environmental Quality Act, pursuant to CEQA Guidelines section 15378.

LOCAL PREFERENCE

Local preference was not considered because this resolution does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this request. Approval and implementation of the PTASP will help mitigate the loss of physical and human assets through injuries, accidents or other serious accidents.

Attachments:

Resolution

Public Transit Agency Safety Plan

49 CFR Part 673

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AUTHORIZING APPROVAL AND
IMPLEMENTATION OF THE PUBLIC TRANSIT AGENCY
SAFETY PLAN AS REQUIRED BY THE FEDERAL
TRANSIT ADMINISTRATION AND EXECUTION OF
RELATED AGENT FORMS**

WHEREAS, the City of Fresno Department of Transportation/FAX (FAX) is a recipient of Federal Transit Administration (FTA) funds; and

WHEREAS, Moving Ahead for Progress in the 21st Century (MAP-21) grants the FTA authority to establish and enforce a structured comprehensive plan to oversee the safety of public transportation throughout the United States; and

WHEREAS, as part of the safety oversight framework, MAP-21 requires recipients of FTA Chapter 53 funding to develop and implement a Public Transit Agency Safety Plan (PTASP) that addresses performance measures, strategies, and staff training opportunities; and

WHEREAS, MAP-21 placed the FTA and FAX in a position to provide guidance that strengthens the use of safety data; ultimately supporting management decisions, improves the commitment of transit leadership to safety and fostering a culture of safety that promotes awareness and responsiveness to safety risks; and

WHEREAS, PTASP for FAX is consistent with an SMS approach to Safety Risk Management (SRM), which is an integrated collection of policies, processes, and behaviors that ensures a formalized, proactive and data-driven approach to increase the safety of transit systems by proactively identifying, assessing and controlling safety risks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. FAX is authorized to submit the annual update of the PTASP to the Federal Transit Administration for approval.
2. The City of Fresno Director of Transportation or designee is authorized to execute documents related to the PTASP.
3. FAX agrees to comply with all conditions and requirements set forth in the documents and applicable statutes, regulations and guidelines pertaining to the PTASP.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2022.

AYES :

NOES :

ABSENT :

ABSTAIN :

TODD STERMER, MMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Pauline Brickey Date
Deputy City Attorney



City of Fresno Department of Transportation Fresno Area Express

Public Transit Agency Safety Plan adopted May 2020

Joe Vargas, Interim Director of Transportation

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1. Transit Agency Information

| | | | |
|---|---|---|------------------|
| Transit Agency Name | Fresno Area Express (FAX) | | |
| Transit Agency Address | 2223 G Street, Fresno, California, 93706 | | |
| Name and Title of Accountable Executive | Joe Vargas, Interim Director of Transportation | | |
| Name of Chief Safety Officer | Melissa Almaguer, Safety & Security Officer | | |
| Mode(s) of Service Covered by this Plan | Fixed Route Bus (FAX) Paratransit (Handy Ride) | | |
| Mode(s) of Service Provided by the Transit Agency (directly operated or contracted service) | Both | List All FTA Funding Types (e.g., 5307, 5337, 5339) | 5307, 5310, 5339 |
| Does the Agency Provide Transit Services on Behalf of Another Transit Agency or Entity? | No | Description of Arrangement(s) | |
| Name and Address of Transit Agency(ies) or Entity(ies) for which Services is Provided | Not applicable | | |

2. Plan Development, Approval, and Updates

| | | |
|---|---|-------------------|
| Name of Person(s) Who Drafted this plan | Belinda McMillan Haener, Administrative Manager Melissa Almaguer, Safety & Security Officer | |
| Signature by the Accountable Executive | Director of Transportation | Date of Signature |
| | (Signature Here) | July 20, 2020 |
| Approval by Fresno City Council | City Council | Date of Approval |
| | Fresno City Council | May 21, 2020 |
| | Relevant Documentation | |
| | <ul style="list-style-type: none"> - A copy of the City Council Resolution approving the Agency Safety Plan (ASP) is maintained on file by the Director of Transportation and Chief Safety Officer - Staff Report | |

| Version Number and Updates | | | |
|----------------------------|----------------------------|---|--------------|
| Version Number | Section/ Pages Affected | Reason for Change | Date Issued |
| 1 | | Original | July 2020 |
| 2 | 1, 2, 3, 5, 7, 12, 14 | Updated staffing changes, goals, and implementation of new ESRP methods | January 2022 |
| | | | |

3. Safety Management Policy

As a recipient of Federal Transit Administration (FTA) funds, Moving Ahead for Progress in the 21st Century (MAP-21) grants the FTA authority to establish and enforce a structured, comprehensive plan to oversee the safety of public transportation throughout the United States. As part of the safety oversight framework, MAP-21 requires recipients of FTA Chapter 53 funding to develop and implement a Public Transit Agency Safety Plan (PTASP) that addresses performance measures, strategies, and staff training opportunities.

MAP-21 expands the regulatory authority of FTA to oversee safety, providing an opportunity for FTA to assist transit agencies in moving towards a more holistic, performance-based approach in Safety Management Systems (SMS). MAP-21 placed the FTA and the City of Fresno's Department of Transportation (FAX) in a position to provide guidance that strengthens the use of safety data; ultimately, supporting management decisions, improves the commitment of transit leadership to safety, and fostering a culture of safety that promotes awareness and responsiveness to safety risks.

The PTASP for FAX is consistent with an SMS approach to Safety Risk Management (SRM). SMS is an integrated collection of policies, processes, and behaviors that ensures a formalized, proactive and data-driven approach to SRM. The goal of SMS is to increase the safety of transit systems by proactively identifying, assessing, and controlling safety risks. The SMS approach is a flexible and scalable component for transit agencies of all modes and is consistent with the basic requirements of MAP-21.

Safety Management Policy Statement

FAX commits to:

- Support the management of safety through the provision of appropriate resources, which will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the utmost attention and prioritization;
- Integrate the management of safety among the primary responsibilities of all managers and employees;
- Clearly define for all staff (managers and employees) their accountabilities and responsibilities for the delivery of the organization's safety performance and the performance of the organization's SMS;
- Establish and operate hazard identification and analysis, and safety risk assessment activities, including an Employee Safety Reporting Program (ESRP) as a fundamental source for safety concerns and hazard identification, which will eliminate or mitigate the safety risk of the consequences of hazards resulting from

activities to a point that is consistent with the organization's acceptable level of safety performance;

- Ensure no action will be taken against any employee who discloses a safety concern through the ESRP, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures by the reporting employee;
- Comply with, and wherever possible exceed, legislative and regulatory requirements and standards;
- Ensure sufficiently skilled and trained human resources are available to implement safety management processes;
- Ensure all staff is provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
- Establish and measure safety performance against realistic and data-driven safety performance indicators and safety performance through management processes, which ensure appropriate safety management action is taken and is effective; and
- Ensure externally supplied systems and services to support operations are delivered meeting or exceeding safety performance standards.

Joe Vargas
Interim Director of Transportation

Date

Safety Management Policy Communication

The Chief Safety Officer, who leads the SMS activities, introduced staff to SMS principles in June 2018, at a leadership staff meeting. The Safety Management Policy Statement was also distributed to each employee in the form of a handout during the leadership staff meeting. FAX also posted copies of the Safety Management Policy Statement on bulletin boards at headquarters and in the Operations and Maintenance break areas of each division. FAX has incorporated review and distribution of the Safety Management Policy Statement into new-hire training and leadership team annual refresher training.

Annual Review and Update of the Public Transportation Agency Safety Plan

The City of Fresno Department of Transportation (DOT) leadership will review, update, and implement any changes to the PTASP annually by July 1. The Director of Transportation will review and approve any changes, sign the new ASP, and forward to the FTA for review and approval.

Any subsequent updates, addendums, adoption, and distribution activities will be documented in the Plan Development, Approval and Updated section found on page 3 of this PTASP.

4. Safety Performance Targets

| Safety Performance Targets | | | | | | |
|--|---------------------|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------|
| <p>Safety Performance Management (Safety PM) is part of the overall Transportation Performance Management (TPM) program, which Federal Highway Administration (FHWA) defines as a strategic approach and uses system information to make investment and policy decision, to achieve national performance goals. The following are performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.</p> | | | | | | |
| Safety Events | | | | | | |
| | FY 2020 Performance | | | FY 2021 Goals | | |
| | Total Number | Rate Per Vehicle Revenue Mile (VRM) | Rate Per 100K VRMs | Total Number | Rate Per Vehicle Revenue Mile (VRM) | Rate Per 100K VRMs |
| Number of Passenger Injuries Per Year | 44 | 0.00000936 | 0.94 | 43 | 0.00000831 | 0.83 |
| Number of Vehicle Collisions Per Year | 22 | 0.00000468 | 0.47 | 20 | 0.00000386 | 0.39 |
| Total Accidents/ Incidents Per Year | 57 | 0.00001212 | 1.21 | 51.3 | 0.00000991 | 0.99 |
| Number of Fatalities Per Year | 0 | 0.00000000 | 0.00 | 0 | 0.00000000 | 0 |
| Number of Road Calls Per Year | 540 | 0.00011485 | 11.48 | 486 | 0.00009391 | 9.39 |
| Number of Transit Worker Assaults Per Year | 5 | .00000106 | .11 | 4 | 0.00000077 | 0.077 |
| <ul style="list-style-type: none"> FY 21 Goals represent a 10% reduction of FY20 actuals. FY 20 VRM were 4,701,969 FY 21 VRM are estimated at 5,175,000, an approximate 10% increase. Data is derived from NTD data (major and non-major accidents, incidents, and mechanical failures). | | | | | | |
| Safety Performance Target Coordination | | | | | | |
| <p>The Accountable Executive will share the ASP, including safety performance targets, with the Metropolitan Planning Organization (MPO) in the service area, the Fresno Council of County Governments (FCOG), each year after its formal adoption by the City Council. The Accountable Executive also provides a copy of the formally adopted plan to Caltrans. States and transit agencies must make their safety performance targets available to states and MPO to aid in the planning process, and to the maximum extent practicable, transit agencies must coordinate with states and MPOs in the selection of state and MPO safety performance targets, per 49 CFR 673.15. FAX personnel are available to coordinate with Caltrans and the MPO in the selection of Caltrans and FCOG safety performance and targets upon request.</p> | | | | | | |

| Targets Transmitted to the State/MPO | Fiscal Year of Performance | Date Targets Transmitted |
|---|----------------------------|--------------------------|
| | 2020 | Upon plan approval |
| | 2021 | |
| | 2022 | |

| Authorities, Accountabilities, and Responsibilities | |
|---|---|
| Leadership has the overall responsibility of safe and secure transit operations of the FAX transit system. In compliance with the PTASP, each of the following positions has specific system safety accountabilities and responsibilities depending on their title, in compliance with the PTASP. | |
| Director of Transportation | <p>The Director of Transportation at FAX serves as an Accountable Executive with the following authorities, accountabilities, and responsibilities under this plan:</p> <ul style="list-style-type: none"> - Accountable Executive for each site operation - Decision-making regarding resources (e.g., people and funds) to support asset management SMS activities, and capital investments - Signing SMS implementation planning documents - Endorsing SMS implementation team membership - Communicate the importance of SMS to the business - Lead by example in promoting safe practices - Promoting health and well-being for all involved in transportation activities - Foster a positive safety culture within the business |
| Chief Safety Officer or SMS Executive | <p>The Accountable Executive designates the Chief Safety Officer. The Chief Safety Officer has the following authorities, accountabilities, and responsibilities under this plan:</p> <ul style="list-style-type: none"> - Developing and maintaining SMS documents - Proportioning safety awareness throughout the organization - Directing hazard identification and safety risk mitigation activities - Monitoring safety risk mitigation activities - Providing periodic reports on safety performance |

| | |
|--|--|
| | <ul style="list-style-type: none"> - Briefing the Accountable Executive and Board on SMS implementation progress - Communicating changes in safety documents to all personnel - Ensuring safety documentation is current and accessible to all employees - Providing leadership in the operation and performance of SMS - Management and oversight of SMS - Leadership by example in promoting safe work practices - Staying up to date with best safety practices - Promoting health and well-being for all involved in the DOT |
| Agency Leadership and Executive Management | <p>Agency Leadership and Executive Management also have authorities and responsibilities for day-to-day SMS implementation and operation of the SMS under this plan. FAX Agency Leadership and Executive Management include:</p> <ul style="list-style-type: none"> - Assistant Directors - Administrative Manager - Operations Manager - Maintenance Manager - Planning Manager - Personnel Manager <p>FAX Leadership and Executive Management personnel have the following authorities, accountabilities, and responsibilities:</p> <ul style="list-style-type: none"> - Participate as members of the FAX Safety Committee (Operations Manager and supervisors will be rotated through the Safety Committee on a one-year term and other positions are permanent members) - Complete training on SMS and ASP elements - Oversee day-to-day operations of the SMS in their divisions. - Modify policies in their divisions consistent with implementation of the SMS, as necessary - Provide subject matter expertise to support implementation of the SMS as requested by the Accountable Executive or the Chief |

| | |
|--------------------------|---|
| | <p>Safety Officer, including SRM activities, investigation of safety events, development of safety risk mitigations, and monitoring of mitigation effectiveness</p> |
| Key Staff and Activities | <p>FAX uses the Safety Committee, as well as regular bus driver meetings, driver alert bulletins, and bi-monthly leadership meetings, to support its SMS and safety programs:</p> <ul style="list-style-type: none"> - Safety Committee: Any safety hazards reported will be jointly evaluated by the Safety Committee and the Chief Safety Officer during a bi-monthly meeting. The Safety Committee members include the Chief Safety Officer, Assistant Director of Operations, the Operations Manager, a representative from dispatch, a representative from fixed route, and a representative from Amalgamated Transit Union leadership who meet bi-monthly to review issues and make recommendations to improve safety. - Driver Meetings: A permanent agenda item in all driver meetings is dedicated to safety. Safety issues are discussed and documented. - Bi-Monthly Leadership Meetings: Hazard reports and mitigations will be shared, safety topics will be brought up for open discussion, further feedback solicited, and hazard self-reporting further encouraged. Information discussed in these meetings will be documented. |

Employee Safety Reporting Program

The Employee Safety Reporting Program (ESRP) encourages employees who identify safety hazards in their day-to-day duties to report them to senior management in good faith, without concerns of consequences.

The three ways employees can report safety conditions are:

1. Reporting directly to a dispatcher, who will add them to the daily Operations Log.
2. Reporting by filling out a FAX Safety Concern/Suggestion Reporting Form using their name or anonymously. This form can be filled out physically or online and submitted via email to faxsafety@fresno.gov or dropped in one of the drop boxes located in the Administration building, Maintenance building or Fleet building.
3. Reporting conditions directly to the Chief Safety & Security Officer, any supervisor, manager, or director.

Examples of information typically reported include:

- Safety concerns in the operating environment (for example, road conditions or the condition of facilities or vehicles);
- Policies and procedures that are not working as intended (for example, insufficient time to complete pre-trip inspection);
- Events that senior managers might not otherwise know about (for example, near misses); and
- Information about why a safety event occurred (for example, radio communication challenges).

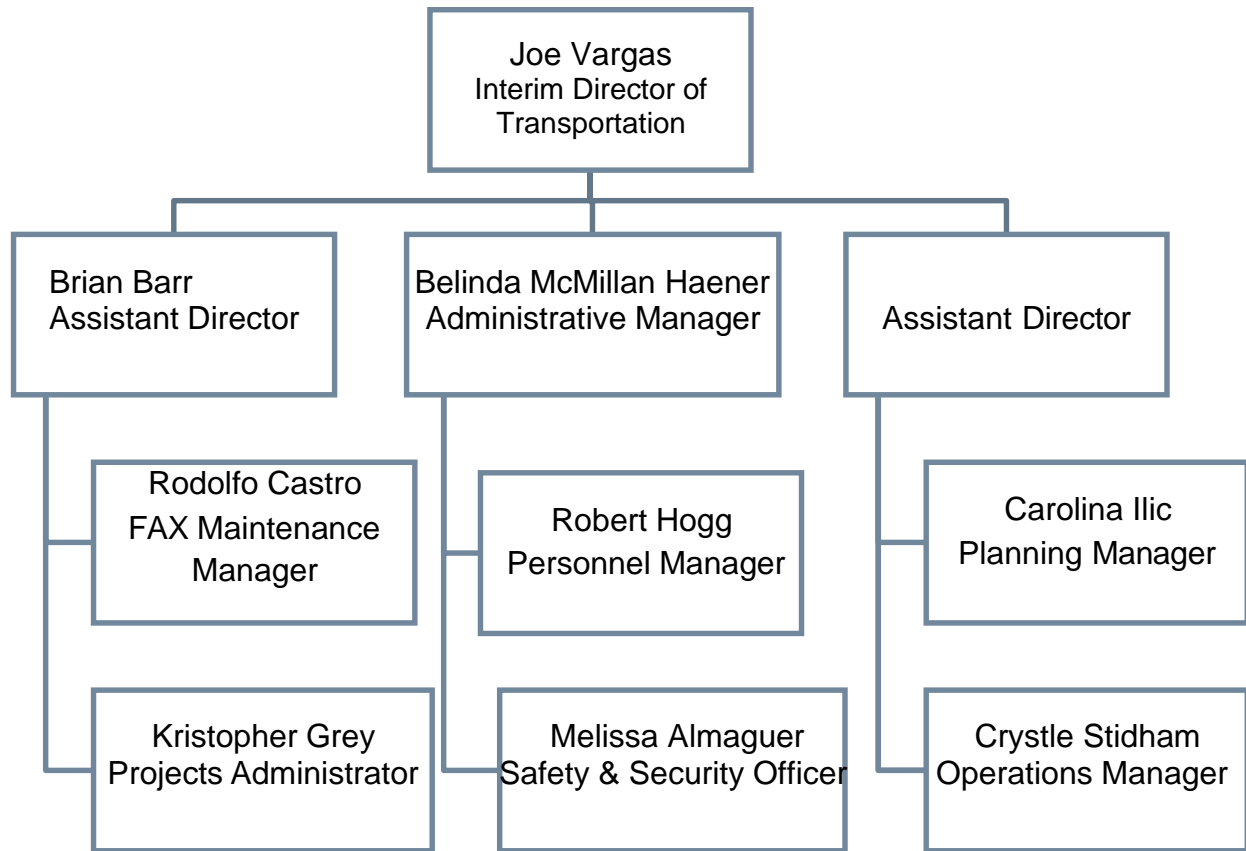
On a daily basis, the Chief Safety & Security Officer reviews the dispatch daily Operations Log, checks the comment box and dedicated e-mail address, and documents identified safety conditions in the Safety Risk database. The Chief Safety & Security Officer, supported by the Safety Committee, will review and address each employee report, ensuring all employee hazard concerns and recommendations are appropriately identified and resolved through the SRM process; reported deficiencies and non-compliance with rules or procedures are managed through the Safety Assurance process. The Chief Safety & Security Officer discusses actions taken to address reported safety conditions during the quarterly leadership meetings. Additionally, if the reporting employee provided his or her name during the reporting process, the Chief Safety Officer or designee follows up directly with the employee when FAX determines whether the course of action and after any mitigations are implemented.

FAX encourages participation in the ESRP by protecting employees who report safety conditions in good faith. However, FAX may take disciplinary action if the report involves any of the following:

- Willful participation in illegal activity, such as assault or theft;
- Gross negligence, such as knowingly utilizing heavy equipment for purposes other

- than intended such that people or property are put at risk; or
- Deliberate or willful disregard of regulations.

FAX Safety Organizational Structure



5. Safety Risk Management

Safety Risk Management Process

FAX uses the SRM process as a primary method to ensure the safety of its operations, passengers, employees, vehicles, and facilities. It is a process whereby hazards and their consequences are identified, assessed for potential safety risk, and resolved in a manner acceptable to FAX's leadership. The SRM process allows FAX to carefully examine what could cause harm and determine whether it has taken sufficient precautions to minimize the harm, or if further mitigations are necessary.

The Chief Safety Officer leads the SRM process, working with the Safety Committee to identify hazards and consequences, assess safety risk of potential consequences, and mitigate safety risks. The results of the SRM process are documented in the Safety Risk database and referenced materials.

The SRM process applies to all elements of its system, including operations and maintenance; facilities and vehicles; and personnel recruitment, training, and supervision.

In carrying out the SRM process, FAX uses the following terms:

- Event – Any accident, incident, or occurrence
- Hazard – Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure belonging to FAX; or damage to the environment
- Risk – Composite of predicted severity and likelihood of the potential effect of a hazard
- Risk Mitigation – Method(s) to eliminate or reduce the effects of hazards
- Consequence – An effect of a hazard involving injury, illness, death, or damage to FAX property or the environment

Safety Hazard Identification

The safety hazard identification process offers FAX the ability to identify hazards and potential consequences in the operation and maintenance of its system. Hazards can be identified through a variety of sources, including:

- ESRP;
- Review of vehicle camera footage;
- Review of monthly performance data and safety performance targets;
- Observations from supervisors;
- Maintenance reports;
- Comments from customers, passengers, and third parties, including transit insurance pool and vendors;
- Safety Committee and Staff Meetings;
- Results of audits and inspections of vehicles and facilities;
- Results of training assessments;
- Investigations into safety events, incidents, and occurrences; and
- FTA and other oversight authorities (mandatory information source).

When a safety concern is observed by management or supervisory personnel, whatever the source, it is reported to the Chief Safety & Security Officer. Procedures for reporting hazards to the Chief Safety & Security Officer are reviewed during Leadership Meetings and in the Safety Committee. The Chief Safety Officer also receives employee reports from the ESRP, customer comments related to safety, and the dispatch daily Operations Log. The Chief Safety & Security Officer reviews these sources for hazards and documents them in the Safety Risk Database.

The Chief Safety & Security Officer also may enter hazards into the Safety Risk Database based on his or her review of operations and maintenance, the results of audits and observations, and information received from FTA and other oversight authorities, as well as the National Transportation Safety Board.

The Chief Safety & Security Officer may conduct further analyses of hazards and consequences entered into the Safety Risk Database to collect information and identify additional consequences and to inform what hazards should be prioritized for safety risk assessment. In following up on identified hazards, the Chief Safety & Security Officer may:

- Reach out to the reporting party, if available, to gather all known information about the reported hazard;
- Conduct a walk-through of the affected area, assessing the possible hazardous condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary;
- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard;
- Review any documentation associated with the hazard (records, reports, procedures, inspections, technical documents, etc.);

- Contact other departments that may have association with or technical knowledge relevant to the reported hazard;
- Review any past reported hazards of a similar nature; and
- Evaluate tasks and/or processes associated with the reported hazard.

The Chief Safety & Security Officer will prepare an agenda to discuss identified hazards and consequences with the Safety Committee during bi-monthly meetings. This agenda may include additional background on the hazards and consequences, such as the results of trend analyses, vehicle camera footage, vendor documentation, reports and observations, or information supplied by FTA or other oversight authorities.

Any identified hazard that poses a real and immediate threat to life, property, or the environment must immediately be brought to the attention of the Director of Transportation and addressed through the SRM process (with or without the full Safety Committee) for safety risk assessment and mitigation. This means the Chief Safety & Security Officer believes immediate intervention is necessary to preserve life, prevent major property destruction, or avoid harm to the environment that would constitute a violation of Environmental Protection Agency or the City of Fresno's environmental protection standards. Otherwise, the Safety Committee will prioritize hazards for further SRM activity.

Safety Risk Assessment

FAX assesses safety risk associated with identified safety hazards using its safety risk assessment process. This includes an assessment of the likelihood and severity of the consequences of hazards, including existing mitigations, and prioritizing hazards based on safety risk.

The Chief Safety & Security Officer and Safety Committee assess prioritized hazards using the FAX Safety Risk Matrix. This matrix expresses assessed risk as a combination of one severity category and one likelihood level, also referred to as a hazard rating. For example, a risk may be assessed as "1A" or the combination of a Catastrophic (1) severity category and a Highly (A) probability level.

This matrix also categorizes combined risks into levels (High, Medium, or Low) based on the likelihood of occurrence and severity of the outcome. For purposes of accepting risk:

- "High" hazard ratings will be considered unacceptable and require action from FAX to mitigate the safety risk,
- "Medium" hazard ratings will be considered undesirable and require the Safety Committee to make a decision regarding their acceptability,
- "Low" hazard ratings may be accepted by the Chief Safety & Security Officer without additional review, and
- "Very Low" hazard ratings may be accepted by the Chief Safety & Security Officer without additional review.

Using a categorization of High, Medium, or Low allows for hazards to be prioritized for mitigation based on their associated safety risk.

The Chief Safety & Security Officer schedules safety risk assessment activities on the Safety Committee agenda and prepares a Safety Risk Assessment Package. This package is distributed at least one week in advance of the Safety Committee meeting. During the meeting, the Chief Safety & Security Officer reviews the hazard and its consequence(s) and reviews available information distributed in the Safety Risk Assessment Package on severity and likelihood. The Chief Safety & Security Officer may request support from members of the Safety Committee in obtaining additional information to support the safety risk assessment.

Once sufficient information has been obtained, the Chief Safety & Security Officer will facilitate completion of relevant sections of the Safety Risk database, using the Safety Risk Assessment Matrix, with the Safety Committee. The Chief Safety & Security Officer will document the Safety Committee safety risk assessment, including hazard rating and mitigation options for each assessed safety hazard in the Safety Risk database. The Chief Safety & Security Officer will maintain on file Safety Committee agendas, Safety Risk Assessment Packages, additional information collection, and completed Safety Risk database sections for a period of three years from the date of generation.

Safety Risk Mitigation

The Director of Transportation, Chief Safety & Security Officer, and key staff review current methods of safety risk mitigation and establish methods or procedures to mitigate or eliminate safety risk associated with specific hazards based on recommendations from the Safety Committee. FAX can reduce safety risks by reducing the likelihood and/or severity of potential consequences of hazards.

Prioritization of safety risk mitigations is based on the results of safety risk assessments. The Chief Safety & Security Officer tracks and updates safety risk mitigation information in the Safety Risk Database and makes the database available to the Safety Committee during monthly meetings and to FAX staff upon request.

In the Safety Risk Database, the Chief Safety & Security Officer will also document any specific measures or activities, such as reviews, observations, or audits, which will be conducted to monitor the effectiveness of mitigations once implemented.

6. Safety Assurance

| Safety Assurance |
|---|
| <p>Through its Safety Assurance process, FAX:</p> <ul style="list-style-type: none">- Evaluates its compliance with operations and maintenance procedures to determine whether existing rules and procedures are sufficient to control the safety risk;- Assesses the effectiveness of safety risk mitigations to make sure the mitigations are appropriate and are implemented as intended;- Investigates safety events to identify causal factors; and- Analyzes information from safety reporting, including data about safety failures, defects, or conditions. |
| Safety Performance Monitoring and Measurement |
| <p>FAX has many processes in place to monitor its entire transit system for compliance with operations and maintenance procedures, including:</p> <ul style="list-style-type: none">- Safety audits,- Informal inspections,- Regular review of onboard camera footage to assess drivers and specific incidents,- Safety surveys,- ESRP,- Investigation of safety occurrences,- Safety review prior to the launch or modification of any facet of service,- Daily data gathering and monitoring of data related to the delivery of service, and- Regular vehicle inspections and preventative maintenance.- Results from the above processes are compared against recent performance trends quarterly and annually by the Chief Safety & Security Officer to determine where action needs to be taken. The Chief Safety & Security Officer enters any identified non-compliant or ineffective activities, including mitigations, back into the SRM process for reevaluation by the Safety Committee. <p>FAX monitors safety risk mitigations to determine if they have been implemented and are effective, appropriate, and working as intended. The Chief Safety & Security Officer maintains a list of safety risk mitigations in the Safety Risk Database. The mechanism for monitoring safety risk mitigations varies depending on the mitigation.</p> <p>The Chief Safety & Security Officer establishes one or more mechanisms for monitoring safety risk mitigations as part of the mitigation implementation process and assigns monitoring activities to the appropriate director, manager, or supervisor.</p> <p>These monitoring mechanisms may include tracking a specific metric on daily, weekly, or monthly logs or reports; conducting job performance observations; or other activities.</p> |

The Chief Safety & Security Officer will endeavor to make use of existing FAX processes and activities before assigning new information collection activities.

The Chief Safety & Security Officer and Safety Committee review the performance of individual safety risk mitigations during Safety Committee meetings, based on the reporting schedule determined for each mitigation, and determine if a specific safety risk mitigation is not implemented or performing as intended. If the mitigation is not implemented or performing as intended, the Safety Committee will propose a course of action to modify the mitigation or take other action to manage the safety risk. The Chief Safety Officer will approve or modify this proposed course of action and oversee its execution.

The Chief Safety & Security Officer and Safety Committee also monitor the operations on a large scale to identify mitigations that may be ineffective, inappropriate, or not implemented as intended by:

- Reviewing results from accident, incident, and occurrence investigations;
- Monitoring employee safety reporting;
- Reviewing results of internal safety audits and inspections; and
- Analyzing operational and safety data to identify emerging safety concerns.
- The Chief Safety & Security Officer works with the Safety Committee and Accountable Executive to carry out and document all monitoring activities.

FAX maintains documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event. These procedures also reflect all traffic safety reporting and investigation requirements established by California Department of Motor Vehicles.

The Chief Safety & Security Officer maintains all documentation of investigation policies, processes, forms, checklists, activities, and results. As detailed in the procedures, an investigation report is prepared and sent to the Accident Review Committee (ARC) for integration into its analysis of the event.

ARC consists of five members who represent management, FAX training officers, ATU leadership/designee, operations, and law enforcement. ARC determines whether:

- The accident was preventable or non-preventable;
- Personnel require discipline or retraining;
- The causal factor(s) indicate(s) a safety hazard contributed to or was present during the event; and
- The accident appears to involve underlying organizational causal factors beyond a solely individual employee behavior.

The Chief Safety & Security Officer and Safety Committee routinely review safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety

communication channels. When necessary, the Chief Safety Officer and Safety Committee ensure the concerns are investigated or analyzed through the FAX SRM process.

The Chief Safety & Security Officer and Safety Committee also review internal and external reviews, including audits and assessments, with findings concerning safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations.

7. Safety Promotion

Competencies and Training

The comprehensive safety training program applies to all FAX employees directly responsible for safety, including, but not limited to:

- Bus vehicle operators (drivers),
- Dispatchers,
- Maintenance technicians,
- General office staff,
- Managers and supervisors,
- Agency Leadership and Executive Management,
- Chief Safety & Security Officer, and
- Director of Transportation

FAX dedicates resources to conduct a comprehensive safety training program, as well as training on the SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and his or her role in the SMS.

Basic training requirements for FAX employees, including frequencies and refresher training, are documented in the Safety Training Matrix and the Employee Handbook.

Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Bus vehicle operator retraining (recertification or return to work),
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers, and
- Accident investigation training for operations supervisors and managers.

Vehicle maintenance safety-related skill training includes the following:

- Ongoing vehicle maintenance technician skill training,
- Ongoing skill training for vehicle maintenance supervisors,
- Accident investigation training for vehicle maintenance supervisors,
- Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and
- Training provided by vendors.

FAX Accountable Executive and Agency Leadership and Executive Management team must complete the FTA SMS Awareness online training .

Safety Communication

The Chief Safety & Security Officer and Administrative Manager coordinate safety communication activities for the SMS. FAX activities focus on the three categories of communication activity established in 49 Code of Federal Regulations (CFR) Part 673:

- **Communicating safety and safety performance information throughout the agency:** FAX communicates information on safety and safety performance in its monthly newsletter and during staff meetings. FAX also has a permanent agenda item on all Safety Committee Meetings dedicated to safety. Information typically conveyed during these meetings includes safety performance statistics, lessons learned from recent occurrences, upcoming events that may impact FAX service or safety performance, and updates regarding SMS implementation. FAX also requests information from drivers during these meetings, which is recorded in meeting minutes. Finally, the Administrative Division posts safety bulletins and flyers on the bulletin boards located in all bus operator and maintenance break rooms, advertising safety messages and promoting awareness of safety issues.
- **Communicating information on hazards and safety risks relevant to employees' roles and responsibilities throughout the agency:** As part of new-hire training, FAX distributes safety policies and procedures, included in the Employee Handbook, to all employees. FAX provides training on these policies and procedures and discusses them during safety talks between supervisors and bus operators and vehicle technicians. For newly-emerging issues or safety events at the agency, the Chief Safety & Security Officer issues bulletins or messages to employees that are reinforced by supervisors in one-on-one or group discussions with employees.
- **Informing employees of safety actions taken in response to reports submitted through the ESRP:** FAX provides targeted communications to inform employees of safety actions taken in response to reports submitted through the ESRP, including handouts, flyers, safety talks, updates to bulletin boards, and one-on-one discussions between employees and supervisors.

8. Additional Information

| Supporting Documentation |
|---|
| <p>The City of Fresno will maintain documentation related to the implementation of its SMS; the programs, policies, and procedures used to carry out this ASP; and the results from its SMS process and activities pursuant to the City of Fresno’s record retention schedule, which is detailed under Resolution No. 2008-243 of the Council of the City of Fresno. Said documentation will be available to the FTA or other Federal or oversight entity upon request.</p> |

9. Acronyms and Definitions of Terms Used in the ASP

Definitions

Accident: Event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; an evacuation for life-safety reasons.

Accountable Executive: The single, identifiable person who has ultimate responsibility for carrying out the PTASP of the agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's PTASP, in accordance with 49 U.S.C. section 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. section 5326.

Agency or Transit Agency: City of Fresno Department of Transportation/FAX.

Chief Safety Officer: The adequately trained individual who has responsibility for safety and reports directly to the transit agency chief executive officer.

City Council: Governing body of City of Fresno Department of Transportation/FAX.

Event: Any accident, incident, or occurrence.

Federal Transit Administration: An operating administration within the United States Department of Transportation.

Hazard: Any real or potential condition that can cause injury, illness, or death, damage to or loss of the facilities, equipment, rolling stock, or infrastructure of the system, or damage to the environment.

Incident: An event that involves any of the following: a personal injury that is not a serious injury, one or more injuries requiring medical transport, or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the transit agency.

Investigation: The process of determining the causal and contributing factors of an accident, incident, or hazard for the purpose of preventing recurrence and mitigating risk.

National Public Transportation Safety Plan: The plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

Occurrence: An event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of the transit agency.

Definitions

Part 673: 49 CFR (Code of Federal Regulations) Part 673.

Performance Measure: An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance Target: A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

Risk: The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation: A method or methods to eliminate or reduce the effects of hazards.

Safety Assurance: Processes within the transit agency Safety Management Systems that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Management Policy: The transit agency's documented commitment to safety, which defines its safety objectives and the accountabilities and responsibilities of its employees with regard to safety.

Safety Management Systems: The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of the transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Performance Target: A performance target related to safety management activities.

Safety Promotion: A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety Risk Assessment: Means the formal activity whereby the transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management: A process within the transit agency's PTASP for identifying hazards and analyzing, assessing, and mitigating safety risk.

Serious Injury: Any injury that: (1) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; (2) results in a

Definitions

fracture of any bone (except simple fractures of fingers, toes, or noses); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second or third-degree burns, or any burns affecting more than five percent of the body surface.

State of Good Repair: The condition in which a capital asset is able to operate at a full level of performance.

Transit Asset Management Plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. section 5326 and 49 CFR Part 625.

| Acronyms | |
|------------------|--|
| ARC | Accident Review Committee |
| CFR | Code of Federal Regulations |
| DOT | Department of Transportation |
| ESRP | Employee Safety Reporting Program |
| FHWA | Federal Highway Administration |
| FTA | Federal Transit Administration |
| PTASP | Public Transportation Agency Safety Plan |
| Safety PM | Safety Performance Management |
| SMS | Safety Management Systems |
| SGR | State of Good Repair |
| SPT | Safety Performance Target |
| SRA | Safety Risk Assessment |
| SRM | Safety Risk Management |
| TPM | Transportation Performance Management |
| U.S.C. | United States Code |

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO IMPLEMENT A PUBLIC
TRANSPORTATION AGENCY SAFETY PLAN

WHEREAS, the City of Fresno, thanks to its devoted and highly skilled workforce, is committed to delivering safe, reliable, accessible, and efficient public transportation services to its residents and visitors; and

WHEREAS, while most bus operators perform their duties without encountering any problems on the job, some bus operators have been victims of violence while working; and

WHEREAS, the Federal Transit Administration has reported that assaults on bus operators have increased by four times during the past decade; and

WHEREAS, assaults on bus operators constitute an unacceptable threat to the City's orderly transit system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Council hereby directs the City Manager to adopt and implement a Riders Code of Conduct Rules and Policies Governing the Conduct and Safety of the Public in the use of City's buses and facilities; similar to the draft policy attached hereto, as Exhibit A. The policy shall include language that allows bus operators to ban passengers for violation of the policy.

2. The City Council hereby directs the Administration to develop and execute a mandatory training program for bus drivers on active shooter scenarios and hostile

passenger situations. It is the desire of the City Council that such a program should include the input of the Police Department and the Amalgamated Transit Union, Local No. 1027 (ATU). The program should teach de-escalation techniques and appropriate responses to hostile passengers. The Administration shall report to the Council on the program's contents within 90 days of passage of this Resolution.

3. The Administration shall create a tracking system for incidents that occur on the buses.

4. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Exhibit A

Enforcement of Policies

Passengers must comply with City of Fresno Department of Transportation bus drivers at all times. Bus drivers are authorized to enforce these policies and may refuse service to anyone who engages in prohibited behavior. Additionally, the privilege to ride City of Fresno Department of Transportation buses may be suspended.

Upon witnessing a violation, City of Fresno Department of Transportation bus drivers may:

- Warn the offending passenger that further like conduct will be grounds for removal from the bus and/or future denial of services.
- Stop the vehicle until the offending conduct stops, the offending passenger has been removed from the bus, or law enforcement can assist in removing the offending passenger. At any time a passenger is put off the bus their bus fare shall be forfeited.
- Refuse to admit the passenger onto the bus if the offending conduct occurs before the passenger boards (i.e. at the bus stop or the passenger is subject to a current suspension).
- Report the passenger's conduct to the police.

Bus drivers are required to report any violation of this Policy to their supervisor.

Dangerous Conduct Presenting a Serious Threat to Public Safety

In the case of conduct which is determined by Fresno Area Express Management or the City of Fresno Department of Transportation Director to present a clear and immediate threat to the safety of City of Fresno Department of Transportation passengers and/or operators, employees, officers, agents, and/or volunteers of City of Fresno Department of Transportation -Transit Division, and/or which has resulted in injury to the violator or to City of Fresno Department of Transportation passengers and/or operators, employees, officers, agents, and/or volunteers of the City of Fresno Department of Transportation - Transit Division, may immediately and/or permanently result in suspended transit services subject to the individual's right to appeal as described below.

Suspension of Services

City of Fresno Department of Transportation -Transit Division reserves the right to suspend service to individuals who violate any of the policies and/or rules contained herein. Offenses which have occurred prior to the adoption of this Code shall not be considered for purposes of the progressive penalties described herein. Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation by the police and/or court of jurisdiction. The City of Fresno Department of Transportation-Director shall be authorized to make all final decisions which may immediately and/or permanently result in suspended transit services subject to the individual's right to appeal as described below:

Violations of Prohibited Behavior are handled as follows:

First Offense - The first violation of this Code may result in suspension of transit services for a period no longer than one week.

Second Offense - The second violation of this Code within 12-months of the first offense may result in a suspension of transit services for a period no longer than one month.

Third Offense - The third violation of this Code within 18-months of the second offense may result in a suspension of transit services for a period no longer than one year.

Due Process - Appeal of Suspension Action

The appeal hearing shall be scheduled within 14 calendar days from the date the notice of the appeal is received by the City of Fresno Department of Transportation -Transit Division. If the request is made in person, City of Fresno Department of Transportation - Transit Division may require the appellant to sign a written form requesting an appeal hearing.



ACCESSIBILITY – All FAX buses have entry ramps for easy access by passengers who use wheelchairs or other mobility devices, or have difficulty climbing steps. Walkers/Rollators (4-wheeled walkers with seats) must be folded and placed out of the aisles. Walker and Rollator users must always sit in a regular bus seat. Walkers and Rollators cannot be used as a seat while riding the bus and may not be secured in the wheelchair securement area.



HANDY RIDE – Handy Ride is a FAX service designed to transport eligible persons with disabilities. The service is available to those persons who, because of the nature of their disability, are unable to use the FAX fixed-route system. Handy Ride is a curb-to-curb service provided from any origin to any destination within the service area, for any trip purpose. It is a shared-ride service, which means you may share your ride with other riders. You must be at the curb at your designated pick-up time.

| HANDY RIDE SERVICE HOURS | | Day Schedule | Night Service (Limited Service Area) |
|--------------------------|-----------------|------------------|---|
| Monday–Friday | 5:30 am–9:30 pm | 9:30 pm–12:00 am | |
| Saturday | 6:30 am–7:00 pm | 7:00 pm–12:00 am | |
| Sunday | 6:30 am–7:00 pm | | |

| HANDY RIDE RESERVATION HOURS | |
|------------------------------|-----------------|
| Monday–Friday | 8:00 am–5:00 pm |
| Saturday/Sunday | 8:00 am–5:00 pm |

Eligible persons can schedule a trip reservation by calling Handy Ride at 621-5770. When calling in, please state your name first. Reservation staff will then ask a series of questions regarding desired pick-up time, pick-up location, destination, etc., to schedule the requested trip. Persons who are ADA Handy Ride Certified may make reservations one to two days before the desired trip. If illness or a change in plans causes you to cancel a trip, please inform Handy Ride at least one hour before your scheduled pick-up time.

For complete information regarding Handy Ride eligibility and service, contact FAX at 621-RIDE or visit the Handy Ride web site at www.fresno.gov/handy-ride

TITLE VI – Fresno Area Express is committed to ensuring that no individual or organization is excluded from participation in, denied the benefits of its programs, activities or services, or subject to discrimination based on race, color, or national origin as afforded to them by Title VI of the Civil Rights Act of 1964, as amended. For more information please contact customer service at 621-RIDE.

HOLIDAY SERVICE – Bus service is not provided on Thanksgiving Day or Christmas Day. Other legal holidays may have reduced service. Sunday schedule service is provided on New Year’s Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, the day after Thanksgiving and the day before Christmas.



RULES TO RIDE BY –

- Do not smoke aboard the bus
- Do not eat or drink aboard the bus
- Walk – do not run aboard the bus
- Keep all bus aisles clear
- Please keep seats clean and feet on the floor
- Place all trash in trash cans
- Use earphones for all personal audio devices (radios, phones, etc.)
- Animals are not allowed except in approved animal carriers (service animals excepted)
- No disruptive behavior or foul language
- Do not cross in front of or behind the bus
- Do not attempt to board a bus which has pulled away from the curb
- Children must be supervised at all times
- Remain seated (if seats are available) when the bus is in motion
- Hazardous materials are not allowed on buses
- Always load your bike into the rack closest to the bus
- Passengers must exit the bus at the end of the line.



ACCESIBILIDAD – Todos los autobuses de FAX tienen rampas de entrada para facilitar el acceso de los pasajeros que usan sillas de ruedas u otros dispositivos de movilidad, o tienen dificultades para subir escalones. Los Caminantes / Rodillos (andadores de 4 ruedas con asientos) deben doblarse y colocarse fuera de los pasillos. Los usuarios de los Caminantes o Rodillos siempre deben sentarse en un asiento de autobús regular. Los Caminantes o Rodillos no se pueden usar como asiento mientras viajan en el autobús y no se pueden asegurar en el área de aseguramiento de la las sillas de ruedas



HANDY RIDE – Handy Ride es un servicio de FAX diseñado para transportar personas elegibles con discapacidades. El servicio está disponible para aquellas personas que, debido a la naturaleza de su discapacidad, no pueden utilizar el sistema de ruta fija de FAX. Handy Ride es un servicio de banqueta a banqueta con transporte desde cualquier origen hasta cualquier destino dentro del área de servicio, para cualquier propósito de viaje. Es un servicio de viaje compartido, lo que significa que pueda que tenga que compartir su viaje con otros pasajeros. Debe estar en la banqueta a la hora acordada para que lo recojan.

| HORARIO DE SERVICIO DE HANDY RIDE | Horario del día | Servicio en la noche (área de servicio limitado) |
|--|------------------------|---|
| Lunes a viernes | 5:30 am–9:30 pm | 9:30 pm–12:00 am |
| Sábado | 6:30 am–7:00 pm | 7:00 pm–12:00 am |
| Domingo | 6:30 am–7:00 pm | |

| HORARIO PARA HACER RESERVACIONES EN HANDY RIDE | |
|---|-----------------|
| Lunes a viernes | 8:00 am–5:00 pm |
| Sábado/Domingo | 8:00 am–5:00 pm |

Las personas elegibles pueden programar una reserva de viaje llamando a Handy Ride al 621-5770. Al llamar, indique primero su nombre. Luego, el personal de reservas hará una serie de preguntas sobre la hora de recogida deseada, el lugar de recogida, el destino, etc., para programar el viaje solicitado. Las personas que cuentan con la certificación ADA Handy Ride pueden hacer reservas uno o dos días antes del viaje deseado. Si una enfermedad o un cambio en los planes hace que cancele un viaje, informe a Handy Ride por lo menos una hora antes de la hora programada de recogida. Para obtener información completa sobre la elegibilidad y el servicio de Handy Ride, comuníquese con FAX al 621-RIDE o visite el sitio web de Handy Ride en: www.fresno.gov/handy-ride

TÍTULO VI – Fresno Area Express se compromete en asegurarse que ninguna persona u organización sea excluida de participar, se le nieguen los beneficios de sus programas, actividades o servicios, o que estén sujetos a la discriminación basada en la raza, el color o el origen nacional que les brinda el Título VI de la Ley de los Derechos Civiles de 1964, según enmendada. Para obtener más información, comuníquese con el servicio al cliente al 621-RIDE.

SERVICIO DE DÍAS FERIADOS –

El servicio de autobús no se proporciona el Día de Dar Gracias o el día de Navidad. Otros días feriados podrán tener servicio reducido. El servicio de horario de los domingos se brinda el día del Año Nuevo, el Día de Martin Luther King Jr., el Día de los Presidentes, el Día de los Caídos, el Día de la Independencia, el Día del Trabajo, el Día de los Veteranos, el día después de Acción de Dar Gracias y el día antes del día de Navidad.



REGLAS DEL AUTOBÚS –

- No fume a bordo del autobús.
- No coma ni beba abordo del autobús.
- Camine, no corra, abordo del autobús
- Mantenga despejados todos los pasillos del autobús
- Mantenga los asientos limpios y los pies en el piso
- Coloque toda la basura en botes de basura
- Use audifonos para todos los dispositivos de audio personales (radios, teléfonos, etc.)
- No se permiten animales, excepto en transportadores de animales aprobados (excepto animales de servicio)
- No se permite comportamiento disruptivo o lenguaje grosero
- No cruce delante o detrás del autobús.
- No intente abordar un autobús que se ha alejado de la banqueta
- Los niños deben ser supervisados en todo momento
- Permanezca sentado (si hay asientos disponibles) cuando el autobús está en movimiento
- No se permiten materiales peligrosos en los autobuses.
- Siempre cargue su bicicleta en el portabicicletas más cercano al autobús
- Los pasajeros deben bajarse del autobús al final de la línea.