

03/25/2020

# Frequently Asked Questions for Transit Agencies during this Federal and State Declared Emergency in response to COVID-19

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## FAQ 3/25/2020

**Q1: We are coming up with several drivers whose medical cards are about to expire. As medical clinics in my area are overwhelmed with pandemic testing, they are limiting what they will see at their sites. What should we do?**

**A1:** On March 24, 2020, the Federal Motor Carrier Safety Administration (FMCSA) issued a ‘CDL Waiver’ and ‘Enforcement Notice on Expiring CDLs’ on their website. For more information regarding your question, please go to <https://www.fmcsa.dot.gov/emergency/fmcsa-coronavirus-covid-19-information-resources>.

**Q2. Similar to my first question, the drug-and-alcohol program is becoming more difficult to oversee since the declared COVID-19 national emergency. Has guidance or waivers been issued?**

**A2.** On March 23, 2020, the U.S. Department of Transportation published a guidance document to provide clarity to DOT-regulated employers, employees, and service agents on conducting DOT drug-and-alcohol testing given concerns about the Coronavirus Disease 2019 (COVID-19). Please visit <https://www.transportation.gov/odapc/compliance-with-dot-drug-and-alcohol-testing-regulations>

**Q3: We’re thinking of going fare-free during this COVID-19 emergency to reduce the interactions between driver and rider. Is it possible to have this revenue reimbursed – we’ll have ridership info to document the revenue not received by passengers?**

**A3:** We are waiting to hear from the FTA regarding this question and will forward information when we learn more.

**Q4: Is there any way the state or MnDOT can find masks or prioritize them for transit vehicle drivers? I know that there aren't enough around but we have a lot of drivers very scared, and it may lead to us losing service because they are too scared to be in the public.**

**A4:** Your concern for your drivers are legitimate given the pandemic environment we're witnessing. It's clear your drivers are on the front lines and it's understandable they would be concerned about their health, as well their family's health. Like you, we are also concerned about transit workers as they provide this hugely essential service to those that depend upon transit to get them where they need to go – especially those who can't conduct their work or appointments remotely. We want to express our sincere gratitude for the commitment they're showing to the community they serve. Please let us know how we can reduce the anxiety and the concerns that drivers are expressing.

MnDOT does not have access currently to this equipment that can be provided to transit systems. We will continue to monitor our ability to obtain the PPE, but at present, this equipment is being prioritized for health care and first responder staff. Additionally, the current information provided by the Centers for Disease Control (CDC) and the MN Department of Health is that masks are not recommended for healthy people to protect themselves from respiratory diseases, including COVID-19. The CDC further states that "facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others."

**Q5: I'm uncertain as to what stay-at-home will mean for transit systems. Are transit workers/drivers/dispatchers labeled as essential employees?**

**A5:** Today through executive action, Governor Walz signed an executive order directing Minnesotans to stay at home and limit movements outside of their home beyond essential needs. This order takes effect at 11:59pm on Friday, March 27 and ends at 5:00pm on Friday, April 10.

Minnesotans may leave their residences only to perform any of the following activities, and while doing so, they should practice social distancing:

- Health and safety activities, such as obtaining emergency services or medical supplies
- Outdoor activities, such as walking, hiking, running, biking, hunting, or fishing
- Necessary Supplies and Services, such as getting groceries, gasoline, or carry-out
- Essential and interstate travel, such as returning to a home from outside this state
- Care of others, such as caring for a family member, friend, or pet in another household
- Displacement, such as moving between emergency shelters if you are without a home
- Relocation to ensure safety, such as relocating to a different location if your home has been unsafe due to domestic violence, sanitation, or essential operations reasons
- Tribal activities and lands, such as activities by members within the boundaries of their tribal reservation

Minnesota workers, who work in critical sectors during this time, which includes public transit, are exempt from the stay at home order. These exemptions are based on federal guidance from the

[Cybersecurity and Infrastructure Security Agency \(CISA\)](#) at the U.S. Department of Homeland Security with some Minnesota-specific additions. These critical sectors includes, but is not limited to, jobs in:

- Healthcare and public health;
- Law enforcement, public safety, and first responders;
- Emergency shelters, congregate living facilities, drop-in centers;
- Child care;
- Food and agriculture;
- News media;
- Energy;
- Water and wastewater;
- Transportation and Logistics (*including public transit workers*); and
- Critical manufacturing.

To learn more, please see Governor Walz executive order at

[https://mn.gov/governor/assets/EO%2020-20%20FINAL\\_tcm1055-424864.pdf](https://mn.gov/governor/assets/EO%2020-20%20FINAL_tcm1055-424864.pdf)

MnDOT understands that demand for public transit has decreased significantly with the closure of schools and other institutions. Where possible, MnDOT encourages transit agencies to continue providing essential services. This would include:

- Providing rides for non-emergency but essential scheduled medical appointments such as dialysis, chemo-therapy, etc.;
- Providing trips to grocery stores and to retrieve essential supplies;
- Food delivery; and
- Providing rides for essential employees to and from their place of work.

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## FAQ 3/18/2020

**Q1: There are fewer passengers riding on our buses. What service changes may I make in response to this declared emergency?**

**A1:** MnDOT is encouraging transit systems to continue providing this vital community service during this unprecedented emergency situation. Transit systems, quite simply, allow people to live and address their needs – be it buying groceries, receiving medical care, or getting to work. Transit systems should evaluate their services based on what they’re experiencing or anticipate. If the transit system has fewer passengers and/or reduced staffing capacity, it is encouraged that transit systems evaluate and adjust service to meet needs as they see fit. It is an appropriate response to reduce your hours of service, reduce fares, and/or limit the span of service provided. Alternatively, to manage social

distancing protocols, increasing frequency on fixed routes would be acceptable as one provider is developing. If a service segment is no longer needed due to this emergency, then temporarily eliminating it would be appropriate. MnDOT trusts that you will respond appropriately and carefully as you evaluate how to respond to these external and internal (staffing) changes. Please continue to communicate and keep your Transit Project Manager apprised of your discussions and evaluations. Please send an e-mail seeking guidance and approval for temporarily altered transit services from your Transit Project Manager prior to making the change.

**Q2: Is it allowable for the Transit System to assist in providing meal delivery or other services for those affected by the declared emergency?**

**A2:** Meal and or/package delivery is an allowable incidental use, even when an emergency is not declared. The service should not interfere with the provision of public transit service. Transit systems are encouraged to work with community leaders in the human service and transportation arenas (schools, senior centers, head start programs, health centers, churches, etc.) to look at potential partnerships in meeting the needs of their citizens.

**Q3: Are Transit Systems required to report non-public transit services provided under this emergency?**

**A3:** MnDOT OTAT is requesting that information related to addressing this emergency – above and beyond your normal or reduced regular service - is tracked and reported. Specifically, your hours, miles, revenues (if any), and costs/expenses in providing or addressing this emergency should be tracked. For example, if meals are delivered as a result of this emergency, please track what was delivered and report the expenses, hours, and miles to provide this service. This information should be detailed/explained and attached to your monthly budget reporting.

FTA has stated in their [Frequently Asked Questions Website](#) that “capital and operating activities undertaken in response to COVID-19 are eligible for reimbursement under the Urbanized Area Formula Program (49 U.S.C. 5307) and Formula Grants for Rural Areas Program (49 U.S.C. 5311).”

The FTA further stated that “pursuant to FTA’s Emergency Relief rule at 49 CFR part 602, eligible activities include emergency protective measures to eliminate or lessen threats to public health and safety, such as performing enhanced cleaning/sanitizing of rolling stock, stations, bus shelters, etc.; placing hand sanitizer dispensers in high traffic areas; and providing personal protective equipment as appropriate.”

**Q4: If our transit system does not have Emergency Memorandum Of Understanding's in place in our communities, does the Governor's declaration of peace time emergency over-ride need for community MOU's?**

**A4:** While we encourage the use of Memorandums of Understanding to manage expectations for emergency transit help, a state issued emergency of this nature will override the need for them. If the emergency is declared longer than 45 days, 49 CFR part 602, directs transit systems to work with their local emergency services in developing an emergency plan.

**Q5: Is there any federal or state guidance on shut down priorities or limiting the number of passengers at one time on the buses?**

**A5:** Any service suspension decisions will need to be made at the local level. Please keep your Transit Project Manager apprised of your decisions prior to making them. However, if your transit system engages in emergency response related activities or is able to assist with community needs using drivers and/or vehicles, please track and report these activities, expenses, revenues, miles, and hours on your monthly budget reports. At this time, public transportation is still a critical need in all of our Minnesota communities. MnDOT strongly encourages you to continue to provide transportation service to the extent that you are able. In the meantime, we know that the Governor and the President, at this time, has exempted public transit from the restricted ban of public distancing. What is being asked of public transit is to be vigilant in wiping down bus surfaces more frequently during the day and always prior to and after services. If a driver is having symptoms, we ask that they do not report to work. We are asking drivers to be the voice of the system by making sure that they report any health concerns they observe to their supervisors.

**Q6: Can we reduce service or shut down due to driver shortage/call-ins?**

**A6:** Again, this is a local decision and MnDOT strongly encourages transit systems to provide service that you can operate safely. Please report service suspensions to your Transit Project Manager and include the reason for the disruption of service. Lastly, please communicate this temporary disruption through your website, phone message/recording, and other social media outlets (newspaper, radio, Facebook, Twitter, etc.).

**Q7: Can transit systems in this emergency decline rides such as when passengers are sick, passengers just completed overseas travel, or are coughing while standing at the curb?**

**A7:** Transit systems must follow their existing policies and procedures for ride denials. Regardless of the situation, you must not discriminate, violate Title II, or Title VI requirements. MnDOT received correspondence from FTA that stated "while FTA does not have any regulations prohibiting transit providers from taking measures to protect the public health, we'd advise that you make sure that

doing so does not adversely affect the civil rights of any one group. For example, if you are going to implement screening procedures on paratransit, you should implement the same procedures equally on all other services.”

**Q8: Some drivers are refusing to drive/work due to concerns for their own health and/or having vulnerable family members at home which means we may be forced to reduce service due to staffing shortages.**

A8: At this time, transit systems must respond to this issue on an individual basis and according to your governing body’s personnel policy and drivers policies and procedures.

**Q9: Are Random Drug/Alcohol screenings being waived during this crisis?**

A9: Drug and alcohol requirements remain under the jurisdiction of the FTA and changes, if any, will be communicated from them. At this time, there are NO changes to the random testing requirements.

**Q10: Can or should drivers be wearing masks?**

A10: Please see below FTA’s response to this same question.

“Q: (CDC) Are masks or other protective gear recommended for transit workers?

A: Transit agencies and workers should follow the CDC’s recommendations for personal protective equipment (PPE). The CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19. Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health workers and people who are taking care of someone in close settings (at home or in a health care facility). See more CDC FAQs on how to protect yourself.

While PPE is not recommended at this time, transit workers are encouraged to perform regular hand hygiene, including using a hand sanitizer that contains at least 60% alcohol. If hands are visibly soiled, wash hands with soap and water for 20 seconds. Transit workers should avoid touching their eyes, nose, and mouth with unwashed hands and should avoid close contact with people who are sick.

Additionally, there is no specific Occupational Safety and Health Administration (OSHA) standard for PPE explicitly for COVID-19. However, some OSHA requirements may apply to preventing occupational exposure to COVID-19, including OSHA’s PPE standards and General Duty Clause of the Occupational Safety and Health (OSH) Act of 1970. See OSHA Guidance on Preparing Workplace for COVID-19.”

Also, as stated earlier, capital and operating activities, pursuant to FTA's Emergency Relief rule at 49 CFR part 602, are eligible for reimbursement which "includes the purchase of materials to eliminate or lessen threats to public health and safety such as performing enhanced cleaning/sanitizing of rolling stock, stations, bus shelters, etc.; placing hand sanitizer dispensers in high traffic areas; and providing personal protective equipment as appropriate."

**Q12: Do transit systems have to transport people to the hospital if asked?**

**A12:** Please follow your existing transit system policies and procedures, but ensure that you are not engaging in practices that discriminate, violate Title II, or Title VI requirements. If a passenger needs immediate medical care, please direct them to emergency services.

**Q13: Can drivers be tested for COVID-19 if they request? Is the cost of COVID-19 testing covered?**

**A13:** Please follow your personnel policies and health care coverage contract. Please note that currently medical centers are prioritizing testing to those exhibiting COVID-19 symptoms.

**Q14: Can we require a doctor's note from employees to ensure that if they were out sick that we can be assured they are cleared to work or no longer contagious, etc. We usually ask for a note for more than 3 days absent but this pandemic might have people missing more work for lots of reasons and how can we ensure that they are returning to work without being contagious?**

**A14:** Please follow your personnel and union contracts covering your employees.

**Q15: Staff worried about whether they have to use PTO or if they will be paid for lost time if system shuts down or if routes are reduced or temporarily suspended. What assistance can be provided by the federal or state government for lost wages and/or revenues?**

**A15:** Please have them speak with their supervisor and/or Human Resource personnel. At this time, the inclusion of potential financial assistance is not well identified in emergency response funding packages at both the state and federal levels. When guidance is available, MnDOT will provide it to you. In the interim, please follow your current policies.