



2817 Canal Street  
New Orleans, LA 70119

**New Orleans Regional Transit Authority**  
**Operations & Administration Committee**  
**Meeting Agenda - Final**

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**Thursday, December 8, 2022**

**9:00 AM**

**RTA Boardroom, 2nd Floor**

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The New Orleans Regional Transit Authority (RTA) hereby declares that, in accordance with La. R.S. 42:17.1 (A)(2)(a)-(c), a meeting will be held in person on Thursday, December 8, 2022, at 9:00 a.m. Please be advised that mask wearing is encouraged inside the boardroom.

Written comments on any matter included on the agenda will be accepted in the following ways: 1) Submission of a Speaker Card on meeting day; 2) Electronically by email sent to: [rtaboard@rtaforward.org](mailto:rtaboard@rtaforward.org) prior to the meeting; or 3) By U.S. Mail send to 2817 Canal Street, Attention: Office of Board Affairs, New Orleans, LA 70119.

- 1. Call To Order**
- 2. Roll Call**
- 3. Consideration of Meeting Minutes**
- 4. Chairman's Report**
- 5. Chief Executive Officer's Report**
- 6. Chief Operations Officer's Report**
- 7. Paratransit Update**
- 8. Ferry Operations Report**
- 9. Public Safety Report**
- 10. Authorizations:**

RTA Work Policies New and Amended

[22-146](#)

2023 Agency Safety Plan

[22-169](#)

**11. Audience Questions & Comments**

**12. New Business**

**13. Adjournment**



## Board Report and Staff Summary

File #: 22-146

Operations & Administration Committee

RTA Work Policies New and Amended

DESCRIPTION: RTA Work Policies Amended	AGENDA NO: Click or tap here to enter text.
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other	

### RECOMMENDATION:

Authorize the Chief Executive Officer to revise existing agency-wide policies to provide more uniform guidance.

### ISSUE/BACKGROUND:

Prior to the transition, the Board authorized several work policies that provided guidelines and procedures for agency-wide operations. The RTA has continued to revise and create such policies to ensure that they are consistent with best practices and comply with legal requirements.

### DISCUSSION:

In February of 2021, the Board of Commissioners passed HC49 Creation of Policy, which describes the procedures for adopting and revising work policies. Section 2.0 of that policy mandates a uniform format for all policies and any policy revision that modifies the policy's intent or applicability must be approved by the Board under Section 2.3.2. The following policy changes are suggested:

RTA's Chief Diversity, Equity and Inclusion Officer has reviewed the policies pertaining to the Office of Diversity, Equity, and Inclusion. The changes are mainly changing Human Resources to Diversity, Equity and Inclusion or adding Diversity, Equity and Inclusion in some instances.

1. HC2 RTA Civil Rights Policy - clarified processes
2. HC4 RTA Equal Employment Opportunity Policy - clarified processes
3. HC5 RTA Gender Transition Policy
4. HC10 RTA Preventing Sexual Harassment
5. HC11 RTA Employee Training and Development Policy - clarification of mandatory training
6. HC18 RTA Ethics Policy
7. HC31 RTA Reasonable Accommodation Policy
8. HC43 Religious Accommodation Policy
9. HC47 RTA Whistleblower Protection Policy
10. HC38 Internal Complaint Process Policy - absorbed in HC4 Equal Employment Opportunity Policy

**FINANCIAL IMPACT:**

Adoption of these new and amended policies will have no direct impact on RTA's expenditures or revenues.

**NEXT STEPS:**

Upon the Board of Commissioner's approval, staff will promulgate these new and amended policies.

**ATTACHMENTS:**

1. HC2 RTA Civil Rights Policy
2. HC4 RTA Equal Employment Opportunity Policy
3. HC5 RTA Gender Transition Policy
4. HC10 RTA Preventing Sexual Harassment
5. HC11 RTA Employee Training and Development Policy
6. HC18 RTA Ethics Policy
7. HC31 RTA Reasonable Accommodation Policy
8. HC43 Religious Accommodation Policy
9. HC47 RTA Whistleblower Protection Policy
10. HC38 Internal Complaint Process Policy
11. Resolution

Prepared By: Detrich Hebert-Johnson  
Title: Chief Diversity, Equity & Inclusion Officer

Reviewed By: Darwyn Anderson  
Title: Chief Human Resources Officer

Reviewed By: Mark Major  
Title: Deputy CEO Administration & Finance



Alex Wiggins  
Chief Executive Officer

12/1/2022

Date

## **Title VI/Civil Rights**

(HC2)

### **POLICY STATEMENT**

The New Orleans Regional Transit Authority (RTA) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its service on the basis of race, color or national origin under Title VI of the Civil Rights Act of 1964. ~~In addition to Title VI of the Civil Rights Act of 1964, RTA also prohibits discrimination in its employment practices based on religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~

### **PURPOSE**

This policy ensures that RTA programs (including fares, routing, scheduling, and quality of transportation services) are operated without regard to race, color, national origin, ~~religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~ Frequency of service, age and quality of RTA vehicles assigned to routes, quality of RTA stations and location of routes will be determined solely on the basis of operational requirements. This policy will be updated annually.

### **APPLICATION**

This policy applies to all RTA employees, applicants, contractors, vendors, and customers.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## 1.0 GENERAL

RTA is committed to ensuring that no person is excluded from participation in its services, or subject to denial of RTA benefits on the basis of race, color, national origin, ~~religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information~~ or any other basis protected by federal or state statutes (protected classes). RTA is also committed to promoting environmental justice.

### RTA will accomplish its goals by:

- ensuring that the level and quality of transportation service is provided without regard to a patron's belonging to a protected class(es);
- promoting full and fair participation by all potentially affected populations in transportation decision making;
- preventing denial, reduction or delay in the benefits of RTA programs and activities on the basis of an individual's a protected class.
- preventing denial, reduction, or delay of benefits related to programs and activities affecting minority and low-income populations; and
- providing meaningful access to RTA services, programs, and activities by persons with **Limited English Proficiency (LEP)**.

## 2.0 PROCEDURES

Any person who believes they may have been discriminated against on the basis of their belonging to a protected class may file a written complaint with RTA's **Diversity, Equity, & Inclusion/Civil Rights Office** (DEI/CR) ~~or the Louisiana Commission on Human Rights~~. Persons with Limited English Proficiency, or who need assistance writing a complaint, may contact the RTA **DEI/CR** Office, located on the Second Floor, at 2817 Canal Street, New Orleans, LA 70119.

### 2.1 Reporting

A Complainant may file a complaint pertaining to race, color or national origin in writing within 180 days from the date of the alleged discrimination and include complainant's name and signature. Written complaints may be sent to RTA, ~~Regional Transportation Authority, Louisiana Commission on Human Rights 1001 N. 23<sup>rd</sup> St., Suite 262 Baton Rouge, LA 70802, (225) 342-6969;~~ **using** an online Civil Rights Complaint Form (Attachment 1) **which** may be accessed at RTA's website **at [Title-VI-Complaint-Form.pdf](#) ([norta.com](#))**. Once completed, the complaint should be forwarded to RTA Office of DEI/CR **at [civilrights@rtafoward.org](mailto:civilrights@rtafoward.org) or mailed to 2817 Canal Street, New Orleans, LA 70119.**

~~Any RTA employee who becomes aware of a discrimination complaint should immediately contact the DEI/CR for handling. In addition to, or in lieu of utilizing the civil rights complaint process at RTA, a Complainant may file a complaint pertaining to race, color or national origin with the Federal Transit Administration (FTA), Louisiana Commission on Human Rights 1001 N. 23<sup>rd</sup> St., Suite 262, Baton Rouge, Louisiana 70802. Phone: (225) 342-6969.~~

## 2.2 Reviewing

The Title VI Coordinator reviews the complaint upon receipt to ensure that:

1. relevant information is provided;
2. the complaint is timely; and
3. the basis of the complaints meets jurisdiction of Title VI and/or other relevant statutes.

If the complaint is deemed incomplete, additional information will be requested and the complainant will be provided 60 days to submit the required information. Failure to submit the requested additional information may be considered good cause for a determination of no investigative merit.

If the Title VI Coordinator determines that the agency has jurisdiction and that the complaint has sufficient merit to warrant investigation (meets the criteria defined above in Eligibility), the Title VI Coordinator will send a written correspondence to the complainant within 10 calendar days, acknowledging receipt of the complaint, and his/her rights under Title VI and related statutes. At the point that the Title VI Coordinator determines that a complaint warrants investigation a chronological contact sheet is developed and maintained in the case file throughout the investigation.

If the decision is made not to investigate the complaint, the complainant will be notified in writing within 10 calendar days and the notification shall state the specific reasons the complaint was deemed to not have investigative merit.

~~The DEI/CR will review all written complaints to determine whether the matter is within its jurisdiction, based on the following: whether Complainant has alleged discriminatory treatment or harassment based on their belonging to a protected class.~~

~~If the DEI/CR determines it has jurisdiction, an investigator will be assigned to conduct an investigation within 48 hours of the review. The Complainant will receive an acknowledgement letter informing him/her that the complaint will be investigated by the DEI/CR. All complaints will be investigated promptly and handled in a confidential manner. However, information learned in the course of investigations may be disclosed on a need-to-know basis.~~

If jurisdiction is found not to exist in the DEI/CR, but does exist in another department, the complaint will be forwarded to the appropriate department for resolution. The DEI/CR will be notified of the steps taken to resolve the complaint.

## 2.3 Investigation Process

All Title VI and related statute complaints are considered formal as there is no informal process for filing or investigating a Civil Rights grievance.

An experienced, neutral outside investigator should be brought in when:

- Allegations involve as either complaining party or target of the investigation a member of the HR Department or upper management (supervisor, director, deputy director, deputy chief, chief executive officer or a member of the board).
- Accusations have been made public or widely known within the agency.
- The situation is highly confidential or sensitive.
- There are allegations of criminal behavior and cooperation with law enforcement is necessary.
- There are reasons to question whether the in-house team is sufficiently experienced or will be viewed as unbiased and objective.

### Eligibility

All complaints shall be investigated unless:

- The complaint is withdrawn;
- The complainant fails to provide required information after numerous requests;
- The complaint is not filed within the 180-day time frame of the incident or event;
- The basis of the complaint is not covered by Title VI and/or related statutes.

The complaint procedures apply to the users, beneficiaries, employees and participants of the RTA's programs, services and activities. As such, any person who believes that he/she has been excluded from participation in, or has been



denied benefits or services of any program or activity conducted by the RTA or by any contractor, consultant or sub-recipient of the RTA on the basis of race, color, national origin, sex, age, income or disability may bring forth a complaint of discrimination under Title VI and related statutes.

### Complaint Basis

Allegations must be based on issues involving race, color, national origin, sex, age, income or disability as defined below.

Protected Group Categories	Definition
Race	An individual belonging to one of the accepted anthropological racial groups: or the perception based on physical characteristics that a person is a member of a racial group.
Color	Color of skin including shade of skin within a racial group.
National Origin	National birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is covered by national origin.
Sex	Gender.
Age	Persons of any age.
Income	Low-income individuals, permanent, temporary or perceived.
Disability	Physical or mental impairment, permanent, temporary or perceived.

The Title VI Coordinator determines whether the agency has jurisdiction and whether or not the complaint has sufficient merit to warrant investigation. Written notice is sent to the complainant within 10 calendar days, acknowledging receipt of the complaint and his/her rights under Title VI and related statutes.

Within 60 calendar days of the decision to proceed, the Title VI Coordinator will conduct and complete an investigation of the allegations to include recommended actions as warranted to correct any discriminatory practices. The investigation will address the basis for the complaint, the issues, events or circumstances that caused the complainant to believe that he/she has been discriminated against, the information needed to address the issue, the sources of information and the remedy sought by the complainant if applicable.

The investigation process will include review of any and all relevant documents, reports, video, etc. As well, focused interviews with key contacts will be conducted as applicable to obtain facts and evidence regarding the allegations in the complaint. The investigator

will elicit information from all contacts and witnesses that can provide firsthand information about the incident, event or action specified in the complaint. All relevant documentation, including interview notes and/or recordings will be dated. Additionally, a chronological contact sheet will be maintained in the case file throughout the investigation.

The investigation will address only those issues relevant to the allegations of the complaint and confidentiality will be maintained to the maximum extent feasible.

**~~The investigator will take the followings steps to investigate the alleged discriminatory act:~~**

- ~~• Identifying, requesting and reviewing all relevant documents, practices and procedures to determine appropriate resolution.~~
- ~~• Identifying and interviewing persons with knowledge of the alleged discrimination, such as the Complainant; witnesses; others identified by the Complainant; people who may have been subject to similar activity; and others with relevant information.~~

~~The investigation process and final investigative report is generally completed within 120 days. If no policy violation is found and the Complainant wants to appeal the decision, they may appeal directly to RTA, Chief Executive Officer, 2817 Canal Street, New Orleans, LA 70119~~

## **2.4 Subsequent Complaints and Amended Charges**

Any subsequent complaint or amended charge should be filed utilizing the Civil Rights Complaint Form. Amended charges can also be submitted via email or other written format. The Title VI Coordinator will review each subsequent complaint or amendment to determine whether the subsequent complaint should stand on its own, or be incorporated into the original complaint and investigation.

## **2.5 Completion of Investigation**

At the conclusion of the investigation and within 60 days of receipt of the complaint the Title VI Coordinator will notify the complainant in writing of the final decision reached, the disposition of the allegations and any proposed corrective actions

~~Upon completion of the investigation, the Investigator prepares a final investigative report for the Chief DEI Officer/OCR, and EEO & Civil Rights. All principal parties receive written notification of the investigative findings.~~

## **2.6 Implementation of Remedial Actions**

If probable cause of a discriminatory practice is discovered, the Title VI Coordinator shall endeavor to eliminate said practice by means of a corrective action plan. The Corrective Action Plan will require approval by the RTA's Board of Commissioners and shall include:

- a list of all recommended corrective actions;
- a description of how the actions will be implemented; and
- a written assurance that the agency will implement the plan as approved by the Board of Commissioners.

~~If a policy violation exists, appropriate remedial steps will be taken immediately.~~

## **2.7 Reconsideration and Appeal**

### **Request for Reconsideration**

If a complainant disagrees with the response of the Title VI Coordinator, he/she may request reconsideration by submitting a written request to the Chief Executive Officer of the RTA. The written request for reconsideration must be submitted within 10 calendar days after receipt of the Title VI Coordinator's response and must be sufficiently detailed to contain any items the complainant feels were not fully understood or investigated by the Coordinator. If the complainant is unable to or incapable of preparing a written request for appeal the CEO must provide the complainant assistance in converting a verbal request into a written request.

The CEO will notify the complainant of his decision to accept or reject the request for reconsideration within 10 calendar days. In cases where the CEO agrees to reconsider, the matter shall be reviewed by a member of the administrative management team that was not involved in the original investigation.

### **Appeal**

If the request for reconsideration is denied the complainant may appeal the CEO's response by submitting a written appeal to the Legal Counsel for the Board of Commissioners of the RTA. A request for appeal must be submitted in writing within 10 calendar days of the CEO's response rejecting the reconsideration. If the complainant is unable to or incapable of preparing a written request for appeal, Legal Counsel must provide the complainant assistance in converting a verbal request into a written request.

## **3.0 DEFINITION OF TERMS**

**Title VI** —Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.

**Equal Access** —Requirement of non-discrimination in transit services with regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act, as amended. RTA also prohibits discrimination **in its employment practices** based on religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.

**Discrimination** —~~Any act or failure to act, whether intentional or unintentional, which has the purpose or effect of limiting, excluding, or denying a person transit services or benefits because of race, color, national origin, religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~ **refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.**

**Environmental Justice** —Efforts made to prevent minority communities and low income communities from being subject to disproportionately high and adverse environmental effects.

**Limited English Proficiency** – **Persons or person from whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.**

#### **4.0 RESPONSIBILITIES**

The Title VI Coordinator maintains a log of all complaints received. The log includes the date the complaint was filed; a summary of the allegations; the status of the complaint; and actions taken by RTA to resolve the complaint.

#### **5.0 FLOWCHART**

N/A

#### **6.0 REFERENCES**

- Title VI, 1964 Civil Rights Act
- FTA Circular 40702.1 B
- ~~Unruh Civil Rights Act of 1959~~ This is California law
- **Title VII, Civil Rights Act of 1964, as amended**

#### **7.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted  
12/15/2020 Interim Board approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

#### **8.0 SPONSOR DEPARTMENT**

**Diversity, Equity & Inclusion**



## **8.0 ATTACHMENTS**

### **Civil Rights Complaint Form**

Title VI of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. ~~In addition to Title VI, RTA also prohibits discrimination based on sex, age, disability, religion, medical condition, marital status, or sexual orientation.~~

**The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please let us know.**

**Complete and return this form to RTA DEI Department, Regional Transportation Authority 2817 Canal Street, New Orleans, LA 70119 or [civilrights@rtforward.org](mailto:civilrights@rtforward.org).**

**Title VI Complaint Form  
Regional Transit Authority (RTA)  
Office of Civil Rights**

<p><b>RTA is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.</b></p> <p><b>The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by emailing <a href="mailto:civilrights@rtaforward.org">civilrights@rtaforward.org</a>. The completed form must be returned to RTA Office of Civil Rights, Title VI Coordinator, 2817 Canal Street, New Orleans, LA 70119</b></p>	
<b>Name:</b>	<b>Telephone (Home):</b> <b>Alt. Phone:</b>
<b>Address:</b>	<b>Electronic Mail Address:</b>
	<b>Access Format Requirement:</b>  <b>Large Print</b> ____ <b>Audio Tape</b> ____ <b>TDD</b> ____ <b>Other</b> ____
<b>Person(s) discriminated against (if someone other than complainant):</b> <b>Name(s):</b>	
<b>Street Address, City, State &amp; Zip Code:</b>	
<b>Which of the following best describes the reason for the alleged discrimination took place?</b> <b>(Circle all that apply)</b> <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• National Origin</li> </ul>	<b>Date of Incident:</b>  <b>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information.</b>
<b>If information is needed in another language, then contact (504) 248-3900.</b>	



Regional Transit Authority

1. **Complainant's Name:** \_\_\_\_\_
2. **Address:** \_\_\_\_\_
3. **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_
4. **Telephone No. (home/cell) (other)** \_\_\_\_\_
5. **Person discriminated against (if someone other than the complainant):**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

6. **Which of the following best describes the reason you believe the discrimination took place? Was it because of your:**

a. **Race** \_\_\_\_\_

b. **Color** \_\_\_\_\_

c. **National Origin** \_\_\_\_\_

d. **Sex** \_\_\_\_\_

e. **Age** \_\_\_\_\_

f. **Disability** \_\_\_\_\_

g. **Religion** \_\_\_\_\_

h. **Medical Condition** \_\_\_\_\_

i. **Marital Status** \_\_\_\_\_

j. **Sexual Orientation** \_\_\_\_\_

7. **What date did the alleged discrimination take place?** \_\_\_\_\_
8. **In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.**

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9. **Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes ☐ No ☐**

**If yes, check each box that applies:**





Regional Transit Authority

**Federal agency**

☐

**Federal court**

☐

**State agency**

☐

**State court**

☐

**Local agency**

☐

- ~~10. Please provide information about a contact person at the agency/court where the complaint was filed.~~

~~Name:~~

~~Address:~~

~~City:~~

~~State:~~

~~Zip Code:~~

- ~~11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.~~

**Complainant's Signature**

**Date**

## **Equal Employment Opportunity**

**(HC4)**

### **POLICY STATEMENT**

The New Orleans Regional Transit Authority (RTA) is committed to maintaining an environment that values diversity, in which all its employees and applicants are free from discrimination, harassment and retaliation in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other applicable Federal and State legislation.

### **PURPOSE**

The purpose of this policy is to ensure that decisions affecting all RTA employment practices, including: recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment, are made without regard to race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes. This policy will be updated biannually.

This policy also protects employees exercising their rights under the Family and Medical Leave Act, the Pregnancy Discrimination Act and related statutes.

### **APPLICATION**

This policy applies to all RTA employees, transportation contractors, and sub-recipients who employs 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## 1.0 GENERAL

RTA is committed to an Equal Employment Opportunity (EEO) Program, including goals and timetables, to overcome the effects of past discrimination of minorities and females. EEO principles govern all aspects of RTA's personnel policies, program practices, and operations. The Chief Diversity, Equity, & Inclusion Officer and/or Louisiana Commission on Human Rights updates and revises the EEO Program in accordance with state and federal law.

RTA's commitment to EEO extends to all job applicants and employees, and to all aspects of employment, including: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, tuition assistance and termination.

RTA is committed to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

The successful achievement of EEO goals will provide benefits to RTA through fuller utilization and development of previously underutilized human resources. The achievement of EEO goals will ensure that the diversity of the RTA workforce will reflect the community it serves.

RTA's Diversity, Equity, and Inclusion Department handles Civil Rights and Equal Employment Opportunity Unit matters and investigates allegations of discrimination, harassment, and retaliation. All complaints will be investigated in a fair, consistent and timely manner.

## 2.0 PROCEDURES

~~Any person~~ Any employee or applicant who believes that they may have been discriminated against, or harassed on the basis of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes, should contact the Chief Human Resources Diversity, Equity, and Inclusion Officer at (504) 827-8409 8377, or [civilrights@rtafoward.org](mailto:civilrights@rtafoward.org), within 365 days of the alleged violation.

In addition, or in lieu of utilizing the Office of Diversity, Equity, and Inclusion/Civil Rights complaint process at RTA, a Complainant may file a complaint of discrimination with the New Orleans Field Office of Equal Employment Opportunity Commission (EEOC) Hale Boggs Federal Building 500 Poydras Street, Suite 809, New Orleans, LA 70130. United

States, the State of Louisiana Commission on Human Rights (LCHR), The Federal Transit Administration (FTA), or the Federal Department of Transportation (DOT).

Retaliation against any individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in a protected activity is strictly prohibited and will not be tolerated. If a violation is found, disciplinary action will be taken up to and including termination.

## 2.1 COMPLAINT PROCESS

Any employee or applicant believing they have been discriminated against, harassed, or retaliated against ~~The employee or applicant who lodged the complaint~~ will complete a Discrimination, Harassment or Retaliation Complaint Form (Attachment 1). They may file a formal, written complaint with the Diversity, Equity, and Inclusion Officer/EEO Coordinator, ~~or work with the EEO Coordinator~~ to provide the information necessary to begin an investigation. After being notified of a complaint, an appointment will be scheduled between the employee and the Diversity, Equity, and Inclusion Officer/EEO Coordinator within 48 hours.

**A complaint** ~~Once a complaint is received,~~ it is reviewed for jurisdiction. A complaint may be rejected if it is not filed within the time specified above, or, if after review of the allegations, it is determined that EEO policies have not been violated. When a complaint is rejected, EEO will notify the complainant.

If it appears that the alleged action(s) violates RTA's EEO policies, an investigation will be conducted. An investigation will include a review of the following: the circumstances under which the alleged discrimination occurred; relevant policies and practices related to the complaint; statements relevant to the allegation; and pertinent legal guidance/precedents.

All documents and information acquired during the investigation are confidential.

## 2.2 INVESTIGATION PROCESS

The EEO investigation process includes:

- notifying the complainant to acknowledge acceptance of the complaint, and providing the assigned case investigator's name;
- notifying the person accused of discrimination, harassment, or retaliation (respondent), providing him/her with an opportunity to respond to the allegation(s);
- notifying the respondent's department head that the EEO Unit will be investigating the complaint; and

- interviewing witnesses and reviewing relevant documentation, so the EEO Investigator can research facts alleged in the complaint.

In some cases, the nature of the allegation may warrant the complainant and the respondent to be separated during the course of the investigation. Under these circumstances, it is the *respondent* that is transferred or put on leave pending the outcome of the investigation.

The **Diversity, Equity, and Inclusion Officer/EEO Coordinator** prepares a report of the investigation findings that includes a recommendation regarding a resolution to the complaint. The Chief **Human Resources Executive** Officer reviews the **Diversity, Equity, and Inclusion Officer/EEO Coordinator** report and recommendation. After final review, closing letters are sent to the complainant, respondent, and the respondent's direct supervisor. For substantiated findings, closing letters will also be sent to the respondent's department head and applicable member of the CEO's Executive Leadership Team. The DEI and Human Resources ~~units~~ **departments** retain copies.

In cases where there is sufficient evidence to substantiate the complainant's allegations, the department Chief will consult with the Chief **DEI Officer/EEO Coordinator**, who will offer advice or recommend appropriate disciplinary action to be administered. The department Chief must provide the Chief **DEI and Human Resources Officer**s with a written confirmation of discipline, no later than ten days after the disciplinary action has been taken. If disciplinary action warrants a transfer, it is the *respondent* who is transferred, not the complainant. The complainant may be transferred *only* if he/she requests to be transferred.

An "unsubstantiated" finding will be recorded if the investigation fails to find sufficient evidence to support the complainant's allegation(s). After a final "unsubstantiated" finding review by the Chief **DEI Officer/EEO Coordinator**, the complainant and respondent are notified. If the complainant accepts the findings, the matter is closed. The complainant may appeal the "unsubstantiated" finding within 20 business days of the closing letter's date. The respondent may appeal a "substantiated" finding within 10 business days of the closing letter's date. The appeal should be made to the Chief **Human Resources Executive** Officer. The Chief's decision will be final.

At any time during the complaint process, the complainant should promptly notify the Chief **DEI Officer/EEO Coordinator** in writing if they:

- decides to withdraw the complaint;
- files a lawsuit against RTA or its employees; or
- changes an address, telephone number, or other contact information.

If at any time during the course of the investigation, a complainant fails to respond to communications from the **DEI** Department after two written requests, the investigation may be completed without further input from the complainant.

All RTA employees are required to participate with the EEO investigative process. Failure to do so where there are no mitigating factors may result in discipline.

Regardless of the outcome of the complaint, the complainant has a right to consult or file a complaint with the State of Louisiana Commission on Human Rights (LCHR), the United States Equal Employment Opportunity Commission (EEOC), the Federal Transit Administration (FTA), and the Department of Transportation (DOT). If an employee or applicant files a complaint with an outside agency, a formal conciliation conference may be scheduled with the **DEI** Department and the outside agency.

**An experienced, neutral outside investigator should be brought in when:**

- **Allegations involve as either complaining party or target of the investigation a member of the HR Department or upper management (supervisor, director, deputy director, deputy chief, chief executive officer or a member of the board).**
- **Accusations have been made public or widely known within the agency.**
- **The situation is highly confidential or sensitive.**
- **There are allegations of criminal behavior and cooperation with law enforcement is necessary.**
- **There are reasons to question whether the in-house team is sufficiently experienced or will be viewed as unbiased and objective.**

### **2.3 Retaliation**

RTA prohibits retaliation, as defined in the Discrimination, Harassment and Retaliation (HC21) policy, against any complainant(s) or other person who provides information during the investigation. Any employee or applicant who believes he/she has been retaliated against should immediately contact the Chief **DEI** Officer.

Any RTA employee who retaliates against anyone involved in an EEO matter will be subject to disciplinary action (see the Discipline (HC25) policy), up to and including termination.

## **2.4 Confidentiality**

RTA will make every possible effort to assure the confidentiality of complaints made under this policy. However, complete confidentiality cannot be guaranteed, due to the need to fully investigate the complaint and duty to take effective, remedial action. RTA will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action; take remedial action; defend itself in adversarial proceedings; or comply with the law or a court order.

## **2.5 False Allegations and Statements**

RTA considers false allegations of discrimination or harassment to be a violation of policy, and an abuse of state and federal law. Where there is clear evidence that a complainant has made false allegations of discrimination, harassment, or retaliation; or a complainant or respondent has made false statements to the EEO Investigator, disciplinary action, up to and including termination will follow.

## **2.6 Non-Jurisdictional Complaints**

If a complaint is determined to be non-jurisdictional under EEO criteria, the **DEI** Department will refer the complaint to the appropriate entity within RTA. The **DEI and/or** Human Capital Department is also available to provide conciliation between the employee and management.

## **2.7 Informal Resolutions**

In some instances, EEO complaints can be addressed and resolved in an informal manner, as it can be counterproductive to implement a formal investigation. For informal resolutions that result in a summary report and/or have a substantiated finding, the **DEI** Department will vet the report through the Department Chief. Once reviewed and approved, applicable managers and members of the CEO's Executive Leadership Team will be notified of the findings of the case and will be included in discussions regarding outcomes.

## **3.0 DEFINITION OF TERMS**

**Business Day** – Any day RTA is open for business, excluding Saturdays, Sundays and Holidays

**Complaint** – Written document that states incident(s) of alleged discrimination, harassment, or retaliation, what term or condition of employment was affected, and

who is believed to have engaged in discrimination or harassment in violation of RTA's EEO policies

**Complainant** – Party who filed the complaint

**Discrimination** - any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.

**Equal Employment Opportunity** - the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.

**False Allegations/Statements** – Any intentional misrepresentation or omission of relevant information pertaining to the complaint and investigation by the complainant, respondent, or witnesses.

**Information** – Any and all tangible or electronically stored data or documents

**Respondent** – Party or parties named in the complaint that complainant believes engaged in discrimination or harassment or retaliation in violation of RTA's EEO policies

**"Substantiated" Finding** – Sufficient evidence found to support the complainant's allegation(s)

**"Unsubstantiated" Finding** – Insufficient evidence found to support the complainant's allegation(s)

~~EEO will notify all appropriate parties regarding the disposition of the complaint. If a violation of RTA's EEO policies is determined, appropriate disciplinary action will be sought against the respondent and corrective action taken to prevent recurrence.~~

- ~~• The respondent may appeal a "substantiated" finding to RTA, Chief Human Resources **Executive** Officer and or/ New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States within 10 business days of the closing letter's date. If no policy violation is found and the complainant wants to appeal the decision, they may appeal directly to RTA, Chief Human Resources **Executive** Officer and or/, New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130~~





~~United States, within 20 business days of the closing letter's date. The Chief Human Resources Officer decision will be final.~~

~~The EEO Unit investigates every case in a fair, consistent and timely manner. If at any time during the course of the investigation, a complainant fails to respond to communications from the EEO Unit after two written requests, the complaint may be closed for failure to cooperate.~~

~~**At any time during the process, the complainant should promptly notify the EEO Unit in writing if employee:**~~

- ~~• decides to withdraw the complaint;~~
- ~~• files a lawsuit against RTA or its employees~~
- ~~• changes an address, telephone number or other contact information~~

### **3.0 DEFINITION OF TERMS**

~~Discrimination – any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.~~

~~Equal Employment Opportunity – the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.~~

### **4.0 RESPONSIBILITIES**

The Office of Civil Rights monitors goals for effectiveness and the need for revision to overcome any underutilization or concentration of minorities or females. It maintains a database of all civil rights complaints received. The data includes the date the complaint was filed, summary of the allegations, status of the complaint and actions taken to resolve the complaint.

Chief Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States is the designated EEO Officer, who reports directly to the CEO and is responsible for the EEO Program; updating RTA EEO policies; monitoring compliance with the EEO Program goals; providing training; and implementing programs that support RTA's policy of promoting diversity, equal employment opportunity, and affirmative action.

**Managers and Supervisors** have an affirmative duty to:

- refer employees or applicants to the Chief **DEI** Officer if an employee or applicant alleges **they have** been a victim of discrimination, harassment, or retaliation;
- contact the Chief **DEI** Officer to investigate any discrimination, harassment, or retaliation complaint as soon as it is received;
- contact the Chief **DEI** Officer when the manager or supervisor observes behavior that appears to be in violation of RTA's EEO policies;
- document relevant discussions regarding an incident or complaint and forward original documents to the Chief **DEI** Officer for complaint file; and
- contact the Chief **DEI** Officer with any questions concerning harassment, discrimination, or retaliation.

Further, all RTA Managers and supervisors are responsible for ensuring that implementation and compliance is achieved through understanding, communicating, and active involvement in support of this policy. All supervisors and managers are responsible

for implementing their unit's EEO goals. Goals are monitored by the Chief **DEI and** Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States for effectiveness and need for revision to overcome any underutilization or concentration of minorities or females. Performance evaluations of managers and supervisors will include evaluating the success of the EEO program in the same manner as performance on other goals.

**Diversity, Equity, and Inclusion, Civil Rights and Equal Employment Opportunity (EEO)** designs, develops, implements and monitors RTA's EEO policies and procedures; investigates complaints of employment discrimination, harassment, and retaliation; and recommends remedies if violations of EEO policies are found.

**Complainant** cooperates with the **DEI** Department during all stages of the internal complaint process.

**Respondent** cooperates with the **DEI** Department during all stages of the internal complaint process.

Applicants and employees have the right to file complaints alleging discrimination with the Chief, Office of Civil Rights, the United States Equal Employment Opportunity Commission (EEOC), the State of Louisiana Commission on Human Right (LCHR), The Federal Transit Administration (ETA), or the Federal Department of Transportation (DOT). The EEO Program is available for inspection by any employee or applicant for employment upon request.

All RTA employees, contractors and sub-recipients who employ 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year must comply with this and all other EEO Policies.

## **FLOWCHART**

N/A

## **REFERENCES**

- State of Louisiana Commission on Human Rights (LCHR)
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- (HC3) RTA Workplace Violence Prevention
- (HC25) RTA Progressive Discipline



*Regional Transit Authority*

## **7.0 ATTACHMENTS**

**Discrimination, Harassment, or Retaliation** Complaint Form

## **8.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted

12/15/2020 Interim Board approval granted

2/4/2021 Final Executive Committee approval granted

2/23/2021 Final Board approval granted

## **9.0 SPONSOR DEPARTMENT**

~~Human Capital~~ **Diversity, Equity, and Inclusion**

**Civil Rights Complaint Form**

Title VII of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no person in the United States shall be discriminated against based on sex, age, disability, religion, medical condition, marital status, or sexual orientation.

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please let us know.

Complete and return this form to RTA Diversity, Equity, and Inclusion/Civil Rights Department, Regional Transportation Authority 2817 Canal Street, New Orleans, LA 70119.

1. Complainant's Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. Telephone No.: (home/cell) (other) \_\_\_\_\_

5. Person discriminated against (if someone other than the complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race \_\_\_\_\_

b. Color \_\_\_\_\_

c. National Origin \_\_\_\_\_

d. Sex \_\_\_\_\_

e. Age \_\_\_\_\_

f. Disability \_\_\_\_\_

g. Religion \_\_\_\_\_

h. Medical Condition \_\_\_\_\_



Regional Transit Authority

i. ~~Marital Status~~ \_\_\_\_\_

j. ~~Sexual Orientation~~ \_\_\_\_\_

7. ~~What date did the alleged discrimination take place? \_\_\_\_\_~~  
~~In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.~~
8. \_\_\_\_\_  
\_\_\_\_\_

9. ~~Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes ☐ No ☐~~

~~If yes, check each box that applies:~~

<del>Federal agency</del>	<del><input type="checkbox"/></del>	<del>Federal court</del>	<del><input type="checkbox"/></del>
<del>State agency</del>	<del><input type="checkbox"/></del>	<del>State court</del>	<del><input type="checkbox"/></del>
<del>Local agency</del>	<del><input type="checkbox"/></del>		

10. ~~Please provide information about a contact person at the agency/court where the complaint was filed.~~

~~Name: \_\_\_\_\_~~

~~Address: \_\_\_\_\_~~

~~City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_~~

11. ~~Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.~~

~~Complainant's Signature \_\_\_\_\_ Date \_\_\_\_\_~~

## COMPLAINT FORM

(PLEASE PRINT)

Last Name (Complainant)	First Name	Work Extension	Dept/Division	
Address	City	State	Zip Code	Cell or Home Phone
Job Title	Badge Number	Hire Date	Union	
Department Supervisor's Name		Supervisor's Extension		
<b>What is the basis of the complaint? Mark all that apply:</b>				
<input type="checkbox"/> Disability (mental or physical)	<input type="checkbox"/> Medical Condition (incl. cancer, AIDS, HIV)	<input type="checkbox"/> Gender Identity		
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Color		
<input type="checkbox"/> National Origin	<input type="checkbox"/> Age (40 & over)	<input type="checkbox"/> Race		
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Denial of Family Care Leave	<input type="checkbox"/> Veteran Status		
<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Denial of Pregnancy Disability	<input type="checkbox"/> Retaliation		
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Other (i.e. Marital Status, Genetic Information)			
<b>Have you filed a complaint with EEO about any prior incident?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>What is the status of the prior complaint?</b> _____				
<b>Person(s) discriminating against you currently:</b> (Name, title, dept.) _____				
<b>Briefly describe your complaint against the above-named person(s). Specifically, how were you discriminated against or treated differently from others on the basis of race, sex, age, etc. Cite specific examples of other examples of other employees treated differently, and specific incidents, acts, or circumstances, including dates, locations name(s) of witness(es) that support your allegation(s)</b> (Use additional sheet(s) if necessary)				

Non-Union Employee? ☐ Yes ☐ No

Have you attempted to resolve the matter by discussing it with your Supervisor/  
Manager? If "yes", what is the status of the matter? ☐ Yes ☐ No

Have you filed a report or complaint with your union? ☐ Yes ☐ No Union Name:  
If "yes", what is the status?

Have you ever filed with an external agency? ☐ Yes ☐ No If "yes", name of agency?

**READ BEFORE SIGNING:** This complaint will be processed pursuant to RTA's Internal Complaint Process (HC38) policy. Any employee who intentionally files a false discrimination complaint or makes false statements during the investigation will be subject to disciplinary action. Every effort will be made to ensure that all documents and information acquired during the investigation are kept confidential. The complainant's cooperation is required. Retaliation is prohibited.

\_\_\_\_\_  
Signature of Employee (Complainant)

\_\_\_\_\_  
Date



## **Gender Transition**

**(HC5)**

### **POLICY STATEMENT**

The New Orleans Regional Transit Authority (RTA) is an equal opportunity employer and does not discriminate on the basis of gender, gender identity, gender expression or any other federally or state protected class. It is RTA's policy to treat its employees with dignity and respect; and to strive to educate employees, foster dialogue, and help achieve a safe, supportive, productive and inclusive environment.

### **PURPOSE**

This policy provides workplace requirements for dealing with issues that may arise when an employee goes through a gender transition.

### **APPLICATION**

This policy applies to all RTA employees.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## 1.0 GENERAL

Gender identity can be male, female, a blend of both or neither. One's gender identity can be the same or different from their sex assigned at birth. When their gender identity is different from their assigned sex at birth, individuals may elect to go through a gender transition process.

Transitioning employees have the right to express themselves in the manner in which they self-identify and may express their gender identity without fear of consequence. This includes using the restroom that corresponds with their gender identity; dressing in accordance with their gender identity; and being addressed by their preferred name and pronoun.

Transitioning employees, supervisors/managers, and co-workers are encouraged to contact the DEI, EEO & Civil Rights Office with any questions or concerns regarding gender transition in the workplace.

## 2.0 PROCEDURES

All information regarding an employee's transition will be held in the strictest confidence, until the transitioning employee approves the release of the information.

Due to the unique nature of each gender transition, all occurrences and workplace transition plans will be handled, and developed on a case-by-case basis.

### 2.1 Transitioning Employees

Regardless of the stage of transition, transitioning employees must:

Maintain a professional image commensurate with their job classification, and in accordance with RTA's Appropriate Workplace Attire and Demeanor (HC15) policy. Notify Human Capital and fill out the Temporary Name Change Affidavit (Attachment 1) if they wish to make an administrative name change (e.g., stationery, name plate, email, etc.). Provide Human Capital with proof of legal name change prior to RTA changing their name on legal documents (e.g., payroll, insurance, etc.).

Transitioning employees are encouraged to:

- Contact their supervisor/manager, Office of Civil Rights OCR/DEI, and Human Capital (HC) when beginning the transition process.
- Work with OCR/DEI and their supervisor and manager in developing a workplace transition plan.

## 2.2 Supervisor and Managers

Once notified of an employee's transition, a supervisor/manager must:

- Contact OCR/ **DEI**, naming the employee only if employee has consented, and request guidance on how to work with the employee on their gender transition plan.
- Guided by OCR/ **DEI**, work with the transitioning employee on their workplace transition plan and become part of the transition team.
- Direct all inquiries made by coworkers to OCR/ **DEI**.
- Ensure that there are no denials of or reduction in employment opportunities for transitioning employee. For example, working with outside vendors or consultants is not a reason to deny a transitioning employee the right to dress in their reassigned gender role or remove the employee from their work assignment.

## 2.3 Coworkers

OCR/ **DEI** will provide relevant resources, such as employee training, upon request. Supervisors should direct inquiries by coworkers to OCR/ **DEI**. Discriminatory or harassing behavior, including starting and/or engaging in rumors about the transitioning employee will not be tolerated, and may result in disciplinary action, up to and including termination of employment.

## 3.0 DEFINITION OF TERMS

- Cisgender-The term used to describe people whose gender identity or expression aligns with those typically associated with the sex assigned to them at birth.
- Transgender — An umbrella term for people whose gender identity or gender expression is different from those typically associated with the sex assigned to them at birth. Although Transgender and sexual orientation are often conflated, they are distinct from one another.
- Sex Stereotype — An assumption about someone's appearance or behavior — or about the ability or inability to perform certain types of work based on a myth, social expectation or generalization about the person's sex.
- Gender Nonconforming —refers to people who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth.
- Gender Questioning —refers to people who are questioning their gender identity and might be wondering whether they identify as a male, a female or another gender. They might also be experimenting with different genders.
- Non-binary Gender —refers to people whose gender identity does not fit within the binary of male and female. Note: Non-binary people may wish to transition so that their gender expression more closely reflects their internal identity. Many non-binary people wish to appear androgynous and adopt unisex names, gender-neutral titles such as Mr., and/or gender-neutral pronouns such as "they", "their"

and/or "them". Others may prefer to express themselves in ways which are traditionally seen as masculine or feminine, or mixed aspects of the two.

- Gender Fluid —refers to people whose gender varies over time. A gender fluid person may at any time identify as male, female, neutrois, or any other non-binary identity or some combination of identities. Their gender can also vary at random or in response to different circumstances.
- Gender Expression —Refers to all external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerism, and speech patterns.
- Gender Identity —Refers to a person's innate, deeply felt psychological identification as male, female, both or neither, which may or may not correspond to the person's body or designated sex at birth (meaning what sex was listed on a person's birth certificate).
- Gender Transition (Transitioning) —The process that some transgender individuals go through in changing from one gender to another. The process can include beginning to go by a new first name, using a new pronoun (e.g., "she" instead of "he" and vice versa), and changing one's appearance to conform to expectations for the new gender. For some people, transition includes medical treatment such as hormone therapy and or surgeries.
- MTF: "Male to Female" —Individual who is born and perceived to be male, and then transitions to publicly and privately live as female, ex: transsexual woman or transgendered woman. FTM: "Female to Male" —Individual who is born and perceived to be female, and then transitions to publicly and privately live as male, ex: transsexual man or transgendered man.
- Gender Transition Plan — A document to outline workplace guidelines and address needs and issues that may arise when a transgender individual transitions in the workplace. The Gender Transition Plan is a flexible document that will be unique to the employee undergoing a gender transition in the workplace.

#### **4.0 RESPONSIBILITIES**

The OCR/ **DEI** will provide guidance to supervisors/managers in developing the transition plan and process with the transitioning employee; will provide support for the employee and management during time of gender transition; provide educational resources for RTA employees; and investigate allegations of discrimination and harassment.

Supervisors/Managers will maintain a workplace environment that is free from discrimination and harassment; and work with a transitioning employee to determine specific work-related needs.

Date: \_\_\_\_\_

**Temporary Name Change Affidavit**

I, \_\_\_\_\_ (Name) am requesting for my personnel records to be updated to reflect my pending legal name change. I am in the process of legally changing my name to \_\_\_\_\_ (New Name). I expect to complete the process within the next \_\_\_\_\_ months. At completion of the \_\_\_\_\_ months, I will provide RTA with legal documentation verifying my name change. Such legal documentation will include driver's license/identification card and social security card. I understand legal documents such as payroll, pension, and health care benefits cannot be updated to reflect my name change until I provide legal verification of my name change.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Badge Number: \_\_\_\_\_

To be completed by the Talent Acquisition Director:

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

Job Title: \_\_\_\_\_

Badge Number: \_\_\_\_\_

<b>Transgender Rights in the Workplace</b>	
<p><b>Transgender What is?</b></p> <p>An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth.</p> <p>People who identify as transgender are protected in the City of New Orleans and Shreveport from discrimination in employment on private and governmental jobs, housing and public accommodations on the basis of sexual orientation and gender identity. In Jefferson Parish they are protected on governmental jobs.</p>	<p><b>Transitions</b></p> <p><b>Social Transition</b></p> <p>A process of socially aligning one's gender with the internal sense of self (e.g. changes in name and pronoun, bathroom and locker facility usages).</p> <p><b>Physical Transition</b></p> <p>Refers to Medical treatments and individual undergoes to physically align their body with their internal sense of self (e.g. hormone therapies or surgical procedures).</p>
<p><b>What is an employer allowed to ask?</b></p> <p>RTA may ask about an employee's employment history, and may still ask for personal references, in addition to other nondiscriminatory questions. An interviewer should not ask questions designed to detect a person's sexual orientation or gender identity, including asking about employee/marital status, spouse's name or relation of household members to one another. RTA should not ask questions about a person's body or whether they plan to have surgery because this information is generally protected by the Health Insurance Portability and Accountability Act (HIPAA).</p>	<p><b>What are the obligations of employers when it comes to bathrooms, showers, and locker rooms?</b></p> <p>All employees have the right to safe and appropriate restrooms and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth.</p> <p>In addition, where possible, RTA will endeavor to provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason. A private restroom of this type can also be used by an employee who does not want to share a restroom with a transgender coworker. However, use of a unisex single stall restroom should always be a matter of choice. No employees should be forced to use one either as a matter of policy or</p>

	due to continuing harassment in a gender-appropriate facility.
<p>How do employers still implement dress codes and grooming standards?</p> <p>Louisiana law explicitly prohibits a governmental employer from denying an employee the right to dress in a manner suitable for that employee's gender identity. Therefore, RTA enforces our dress code in a nondiscriminatory manner. This means, for instance that transgender women must be allowed to dress in the same manner as non-transgender women, and that their compliance with such a dress code cannot be judged more harshly than non-transgender women.</p>	

Transitioning employees are encouraged to work with management and other employees to ensure their needs are understood; and must comply with their expected job duties.

## FLOWCHART

N/A

## REFERENCES

- Equal Employment Opportunity (DEI)
- (HC3) RTA Workplace Violence Prevention
- ~~Internal Complaint Process (HC38)~~
- (HC15) RTA Appropriate Workplace Attire and Demeanor
- (HC24) RTA Employee Assistance Program
- (HC31) RTA Reasonable Accommodations
- (HC25) RTA Progressive Discipline

## 7.0 ATTACHMENTS

1. Temporary Name Change Affidavit
2. Transgender Rights in the Workplace Information Sheet

## **8.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted  
12/15/2020 Interim Board approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

## **9.0 SPONSOR DEPARTMENT**

~~Human Capital~~ **Diversity, Equity, and Inclusion**



## **Preventing Sexual Harassment**

(HC10)

### **POLICY STATEMENT**

The objective of this policy is to define workplace sexual harassment and to outline procedures for filing complaints, investigating sexual harassment claims and issuing appropriate disciplinary measures in the case of violations.

### **PURPOSE**

This policy applies to all employees of RTA at all locations. All employees, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing others both on and off the employer premises and during or outside of work hours.

### **APPLICATION**

This policy applies to RTA employees who meet eligibility requirements. If this policy conflicts with a Collective Bargaining Agreement (CBA), the CBA will prevail.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 3/22/2022  
Date of Last Review: XX/XX/XXXX

## **1.0 GENERAL**

### **1.1 Defining Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

### **1.2 Examples of Prohibited Conduct**

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in RTA's workplace by RTA employees.

- Retaliation for sexual harassment complaints.

### **1.3 Responding to Conduct in Violation of Policy - *Employees***

If an employee feels that he or she is being subjected to sexual harassment he or she may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or to the Chief Diversity, Equity, and Inclusion/EEO Officer or designee. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the Chief Diversity, Equity, and Inclusion/EEO Officer, or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### **1.4 Responding to Conduct in Violation of Policy - *Managers and Supervisors***

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of sexual harassment within their departments, whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved.
- Report all incidents to Diversity, Equity, and Inclusion/EEO and Human Capital immediately so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline and/or up to termination. Refer to (HC25) Progressive Discipline and (HC17) RTA Termination of Employment.

### **1.5 Diversity, Equity, and Inclusion/EEO**

The Chief Diversity, Equity, and Inclusion/EEO Officer, is responsible for:

1. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.

2. Explaining RTA's sexual harassment policy and investigation procedures to all parties involved.
3. Exploring informal means of resolving sexual harassment complaints.
4. Notifying the police if criminal activities are alleged.
5. Arranging for an investigation of the alleged harassment and the preparation of a written report.
6. Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
7. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

The Chief **Diversity, Equity, and Inclusion/EEO** Officer will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. Any allegation brought before a Director or above will be addressed by a third party investigator.

## **1.6 Complaint Resolution Procedures**

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. Complaints can also be submitted to [complaints@rtaforward.org](mailto:complaints@rtaforward.org). The Chief **Diversity, Equity, and Inclusion/EEO** Officer may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the Chief **Diversity, Equity, and Inclusion/EEO** Officer will dictate the verbal complaint.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

1. The name, department and position of the person or persons allegedly committing harassment.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
4. The names of other individuals who might have been subject to the same or similar harassment.
5. What, if any, steps the complainant has taken to try to stop the harassment.
6. Any other information the complainant believes to be relevant to the harassment complaint.

## **1.7 Discipline**

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the RTA employee will be subject to disciplinary action, up to and including termination. Persons who violate this policy may also be subject to civil damages or criminal penalties. Refer to (HC25) RTA Progressive Discipline and (HC17) RTA Termination of Employment.

### **1.8 Retaliation**

RTA prohibits retaliation against any complainant(s) or other person who provides information during the investigation. Any employee or applicant who believes they have been retaliated against should immediately contact the Chief **Diversity, Equity, and Inclusion/EEO** Officer.

Any RTA employee who retaliates against anyone involved in a sexual harassment matter will be subject to disciplinary action, up to and including termination. Refer to (HC25) RTA Progressive Discipline and (HC17) RTA Termination of Employment.

### **1.9 Confidentiality**

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the Chief **Diversity, Equity, and Inclusion/EEO** Officer takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files within the Human Capital Department.

### **1.10 Other Available Procedures**

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

### **1.11 Training**

Each RTA employee shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of their employment. An agency head shall require supervisors and above, and any persons designated by RTA to accept or investigate a complaint of sexual harassment at RTA to receive additional education and training.

## **2.0 FLOWCHART**

N/A

### **3.0 REFERENCES**

- (HC3) RTA Workplace Violence and Prevention
- (HC17) RTA Termination of Employment
- (HC25) RTA Progressive Discipline

### **4.0 ATTACHMENTS**

N/A

### **5.0 PROCEDURE HISTORY**

3/10/2022 Final Operations and Administration Committee approval granted

3/22/2022 Final Board approval granted

### **6.0 SPONSOR DEPARTMENT**

Diversity, Equity, and Inclusion/EEO

## **Employee Training and Development**

### **POLICY STATEMENT**

The New Orleans Regional Training Authority (RTA) Employee Training and Development Policy refers to RTA's learning and development programs and activities.

### **PURPOSE**

In the modern competitive environment, employees need to replenish their knowledge and acquire new skills to do their jobs better. This will benefit both them and the agency. We want employees to feel confident about improving efficiency and productivity, as well as finding new ways towards personal development and success.

### **APPLICATION**

This policy applies to all permanent, full-time or part-time, employees of the agency. Employees with temporary/short-term contracts might attend trainings at their manager's discretion. This policy doesn't cover supplementary employees like contractors or consultants. This policy applies to all employees who work for RTA. If a conflict occurs between this policy and a Collective Bargaining Agreement (CBA), the CBA will prevail.

### **ADOPTED BY:**

The RTA Board of Commissioners on X/XX/XXXX, Resolution XX-XXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 8/24/2021  
Date of Last Review: X/XX/XXXX

## **1.0 GENERAL**

Board Commissioners, employees, managers and Human Capital should all collaborate to build a continuous professional development culture. It's an employee's responsibility to seek new learning opportunities. It's a manager's (a person who controls the activities, training, and other aspects of the career of an employee) responsibility to coach their teams and identify employee development needs. And its Human Capital's responsibility to facilitate any staff development activities and processes.

### **What do we mean by training and development?**

In general, RTA approves and encourages the following employee trainings:

- Formal training sessions (individual or agency)
- Employee Coaching and Mentoring
- Participating in conferences
- On-the-job training
- Job shadowing
- Job rotation

As part of our learning and development provisions, we can also arrange for subscriptions or educational material, so employees will have access to news, articles and other material that can help them become better at their job. There are two conditions for this:

- Subscription/Material should be job-related
- All relevant fees should not exceed a set limit per person

This list doesn't include software licenses or other tools that are absolutely necessary for employees' jobs.

### **Individual training programs**

RTA has certain provisions regarding individual training programs. All employees that have worked for the agency more than four months are eligible to participate in external training programs individually or in teams with supervisor approval. Employees may have to bring proof of attendance.

Any employee training that the agency mandates (e.g. due to inadequacies of an employee's performance or changes in their job description) expenses are covered by the agency.

All trainings should consider what employees need and how they can learn best. This is why, we encourage employees and managers to consider multiple training methods like workshops, e-learning, lectures and more.



### **Agency training programs**

We might occasionally engage experts to train our employees. RTA will cover the entire cost in this case. Examples of this kind of training and development **include but are not limited to:**

- Equal employment opportunity training
- Diversity training
- Leadership training for managers
- Conflict resolution training for employees
- Ethics Training
- Sexual Harassment Training
- **Active Shooter Awareness**
- **The Effects and Consequences of Prohibited Drug Use**
- **Reasonable Suspicion for Safety Sensitive Supervisors**

This category also includes training conducted by internal experts and managers. Examples are:

- Training new employees
- Training teams in agency-related issues (e.g. new systems or policy changes)
- Training employees to prepare them for promotions, transfers or new responsibilities

Employees won't have to pay or use their leave for these types of trainings. Attendance records may be part of the process.

### **Other types of training**

Both employees and their managers are responsible for continuous learning. Employees should show willingness to improve by asking their managers for direction and advice. Managers should do the same with their own superiors, while encouraging and mentoring their subordinates.

Employees and managers are responsible for finding the best ways to provide continuous professional development. They can experiment with job rotation, job shadowing and other types of on-the-job training (without disrupting daily operations). We also encourage employees to use their rights for self-paced learning by asking for educational material and access to other resources within allocated budget.

### **General guidelines:**

- All eligible employees are covered by this policy without discriminating against rank or protected characteristics.

- Managers should evaluate the success of training efforts. They should keep records for reference and better improvement opportunities.
- All employee development efforts should respect cost and time limitations, as well as individual and business needs.
- Employees should try to make the most out of their trainings by studying and finding ways to apply knowledge to their work.

### **Procedure**

This procedure should be followed when employees want to attend external training sessions or conferences:

- Employees (or their Supervisor) identify the need for training.
- Employees and Supervisor discuss potential training programs or methods and come up with suggestions.
- Employees or Supervisors contact Human Capital and briefly present their proposal. They must also complete a form.
- Human Capital researches the proposal, with attention to budget and training content.
- Supervisor and Chief/Deputy CEO approves or rejects the proposal. If they reject it, they should provide employees with reasons in writing.
- If approved, the Business Unit Administrative support will make arrangements for dates, accommodation, reserving places, closing out any expense related matters, etc.
- In cases where the agency doesn't pay for the training directly, employees will have to pay and send invoices or receipts to the Business Unit Administrative support. Finance will approve employee reimbursement according to this information.
- If an employee decides to drop or cancel a training, they'll have to inform their Supervisor and the Business Unit Administrative Analyst immediately. They will be responsible for any cancellation or other fees unless extenuating circumstances exist.
- In cases where training ends with examination, employees are obliged to submit the results. If they don't pass the exam, they can retake it on their own expense unless extenuating circumstances exist.

Generally, RTA will cover any training fees including registration and examination (one time). They may also cover transportation, accommodation and personal expenses. This is left to Human Capital and Finance's discretion. If Human Capital /Finance decides to cover these costs, Human Capital /Finance should make arrangements themselves (e.g. tickets, hotel reservations). Any other covered expense that employees have will be reimbursed, after employees bring all relevant receipts and invoices.

If employees want subscriptions, they should contact their management for approval to do so. The Business Unit Administrative Analyst will preferably set up the subscription. Once the Business Unit Administrative Analyst make arrangements, they should inform Human Capital of the training cost and any other details in writing. Any relevant invoices should also be sent to Finance.

Human Capital's responsibilities also include:

- Assessing training needs
- Maintaining budgets and training schedules
- Assisting with learning and development activities and strategies
- Promoting corporate training programs and employee development plans
- Calculating learning and development KPIs whenever possible and decide on improvements

## **MANDATORY TRAINING**

**Mandatory training can include but are not limited to training by the State of Louisiana, FTA, FEMA as well as assigned Learning Plans.**

### **Code of Governmental Ethics**

#### **Who is required to receive the one-hour training on the code of Governmental Ethics?**

All public servants are required to take one hour of training on the Code of Governmental Ethics. A public servant is defined as a public employee or an elected official. Public servants and elected officials are required to take one hour of training per calendar year on the Code of Governmental Ethics pursuant to LA R.S.42:1170A.

#### **Who is considered a public employee in the Code of Governmental Ethics?**

R.S.42:1102

(18)(a) Public employee means anyone, whether compensated or not who is:

(i) An administrative officer or official of a governmental entity who is not filling an elective office.

(ii) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency or as an employee thereof.

(iii) Engaged in the performance of a governmental function.

(iv) Under the supervision or authority of an elected official or another employee of the governmental entity.

(b) However, public employee does not mean anyone whose public service is limited to periodic duty in the National Guard pursuant to 32 U.S.C.A. SO2.

(c) A public employee shall be in such status on days on which he performs no services as well as days on which he performs services. The termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced.

### **Preventing Sexual Harassment**

All employees, including part-time employees and members of the Board of Commissioners are required to complete the online course in “Preventing Sexual Harassment” by December 31st each year.

### **Preventing Sexual Harassment for Supervisors**

Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31st. The additional education and training may be received either in person or through an online course approved by the Human Capital Department.

### **The Effects and Consequences of Prohibited Drug Use**

**As an employee of a Transit Agency we must all abstain from the use of drugs and alcohol. Adherence to RTA’s Zero Tolerance Drug and Alcohol policy is essential in complying with the Drug and Alcohol Free Workplace Act of 1988. As such all employees are required to watch the video that demonstrates the effects of drugs on transit employees and the symptoms to look for. We are all responsible and ensuring that the public and most importantly our employees are safe and free from drugs and/or alcohol. The video will demonstrate the effects drugs have on employees and the signs of drug abuse.**

### **Cybersecurity Awareness**

**This course is designed to raise awareness regarding Cybersecurity. This course is designed to focus on forming information security habits and procedures that protect information resources and teach best practices for detecting, assessing, reporting, and addressing information security threats. This course meets the 30-minute training requirement as outlined in Act 155 of the 2020 Louisiana Legislature.**

### **Active Shooter Awareness Training**

**Active shooter training is one of several proactive steps organizations can take to prepare employees to respond appropriately to an active shooter incident. All employees should know how to recognize the signs of potential violence and what their role is during an active shooter situation.**

### **RTA's All Hazards Plan**

**The RTA's All Hazards Plan adopts the National Incident Management System (NIMS) that incorporates the Incident Command System (ICS) standard into the RTA's emergency response policies and procedures. All RTA employees are required to complete the following Independent Study (IS) course provided free by the Federal Emergency Management Agency (FEMA) to prepare them for potential emergency response roles:**

#### **FEMA IS-100 (Introduction to Incident Command System - ICS)**

**Additionally, RTA Directors and above may be required to serve in emergency management leadership positions on an activated Incident Management Team (IMT). The following additional FEMA IS courses are required for Directors and above to prepare them for emergency management roles:**

#### **FEMA IS-200 (Basic Incident Command System for Initial Response)**

#### **FEMA IS-700 (Introduction to the National Incident Management System - NIMS)**

#### **FEMA IS-800 (National Response Framework)**

### **When must the training be complete?**

The training is on a calendar year schedule. The due date is on or before December 31<sup>st</sup> of the calendar year. **However, course completion toward the beginning of each year is highly encouraged.**

### **Compliance and Enforcement**

- Human Capital shall maintain records of compliance for each employee of the agency**
- Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.**

**I do not have and an email address. Can I still take the training online?**

In order to take the training online, public servants will need an e-mail. The e-mail address does not have to be a work e-mail. Public servants may register for a free e-mail account in a matter of minutes with a number of websites.

**2.0 FLOWCHART**

N/A

**3.0 REFERENCES**

N/A

**4.0 ATTACHMENTS**

N/A

**5.0 PROCEDURE HISTORY**

8/18/2021 Final Executive Committee approval granted

8/24/2021 Final Board approval granted

**6.0 SPONSOR DEPARTMENT**

Human Capital

## Ethics

(HC18)

### POLICY STATEMENT

The New Orleans Regional Transit Authority's (RTA) goal is to make employment decisions that are fair, equitable and transparent. When relatives work together, conflicts of interest and perceived or real unfairness may result. Likewise, a RTA employee participating in a hiring process is responsible for ensuring a fair hiring process. If an employee's relationship with a candidate impacts his or her ability to be fair in a hiring process or may result in a perception of an unfair hiring process, that employee must either recuse him or herself from the process or discuss the issue with the employee's Chief Diversity, Equity, and Inclusion/EEO Officer or supervisor. To that end, no RTA employee may make, participate in, or attempt to influence employment-related decisions involving a relative. Additionally, anyone involved in the hiring process must disclose to Human Capital when they have a current or prior relationship with an applicant that is a conflict of interest or may reasonably be perceived to create a conflict of interest. Human Capital and Diversity, Equity, and Inclusion/EEO will determine how to handle such instances on a case-by-case basis.

### PURPOSE

RTA welcomes the opportunity to hire and retain qualified employees who are related to one another. However, when relatives work together it may create the appearance of or actual conflicts of interest or favoritism. Certain employment situations involving relatives are prohibited by the RTA's conflicts of interest rules. This policy sets out guidelines for the hiring process, as well as how to manage situations in which relatives may work together. This policy also addresses hiring situations where the hiring manager or others involved in the hiring process have a current or previous relationship with the applicant, whether or not these employees are related to the applicant.

### APPLICATION

This policy applies to all RTA employees, vendors, contractors and visitors while on RTA property, or when performing business with, or providing service for RTA. If a conflict occurs between this policy and a Collective Bargaining Agreement (CBA), the CBA prevails.

### ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### APPROVED BY:

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## 1.0 GENERAL

**1.1 General Rule** It is permissible for two relatives to work in the same department, agency or division, as long as there are no business or job-related conflicts of interest. It is not permissible for one relative to supervise or make employment-related decisions about the other relative.

**1.2 If a situation arises in which one employee is temporarily in the chain of command** of a relative, both employees shall immediately disclose the situation to their respective supervisor or Chief Diversity, Equity, and Inclusion/EEO Officer and a mitigation plan shall be developed in conjunction with Human Resources, and with notice to the unions(s) by the Chief Diversity, Equity, and Inclusion/EEO Officer if one or both employees is represented. Similarly, if two employees become related and one is in a position to make employment-related decisions about the other, both employees shall immediately disclose the situation to the Chief Diversity, Equity, and Inclusion/EEO Officer and Human Resources and a mitigation plan shall be developed. Employees who marry one another or become related during their employment will be allowed to remain with the RTA, unless they are in a supervisor-subordinate relationship and there is no open position to which one of them may be moved. Other exceptions will be handled on a case-by-case basis by the department and agency human resources management and Diversity, Equity, and Inclusion/EEO. Mitigation plans shall be developed to address actual or perceived conflicts. The RTA will not hire a job applicant who is a relative of a current employee if the applicant would be in a supervisory or subordinate position to the existing employee.

**1.3 Mitigation Plans for the Ongoing Employment of Relatives.** The goal of a mitigation plan is to resolve the conflict of interest or the appearance of a conflict of interest and/or harm to the work environment created by relatives working together. A mitigation plan should address issues like reporting relationships, supervision, and evaluation. If a mitigation plan cannot be developed or maintained, the RTA may require one of the two employees to seek a job outside the RTA.

**1.4 The Chief Diversity, Equity, and Inclusion/EEO Officer** will be consulted when staff cannot reach agreement on a mitigation plan and will work with the department to resolve the conflict.

**1.5 Conflict of Interest in the Hiring Process** An employee participating in a hiring process, (including a promotional process), either as a subject matter expert reviewing applications or on an interview panel, is expected to disclose to the hiring manager and human resources professional responsible for the recruitment any relationships with candidates that may impact the employee's ability to be fair and unbiased in the hiring process, or be perceived to be fair and unbiased in the hiring process. Depending on the nature of the relationship, the hiring manager and human resources professional may require the employee to recuse him or herself from the



hiring process. If the hiring manager or the human resources recruiter has a current or previous relationship with an applicant, the individual must disclose this relationship to his or her supervisor, human resources representative, and **Diversity, Equity, and Inclusion/EEO** and a mitigation plan may need to be developed for the hiring process. Additionally, an employee may not share information with an applicant for a position that would give that applicant an advantage over other applicants.

**1.6 Violations** - Violations of this policy may result in discipline, up to and including, termination of employment.

Refer questions or comments to the **Diversity, Equity, and Inclusion/EEO** Department.

## **2.0 PUBLIC SERVANTS**

All RTA employees and board commissioners are considered public servants, and therefore must comply with the Code of Governmental Ethics as set forth in the La. R.S. 42:1101, et seq.

Each RTA employee must acknowledge compliance with this Ethics Policy by annually signing the RTA's Ethics Statement. For existing employees, the Ethics Statement shall be signed in January of each year. New employees are required to sign this statement upon being hired.

In accordance with La. R.S. 42:1170A, all RTA employees are responsible for knowing their obligations under the statute and must receive a minimum of 1 hour of education and training on the Code of Government Ethics during each year of employment. Upon completion of the required training, each employee and board member will forward a copy of the training certificate to the Human Capital Department Director. The training website is [www.ethics.la.gov](http://www.ethics.la.gov).

Failure to participate in the 1 hour of mandatory annual ethics training will be reported to the Board of Ethics at the end of each year by the Human Capital Department Director.

In accordance with La. R.S. 42:1169, the Ethics Code provides statutory protection to an employee who reports information which the employee reasonably believes indicates a violation of the Ethics Code or other law related to their public employment. An employee shall be free from discipline, reprisal, or threats of discipline or reprisal for reporting such information. The RTA's Chief Human Resources Officer is the RTA employee to whom alleged violations should be reported. All complaints will be fully investigated and appropriate action taken.

The Human Capital Department is responsible for distributing and maintaining a signed Ethics Statement from each RTA employees annually. The Human Capital Department is charged with maintaining appropriate evidence confirming individual and overall

compliance with the required annual 1 hour of education and training on the Code of Government Ethics that is currently required and any/all additional requirements that may be imposed by applicable law. Failure to comply with this policy may result in disciplinary action and/or other legal sanctions.

### **3.0 Definitions**

**Relative** – As set forth this policy, relative is defined as a parent, child, sibling, spouse or domestic partner, aunt or uncle, niece or nephew, grandparent, grandchild, in-laws, children or relatives of a domestic partner to the same extent such relatives would be included in this definition if the employee and domestic partner were married.

**Employee** – All employees, volunteers, interns, veteran fellows, and contract workers in the Executive Branch.

**Employment-Related Decision** – The full spectrum of employment-related decisions, including but not limited to, recruitment, appointment, hiring, transfer, promotion, supervision, evaluation, compensation, audit, classification or reclassification, demotion, discipline, termination, and reduction in force.

**Conflict of Interest** – Conflict of interest means a conflict between a person's private interests and their responsibilities as a RTA employee. When used in this policy, conflict of interest means an actual conflict, a potential conflict or an appearance of a conflict.

### **4.0 FLOWCHART**

N/A

### **5.0 REFERENCES**

N/A

### **6.0 ATTACHMENTS**

N/A

### **7.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted  
12/15/2020 Interim Board approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

### **8.0 SPONSOR DEPARTMENT**

Human Capital

## **Reasonable Accommodation**

**(HC31)**

### **POLICY STATEMENT**

The New Orleans Regional Transit Authority (RTA) is committed to complying with the State of Louisiana Commission on Human Rights (LCHR) and Title I of the Americans with Disabilities Act (ADA). All applicants and employees requesting an accommodation which may provide continued employment at RTA will have their situation reviewed, and put through an interactive process to determine whether an accommodation is reasonable. To ensure a fair and thoughtful review, RTA has created a committee to coordinate the interactive process set out in this policy and to ensure compliance with applicable laws.

### **PURPOSE**

This policy provides guidelines for determining whether a reasonable accommodation is necessary and, if so, providing reasonable accommodations to applicants and employees as required by LCHR and the ADA.

### **APPLICATION**

This policy applies to all RTA applicants and employees. If a conflict occurs between this policy and a Collective Bargaining Agreement (CBA), the CBA will prevail.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## **1.0 PROCEDURES**

### **1.1 Applicant Requests for Reasonable Accommodations**

An applicant may request a reasonable accommodation related to RTA's examination process by submitting a completed Applicant Request for Reasonable Accommodation in Testing form (Form A), which includes a Certification of Disability from a Health Care Provider obtained at the applicant's expense (we do not accept educational institution evaluations), at least three (3) work days prior to the examination to the Human Capital Department. The applicant must specify the accommodation(s) that he or she requests for the examination process. Human Capital will evaluate the requests upon receipt of the forms.

If a Health Care Provider (HCP) certifies that an applicant has a disability, Human Capital will review and decide if the requested accommodation is reasonable. If it is determined to be reasonable, Human Capital will provide the applicant with the reasonable accommodation at or prior to the time of the examination.

If the applicant fails to submit any of the required forms or if Human Capital determines that the requested is not reasonable, Human Capital will inform the applicant in writing prior to the examination time that the request has been denied.

If an applicant disagrees with the determination, he or she may appeal, in writing, to the Chief **Diversity, Equity, and Inclusion (DEI)** Officer or his/her designee within seven (7) calendar days of the date of the determination. The Chief's decision will be final.

### **1.2 Employee Requests for Reasonable Accommodations**

#### **1.2.1 Temporary or Short-Term Disability**

An employee with a temporary or short-term disability who believes that he or she is in need of a reasonable accommodation may notify his or her direct supervisor of the need orally or in writing.

**Note:** Workers' Compensation staff will coordinate this process for employees with industrial injuries, and provide the necessary medical certification information.

Upon receiving notice, the employee's supervisor will notify his or her Human Capital Coordinator of the request for reasonable accommodation. The Human Capital Coordinator representative will contact the employee, direct him or her to this policy and forms, and assist the employee through the interactive process, as necessary.

The employee must complete the Employee/Applicant Request for Reasonable Accommodation form (Form B) and submit it to his or her Human Capital Coordinator, who will provide assistance in completing the forms, as necessary.

Within fourteen (14) calendar days of submitting the Request for Reasonable Accommodation form (Form B) to his or her Human Capital Coordinator, the employee must submit a Certification of Disability from a HCP, using either the Health Care

Provider Questionnaire (Form C) or a written communication from a HCP, certifying that the employee has a disability and listing the type and duration of any associated work restriction(s).

Upon receipt of the form and certification, the Human Capital Coordinator will review the request and work restriction(s) with the employee, their department and **DEI/EEO**. If the department can offer the employee modified or alternative work, the Human Capital Coordinator will provide a Temporary Modified/Light Duty Agreement form (Form D), which must be completed, and signed by the employee, department, Human Capital Coordinator, and **DEI/EEO**.

If an employee is off work because of his or her disability, he or she will typically remain off work, using available paid and unpaid leaves as a form of temporary reasonable accommodation. If the Human Capital Coordinator determines that RTA can provide a reasonable accommodation through temporary modified work or light duty, the employee must sign the Temporary Modified/Light Duty Agreement (Form D) prior to returning to work. An employee's failure to sign the agreement constitutes a refusal of the temporary modified work or light duty, and may result in the employee remaining off work in an unpaid status.

If the Human Capital Coordinator determines that temporary modified work or temporary light duty is not available or if an accommodation request is not reasonable, the Human Capital Coordinator will document the reasons for this determination on the Temporary/Short-Term Reasonable Accommodation Decision form (Form E). The Human Capital Coordinator will notify the employee in writing of the determination and offer the employee a leave of absence (paid, if the employee has available leave, or unpaid, if not) as a reasonable accommodation.

If the employee disagrees with the Human Capital Coordinator's determination, he or she may appeal, in writing, to the Chief **DEI/EEO** Officer within seven (7) calendar days of the date of determination. The Chief **DEI/EEO** Officer's decision will be final.

If the temporary modified work or temporary light duty assignment exceeds nine (9) months; the Human Capital Coordinator and/or department knows or reasonably believes that the employee requires a permanent or long-term reasonable accommodation; or the Human Capital Coordinator and department disagree over how an accommodation request should be handled, then the Human Capital Coordinator will transfer the request to the **DEI/EEO**.

#### 1.2.2 Permanent or Long-Term Disability

An employee with a permanent or long-term disability who believes he or she needs a reasonable accommodation may notify his or her direct supervisor orally or in writing.

Note: Workers' Compensation staff will support the Risk Management Analyst to coordinate this process for employees with industrial injuries, providing necessary

medical certification information. The medical certification and forms process outlined below is not needed for accepted workers' compensation claims.

Upon receiving notice, the employee's supervisor will notify the **DEI/EEO** of the request. The coordinator will contact the employee, directing him or her to this policy and forms, and assist the employee through the interactive process, as necessary.

Within fourteen (14) calendar days of submitting the Employee/Applicant Request for Reasonable Accommodation form (Form B) to the coordinator, or verbally making a request for workplace reasonable accommodations, the employee must submit a certification of disability from a HCP, certifying that the employee has a disability and listing the permanent or long-term work restriction(s) associated with the disability. The employee may use either the Health Care Provider Questionnaire (Form C) or a written communication from a HCP. The coordinator may extend the time to submit a certification beyond fourteen (14) calendar days if the HCP requires additional time to prepare the certification.

Upon receipt of the form and certification, the coordinator will schedule a meeting between the employee and the committee and will provide the employee with written notice of the date and time of the meeting.

The committee and employee will meet and review the employee's work restriction(s) to discuss options for a reasonable accommodation. It may take one or more meetings to fully explore possible reasonable accommodation options. The employee may bring a representative of their choice to this meeting.

At the conclusion of such meeting(s), the committee may:

- Determine that reasonable accommodations exist to support the employee to fully and safely continue in their current position. If the committee has agreed that the employee can perform all essential functions of his or her job classification with the same efficiency and effectiveness, the requested accommodation does not place an undue hardship on the department or on RTA, and the accommodation does not pose a direct threat to the employee, his or her coworkers, or the general public, a Reasonable Accommodation Plan will be approved, signed off by the parties, and the employee will be provided with modified work; or
- Identify options for placement into alternative work. If the committee determines that reasonable accommodation is not possible, they will discuss alternative work options with the employee.
  - Alternative work requires that: 1) RTA has approved filling a vacancy; 2) the employee is minimally qualified to perform the work; 3) the employee is able to perform the work with or without a reasonable accommodation; 4) the salary for the alternative work does not exceed the employee's

- current classification's salary; and 5) the alternative work does not conflict with a CBA.
- The alternative work search process will not typically exceed six (6) months. The search period can be reduced if the employee does not actively engage in the interactive process; refuses a bona fide offer of alternative work; and/or does not desire to explore alternative work. Active participation may include, but is not limited to, being responsive to RTA's inquiries regarding interest in the alternative work search process or other requests for information. If an employee requests an extension, the committee will evaluate the request on a case-by-case basis. If the extension is granted, the employee will be notified of the timeframe for the extended search period.
  - Where an employee does not successfully pass probation after placement in an alternative position through the alternative work search process, the employee will continue their alternative work search for the remainder of their original six month search period. Should less than six weeks remain, their search period will continue for a total final period of six weeks.
  - Where the number of qualified applicants for an alternative position exceeds the number of vacancies, the full-time hire date will determine which applicant will be placed in the alternative position.

Specific reasonable accommodations implemented may differ from the specific requests made by an employee.

Meeting notes will be taken at committee meetings, which will detail the discussion that took place, identify any agreements reached, and any outstanding items that may need further review or action. The coordinator will provide a copy of the meeting notes to the employee and their representatives, if any, and provide written notification of any committee decision(s) to the employee.

## 2.0 DEFINITIONS

**Alternative Work Process** – An alternative work search process will be conducted if an employee is unable to be reasonably accommodated to return/continue in their current position.

**Applicant** – A person applying for any position at RTA who has not yet been selected.

**Committee** – RTA's accommodations committee, which coordinates the interactive process and makes decisions pertaining to reasonable accommodation. The committee typically consists of representatives from the **DEI/EEO**, Risk Management Analyst, Human Capital, Workers' Compensation, and the eligible person's Department/Division. The Committee may include additional members on a case-by-case basis to support the Interactive Process.



**Direct Threat** – A significant risk of substantial harm to the health or safety of self or others that cannot be eliminated or reduced through reasonable accommodation. (42 U.S.C. § 12113(b); see 29 CFR §1630 app. §1630.2(r))

**Disability:** Any disability or condition that meets the definition of physical disability, mental disability, or medical condition contained in the ADA.

- **Permanent or Long-Term Disability** – A disability that a health care provider expects to continue for an indeterminate amount of time or for the life of the eligible Person.
- **Temporary or Short-Term Disability** – A disability that a health care provider expects to last for a specific amount of time, typically for not longer than six months.

**Disability Retirement** – If you have a disabling injury or illness that prevents you from performing your usual job duties, you may be eligible for disability retirement. If your disability retirement is approved, you receive a monthly retirement payment for the rest of your life or until you recover from your injury or illness.

**Eligible Person** – Any applicant or employee with an ADA-covered Disability.

**Employee** – Any person employed at RTA, whether probationary, at-will or by employment contract, including temporary agency staff or contractors working under RTA's control or supervision. Unless otherwise indicated specifically or by context, "employee" will include any person who has been offered a position at RTA but has not begun employment at RTA.

**Essential Functions** – Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. Factors to consider in determining if a function is essential include whether the reason the position exists is to perform that function, the number of other employees available to perform the function or among whom the performance of the function can be distributed, and the degree of expertise or skill required to perform the function.

RTA's judgment as to which functions are essential and a written job description prepared before advertising or interviewing for a job will be considered as evidence of essential functions. Other kinds of evidence that will be considered include: An Essential Functions Job Analysis; the actual work experience of present or past employees in the job; the time spent performing a function; the consequences of not requiring that an employee perform a function; and the terms of a CBA.

**Essential Functions Job Analysis** – An analysis that objectively identifies the core physical, mental and emotional requirements of a position. It is used to assist with determining how an employee's work restrictions may impact the core physical/mental/emotional demands of a position.



**Health Care Provider (HCP)** – Any person or entity defined as a Health Care Provider by LCHR, ADA, or related regulations.

**Hiring Authority** – A department authority that initiated a recruitment and hired an employee.

**Interactive Process** – The good faith process between RTA and an eligible person with a known disability, which includes consulting with an eligible person to ascertain the precise job-related limitations and how the limitations could be reasonably accommodated; and identifying potential accommodations and assessing their reasonableness and effectiveness.

**Light Duty/Transitional Duty** – Though not considered a reasonable accommodation under LCHR/ADA, Light Duty/Transitional Duty assignments are provided to employees with temporary work restrictions when possible. These assignments typically support an employee to perform some of the essential functions of their usual and customary position, and/or support them to perform their duties part-time. Employees may be assigned to perform a set of job tasks that are outside of their usual and customary classification. These assignments are typically provided for a period of 90 days, and extensions can be considered if the work is supporting employees to medically improve, as evidenced by a reduction in their restrictions over the period of the initial assignment.

**Modified Work** – An employee's performance of all the essential functions of his or her current job classification with the support of reasonable accommodation(s). Modified work may be short-term, long-term, or permanent.

**Reasonable Accommodation** – Any appropriate measure that would allow an eligible person to perform the essential functions of his or her job classification. A reasonable accommodation may include, but is not limited to, the following: making facilities accessible to individuals with disabilities; restructuring jobs; modifying work schedules; buying new or modifying existing equipment; or modifying examinations and policies.

**Undue Hardship** – A significant difficulty or expense required to grant the requested accommodation, including but not limited to:

- Nature and cost of the accommodation needed;
- Overall financial resources of the facility making the reasonable accommodation;
- Effect on expenses and resources of the facility;
- Impact of the accommodation on the operation of the facility;
- Impact of the accommodation on other employees; and
- Impact of the accommodation on the public service.

### **3.0 RESPONSIBILITIES**

**Applicants/Employees** with disabilities are responsible for engaging in good-faith with RTA during the disability interactive process; completing and forwarding a request for reasonable accommodation to Human Capital or the **DEI/EEO** Compliance Coordinator; and providing reasonable medical documentation with verification of their disability or impairment from their health care provider.

**Chief DEI/EEO Officer** (or designee) receives appeals from employees and applicants where they disagree with a determination by the committee or Human Capital Coordinator. The Chief's decision regarding an appeal will be final.

**Risk Management Analyst** is responsible for coordinating and documenting long-term restriction and leave accommodation requests and managing the Committee.

**Human Capital Coordinator** staff is responsible for all requests for reasonable accommodation in applications and testing; and is responsible for all requests for reasonable accommodation in relation to short-term leave or reasonable accommodations.

**Workers' Compensation Personnel and Transitional Duty/Return-to-Work Programs Coordinators** are responsible for coordinating the activities of the Short-Term/Temporary Transitional Duty and Return-to-Work Programs for employees with accepted occupational illnesses or injuries.

**Human Capital** is responsible for coordinating the disability interactive process and supporting reasonable accommodation decisions to be made and implemented for all long-term reasonable accommodation requests including, leaves past statutory and contractual limits, and long-term/permanent restrictions requiring accommodation periods expected to be greater than twelve (12) months.

**Department Chiefs and Hiring Authorities** are responsible for notifying the **DEI/EEO** of requests for reasonable accommodation made by employees; participating in the disability interactive process; and supporting the successful implementation of short-term and long-term reasonable accommodation plans.

#### **4.0 ATTACHMENTS**

1. Form A: Applicant Request for Reasonable Accommodation in Testing
2. Form B: Employee/Applicant Request for Reasonable Accommodation
3. Form C: Request for Reasonable Accommodation - Health Care Provider Questionnaire
4. Form D: Temporary Modified/Light Duty Agreement
5. Form E: Temporary/Short-Term Reasonable Accommodation Decision

#### **5.0 FLOWCHART**

N/A

## **6.0 REFERENCES**

- Americans with Disabilities Act
- State of Louisiana Commission on Human Rights (LCHR)
- (HC3) RTA Workplace Violence Prevention
- (HC22) RTA Fitness for Duty
- (HC13) RTA Grievance
- ~~Internal Complaint Process (HC38)~~
- (HC6) RTA Employee Personnel File

## **7.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted  
12/15/2020 Interim Board approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

## **8.0 SPONSOR DEPARTMENT**

Human Capital

## **Religious Accommodation**

**(HC43)**

### **POLICY STATEMENT**

The New Orleans Regional Transit Authority (RTA) is an equal opportunity employer and does not discriminate on the basis of religion or any other basis protected by federal or state law. It is RTA's policy to make a good faith effort to reasonably accommodate job applicants', candidates' and employees' sincerely held religious beliefs, practices, and observances, unless the accommodation would pose an undue hardship for RTA.

### **PURPOSE**

This policy establishes standards and procedures for responding to requests for religious accommodation from job applicants, candidates and employees.

### **APPLICATION**

This policy applies to all RTA job applicants, candidates and employees. If a conflict occurs between this policy and a collective bargaining agreement, the collective bargaining agreement will prevail.

### **ADOPTED BY:**

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### **APPROVED BY:**

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## **1.0 PROCEDURES**

RTA will consider requests for reasonable accommodation from job applicants, candidates and employees (requesting individuals) in accordance with the procedures outlined below. \*

\* There is a different set of religious accommodation procedures that apply to job applicants and employees in the following job classifications: Bus Operator Trainee, Part-time Bus Operator and Full-time Bus Operator. These procedures are explained in the Addendum to this policy (Attachment 1).

### **1.1 Initiating a Request for Religious Accommodation**

#### **1.1.1 Job Applicants and Candidates**

A. The Human Capital Department (HC) notifies applicants invited to participate in any given selection process of the opportunity to request an accommodation in advance of the testing process.

B. Job applicants and candidates are responsible for requesting a religious accommodation during the selection process. The Human Capital Department (HC) Coordinator is responsible for the selection process and will work with the applicant to determine a reasonable accommodation.

C. If a candidate needs a religious accommodation relating to an offered position, he/she is responsible for informing the HC Coordinator of the need for accommodation at the time of the conditional offer of employment.

##### **1.1.1.2 HC Coordinator's Responsibility**

When the HC Coordinator receives a verbal or written request for religious accommodation from an applicant or candidate, the HC Coordinator will provide the individual a copy of RTA's Religious Accommodation Policy and a Request for Religious Accommodation for Job Applicants form (Attachment 1) for completion and submittal.

#### **1.1.2 Employees**

To request a religious accommodation for the employee's current position, the employee should:

A. Obtain a Request for Religious Accommodation for Current Employees form (Attachment 2), which includes a copy of this policy from HC.

B. Complete and submit the request form to the Chief **Diversity, Equity, and Inclusion/EEO** Officer and/or the employee's immediate supervisor. If the request is for time off to observe a religious holiday, it must be made at least 30 days in advance of the holiday. This is necessary so a religious accommodation can be attempted which will not unduly disrupt RTA operations.

### **1.3 Evaluation of Requests for Religious Accommodation**

Upon receipt of a completed Request for Religious Accommodation form, the immediate supervisor or HC Coordinator will forward a copy of the request with supporting documents to the Chief **Diversity, Equity, and Inclusion/EEO** Officer for evaluation.

The Chief **Diversity, Equity, and Inclusion/EEO** Officer evaluates all requests for religious accommodation, and will obtain any additional information as needed. Requests will not be processed until the request form, required documents, and any additional requested information are received and reviewed by the Chief **Diversity, Equity, and Inclusion/EEO** Officer. The requesting individual is responsible for reasonably cooperating with RTA's accommodation efforts.

### **1.4 Approval/Denial of Requests for Religious Accommodation**

The Chief **Diversity, Equity, and Inclusion/EEO** Officer and respective Department Chief, when applicable, are responsible for approving or denying all requests for religious accommodation.

The Department Chief will:

- meet with the employee and initiate an Agency-wide search for a work schedule that will accommodate the employee's religious obligation; and
- confer with the bargaining unit of the employee if he/she is represented by a union, to seek a flexible solution to any collective bargaining agreement term which may create an impediment to finding an accommodation, and document those discussions.

If no accommodation can be found in the employee's job classification, the Chief **Diversity, Equity, and Inclusion/EEO** Officer will commence an interactive process with the employee to determine if there are alternative, vacant positions outside of the employee's job classification for which the employee qualifies. All requesting individuals will be notified in writing of the results of their requests.

#### **1.4.1 Approval**

If the Request for Religious Accommodation is from a job applicant, the responsible HC Coordinator will notify the applicant that the accommodation has been approved and will ensure that the accommodation is implemented in the selection process.

If the request is from a candidate or current employee, Chief **Diversity, Equity, and Inclusion/EEO** Officer, will notify the selected applicant, explaining how and when the accommodation will be implemented.

##### **1.4.1.1 Accommodation Rejected by the Requesting Individual**

If the requesting individual rejects the offered accommodation, he/she may discuss an alternative accommodation differing from the original request. The request for an

alternative accommodation will be evaluated in the same manner as the original request.

#### 1.4.2 Denial

If the requesting individuals request for religious accommodation is denied in total or in part, the Chief Diversity, Equity, and Inclusion/EEO Officer will notify him/her in writing, explaining the reason(s) for the denial.

- If a job applicant or candidate wishes to 'appeal the denial, he or she may do so by writing a letter of complaint to the Chief Diversity, Equity, and Inclusion/EEO Officer.
- If an employee wishes to appeal the denial, he/she may file a grievance under the Grievance (HC13) policy, and submit it to the Chief Diversity, Equity, and Inclusion/EEO Officer.

All requests for Religious Accommodation, along with a copy of the denial letters will be forwarded to the Human Capital Coordinator, and Diversity, Equity, and Inclusion/EEO, Civil Rights.

### 1.5 Changes to an Employee's Job Assignment

An employee's approved religious accommodation request will be valid only while the employee remains in the job assignment for which the request was approved. A different job assignment requires a new request for religious accommodation.

### 1.6 Maintenance of Requests for Religious Accommodation

If a request for religious accommodation relates to the selection process or was requested by a candidate who declined the position, the HC Coordinator will file all documents related to the request in the Employment Selection File.

If the religious accommodation was requested by a candidate who accepted the position, or from a current employee, all related documents will be filed in both the employee's department Personnel File and his/her centralized Personnel File in HC.

## 2.0 DEFINITION OF TERMS

**Job Applicant/Candidate** – Any individual who is seeking consideration for a RTA job by way of new hire, rehire, promotion, lateral transfer, or voluntary demotion. A job applicant has not completed the employment process making him/her eligible for hire; a job candidate has gone through the process and is eligible for hire.

**Religious Accommodation** – Reasonable modifications or adjustments to working conditions that remove conflicts between the employee's working conditions and the employee's religious obligations, and does not cause undue hardship to RTA.

**Religious Holiday** – A day that a Bus Operator's religion precludes him/her from working.

**Religious Unpaid Leave Status** – A period of time during which a Bus Operator will not work for RTA, and will not be paid by RTA, because no Suitable Assignment is available.

**Undue Hardship** – Where accommodation of an employee's religious obligations requires excess administrative costs, diminishes efficiency of operations, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

### 3.0 RESPONSIBILITIES

**Job Applicants/Candidates** are responsible for completing Requests for Religious Accommodation and cooperating with RTA staff during the reasonable accommodation process.

**Department Chief** is responsible for reviewing and approving or denying requests for religious accommodation in conjunction with the Chief **Diversity, Equity, and Inclusion/EEO** Officer.

**Chief **Diversity, Equity, and Inclusion/EEO** Officer** will serve as RTA's Religious Accommodation Administrator and has overall responsibility for enforcing the provisions of the Religious Accommodation Policy and for reviewing and approving or denying all requests for religious accommodation.

**Employees** are responsible for requesting and completing Requests for Religious Accommodation and cooperating with RTA staff during the reasonable accommodation process.

**Human Capital Coordinator, Labor Relations** is responsible for responding to complaints and grievances regarding requests for religious accommodation.

**Human Capital Coordinators** are responsible for processing requests for religious accommodation from job applicants and candidates.

### 4.0 FLOWCHART N/A

### 5.0 REFERENCES



- EEO Statement of Policy (DEI)
- (HC13) RTA Grievance Process

## **6.0 ATTACHMENTS**

1. Request for Religious Accommodation form - Job Applicants
2. Request for Religious Accommodation form - Current Employees
3. Specification of Religious Obligations for Bus Operators

## **7.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted  
12/15/2020 Interim Board approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

## **8.0 SPONSOR DEPARTMENT**

Human Capital

## Whistleblower Protection

(HC47)

### POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is committed to high standards of ethical, moral and legal professional conduct.

### PURPOSE

The agency expects its employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities.

### APPLICATION

This policy applies to all RTA Board Commissioners, employees, vendors, contractors and visitors while on RTA property, or when performing business with, or providing service for RTA. The RTA shall comply with all local, state, and federal laws. If a conflict occurs between this policy and a Collective Bargaining Agreement (CBA), the CBA prevails.

### ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### APPROVED BY:

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## 1.0 GENERAL

Louisiana law protects public employees who report information which they reasonably believe a violation, or any provision of law, or any other acts of impropriety related to the scope or duties of public employment, to their agency heads, the Louisiana Board of Ethics, or any person or entity of competent authority or jurisdiction. Any public employee who reports a potential violation shall be free from discipline or reprisal for their employer. This law (R.S. 42:1169) is enforced by the Louisiana Board of Ethics. A public employee who is wrongfully suspended, demoted, or dismissed due to reporting of any act of wrongdoing shall be entitled to reinstatement of his employment, as well as the receipt of any loss of income or benefits. A person who is a public employee because of a contractual arrangement with a governmental entity or agency, whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for reporting an alleged act of impropriety, shall be entitled to reinstatement of his contract and receipt of any lost compensation under the terms of the contract.

## 2.0 PROCEDURES

### 2.1 Reporting Misconduct

The agency encourages its employees to share their questions, concerns, suggestions, or complaints with someone who can address them properly. All reports of illegal and dishonest activities will be promptly submitted to the Chief **Diversity, Equity, and Inclusion** Officer who is responsible for investigating and coordinating corrective action.

## 3.0 DEFINITIONS

(A) **A whistleblower** as defined by this policy is an employee of the RTA who reports an activity that they consider to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

(B) **Misconduct** "Misconduct" is defined in this Whistleblower Policy as any activity by an Agency Board member, Officer, Director, Supervisor, employee, consultant or contractor that jeopardizes the safety of passengers or employees, violates a state or federal law or regulation or involves corruption, fraud, bribery, theft or misuse of agency property, gross incompetence, or otherwise violates any applicable Agency Code of Conduct or policy.

(C) **No Retaliation** This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the agency before seeking resolution outside the agency.

Accordingly, no Director, officer or employee who in good faith reports suspected Misconduct under this Whistleblower Policy or who cooperates in the investigation of Misconduct shall suffer harassment, retaliation or adverse employment consequence as a result of making such a report or cooperating in an investigation. An employee who retaliates against someone who has reported Misconduct in good faith or who has cooperated in the investigation of Misconduct is subject to discipline, up to and including termination of employment.

(D) **Reporting Misconduct** the agency encourages its Directors, officers and employees to share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address areas of concern. However, if an employee is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, the employee is encouraged to contact the Chief **Diversity, Equity, and Inclusion** Officer. Supervisors and Managers are required to report alleged violations of law to the Chief **Diversity, Equity, and Inclusion** Officer.

(E) **Acting in Good Faith** Anyone who reports Misconduct must be acting in good faith and have reasonable grounds for alleging the Misconduct. Any allegations that prove not to be substantiated and which were known to be false when made or were made with willful disregard for their truth or falsity will be viewed as a serious disciplinary offense.

(F) **Confidentiality Reports** of Misconduct or suspected Misconduct may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of Misconduct or suspected Misconduct will be kept confidential to the extent possible and to the extent permitted by law. Reports of Misconduct or suspected Misconduct will be shared with other individuals, including individuals outside the agency, as necessary to conduct an adequate investigation.

(G) **Anonymous Allegations** This Whistleblower Policy encourages individuals to put their names to allegations of Misconduct because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be looked into appropriately, but consideration will be given to: the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

(H) **Handling of Reported Misconduct** The employee's supervisor or other agency representative will acknowledge receipt of the reported Misconduct within five business days, unless the report was submitted anonymously. All reports will be

promptly investigated and appropriate corrective action will be taken if warranted by the investigation. The Chief **Diversity, Equity, and Inclusion** Officer may employ the services of an independent investigator in cases where the alleged Misconduct involves an expenditure or loss to the agency in excess of \$250,000.00, or creates a significant exposure to liability to the Agency or in other special circumstances that justify independent investigation.

**Examples of illegal or dishonest activities** are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact their immediate supervisor or the Chief **Diversity, Equity, and Inclusion** Officer. The employee must exercise sound judgment to avoid baseless allegations. **An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.**

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Agency will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Chief **Diversity, Equity, and Inclusion** Officer immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Defend Trade Secrets Act (DTSA) Compliance: "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

- 1) Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and (ii) solely for the purpose of reporting or investigating a suspected violation of law; or (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

- 2) Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—(A) files any document containing the trade secret under seal; and (B) does not disclose the trade secret, except pursuant to court order.”

#### **4.0 RESPONSIBILITIES**

N/A

#### **5.0 FLOWCHART**

N/A

#### **6.0 REFERENCES**

- (HC27) RTA Ethics
- (HC47) RTA Whistleblower Protection
- Whistleblower Protection for public employees – LSA-R.S. 42:1169

#### **7.0 ATTACHMENTS**

N/A

#### **8.0 PROCEDURE HISTORY**

12/15/2020 Interim Board approval granted  
12/11/2020 Interim Executive Committee approval granted  
2/4/2021 Final Executive Committee approval granted  
2/23/2021 Final Board approval granted

#### **9.0 SPONSOR DEPARTMENT**

Diversity, Equity, and Inclusion

## Equal Employment Opportunity

(HC4)

### POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is committed to maintaining an environment that values diversity, in which all its employees and applicants are free from discrimination, harassment and retaliation in accordance with Title VII of the Civil Rights Act of 1964, as amended, and other applicable Federal and State legislation.

### PURPOSE

The purpose of this policy is to ensure that decisions affecting all RTA employment practices, including: recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment, are made without regard to race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes. This policy will be updated biannually.

This policy also protects employees exercising their rights under the Family and Medical Leave Act, the Pregnancy Discrimination Act and related statutes.

### APPLICATION

This policy applies to all RTA employees, transportation contractors, and sub-recipients who employs 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year.

### ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

### APPROVED BY:

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Alex Z. Wiggins  
Chief Executive Officer

Effective Date: 2/23/2021  
Date of Last Review: XX/XX/XXXX

## **1.0 GENERAL**

RTA is committed to an Equal Employment Opportunity (EEO) Program, including goals and timetables, to overcome the effects of past discrimination of minorities and females. EEO principles govern all aspects of RTA's personnel policies, program practices, and operations. The Chief **Diversity, Equity, & Inclusion** Officer ~~and/or Louisiana Commission on Human Rights~~ updates and revises the EEO Program in accordance with state and federal law.

RTA's commitment to EEO extends to all job applicants and employees, and to all aspects of employment, including: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, tuition assistance and termination.

RTA is committed to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

The successful achievement of EEO goals will provide benefits to RTA through fuller utilization and development of previously underutilized human resources. The achievement of EEO goals will ensure that the diversity of the RTA workforce will reflect the community it serves.

RTA's **Diversity, Equity, and Inclusion** Department handles Civil Rights and Equal Employment Opportunity Unit matters and investigates allegations of discrimination, harassment, and retaliation. All complaints will be investigated in a fair, consistent and timely manner.

## **2.0 PROCEDURES**

~~Any person~~ **Any employee or applicant** who believes that they may have been **discriminated against, or harassed** on the basis of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes, should contact the Chief Human Resources **Diversity, Equity, and Inclusion Officer** at (504) 827-8409 **8377**, or [civilrights@rtafoward.org](mailto:civilrights@rtafoward.org), within 365 days of the alleged violation.

In addition, or in lieu of utilizing the Office **of Diversity, Equity, and Inclusion**/Civil Rights complaint process at RTA, a Complainant may file a complaint of discrimination with the New Orleans Field Office of Equal Employment Opportunity Commission (EEOC) Hale Boggs Federal Building 500 Poydras Street, Suite 809, New Orleans, LA 70130. United



States, the State of Louisiana Commission on Human Rights (LCHR), The Federal Transit Administration (FTA), or the Federal Department of Transportation (DOT).

Retaliation against any individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in a protected activity is strictly prohibited and will not be tolerated. If a violation is found, disciplinary action will be taken up to and including termination.

## 2.1 COMPLAINT PROCESS

Any employee or applicant believing they have been discriminated against, harassed, or retaliated against ~~The employee or applicant who lodged the complaint~~ will complete a Discrimination, Harassment or Retaliation Complaint Form (Attachment 1). They may file a formal, written complaint with the Diversity, Equity, and Inclusion Officer/EEO Coordinator, ~~or work with the EEO Coordinator~~ to provide the information necessary to begin an investigation. After being notified of a complaint, an appointment will be scheduled between the employee and the Diversity, Equity, and Inclusion Officer/EEO Coordinator within 48 hours.

**A complaint** ~~Once a complaint is received,~~ it is reviewed for jurisdiction. A complaint may be rejected if it is not filed within the time specified above, or, if after review of the allegations, it is determined that EEO policies have not been violated. When a complaint is rejected, EEO will notify the complainant.

If it appears that the alleged action(s) violates RTA's EEO policies, an investigation will be conducted. An investigation will include a review of the following: the circumstances under which the alleged discrimination occurred; relevant policies and practices related to the complaint; statements relevant to the allegation; and pertinent legal guidance/precedents.

All documents and information acquired during the investigation are confidential.

## 2.2 INVESTIGATION PROCESS

The EEO investigation process includes:

- notifying the complainant to acknowledge acceptance of the complaint, and providing the assigned case investigator's name;
- notifying the person accused of discrimination, harassment, or retaliation (respondent), providing him/her with an opportunity to respond to the allegation(s);
- notifying the respondent's department head that the EEO Unit will be investigating the complaint; and

- interviewing witnesses and reviewing relevant documentation, so the EEO Investigator can research facts alleged in the complaint.

In some cases, the nature of the allegation may warrant the complainant and the respondent to be separated during the course of the investigation. Under these circumstances, it is the *respondent* that is transferred or put on leave pending the outcome of the investigation.

The **Diversity, Equity, and Inclusion Officer/EEO Coordinator** prepares a report of the investigation findings that includes a recommendation regarding a resolution to the complaint. The Chief **Human Resources Executive** Officer reviews the **Diversity, Equity, and Inclusion Officer/EEO Coordinator** report and recommendation. After final review, closing letters are sent to the complainant, respondent, and the respondent's direct supervisor. For substantiated findings, closing letters will also be sent to the respondent's department head and applicable member of the CEO's Executive Leadership Team. The DEI and Human Resources ~~units~~ **departments** retain copies.

In cases where there is sufficient evidence to substantiate the complainant's allegations, the department Chief will consult with the Chief **DEI Officer/EEO Coordinator**, who will offer advice or recommend appropriate disciplinary action to be administered. The department Chief must provide the Chief **DEI and Human Resources Officer**s with a written confirmation of discipline, no later than ten days after the disciplinary action has been taken. If disciplinary action warrants a transfer, it is the *respondent* who is transferred, not the complainant. The complainant may be transferred *only* if he/she requests to be transferred.

An "unsubstantiated" finding will be recorded if the investigation fails to find sufficient evidence to support the complainant's allegation(s). After a final "unsubstantiated" finding review by the Chief **DEI Officer/EEO Coordinator**, the complainant and respondent are notified. If the complainant accepts the findings, the matter is closed. The complainant may appeal the "unsubstantiated" finding within 20 business days of the closing letter's date. The respondent may appeal a "substantiated" finding within 10 business days of the closing letter's date. The appeal should be made to the Chief **Human Resources Executive** Officer. The Chief's decision will be final.

At any time during the complaint process, the complainant should promptly notify the Chief **DEI Officer/EEO Coordinator** in writing if they:

- decides to withdraw the complaint;
- files a lawsuit against RTA or its employees; or
- changes an address, telephone number, or other contact information.

If at any time during the course of the investigation, a complainant fails to respond to communications from the **DEI** Department after two written requests, the investigation may be completed without further input from the complainant.

All RTA employees are required to participate with the EEO investigative process. Failure to do so where there are no mitigating factors may result in discipline.

Regardless of the outcome of the complaint, the complainant has a right to consult or file a complaint with the State of Louisiana Commission on Human Rights (LCHR), the United States Equal Employment Opportunity Commission (EEOC), the Federal Transit Administration (FTA), and the Department of Transportation (DOT). If an employee or applicant files a complaint with an outside agency, a formal conciliation conference may be scheduled with the **DEI** Department and the outside agency.

**An experienced, neutral outside investigator should be brought in when:**

- **Allegations involve as either complaining party or target of the investigation a member of the HR Department or upper management (supervisor, director, deputy director, deputy chief, chief executive officer or a member of the board).**
- **Accusations have been made public or widely known within the agency.**
- **The situation is highly confidential or sensitive.**
- **There are allegations of criminal behavior and cooperation with law enforcement is necessary.**
- **There are reasons to question whether the in-house team is sufficiently experienced or will be viewed as unbiased and objective.**

### **2.3 Retaliation**

RTA prohibits retaliation, as defined in the Discrimination, Harassment and Retaliation (HC21) policy, against any complainant(s) or other person who provides information during the investigation. Any employee or applicant who believes he/she has been retaliated against should immediately contact the Chief **DEI** Officer.

Any RTA employee who retaliates against anyone involved in an EEO matter will be subject to disciplinary action (see the Discipline (HC25) policy), up to and including termination.

## **2.4 Confidentiality**

RTA will make every possible effort to assure the confidentiality of complaints made under this policy. However, complete confidentiality cannot be guaranteed, due to the need to fully investigate the complaint and duty to take effective, remedial action. RTA will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action; take remedial action; defend itself in adversarial proceedings; or comply with the law or a court order.

## **2.5 False Allegations and Statements**

RTA considers false allegations of discrimination or harassment to be a violation of policy, and an abuse of state and federal law. Where there is clear evidence that a complainant has made false allegations of discrimination, harassment, or retaliation; or a complainant or respondent has made false statements to the EEO Investigator, disciplinary action, up to and including termination will follow.

## **2.6 Non-Jurisdictional Complaints**

If a complaint is determined to be non-jurisdictional under EEO criteria, the **DEI** Department will refer the complaint to the appropriate entity within RTA. The **DEI and/or** Human Capital Department is also available to provide conciliation between the employee and management.

## **2.7 Informal Resolutions**

In some instances, EEO complaints can be addressed and resolved in an informal manner, as it can be counterproductive to implement a formal investigation. For informal resolutions that result in a summary report and/or have a substantiated finding, the **DEI** Department will vet the report through the Department Chief. Once reviewed and approved, applicable managers and members of the CEO's Executive Leadership Team will be notified of the findings of the case and will be included in discussions regarding outcomes.

## **3.0 DEFINITION OF TERMS**

**Business Day** – Any day RTA is open for business, excluding Saturdays, Sundays and Holidays

**Complaint** – Written document that states incident(s) of alleged discrimination, harassment, or retaliation, what term or condition of employment was affected, and

who is believed to have engaged in discrimination or harassment in violation of RTA's EEO policies

**Complainant** – Party who filed the complaint

**Discrimination** - any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.

**Equal Employment Opportunity** - the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.

**False Allegations/Statements** – Any intentional misrepresentation or omission of relevant information pertaining to the complaint and investigation by the complainant, respondent, or witnesses.

**Information** – Any and all tangible or electronically stored data or documents

**Respondent** – Party or parties named in the complaint that complainant believes engaged in discrimination or harassment or retaliation in violation of RTA's EEO policies

**"Substantiated" Finding** – Sufficient evidence found to support the complainant's allegation(s)

**"Unsubstantiated" Finding** – Insufficient evidence found to support the complainant's allegation(s)

~~EEO will notify all appropriate parties regarding the disposition of the complaint. If a violation of RTA's EEO policies is determined, appropriate disciplinary action will be sought against the respondent and corrective action taken to prevent recurrence.~~

- ~~• The respondent may appeal a "substantiated" finding to RTA, Chief Human Resources **Executive** Officer and or/ New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States within 10 business days of the closing letter's date. If no policy violation is found and the complainant wants to appeal the decision, they may appeal directly to RTA, Chief Human Resources **Executive** Officer and or/, New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130~~



*Regional Transit Authority*

~~United States, within 20 business days of the closing letter's date. The Chief Human Resources Officer decision will be final.~~

~~The EEO Unit investigates every case in a fair, consistent and timely manner. If at any time during the course of the investigation, a complainant fails to respond to communications from the EEO Unit after two written requests, the complaint may be closed for failure to cooperate.~~

~~**At any time during the process, the complainant should promptly notify the EEO Unit in writing if employee:**~~

- ~~• decides to withdraw the complaint;~~
- ~~• files a lawsuit against RTA or its employees~~
- ~~• changes an address, telephone number or other contact information~~

### **3.0 DEFINITION OF TERMS**

~~Discrimination – any intentional or unintentional action which limits or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender identity, veteran status, or any other basis protected by federal or state statutes.~~

~~Equal Employment Opportunity – the prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, and any other term or condition of employment.~~

### **4.0 RESPONSIBILITIES**

The Office of Civil Rights monitors goals for effectiveness and the need for revision to overcome any underutilization or concentration of minorities or females. It maintains a database of all civil rights complaints received. The data includes the date the complaint was filed, summary of the allegations, status of the complaint and actions taken to resolve the complaint.

Chief Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States is the designated EEO Officer, who reports directly to the CEO and is responsible for the EEO Program; updating RTA EEO policies; monitoring compliance with the EEO Program goals; providing training; and implementing programs that support RTA's policy of promoting diversity, equal employment opportunity, and affirmative action.

**Managers and Supervisors** have an affirmative duty to:

- refer employees or applicants to the Chief **DEI** Officer if an employee or applicant alleges **they have** been a victim of discrimination, harassment, or retaliation;
- contact the Chief **DEI** Officer to investigate any discrimination, harassment, or retaliation complaint as soon as it is received;
- contact the Chief **DEI** Officer when the manager or supervisor observes behavior that appears to be in violation of RTA's EEO policies;
- document relevant discussions regarding an incident or complaint and forward original documents to the Chief **DEI** Officer for complaint file; and
- contact the Chief **DEI** Officer with any questions concerning harassment, discrimination, or retaliation.

Further, all RTA Managers and supervisors are responsible for ensuring that implementation and compliance is achieved through understanding, communicating, and active involvement in support of this policy. All supervisors and managers are responsible



for implementing their unit's EEO goals. Goals are monitored by the Chief **DEI and** Human Resources Officer and New Orleans Field Office of Equal Employment Opportunity Commission (EEOC), 500 Poydras Federal Building New Orleans LA 70130 United States for effectiveness and need for revision to overcome any underutilization or concentration of minorities or females. Performance evaluations of managers and supervisors will include evaluating the success of the EEO program in the same manner as performance on other goals.

**Diversity, Equity, and Inclusion, Civil Rights and Equal Employment Opportunity (EEO)** designs, develops, implements and monitors RTA's EEO policies and procedures; investigates complaints of employment discrimination, harassment, and retaliation; and recommends remedies if violations of EEO policies are found.

**Complainant** cooperates with the **DEI** Department during all stages of the internal complaint process.

**Respondent** cooperates with the **DEI** Department during all stages of the internal complaint process.

Applicants and employees have the right to file complaints alleging discrimination with the Chief, Office of Civil Rights, the United States Equal Employment Opportunity Commission (EEOC), the State of Louisiana Commission on Human Right (LCHR), The Federal Transit Administration (ETA), or the Federal Department of Transportation (DOT). The EEO Program is available for inspection by any employee or applicant for employment upon request.

All RTA employees, contractors and sub-recipients who employ 100 or more transit-related employees and request or receive federal transit funding in excess of \$1 million in the previous Federal fiscal year, or request or receive federal planning assistance in excess of \$250,000 in the previous Federal fiscal year must comply with this and all other EEO Policies.

## **FLOWCHART**

N/A

## **REFERENCES**

- State of Louisiana Commission on Human Rights (LCHR)
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- (HC3) RTA Workplace Violence Prevention
- (HC25) RTA Progressive Discipline





*Regional Transit Authority*

## **7.0 ATTACHMENTS**

**Discrimination, Harassment, or Retaliation** Complaint Form

## **8.0 PROCEDURE HISTORY**

12/11/2020 Interim Executive Committee approval granted

12/15/2020 Interim Board approval granted

2/4/2021 Final Executive Committee approval granted

2/23/2021 Final Board approval granted

## **9.0 SPONSOR DEPARTMENT**

~~Human Capital~~ **Diversity, Equity, and Inclusion**

**Civil Rights Complaint Form**

Title VII of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no person in the United States shall be discriminated against based on sex, age, disability, religion, medical condition, marital status, or sexual orientation.

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please let us know.

Complete and return this form to RTA Diversity, Equity, and Inclusion/Civil Rights Department, Regional Transportation Authority 2817 Canal Street, New Orleans, LA 70119.

1. Complainant's Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. Telephone No.: (home/cell) (other) \_\_\_\_\_

5. Person discriminated against (if someone other than the complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race \_\_\_\_\_

b. Color \_\_\_\_\_

c. National Origin \_\_\_\_\_

d. Sex \_\_\_\_\_

e. Age \_\_\_\_\_

f. Disability \_\_\_\_\_

g. Religion \_\_\_\_\_

h. Medical Condition \_\_\_\_\_



Regional Transit Authority

i. ~~Marital Status~~ \_\_\_\_\_

j. ~~Sexual Orientation~~ \_\_\_\_\_

7. ~~What date did the alleged discrimination take place?~~ \_\_\_\_\_

8. ~~In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.~~

9. ~~Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes ☐ No ☐~~

~~If yes, check each box that applies:~~

~~Federal agency~~ ☐

~~Federal court~~ ☐

~~State agency~~ ☐

~~State court~~ ☐

~~Local agency~~ ☐

10. ~~Please provide information about a contact person at the agency/court where the complaint was filed.~~

~~Name:~~ \_\_\_\_\_

~~Address:~~ \_\_\_\_\_

~~City:~~ \_\_\_\_\_

~~State:~~ \_\_\_\_\_

~~Zip Code:~~ \_\_\_\_\_

11. ~~Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.~~

Complainant's Signature \_\_\_\_\_

Date \_\_\_\_\_

## COMPLAINT FORM

(PLEASE PRINT)

Last Name (Complainant)	First Name	Work Extension	Dept/Division	
Address	City	State	Zip Code	Cell or Home Phone
Job Title	Badge Number	Hire Date	Union	
Department Supervisor's Name		Supervisor's Extension		
<b>What is the basis of the complaint? Mark all that apply:</b>				
<input type="checkbox"/> Disability (mental or physical)	<input type="checkbox"/> Medical Condition (incl. cancer, AIDS, HIV)	<input type="checkbox"/> Gender Identity		
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Color		
<input type="checkbox"/> National Origin	<input type="checkbox"/> Age (40 & over)	<input type="checkbox"/> Race		
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Denial of Family Care Leave	<input type="checkbox"/> Veteran Status		
<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Denial of Pregnancy Disability	<input type="checkbox"/> Retaliation		
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Other (i.e. Marital Status, Genetic Information)			
<b>Have you filed a complaint with EEO about any prior incident?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>What is the status of the prior complaint?</b> _____				
<b>Person(s) discriminating against you currently:</b> (Name, title, dept.) _____				
<b>Briefly describe your complaint against the above-named person(s). Specifically, how were you discriminated against or treated differently from others on the basis of race, sex, age, etc. Cite specific examples of other examples of other employees treated differently, and specific incidents, acts, or circumstances, including dates, locations name(s) of witness(es) that support your allegation(s)</b> (Use additional sheet(s) if necessary)				

Non-Union Employee? ☐ Yes ☐ No

Have you attempted to resolve the matter by discussing it with your Supervisor/  
Manager? If "yes", what is the status of the matter?

☐ Yes ☐ No

Have you filed a report or complaint with your union? ☐ Yes

☐ No

Union Name:

If "yes", what is the status?

Have you ever filed with an external agency? ☐ Yes

☐ No

If "yes", name of agency?

**READ BEFORE SIGNING:** This complaint will be processed pursuant to RTA's Internal Complaint Process (HC38) policy. Any employee who intentionally files a false discrimination complaint or makes false statements during the investigation will be subject to disciplinary action. Every effort will be made to ensure that all documents and information acquired during the investigation are kept confidential. The complainant's cooperation is required. Retaliation is prohibited.

\_\_\_\_\_  
Signature of Employee (Complainant)

Date



RESOLUTION NO. \_\_\_\_\_

STATE OF LOUISIANA PARISH OF ORLEANS

---

**AUTHORIZATION TO ADOPT RTA WORK POLICIES AS AMENDED**

---

Introduced by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_.

**WHEREAS**, RTA is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the New Orleans region; and

**WHEREAS**, adoption of this amended agency-wide policy continues to establish certain guidelines and policies to be followed by RTA; and

**WHEREAS**, RTA establishes protocols to create, amend, and disseminate administrative policies and procedures (policies). A uniform policy format provides clear and concise steps for establishing or revising policies to achieve maximum organizational efficiency and understanding; and

**WHEREAS**, the Board adopts all agency policies including any substantive changes or amendments while the RTA Human Capital Business Unit has the authority to make any non-substantive changes, and the CEO maintains a system, records, and reports that are consistent with industry best practices and statutory requirements to align agency resources with the Board's objectives and the agency's mission; and

**WHEREAS**, RTA is committed to ensuring proper controls and complying with legal regulations and industry best practices for agency-wide policies; and

**WHEREAS**, RTA staff introduced the policy listed below that was previously approved, and needed edits have been incorporated.

RTA's Chief Diversity, Equity and Inclusion Officer has reviewed the policies pertaining to the Office of Diversity, Equity, and Inclusion. The changes are mainly changing Human Resources to Diversity, Equity and Inclusion or adding Diversity, Equity and Inclusion in some instances.

1. HC2 RTA Civil Rights Policy – clarified processes
2. HC4 RTA Equal Employment Opportunity Policy – clarified processes
3. HC5 RTA Gender Transition Policy
4. HC10 RTA Preventing Sexual Harassment
5. HC11 RTA Employee Training and Development Policy – clarification of mandatory training
6. HC18 RTA Ethics Policy
7. HC31 RTA Reasonable Accommodation Policy
8. HC43 Religious Accommodation Policy
9. HC47 RTA Whistleblower Protection Policy
10. HC38 Internal Complaint Process Policy – absorbed in HC4 Equal Employment Opportunity Policy

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Regional Transit Authority hereby approves the attached amended agency-wide policies.

**THE FOREGOING WAS READ IN FULL; THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:**

<b>YEAS:</b>	_____
<b>NAYS:</b>	_____
<b>ABSTAIN:</b>	_____
<b>ABSENT:</b>	_____

**AND THE RESOLUTION WAS ADOPTED ON THE   nd DAY OF** .

**MARK RAYMOND, JR.  
CHAIRMAN  
RTA BOARD OF COMMISSIONERS**



# New Orleans Regional Transit Authority

2817 Canal Street  
New Orleans, LA 70119

## Board Report and Staff Summary

File #: 22-169

### Operations & Administration Committee

#### 2023 Agency Safety Plan

DESCRIPTION: 2023 RTA Agency Safety Plan Revision	AGENDA NO: Click or tap here to enter text.
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other	

#### RECOMMENDATION:

To approve and adopt the 2023 revision to RTA's Agency Safety Plan ("ASP") as written, to satisfy State Safety Oversight Agency (SSO) and Federal Transit Administration (FTA) safety plan requirements.

#### ISSUE/BACKGROUND:

A formally approved revision of RTA's ASP is required annually by the Louisiana Department of Transportation and Development (LADOTD), serving in the capacity of RTA's SSO under 49 CFR Part 674, and by FTA.

Staff is recommending that the Board of Commissioners approve the revised ASP to be immediately executed by management and staff.

#### DISCUSSION:

The Board of Commissioners previously approved the initial ASP on July 28, 2020 and subsequent revisions on March 23, 2021 and January 25, 2022. This revision for Calendar Year 2023 includes continued enhancements to multiple sections, addresses new federal requirements, and reflects RTA's current organizational structure.

LADOTD has reviewed the draft ASP and provided their written concurrence as required by Title 70, Part IX, of the Louisiana Administrative Code, received on November 3, 2022. RTA's ASP meets or exceeds federal and state requirements governing such plans. Furthermore, both the ASP and the formal process established and employed by staff to update it align with new FTA safety requirements from the Bipartisan Infrastructure Law ("BIL") which was signed into law on November 15, 2022.

Staff will continue to develop and refine this ASP to ensure it is actionable, has the full support of all executive leadership, and drives continuous safety improvements throughout the agency.

#### FINANCIAL IMPACT:

None



NEXT STEPS:

Upon receipt of the formal approval, the Chief Safety and Emergency Management Officer will send a final copy to LADOTD as required. The executive leadership and staff will execute the plan and continue to provide implementation updates upon request.

ATTACHMENTS:

1. 2023 Agency Safety Plan
2. Tentative approval from LADOTD
3. Resolution

Prepared By: Natika Brooks  
Title: Director - System Safety

Reviewed By: Michael J. Smith  
Title: Chief Safety and Emergency Management Officer

Reviewed By: Gerard Guter  
Title: Chief Operating Officer



Alex Wiggins  
Chief Executive Officer

12/2/2022

Date



# **New Orleans Regional Transit Authority**

## **AGENCY SAFETY PLAN**

**Effective: December 13, 2022**

**New Orleans Regional Transit Authority  
2817 Canal Street  
New Orleans, Louisiana 70119**

## Concurrences and Approvals

### New Orleans Regional Transit Authority Agency Safety Plan

#### Concurrences:

---

Michael J. Smith  
Chief Safety and Emergency  
Management Officer  
SMS Executive

---

Gerard Guter  
Chief Operating Officer

#### Approvals:

---

Alex Z. Wiggins  
Chief Executive Officer  
Accountable Executive

---

Mark Raymond, Jr.  
Chairman, Board of Commissioners

Date: \_\_\_\_\_



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## Document Revision Policy

This document is intended for use by the position to which it was issued. The control version of this document is stored electronically on RTA's "SMS" shared drive and is exclusively maintained by designated Safety Department staff. Printed copies of this document are uncontrolled and may not be current.

This plan is complemented by, and dependent on, other supporting policy documents issued by RTA, and is updated at least annually in accordance with federal and state requirements. The Chief Safety and Emergency Management Officer determines the initial distribution for this document.

## Revisions/Amendments

Version Year	Revision No.	Effective Date	Revised Sections	Purpose
2021	0	7/15/2020	All	Initial issue of PTASP-compliant safety plan (49 CFR Part 673)
2021	1	3/23/2021	All	Incorporates major organizational structure changes
2022	0	1/25/2022	All	Initial Issue; minor updates
2023	0	12/13/2022	All	Aligns with FTA requirements announced in Feb. 2022 Dear Colleague letter, stemming from Bipartisan Infrastructure Law

## Purpose and Scope

The purpose of the Agency Safety Plan (ASP) is to set forth the requirements for identifying, evaluating and minimizing safety risk throughout the New Orleans Regional Transit Authority's (RTA) public transit system. The ASP design and implementation includes the development of a comprehensive Safety Management System (SMS) as described in the Federal Transit Administration's (FTA) requirements (49 CFR Parts 670, 672, 673, and 674) and follows the Louisiana Department of Transportation and Development (LADOTD, herein referred to as the State Safety Oversight Agency ( "SSO") State Safety Oversight Program Standard (SSOPS)<sup>1</sup>. The plan incorporates the four components of SMS: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. The FTA, other federal agencies, and the SSO will have access to review all RTA SMS documentation upon request.

The ASP is specifically developed to:

- Establish the Safety Program for RTA.
- Identify the relationships and responsibilities of RTA with other agencies and organizations that impact transit system safety.
- Provide formal documentation of RTA management's commitment to safety.
- Provide a framework for implementing RTA's safety management policy and related policies and procedures.
- Achieve RTA's system safety goals and objectives in compliance with the National Public Transportation Safety Plan (NSP).
- Satisfy federal, state, and local laws, codes, ordinances, and regulations.

The RTA provides public transportation services to the City of New Orleans, Orleans, St. Bernard, and Jefferson Parishes, and the City of Kenner. The RTA system includes five streetcar lines, 34 bus routes, paratransit service, and two passenger ferry lines.

Per 49 CFR Part 673.11(f), agencies that operate passenger ferries regulated by the United States Coast Guard (USCG) are not required to develop agency safety plans for those modes of service. In consultation with the Chief Marine Officer (CMO), the Chief Safety and Emergency Management Officer (CSEM) or designated staff will oversee contractual safety responsibility by the operator(s) of those services, including safety management program(s) developed and maintained by the operator(s), in accordance with any service agreements in place and with all applicable federal and state requirements. RTA designated staff assigned to safety responsibility may direct operator(s) to non-modal-specific elements of this ASP as necessary to support program development. Application/adoption of any safety requirements, processes, or practices herein will be administered and overseen through separate RTA- and operator-issued policy documents.

Effective December 2020, all positions described in this plan are directly employed by RTA. Staff serving as project or contract managers are responsible for ensuring

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<sup>1</sup> La. Admin. Code tit. 70 § IX

contractors comply with the ASP and any referenced policies and procedures.

As SMS Executive, the CSEM is directly responsible for updating the ASP to reflect the current operation in accordance with state and federal requirements.

RTA's SMS is organized into four components and includes 11 subcomponents aligned with FTA's SMS Framework:

### **Safety Management System Components**

<b>Safety Management Policy</b> <ol style="list-style-type: none"><li>1. Safety Management Policy Statement</li><li>2. Safety Accountabilities and Responsibilities</li><li>3. Integration with Public Safety and Emergency Management</li><li>4. SMS Documentation and Records</li></ol>	<b>Safety Assurance</b> <ol style="list-style-type: none"><li>7. Safety Performance Monitoring and Measurement</li><li>8. Management of Change</li><li>9. Continuous Improvement</li></ol>
<b>Safety Risk Management</b> <ol style="list-style-type: none"><li>5. Hazard Identification and Analysis</li><li>6. Safety Risk Evaluation</li></ol>	<b>Safety Promotion</b> <ol style="list-style-type: none"><li>10. Safety Communication</li><li>11. Competencies and Training</li></ol>

Each subcomponent is addressed in this ASP.

**PLEASE NOTE: This ASP outlines RTA's mature SMS. Per FTA guidelines, RTA expects a three- to five-year period to implement all of the programs described in this Plan. There are a number of companion documents to this Plan that describe the tasks, activities, milestones and steps that RTA will implement during that period. These documents include RTA's SMS Implementation Plan (SIP; see APPENDIX E: SMS IMPLEMENTATION PLAN) and individual Corrective Action Plans (CAPs) that each describe steps that will be taken to align with this ASP. Agency progress relative to the SIP and CAPs is provided regularly through other means. For specific implementation status inquiries, contact the Safety Department.**



## Section I: Safety Management Policy

### 1.1 Chief Executive Officer's Safety Management Policy Statement

The RTA Safety Management Policy (SAF3) contains the agency's formal Safety Management Policy Statement and may be accessed on the intranet or "Company Policies" folder on the shared drive. It is reviewed and updated annually, to ensure it aligns with the ASP and vice-versa. As SMS Executive, the CSEM is responsible for maintaining and updating the Safety Management Policy in accordance with FTA requirements under 49 CFR Part 673.23.

#### 1.1.1 Safety Performance Targets

Under the requirements of 49 CFR Part 673.11(a)(4), the RTA ASP must address the applicable requirements set in the FTA's NSP and codified at 49 CFR Part 670 including the establishment of Safety Performance Targets (SPTs). While the Safety Management Policy makes reference to these targets, the SPTs themselves are established this Plan-- see APPENDIX A: 2023 SAFETY PERFORMANCE TARGETS.

The required metrics are associated with National Transit Database reporting requirements as follows:

- **FATALITIES** (total number of reportable fatalities and rate per vehicle revenue miles, or VRM, by mode)
- **INJURIES** (total number of reportable injuries and rate per VRM by mode)
- **SAFETY EVENTS** (total number of reportable events and rate per VRM by mode)
- **SYSTEM RELIABILITY** (mean distance between major mechanical failures by mode)

Safety Performance Measure Definitions (source: FTA Safety Performance Targets Webinar, dated February 4, 2020 --

[https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-04/SPT\\_Webinar\\_202002.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-04/SPT_Webinar_202002.pdf))

- **Fatalities**
  - Death confirmed within 30 days, excluding suicide, trespassers, illness, or natural causes
- **Injuries**
  - Harm to person that requires immediate medical attention away from the scene
- **Safety Events**
  - Collision, derailment, fire, hazardous material spill, or evacuation
- **System Reliability**
  - Major mechanical failure preventing a vehicle from completing or starting scheduled trip

SPTs are established annually in coordination with all pertinent departments, members of the executive leadership team (“ELT”), SMS Steering Committee, and the SSO. FTA data sources are closely reviewed by the Safety Department to establish baseline targets. These include the NSP and the Bus and Rail Safety Data Reports (BSDR and RSDR, respectively) if available. Additional credible sources may be added to the annual review and update process as they are made available to RTA.

### 1.1.2 Annual Review and Update of the ASP

RTA shall review, update, and submit the ASP to the SSO annually in compliance with the requirements of the SSOPS, as codified in La. Admin. Code tit. 70 § IX-1509.

Upon receipt of tentative approval from the SSO, the CSEM then sends the ASP to the RTA Board of Commissioners for review and approval in accordance with 49 CFR Part 673. The internal process for review, revision as needed, and approval is found in RTA Standard Operating Procedure (SOP) 004-002.

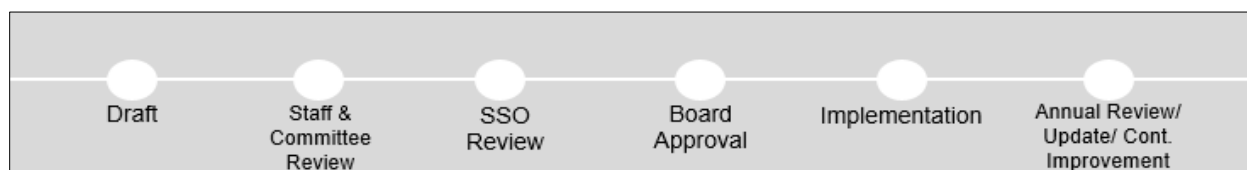


Figure 1 ASP Review Cycle

### 1.1.3 Maintenance of the ASP

RTA maintains its ASP in compliance with 49 CFR Part 673.11(c), Subpart D and the SSOPS. The CSEM or designee will ensure the current ASP version is promptly disseminated and made available to all employees.

## 1.2 Safety Management Accountabilities and Responsibilities

In compliance with 49 CFR Part 673.23(d), RTA has established its organizational accountabilities and responsibilities related to its SMS in this section as well as in SAF3 and the Safety Committee Structure Policy (SAF5).

### 1.2.1 Key Individual SMS Accountabilities and Responsibilities

#### Chief Executive Officer

RTA's CEO, as the agency's Accountable Executive, meets the FTA criteria for the designation, per 49 CFR Part 673.23(d)(1). The CEO is ultimately accountable for ensuring action is taken, as necessary, to address substandard performance in the agency's SMS under the requirements of 49 CFR Part 673.23 (d)(1).

As the Accountable Executive, the CEO has the following responsibilities for the SMS:

- Ensuring that the SMS is properly implemented and performed throughout the RTA organization, including employee reporting programs
- Actively and continuously communicating the RTA's SMS Policy throughout the agency
- Ensuring that all executive level personnel are held responsible for implementation of SMS in their respective areas; and each actively and continuously communicates the RTA SMS Policy and the area-specific SMS requirements to all employees in their areas
- Approving this ASP and the Transit Asset Management Plan ("TAM Plan"), and knowing and understanding the contents of both documents
- Ensuring that risk is appropriately addressed system-wide; and directing resource allocation accordingly
- Directing required actions to address non-compliance with the ASP
- Managing continuous improvement activities.

### **Chief Safety and Emergency Management Officer**

The CEO has delegated the authority and responsibility for day-to-day implementation and operation of the SMS to the CSEM. The CSEM serves as the RTA's SMS Executive and as such, is the agency's Subject Matter Expert (SME) on SMS and Public Transportation Agency Safety Plan requirements. The CSEM reports directly to the CEO per the requirements of 49 CFR Part 673.23 (d)(2). The CSEM chairs, facilitates, and provides technical assistance to each of the safety committees established by SAF5.

As the SMS Executive, the CSEM is responsible for the day-to-day implementation of SMS. Key safety personnel, technical management, and executive level management operate under the CSEM's guidance and direction to support in data collection and analysis, investigations, hazard identification and assessment, corrective action development and implementation, safety committee business, departmental and/or functional area SA and promotion activities, and other safety management undertakings.

The CSEM is authorized to take the necessary action to ensure agency personnel have resources, training, and guidance necessary to implement SMS in everyday job performance as required in this ASP.

The CSEM guides the areas and departments with information about safety risk management to ensure that they understand the level of safety risk and expectations as to mitigations and/or corrective actions. Once risk is assessed, each department will provide documented results of the assessment(s) to the CSEM, who will maintain a master hazard log as necessary. Generally, this process is managed "by exception," meaning areas identified as normal or recurring hazard mitigation or resolution activities

(e.g., pre-trip inspections, preventive maintenance, purchase orders) are not re-entered on the CSEM's log every day, but rather exceptional events, such as new and previously unforeseen hazards, instances of practical drift, and adverse events will be entered and promptly managed in close coordination between the department and the CSEM.

The CSEM is responsible for the emergency management function, including preparedness and response in close coordination with local, state, and federal agencies. The position also performs oversight and safety management of the RTA's Memoranda of Understanding (MOUs) and Cooperative Endeavor Agreements (CEAs) in support of RTA's emergency plans and protocols. Also in this capacity, the CSEM provides training for the agency in emergency-related areas including emergency exercises and drills. The CSEM and their staff are responsible for developing and implementing an all-hazards approach to emergency planning and response, in close coordination with all other departments.

The CSEM performs the following safety-critical activities:

- Developing and maintaining the ASP
- Developing and maintaining RTA emergency operations plans including but not limited to all-hazard plans
- Overall monitoring of the SMS program and ensuring immediate corrective actions are implemented to address deficiencies of the SMS
- Providing primary consultation and guidance on SMS implementation throughout the agency
- Providing information, recommendations, and status reports to the CEO on resource allocation supporting the SMS
- Chairing safety committee meetings to address system hazards and other safety concerns
- Conducting independent (but coordinated) SA activities, such as inspections, audits, assessments, and observations in the departments as necessary
- Conducting safety promotion activities, such as surveys, stand-downs, and campaigns in coordination with departments
- Maintaining and monitoring CAPs and Hazard Logs for the agency, and supporting and assisting departments in implementing corrective actions
- Overseeing contractor, RTA employee, and the general public's safety during construction activities
- Monitoring and verifying departmental data analysis and trending
- Developing and conducting training as needed with external agencies, i.e., emergency responder training, contractor training, and emergency drills
- Establishing system-wide safety training objectives, training QA activities and training plans and procedures, including a training matrix by position
- Participating in and leading formal meetings with LADOTD, ELT, and other RTA management on safety issues
- Developing and supporting safety and emergency management policies, procedures, and programs

- Implementing the Internal Safety Management Audit (ISMA) Program in compliance with SSO requirements and this ASP
- Overseeing and supporting departmental assessments, investigations, inspections, and SA activities to ensure full compliance
- Supporting the departmental collection and analysis of safety data; and reviewing reports, records, and documents of this analysis by departments
- Identifying safety concerns, analyzing reports and information, supporting the development of programs for improving workplace safety
- Assisting in claim investigations of work-related injuries or disabilities and preparing of files for litigation
- Establishing and implementing effective industrial hygiene and occupational policies and procedures for transportation and maintenance functions
- Establishing criteria for the selection, maintenance, and proper use of personal protective clothing and equipment
- Developing mandated training programs

### **Chief Operating Officer**

RTA's Chief Operating Officer (COO) reports to the Accountable Executive. The COO actively participates in and leads safety committees and is fully responsible for SMS compliance in the Operations areas.

The COO has responsibility for the following areas:

- A. Bus, Rail, and Paratransit Operations
- B. Bus, Rail, and Paratransit/Automotive/Non-Revenue Vehicle Maintenance
- C. Communications and Control (i.e., Operations Control Center – OCC)
- D. Data Science and Performance Accountability
- E. Service Planning and Scheduling
- F. Operations and Maintenance Training

As the head of the Operations area, the COO has the following responsibilities for the SMS:

- Ensuring that the SMS is properly implemented and performed throughout RTA Operations (all modes except Marine)
- Ensuring a robust and effective employee reporting program is implemented in Operations
- Actively and continuously communicating safety policies throughout the agency
- Ensuring that all management level personnel are held responsible for implementation of SMS for their spheres of control; and each actively and continuously communicates safety policies and the area-specific SMS requirements to all employees
- Ensuring that safety risk is appropriately addressed department-wide
- Ensuring continuous improvement is implemented throughout the department

### 1.2.2 Organizational SMS Accountabilities and Responsibilities

Beyond these key positions for instituting and promoting the SMS, all members of the ELT share SMS responsibilities. As of the adoption of this ASP, the following positions comprise the ELT and share the responsibility to ensure the ASP is followed consistently throughout the organization:

- Chief Executive Officer
- Chief Safety and Emergency Management Officer
- Chief Operating Officer
- Deputy CEO Administration
- Deputy CEO Planning & Infrastructure
- Chief of Staff
- Chief Security Officer
- Chief Marine Officer
- Chief Human Capital and Workforce Development Officer
- Chief Financial Officer
- Chief Diversity, Equity, & Inclusion Officer
- Director of Board Affairs

Each member of the ELT also participates in the SMS Steering Committee in accordance with SAF5.

The subsections “Common SMS Responsibilities,” “Additional SMS Responsibilities by Level,” and “Additional SMS Responsibilities by Function” describe in greater detail the responsibilities and accountabilities owned by each department or functional area reporting to the ELT.

The current organizational chart showing the organizational relationships described below is found as APPENDIX B: ORGANIZATIONAL CHART. The chart will be updated with each update of this ASP and on an as-needed basis.

#### 1.2.2.1 Common SMS Responsibilities

All functional areas are responsible for the common requirements of SMS listed in this section, as required by 49 CFR Part 673.23(d):

- A. Safety Goals and Objectives: the CSEM or designee coordinates with each area to establish goals with corresponding objectives that support both Safety Management Policy objectives and SPTs. In consultation with the CSEM, each area monitors progress to ensure the goals, objectives, and targets (as applicable) are being met. This is primarily monitored and reviewed in ELT and SMS Steering Committee meetings.
- B. SMS Training:
  - a. Rail – Key personnel identified in this ASP as having direct responsibility

for safety oversight of the rail fixed guideway system, whether at the direction of or in coordination with the CSEM, must meet the requirements of 49 CFR Part 672, including refresher training at 2-year intervals. The regulation requires that personnel to whom this applies must meet the requirements within three years of being hired or promoted into the “key” position.

- b. All Other Personnel – Personnel not identified as Key Personnel are not required to meet 49 CFR Part 672 requirements at this time, however, they should be proficient in SMS methodologies and practices, and knowledgeable about all safety program requirements.
  - i. A one-hour, computer-based training module of RTA’s “SMS 101” course is under development and will be included in the mandatory trainings for all employees through the Neogov portal managed by HCWD. At present, it is provided in-person to all new hires during orientation.
- C. Employee Safety Reporting Program: all employees share the responsibility to report hazards and safety concerns via approved means. Presently, hazards may be reported via the Safety Hotline, through the Hazard Report Form, directly to Safety Department personnel, to a department manager, or through a safety committee.
- D. Hazard Identification, Analysis, and Mitigation: each area is responsible to identify hazards in its daily activities and responsibilities; and to fully document all of these activities, following the direction of the Safety Department. FTA guidance directs the CSEM, as SMS Executive, to facilitate or lead department/functional area Safety Risk Management (SRM) and Safety Assurance (SA) activities, as appropriate. Formal corrective actions may be required to address any unacceptable or undesirable safety risk identified through hazard identification and risk analysis. SAF3 describes SRM and SA roles and responsibilities that all staff share. All employees in all areas must comply with this policy.
- E. SMS Implementation: all functional areas must assess their own compliance with the RTA ASP and SMS implementation objectives and action items, and regularly brief the CSEM on SMS implementation progress. The SMS Steering Committee reserves time during its quarterly meeting for receiving and reviewing implementation status. The Safety Department compiles status notes from all other departments into an Implementation Update which it updates on a quarterly basis and provides to the SSO as required.
- F. Participation in ISMAs: Progress relative to SMS implementation objectives and compliance with the ASP and referenced policies and procedures are reviewed during recurring ISMAs with each safety-critical function. Before, during, and immediately following each audit, each functional area must be responsive to the requests of the audit team and participate fully. Audits are convened by the CSEM in accordance with SOP 004-100: Procedure for Performing Internal Safety Management Audits (ISMAs). (Also see **3.3 Internal Safety Reviews**.)
- G. SMS Documentation: requirements of both 49 CFR Parts 673 and 674 indicate that all areas must have formal documentation of all safety management

activities. For record-keeping purposes safety management activities are defined as any activity pertaining to one or more of the 11 subcomponents of SMS as directed in this ASP. All SMS documentation must be reviewed as part of the annual ASP review and update process to ensure that any changes to the ASP do not create conflict. The department should consult with the Safety Department for technical assistance.

- H. Contractor Oversight: Where applicable, functional areas are responsible for safety management oversight of contractor activities (for contracts which they directly manage or oversee), documentation and safety management processes, and documentation of those oversight activities. The department should consult with the Safety Department for technical assistance

### **1.2.2.2 Additional SMS Responsibilities by Level**

There are three levels of employee responsibility defined at RTA, described in general below:

1. Executive Level Management
2. Technical Management
3. Front-Line Employees

Each functional area is responsible for establishing and reviewing department-specific SMS responsibilities for each of these three levels consistent with the general responsibilities described in this section. The executives for each area will ensure that each employee is annually evaluated on safety performance related to those SMS responsibilities. It is highly recommended that this evaluation be incorporated into the employee's formal performance review or appraisal.

In addition to the shared responsibilities described above, the additional SMS responsibilities for each level are as follows:

#### **Executive level:**

Executives are charged with effectively leading safety management processes and activities in their respective area(s), and actively demonstrating their commitment to safety. They accept their respective responsibilities for implementing both this ASP and the Safety Management Policy, as well as all other referenced policies and procedures. Specifically, they must ensure and be accountable that:

1. Adequate resources are available to appropriately manage safety risk in their areas.
2. Effective mitigation and corrective actions are developed, implemented in a timely fashion, and monitored appropriately to assure safety is maintained, as appropriate.
3. There are no barriers to employee reporting of safety hazards and issues, and that reports are promptly addressed through the safety risk management



process.

4. Safety management activities such as audits or reviews are fully documented and follow a standard process.
5. Safety performance goals and objectives, both in their areas of control and agency-wide, are being met, and safety performance measures, including SPTs, monitored for verification or needed corrective action.
6. They participate fully in the SMS Steering Committee and other safety committee processes.
7. Safety is a core business function in their areas and departments.
8. Safety information is shared openly with the Safety Department and all other departments in support of the SMS.
9. All significant changes are properly managed in accordance with the Management of Change section of this ASP.
10. Safety investigations, audits, inspections, and corrective actions are managed using the organizational approach; that is, focusing on organizational deficiencies and systemic issues instead of individual actions taken or errors committed by front-line employees, where feasible.
11. Adequate safety training, awareness and oversight is provided to employees in their areas of control.
12. A positive safety culture is actively fostered in their area and system wide.
13. Full and open cooperation is affected with State Safety Oversight activities, federal authorities and other external safety agencies as required.

### **Technical management level:**

Technical managers (typically, senior directors, directors, and managers) are charged with the following:

- ensuring directives are implemented from the executive level in safety management,
- promptly informing executives of safety lapses, failures, hazards, and resource shortages,
- visibly demonstrating commitment to safety,
- providing tools and resources needed to safely perform job requirements,
- providing information pertinent to the management of safety to employees, and
- encouraging the reporting of hazards and assuring safety is incorporated in all daily tasks and activities.

Technical Management must personally ensure and be accountable to:

1. Take strategic direction from the Executive level in all aspects of safety management, including daily activities, hazard and safety risk management, safety data, investigations, employee reporting, and safety promotion within their areas of control.
2. Ensure employees receive proper training to perform job functions safely.
3. Ensure employees are properly supervised to ensure tasks and activities are safely managed and performed.

4. Ensure that employee reports of hazards are properly investigated, mitigated as appropriate and reported to executive management and/or the Safety Department as appropriate; and employees are kept apprised of activities concerning their reports.
5. Ensure that contractors and vendors are educated on RTA safety practices and are held to the same requirements.
6. Coordinate implementation of safety mitigations and SA activities with the Safety Department as appropriate.
7. Monitor and endorse proper safety promotion and awareness activities.
8. Implement management of change activities in coordination with the Safety Department.
9. Identify organizational failures with Executive management, and cooperatively work to implement mitigations and corrective actions to address failures.
10. Participate actively in the safety committee process as directed and assigned, including preparing, reviewing, and sharing safety information.
11. Foster a positive safety culture system wide.
12. Cooperate fully and openly with State Safety Oversight activities, federal authorities and other external safety agencies as required.

### **Front-Line employees:**

Front-line employees are expected to:

1. Promptly recognize and report all hazards and/or potential consequences of hazards that, without mitigation, would result in an unacceptable level of safety risk, coordinating with the Safety Department as necessary.
2. Fully participate in the safety committee process as appropriate.
3. Attend training that will aid in safe job performance.
4. Safely carry out assigned tasks in accordance with training and procedures.
5. Communicate effectively with other employees, supervision, and management.
6. Foster a positive safety culture system wide.

Each of the safety-critical areas below is fully documented through area/departmental programs, policies, plans, procedures, and protocols developed under the authority and responsibility of the Managers of each area. These documents contain detailed information on all functions, tasks, and activities, and are available from the Managers, including how safety is managed in every aspect of operations in each area.

### **1.2.2.3 Additional SMS Responsibilities by Function**

Additional SMS responsibilities are assigned to key functional areas/departments as described in this sub-section. All functional areas identified in this ASP are deemed “safety critical” to the extent that they support safety objectives in the Safety Management Policy and/or the activities under one or more SMS components.

### **Security**

RTA's Chief of Security reports to the Accountable Executive. The position is fully responsible for SMS compliance in Physical Security and Law Enforcement.

The department is responsible for developing, maintaining and implementing a range of plans, programs and processes related to public safety.

The Chief of Security provides training for the agency in all security-related areas, including exercises and drills (in close coordination with the CSEM so as to ensure conformance to the All Hazards Plan, its annexes, and the Exercise Plan). Additionally, the Chief of Security conducts regular Threat and Vulnerability Assessments (TVAs) and other audits, examinations, and reviews to assess the agency's readiness and resiliency with regard to security events.

## **Bus & Rail Operations**

RTA's Director of Bus & Rail Operations and their team of Service Delivery Managers are responsible for:

- Managing safety in all departmental functions, including appropriate hazard identification, analysis and mitigation, and safety assurance on those mitigations
- Supporting SMS system-wide, including investigations, audits, and assessments
- Training, assigning, and monitoring bus and rail operators, senior supervisors, and supervisors
- Maintaining, reviewing, and revising of the Rulebook in coordination with the CSEM
- Implementing rules compliance programs for operators, dispatchers, and supervisors, and ensuring service quality assurance and quality control
- Reporting key performance indicators, operational data and other performance measures associated with daily tasks and activities to appropriate parties
- Investigating and managing customer complaints and corrective action
- Investigating employee reports of hazards and taking corrective actions as necessary
- Equipment inventory and tracking
- Managing employee discipline
- Safety messaging
- Ensure representation for all classes of front-line employees on appropriate employee safety committees

## **Bus & Rail Communications**

Safety-critical activities are described below:

- Control of employee sign-in, attendance procedures, run assignments, yard supervision, and discipline in accordance with agency rules and procedures
- Conduct of visual fitness-for-duty checks upon operator sign-in for duty
- Dissemination of safety-critical drivers' alerts and other notices
- Managing and directing control center operations and safety

- Responding to and managing of operational emergencies
- Coordination and communication with other departments system-wide in response to incidents or service disruptions
- Dispatching operations supervisors to incidents and accidents as necessary, and closely coordinating with Safety and Security departments in connection with events
- Internal safety messaging

## **Maintenance**

Maintenance is responsible for the following safety-critical activities:

- A. Transit Asset Management
- B. Maintenance Training
- C. Warranty Programs
- D. Maintenance
  - a. Streetcar Maintenance
  - b. Rail and Bus Infrastructure Maintenance (Power, Signals, Rail, Grounds)
  - c. Materials Management
- E. Maintenance Quality Assurance

Safety-critical activities for these areas are described below.

- Ensuring proper training of all new mechanics and technicians to safely and effectively inspect, maintain, and repair the agency's fleet
- Training all maintenance staff in emergency/safety procedures and injury and illness prevention as appropriate
- Administering warranty programs for rolling stock and equipment
- Providing necessary mechanisms for reporting defects and hazardous conditions
- Administering and monitoring standardized programs, policies, and procedures, and respective Maintenance Plans
- Assuring that materials, supplies, equipment and parts under the care and custody of the area are stored, accessed and distributed safely and appropriately according to RTA procedures
- Coordinating with the CSEM on safety requirements of materials
- Monitoring safe handling of and minimizing employee and environmental exposure to potentially hazardous products and materials.

Specifically, for Rail Infrastructure Maintenance (Including Maintenance-of-Way, or MOW, and Traction Power)--

- Assuring that infrastructure is properly maintained and available in safe operating condition according to RTA's procedures
- Providing necessary mechanisms for reporting defects and hazardous conditions
- Implementing the agency's Roadway Worker Protection program to ensure employee and contractor safety along the entire streetcar trackway
- Administering and monitoring standardized programs, policies, and procedures,

- and the Rail Maintenance Plan
- Monitoring safe handling of and minimizing employee and environmental exposure to potentially hazardous products and materials.
- Ensuring appropriate action to resolve reported or otherwise identified hazards in a timely manner
- As appropriate, coordinating the development and testing of engineering solutions as a means of addressing infrastructure-related hazards
- Serving as liaison with various municipalities and other external agencies for hazard resolutions involving infrastructure

Specifically, for Maintenance Quality Assurance--

- Ensuring all documentation requirements of maintenance activities are fully implemented in conformance with regulations and the requirements of the SMS
- Where applicable, participating in the development of technical equipment specifications and procedures that address the safety requirements of regulatory agencies and RTA
- Ensuring that replacement equipment and modifications meet safety requirements prior to acceptance, installation or implementation
- Examining equipment and systems to explore the potential for increased efficiencies and improvements in safety as well as in performance
- Coordinating major equipment rebuild, repair, and retrofits
- Monitoring the performance of preventive maintenance efforts and all other contractor activities
- Ensuring there are no unauthorized modifications to vehicles and equipment

## **Service Planning and Scheduling**

The Service Planning and Scheduling team performs the following safety-critical activities:

- System route analysis
- Scheduling and run-cutting for all fixed routes
- Station locations and amenities
- Accessibility issues regarding RTA facilities and bus stops
- Community outreach

A responsibility of the Service Planning and Scheduling team that supports RTA's Management of Change processes which are required under Safety Assurance is to incorporate a safety risk management review into the service pick process, to ensure that hazards and accident/incident trends are taken into consideration. This review process is iterative throughout the year but at a minimum consists of a coordination meeting with the Safety Department at a point during each service pick that allows for minor adjustments to be made, as necessary, prior to commencement of service. Other, long-range mitigations recommended by the Safety Department during this coordination may be addressed through other steps pursuant to its Service Standards SOP. If necessary (based on the associated level of safety risk), the CSEM formally tracks long-range mitigations to completion, through either Mitigation Monitoring Plans or CAPs.

Additionally, for phased implementation of large transit network redesign projects, the Director – Service Planning and Scheduling engages Operations supervisors and training instructors, as well as Safety Department representatives, to conduct joint assessments of bus and streetcar routes. The topics reviewed during these assessments may include any combination of: schedule (times of day), service frequency (headways), route alignment, vehicle dynamics, interface with signals or other components of the street network, and placement of transfer points or hubs.

## **Operations Training**

The Manager is fully responsible for SMS compliance in the development and delivery of training—including mandatory refresher, post-accident, and recertification training—for transit operations personnel. The training department’s direct involvement in new-hire training for maintenance employees is typically limited to vehicle operation and defensive driving per company standards, while additional hands-on training is carried out within the corresponding maintenance division.

The Manager of Operations Training performs the following safety-critical activities:

- Development and delivery of official agency training curricula materials, including for safety-critical positions, tasks, activities, processes, methods, and programs
- Safety training program development and quality assurance
- Monitoring of training records and oversight of final training evaluations
- Training needs assessments in consultation with other Operations departments and in alignment with agency procedures
- Post-accident re-training based on deficiencies or non-compliances found during accident/incident investigations by Operations and/or Safety
- Simulator training
- Quality assurance evaluations (“ride evaluations” or “ride checks”) and follow-up coaching with operators as necessary
- Rail operator re-certification and rulebook adherence
- New-hire training for Operations employees on SMS principles, including hazard identification and reporting

## **Chief Financial Officer (CFO)**

Safety-critical activities for Financial Operations are related to the provision of accurate and timely financial services to stakeholders while fostering accountability. One of its primary functions is keeping the Accountable Executive informed of resource allocation and availability in the service of safety management.

A function reporting to the CFO, the Office of Internal Audit and Compliance, is responsible for conducting the Internal Safety Management Audit of the Safety Department.

The Chief Financial Officer has the responsibility for the following areas:

- A. Budget Development and Administration
- B. Grants Administration
- C. Procurement
- D. Third Party Audit
- E. DBE Compliance
- F. Revenue Collection
- G. Accounting

## **Procurement**

RTA's Procurement Director reports to the CFO and is fully responsible for SMS compliance in the Procurement area.

The primary safety management activities of procurement are to ensure that safety principles, requirements and representatives are included in the procurement process. In coordination with, or at the direction of, the CSEM, the Director assesses the level of safety risk associated with procurements. Additionally, safety must be managed in storage, warehousing, transportation, accounting, distribution, and disposal of all assets managed through the department. This includes ensuring that information acquired in the procurement process is effectively communicated to the end users.

## **Customer Service**

The Director of Customer Service has the responsibility for the following safety-critical activities:

- Oversight, monitoring, and supervision of the customer service team
- Monitoring and ensuring proper handling of consumer complaints, suggestions, commendations, miscellaneous calls and correspondence relating to the agency
- Investigating complaints and concerns, employee reports of hazards and other required events, including coordination with other departments and preparing reports as necessary
- Collecting and performing trend analysis on customer and employee reports, concerns, and complaints
- ADA and reduced fare program eligibility and customer relations
- ADA compliance

## **Intergovernmental Affairs**

The Intergovernmental Affairs team has the responsibility for the following safety-critical activities:

- Community and government relations for RTA issues and operations
- Outreach to community organizations/stakeholders.

## **Marketing and Communications**

Marketing and Communications is responsible for public relations, marketing and retail sales, streetcar charters, advertising, film production and creative services. The team also designates individuals to serve as RTA's Public Information Officer (PIO).

## **Human Capital and Workforce Development**

RTA's Chief Human Capital and Workforce Development (HCWD) Officer reports to the Accountable Executive. The Chief HCWD Officer is fully responsible for SMS compliance in the HCWD area.

The Chief HCWD Officer manages hiring, employee information, worker's compensation, administrative organizational development, and employee programs. HCWD is responsible for assuring that staff positions are effectively defined and classified and that qualified personnel are identified to meet staffing needs. This department also manages the contracted employee assistance programs, including the program for substance abuse. This department also administers and oversees the Workers Compensation and Drug and Alcohol Programs in accordance with federal and state requirements.

Safety-critical activities include:

- A. Talent Acquisition
- B. Employee Relations
- C. Talent Management
- D. Compensation
- E. Benefits
- F. Employee Assistance Program (EAP)
- G. Equal Employment Opportunity (EEO) Compliance
- H. Document Management
- I. Worker's Compensation matters
- J. Drug and Alcohol Program

Safety Critical activities in this area include:

- Coordinating of safety-critical pre-employment activities, including investigations, testing, DOT physicals, qualifications review and legal compliance in hiring
- Maintaining job descriptions incorporating SMS responsibilities and requirements; distribution of the descriptions as needed
- Accurately documenting hiring and other employment processes
- Managing recruitments based on direction from ELT and approved criteria
- EAP, including wellness services, including nutrition, injury prevention, financial counseling and physical and mental health
- Developing, implementing, and monitoring the Drug & Alcohol program in accordance with U.S. DOT and FTA requirements.



## **Planning and Infrastructure**

RTA's Deputy CEO Planning and Infrastructure reports to the Accountable Executive.

The Deputy CEO Planning and Infrastructure has the responsibility for and oversight of the following areas:

- A. Safety and Security Certification/Acceptance and the Safety and Security Certification Program Plan (SSCPP)
- B. Fleet Advancement
- C. Facilities Maintenance
- D. Environmental Compliance
- E. Information Technology (IT)
- F. Transit Stop Maintenance

As required, the Infrastructure Department may be assisted by a Program Management Consultant and Construction Management Consultant, General Architectural and Engineering Consultant, and contractors. The Director will ensure that all contractors and consultants comply with the provisions of this ASP.

The Safety and Security Certification/Acceptance process is governed by the SSCPP, which is maintained by the Deputy CEO Planning and Infrastructure in coordination with the CSEM. Infrastructure staff follow the guidelines contained in the SSCPP to determine whether a capital project or system modification requires safety and security certification. (Also see 3.6.1 Safety and Security Certification.)

### **Fleet Advancement**

The Director of Fleet Advancement and their team are responsible for:

- Assuring that the vehicle fleet is properly maintained and available in safe operating condition according to RTA's procedures
- Providing necessary mechanisms for reporting defects and hazardous conditions
- Administering and monitoring standardized programs, policies, and procedures, and the Vehicle Maintenance Plan
- Ensuring appropriate action to resolve reported or otherwise identified hazards in a timely manner. As appropriate, coordinating the development and testing of engineering solutions as a means of addressing vehicle-related hazards

Specific to fleet technology—

The team is responsible for maintaining in-vehicle technologies including fare collection equipment, audio/video surveillance equipment, CAD mobile units, Public Address (PA) systems, and two-way radios.

### **Facilities Maintenance**

#### Facilities Maintenance Safety-critical Activities:

- Assuring that facilities are properly maintained and accessible in safe operating condition according to RTA's procedures
- Providing necessary mechanisms for reporting defects and hazardous conditions
- Administering and monitoring standardized programs, policies, and procedures, and the Facilities Maintenance Plan
- Ensuring appropriate action to resolve reported or otherwise identified hazards in a timely manner
- Assuring compliance with local, State, and Federal environmental protection and hazardous waste requirements.

### **Information Technology**

RTA's Director of Information Technology (IT) reports to the Deputy CEO Infrastructure and Planning. IT activities and systems require continuous management of risk and are safety-critical. IT is responsible for installing, maintaining and replacing hardware, firmware and software; investigating new technologies, and supporting agency-wide information management and protection.

IT provides and supports the following safety-critical areas and activities:

- Development and promulgation of IT policies, procedures and standards
- Desktop computer access
- Network access
- Telephone systems
- Applications
- Notification of system outages for internal and external customers
- Data warehousing
- Computer-Aided Dispatch (CAD) and Clever Devices tools for OCC
- Maintenance Management Information Systems
- Risk and vulnerability assessments of IT systems agency-wide
- Security badging hardware, software, and equipment
- Instructional services for use and protection of information technology systems and processes

IT also manages several contract employees and vendors. IT is responsible for providing safety management oversight of these contractors and vendors, including compliance with this ASP.

### **Transit Stop Maintenance**

The Transit Stop Manager develops, manages, and administers all aspects related to streetcar and bus stop maintenance, the stop inventory database, temporary relocations or closures, improvement projects related to asset management and ADA compliance. The Transit Stops Manager also assists the Director of Facilities by managing several contracts for stop maintenance functions, ensuring compliance with contract terms

relating to shelter maintenance, cleaning, repair, and security. The position performs the following safety-related tasks:

- Manages all property landscaping, trash removal, amenity state of good repair, and facility repairs
- Manages the installations, removals and operational maintenance of all RTA shelters and associated amenities
- Manages all vendors involved with the maintenance of RTA assets including but not limited to shelters, benches, and trash pickup
- Coordinates with City of New Orleans on trash collection at bus and streetcar stops and provides recommendations to improve and streamline services
- Proposes shelter placements and types in accordance with RTA guidelines
- Assists in the development of specifications and guidelines related to stops and shelters
- Manages customer complaint resolution and questions. Develops and manages bus and streetcar operator feedback.
- Creates and maintains a master transit stop inventory for RTA Operations and Infrastructure departments for use by the staff using data from automatic passenger counters and scheduling software.

### **1.2.3 Key SMS Personnel with Direct Responsibility for Rail Fixed Guideway Safety Oversight**

Apart from the level- and function- specific SMS responsibilities described above, certain key SMS personnel [49 CFR Parts 673.23(d)(4) and 673.29] are considered to have a direct responsibility for safety oversight of the rail fixed guideway, and as such, must comply with FTA's Public Transportation Safety Certification Training Program (PTSCTP) codified at 49 CFR Part 672. These employees and contractors have the responsibility to ensure that their respective area(s) has/have a fully implemented and robust safety management program. As of the adoption of this revision of the ASP, the key SMS personnel are:

- CSEM
- All members of the Safety Department
- All contractors actively supporting the Safety Department.

The Safety Department, under the CSEM's direction, coordinates a review of the status of required training per the PTSCTP during the annual review and revision of the ASP. The CSEM maintains a safety training matrix for the key SMS positions and pursues external training opportunities in support of meeting these training needs by the specified compliance dates, to the extent practicable, e.g., FTA, Transportation Safety Institute (TSI), the National Safety Council.

Key SMS personnel are responsible for complying with PTSCTP and internal SMS training requirements, including refresher training every two years. (Also see **4.1**

## **Competencies and Training.)**

### **1.3 Integration with Emergency Management**

RTA develops, maintains, and implements all emergency management documentation as required by 49 CFR Part 673.11(a)(6), hereby incorporated by reference. Jurisdictional agreements, including Memoranda of Agreement/Understanding (MOU/MOA), are also maintained by RTA.

Emergency Management functions are subject to the requirements of Section II of this ASP, Safety Risk Management. Corrective actions arising out of emergency management functions, including drills, workshops, exercises, and After Action Reports, are the responsibility of the CSEM unless otherwise noted in the CAP.

The CSEM ensures that resources are properly allocated to support emergency management functions in a manner that achieves SMS goals and objectives and addresses any SMS deficiencies. The CSEM may use SMS Steering Committee and/or ELT meetings and proceedings to ensure a strong level of cross-departmental coordination on emergency management matters. Additionally, the CSEM participates in and leads coordination meetings with City/regional stakeholders to discuss upcoming activities or initiatives, such as training, joint exercises, and external outreach campaigns.

The documentation listed below specifies primary agency-wide documents to manage emergency management functions, although this list is not exhaustive:

1. RTA All Hazards Plan and annexes
2. Memoranda of Understanding/Agreement with law enforcement and emergency management partners
3. Emergency Exercise Plan
4. After Action Reports

### **1.4 SMS Documentation**

Per the requirements of 49 CFR Part 673.31, RTA maintains all documentation incorporated here by reference for at least three years, in all versions, and will make them available as requested or required to the SSO, the FTA or other federal agencies having jurisdiction and authority. Other documents subject to other statutory compliance requirements (industrial safety, environmental, etc.) will be maintained according to law.

The CSEM coordinates with each ELT member to identify and address process deficiencies or documentation gaps in their respective area(s) through a combination of the following: Safety Department-led Safety Assurance activities, SMS Steering Committee meetings, Internal Safety Management Audits, strategic planning

coordination, and one-on-one workshops.

Documents that have a direct interface with this ASP are listed in APPENDIX D: LIST OF SAFETY POLICIES AND STANDARD OPERATING PROCEDURES.

An up-to-date list of controlled, final versions of policies is maintained on the “SMS” drive and are available upon request.

At present, a company-wide SharePoint intranet site is under development.

## **Section II: Safety Risk Management**

Under the requirements of 49 CFR Part 673.25(a), transit agencies must develop and implement a Safety Risk Management (SRM) process for all elements of the system.

RTA's formal SRM process incorporates all FTA requirements to: identify existing and foreseeable hazards, identify reasonable consequence(s) of those hazards that may result in adverse events, analyze those consequences to evaluate the level of safety risk, and establish and prioritize mitigations to reduce the level of safety risk to the lowest practicable level.

SRM encompasses the use of safety analysis tools by adequately staffed and trained personnel and departments, groups and committees at RTA, as well as the use of SMEs wherever appropriate, at the discretion of the CSEM.

In addition, the SRM process at RTA is integrated with its SA program to ensure that safety risk mitigations are evaluated for effectiveness over time. SA processes are described in Section III.

Pursuant to statutory requirements in Title 49 U.S.C. Section 5329(d), the SRM process is applied to identifying strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions. To the extent that any hazards are associated with known infectious diseases, any SRM actions will be carried out in a manner that is consistent with guidelines of the Centers for Disease Control and Prevention and/or state/local health authorities.

### **2.1 Hazard Identification**

All department managers are required to identify hazards, report them and mitigate them appropriately. All employees and contractors share a responsibility to identify and report hazards using a variety of methods established by RTA.

#### **2.1.1 Hazard Identification Sources**

There are a variety of sources for hazard identification. RTA uses the following sources for hazard identification:

1. Reactive hazard identification involves analysis of events or outcomes that have already occurred. Hazards are identified through investigation of safety occurrences (including close calls), adverse events and hazard reporting from the field (such as rules compliance activities, safety committee meetings and customer reports) where adverse outcomes have been experienced in the system.
2. Proactive hazard identification involves real-time situations, such as through departmental inspections, audits, evaluations, observations, and assessments; proper management of change; training quality assurance programs; and the

employee and contractor safety reporting programs. Job Hazard Analyses (JHA) identify and support a thorough analysis of hazards that may reasonably be encountered during the performance of a specific job or task. RTA actively seeks to identify hazards and mitigate them effectively before adverse events occur.

3. A specialized subset of proactive hazard identification is predictive identification, which involves the thorough and timely analysis of safety data collected by all departments to identify possible negative future outcomes or events; as well as monitoring the system in real time.
4. FTA and SSO data and information as required by 49 CFR Part 673.25(b)(2), as well as industry experience, best practices, and lessons learned.
5. The Safety Department reviews Board of Commissioners and Riders Advisory Council meeting minutes for reported hazards and safety concerns. Hazards are elevated to the master Hazard Log as appropriate, based on safety risk.

## **2.1.2 Employee Reporting Systems**

RTA has multiple avenues by which employees and contractors can report hazards. Investigations of hazards are also properly documented per SOP #004-005, and distributed according to that SOP.

Employees are encouraged to report hazards through their chain of command, including their immediate supervision, or management if supervision is not available; through the safety committee process; or by contacting the Safety Department directly.

Frontline Operations Department personnel also have the option of writing a description of the hazard or safety concern on a “Hazard Report Form” and submitting it any of three labeled drop-off boxes: A. Philip Randolph (Canal) facility, Carrollton facility, or East New Orleans facility.

RTA employees and contractors can also submit hazard information via a Safety Hotline, which has the following options:

- Telephone – (504) 827-8367 (available 24 hours a day, 7 days a week)
- Email – [safetyhotline@rtaforward.org](mailto:safetyhotline@rtaforward.org)

Submitters have the option of reporting anonymously or confidentially to the Safety Hotline.

Designated Safety Department staff enter, track, monitor, analyze, and close hazards, or “tickets” through a cloud-based software application, “Vorex.” This tool is convenient for staff to use and provides for increased trend analysis capabilities.

A public-facing web-based tool and application called “Elerts” is expected to be launched in 2023. It will allow riders and the public to anonymously report safety and security concerns from the convenience of their smart phone.

Customer Service manages customer safety complaints, which are forwarded to the

responsible department and the CSEM as applicable. The department investigates the report and develops and implements corrective action as needed, in coordination with the Safety Department. Employees can also use this process as an anonymous option.

No matter what the source of information is or which department investigates and resolves the issue, the feedback loop to the reporting employee is required, as applicable. For hazards or issues that are deemed “unacceptable” following the SRM process, the outcome of the report, investigation, corrective action, or mitigation is distributed to the SMS Steering Committee for handling as appropriate. In turn, the results are forwarded to each Departmental Safety Committee (or if a DSC is unavailable, to the department management for local dissemination). (Also see Section IV – Safety Promotion.)

### **Protections for Employees Reporting Adverse Safety Conditions**

RTA is committed to maintaining a robust positive safety culture. As part of that commitment, RTA will protect employees who report adverse safety conditions to management. As explicitly directed in the RTA Safety Management Policy (SAF3), any employee who reports a valid violation, unsafe act or condition, or other safety concern to management will not experience any reprisal from management. Each report will be thoroughly investigated under the direction of the CSEM, and, if the employee has not reported anonymously, the CSEM will ensure that the results of the investigations and any corrective action will be reported back to the reporting employee.

If an employee reports and requests anonymity, the RTA will provide anonymity for all valid concerns.

### **Unprotected Self-Reporting**

No willful violations will be subject to self-reporting protections. This includes but is not limited to any violations of Drug and Alcohol policies or requirements, criminal acts, or failure to report any criminal acts immediately.

### **2.1.3 Hazard Investigation**

Hazards are investigated in each department as they are reported or identified. Department management identified in this ASP are primary points-of-contact for the investigatory activities and shall route investigations to the Safety Department for additional technical support, as necessary, in accordance with SOP #004-005. All investigative activities are properly documented according to the SOP.

In consultation with the Safety Department, the department point-of-contact first analyzes the hazard by identifying potential consequences. The purpose of investigation is to evaluate each hazard in terms of the level of safety risk associated with the worst credible outcome; and to examine the likelihood and severity of those consequences occurring. The worst credible consequence is defined as what the



agency expects to be a realistic and imaginable consequence of the hazard.

RTA defines safety risk severity categories as a qualitative measure of the worst credible outcome, as indicated in Table 1.

Category	Description	Severity Definitions
1	Catastrophic	Could result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$10M.
2	Critical	Could result in one or more of the following: permanent partial disability, injuries, or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1M but less than \$10M.
3	Marginal	Could result in one or more of the following: injury or occupational illness resulting in one or more lost workday(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$100K but less than \$1M.
4	Negligible	Could result in one or more of the following: injury or occupational illness not resulting in a lost workday, minimal environmental impact, or monetary loss less than \$100K.

Table 1: Safety Risk Severity (Adapted from Table 2-4 from Rail Transit Agency Accident Investigations – Background Research, FTA<sup>2</sup>)

RTA defines safety risk likelihood, or probability, as a measure of frequency relative to any of: a unit of time, the duration of an activity, the life of an item, or the life of a total fleet/inventory, as indicated in Table 2.

Frequency	Level	Probability Definitions
Frequent	A	Likely to occur frequently to an individual item. Continuously experienced in the fleet inventory.
Probable	B	Will occur several times in life of an item; will occur frequently in fleet/inventory.
Occasional	C	Likely to occur sometime in life of an item; will occur several times in fleet/inventory.
Remote	D	Unlikely, but possible to occur in life of an item; unlikely but can be expected to occur in fleet/inventory.
Improbable	E	So unlikely, it can be assumed occurrence will not be experienced to an individual item; unlikely to occur but possible in fleet/inventory.

Table 2: Safety Risk Likelihood

Staff may use either inductive or deductive evaluation methods, depending on circumstances to determine ratings for severity and likelihood.

## 2.2 Safety Risk Assessment and Prioritization

Safety Risk assessment and prioritization criteria are established through the process documented in this section. All official risk assessment and prioritization activities and any required actions developed as a result of assessments, will be led by the CSEM or designee. Once the severity and likelihood of the worst credible outcome have been established, the Safety Risk Index (SRI) can be calculated; i.e., the level of safety risk as a composite of severity and likelihood of the potential consequence of the hazard (Table 3).

<sup>2</sup> [Rail Transit Agency Accident Investigations - Background Research, last updated July 2022](#)

SAFETY RISK INDEX				
Frequency of Occurrence	1	2	3	4
A	1A	2A	3A	4A
B	1B	2B	3B	4B
C	1C	2C	3C	4C
D	1D	2D	3D	4D
E	1E	2E	3E	4E

Table 3: Safety Risk Index

The SRI and safety risk acceptance criteria (Table 4) are reviewed to determine “acceptance” of the increased level of safety risk that was assessed—or that which will exist if left unmitigated. This level of safety risk acceptance is classified as one of the following: high, medium, low, or acceptable.

The CSEM is responsible for determining the SRI and using it to establish a shared understanding across the affected department(s) and/or functional area(s) of the necessity to mitigate or reduce the level of safety risk. The CSEM determines whether the assessed level needs to be prioritized based on safety risk acceptance.

SAFETY RISK ACCEPTANCE CRITERIA			
	SRI	Decision Authority	Special Conditions
<b>High</b>	1A, 1B, 2A, 2B, 3A	Unacceptable	Requires immediate resolution*
<b>Medium</b>	1C, 1D, 2C, 2D, 3B, 3C	Undesirable	Actions require ELT and CSEM review and approval, with concurrence from the CEO*
<b>Low</b>	1E, 2E, 3D, 3E, 4A, 4B	Acceptable with Review	Requires dept. management review in consultation with CSEM or designee. Results must be recorded on Safety's Hazard Log
<b>Acceptable</b>	4C, 4D, 4E	Acceptable	None – Can be managed at department-level. Safety may audit dept. Hazard Log

Table 4: Safety Risk Acceptance Criteria

\* For hazards/consequences rated “high” or “medium,” the SSO must be notified as soon as practicable or no later than the conclusion of the safety risk assessment.

If the hazard is currently mitigated, investigation involves an assessment of the effectiveness of current mitigations—that is, a determination of whether they are sufficient to address the associated risk, and if changes or additional mitigations are warranted to further reduce risk (until it reaches an acceptable level).

Based on the approved decision authority level that results from the safety risk assessment—unacceptable, undesirable, acceptable with review, or acceptable—the department performing the assessment is responsible for notifying the appropriate parties immediately, if they are not already involved. If the ELT must be notified, the CSEM may recommend calling an emergency meeting of the ELT and/or SMS Steering

Committee as appropriate.

## **2.3 Safety Risk Mitigation**

Safety Risk Mitigations are methods or processes to manage safety risk agency-wide. Once an unacceptable level of safety risk is assessed, RTA must ensure that it is not accepting the risk without the proper level of management involvement, per the SRM process specified in this ASP.

Strategic decisions are made to ensure that risk is reduced to the lowest practical level. The risk mitigation strategy in place at RTA follows FTA guidance:

- **Avoid:** Avoidance removes the undesired consequence, such as canceling or delaying the operation or activity until risk is appropriately mitigated.
- **Reduce:** Risk reduction is the application of mitigations to reduce probability or severity to an acceptable level. It is noted here that it is rarely possible to reduce severity without engineering or operational configuration changes (such as speed reduction).
- **Segregate:** Segregation limits the exposure of people, assets, operations or activities to the consequences of the identified hazards.

The hierarchy of mitigation as defined by FTA is:

1. Design out the hazards
2. Install safety devices
3. Use warning systems
4. Administrative (rules, procedures, training)
5. Personal Protective Equipment (PPE)

Each level of employee has specific responsibilities in response to hazards.

Front-line employees (and contractors) are trained to recognize hazards, report them and what activities are required of them for mitigation, such as corrective maintenance, avoidance of collisions, stop hazardous work, use of PPE, rules compliance, use of Incident Command, setting up barriers, etc.

Technical managers must respond to and investigate hazards, deploy resources at their disposal to address and mitigate hazards under their control; and when additional resources or assistance are needed, inform executive management and/or the Safety Department in a timely manner.

Executive management must allocate resources based on risk (as determined by or in consultation with the Safety Department), and if resources are not available, ensure that no activities take place until the level of safety risk is mitigated to an acceptable level (as determined by the Safety Risk Acceptance Criteria table).

If risk needs to be mitigated beyond existing mitigations, or when new hazards are identified that require corrective action, a mitigation must be developed, implemented, and monitored. The CSEM will advise whether a CAP is required to facilitate the necessary actions to mitigate the safety risk to an acceptable level. The CSEM will monitor mitigations and corresponding CAPs to ensure consistency and compliance with the ASP. CAPs are submitted electronically to the SSO by the CSEM for approval once the CAP is opened. Not all mitigations require a formal CAP be submitted to the SSO.

Safety risk mitigations and CAPs are selected for safety committee review at the discretion of the CSEM.

Risk still inherently exists even after mitigation; the department is responsible for monitoring the mitigation, in coordination with the CSEM or designee, and promptly reporting to the CSEM if the mitigation is ineffective or introduces unintended hazards. The CSEM will advise the department whether a Mitigation Monitoring Plan (MMP) is required, and if so:

- What level of documentation is sufficient and how it should be provided to the CSEM,
- Who is responsible for implementing the MMP, and
- What should be entailed in the monitoring.

(Also see Section III – Safety Assurance.)

## **2.4 Tracking**

Each department is responsible to document its SRM activities and report them to the CSEM or to the corresponding safety committee, as appropriate. Using these reports as well as the official Safety Department Hazard Log and other documentation, the CSEM tracks mitigations/CAPs to ensure that no unacceptable risk is assumed due to error or omission and ensures that any associated CAPs are developed and reported to the SSO as required.

The official Hazard Log contains all hazards whose assessed SRI meet either the unacceptable (high) or undesirable (medium) thresholds as well as hazards rated lower but requiring follow-up and cross-departmental coordination.

For convenience, the Hazard Log is divided into two main sections containing: those hazards rated either high or medium based on the safety risk acceptance criteria (reportable to the SSO); and hazards rated either low or acceptable. The Log is reviewed by the SMS Steering Committee during regular, quarterly meetings and is also discussed during regular coordination meetings between the CSEM and SSO.

The following fields of information are provided in the Hazard Log:

- ID number
- Hazard description– refers to a brief narrative summary of the hazard – what it

is; where it is located; what elements it is comprised of element of RTA's operation affected by the hazard

- Date identified
- Hazard source– indicates the mechanism used to identify the hazard, e.g., operator report, near-miss, accident investigation, internal safety management audit, rules compliance program, facility/equipment inspection, formal hazard analysis
- Safety Risk Index (SRI)- whether assessed by the department with support from the CSEM or by the Safety Department directly
- (Recommended) Hazard Resolution/Mitigation/CAP– refers to the actions recommended by RTA to address the hazard and bring it into a level of risk acceptable to management
- Status– refers to the status of the recommendations. Status may be designed as pending, open, in progress, or closed.

## **2.5 Risk Reduction Program**

Pursuant to Title 49 U.S.C. Section 5329(d) as amended by the Bipartisan Infrastructure Law, RTA's SRM and SA processes comprise a "Risk Reduction Program" that will, in connection with other ongoing strategies and initiatives to improve employee and patron safety, aim to reduce the number and rates of accidents, injuries, and assaults on transit workers, including but not limited to the following, specific event types:

- Bus collisions (with vehicles and pedestrians);
- Assaults on transit workers.

RTA will continue to review guidance and forthcoming regulations in connection with Section (l) of the statute, which now includes the exploration of specific mitigations regardless of the outcomes of any SRM process. Namely, based on the language contained in the Bipartisan Infrastructure Law, the mitigations that RTA considers must include retrofits of bus fleets to reduce visibility impairments and the installation of operator barriers.

To the extent that the above hazards and their associated risk levels are reviewed as part of a compliant "Risk Reduction Program," the CSEM will invite the LMSC to jointly conduct one or more risk analyses.

At present, while the statute refers to "risk reduction performance targets," there are no changes to the NSP that can be used to establish baselines for these two event types, and therefore, FTA is not requiring that such targets be included in this ASP.

## Section III: Safety Assurance

### Safety Performance Monitoring and Measurement

RTA has established activities to:

- Monitor the RTA system for compliance with, and sufficiency of, the agency's procedures for operations and maintenance;
- Monitor RTA operations to identify hazards not identified through the SRM process (per 49 CFR Part 673.25);
- Monitor RTA operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended;
- Investigate safety events to identify causal factors; and
- Monitor information reported through any internal safety reporting programs.

Safety Assurance (SA) is a continuous process, constantly interacting with SRM. It is a set of systematic, ongoing processes that are both led and facilitated by the Safety Department to monitor system safety performance. This monitoring is used to: verify that safety objectives are being met; identify previously unforeseen hazards; ensure that mitigations in place are effective and not creating new hazards; and collect data on safety that can be analyzed, trended and shared in support of continuous improvement of the SMS. In addition, SA activities assist the agency in identifying and correcting practical drift and in establishing appropriate safety performance measures and SPTs.

The CSEM is responsible for ensuring SA processes are compliant with 49 CFR Part 673 and are effective.

In accordance with FTA requirements for Labor-Management Safety Committees, the Labor-Management Safety Committee (LMSC) members may bring forth any safety risk mitigation which they believe to be ineffective or not implemented as intended, during any regular meeting.

Additionally, pursuant to FTA Special Directive 22-32<sup>3</sup> and the requirement in 49 U.S.C § 5329 (as amended by the Bipartisan Infrastructure Law) for LADOTD to conduct "risk-based inspections" of RTA's rail system, RTA coordinates with LADOTD as necessary to ensure the inspections are fully incorporated into existing SMS practices, and in particular, SA. At present, LADOTD is developing detailed policies and procedures to administer this program.

#### 3.1 Safety Data Analysis

Under SAF3, RTA departments must identify, collect and analyze data on their safety critical functions in close coordination with, and at the direction of, the CSEM or designee.

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<sup>3</sup> <https://www.transit.dot.gov/regulations-and-guidance/safety/fta-special-directives>

Sources of data at RTA include, but are not limited to:

- Employee reporting systems, including self-reporting
- Field reports and observations from supervision and managers
- Preventive maintenance and other scheduled inspections
- Results from drills and exercises, and critical incident debriefings from actual emergency events
- Internal safety management audits and SMS implementation documentation
- Quality assurance and quality control inspections, audits and other activities
- Employee, passenger and public reports of injury
- Planning and scheduling data collection
- Key performance indicators
- Accident and incident Investigation reports
- NTD data collection and reporting
- Drug and alcohol compliance programs
- Rules and procedures compliance activities
- Safety committee activities and reports

Each department submits its data as related to safety performance and mitigation monitoring, to the executive in its area for review and verification. The CSEM may request this documentation as part of the agency-wide Safety Assurance effort. Executives are expected to discuss data and safety performance at SMS Steering Committee meetings as appropriate. Safety performance data are also reviewed by the RTA Board of Commissioners at their request.

### **3.2 Rules and Procedure Compliance Activities**

A robust SMS requires ongoing SA activities; that is, continuous performance monitoring, conducted in the field with real-time assessment and data analysis, so as to provide management with the best and most reliable information for assessing performance.

General orders, bulletins, memos and notices are issued as interim measures until permanent changes are made in the Operations Rulebook. To ensure the appropriate level of executive management oversight, Special Orders, Permanent Orders, Temporary Orders and Change Orders that modify or are intended to permanently establish rules and procedures must be approved and signed by the CSEM.

All Rulebook revisions must be reviewed and approved in a committee format, as described in the Rulebook. Updates may be selected for joint review by either the Labor Management Safety Committee or SMS Steering Committee, at the discretion of the CSEM.



Operations technical management and Executive-level management are responsible for monitoring compliance with rules and procedures.

Note: At this time, the process by which all rules compliance activities are coordinated between Operations and Safety is still in development. Additional SA tools and training are in development pursuant to an open CAP.

### **3.3 Internal Safety Reviews**

RTA has three types of ongoing, internal safety reviews to monitor compliance with its SMS as described in this ASP. These reviews are required under 49 CFR Part 673.27(b). They are:

1. Triennial Internal Safety Management Audit Program (ISMAs)

This program, also required under 49 CFR Part 674.27(a)(4), is owned by the Accountable Executive and implemented by the CSEM. Each department and functional area identified as having specific SMS responsibilities is reviewed for compliance with this ASP and all of the department or area's internal requirements once every three years. Deficiencies require CAPs to be developed and implemented by the department or functional area. All ISMA reports are submitted annually to the SSO under the CEO's signature as required by the SSO and 49 CFR Part 674.

SOP 004-100 dictates that prior notice is given to the SSO and all ISMA activities adhere to SSO requirements. Final audits are shared with the SMS Steering Committee and may be discussed at subsequent SMS Steering Committee meetings. The CSEM is tasked with overseeing the process and is certified to serve as Lead Auditor.

The rolling three-year calendar for upcoming ISMA topics is provided in the Annual Report due to the SSO on or around February 15<sup>th</sup> of every year. The CSEM may recommend changes to the topic list in-between Annual Reports, pending SSO concurrence.

The audit of the CSEM's SMS compliance is performed by the Director of Internal Audit and Compliance, who reports to the Chief Financial Officer, to avoid conflict of interest.

2. Safety Department-led Safety Assurance (SA)

Key SMS personnel, at the direction of the CSEM, conduct periodic, unannounced SA inspections or field observations to ensure compliance with safety-critical rules and procedures.

The CSEM oversees the process to ensure integrity and compliance, and has the discretion to require more regular reporting if necessary in a given area. Staff document their observations and any non-compliances using the appropriate SA form. The Safety Department has developed forms specific to certain, higher risk activities, e.g., special streetcar operations, flagging/Maintenance-of-Way, and special track work. Findings, trends, and concerns will be presented to ELT, department management, and/or safety committees, as appropriate. If necessary, the Key SMS personnel are authorized to cease operations or a work activity if they identify an imminent hazard posing an unacceptable level of safety risk. They have the authority and responsibility to coach any employees whom they observe failing to comply with a procedure or committing an unsafe act. These one-on-one coaching sessions are then documented using a standard form.

### 3. Monitoring of Safety Performance Measures.

Monitoring of the system wide Safety Performance Measures identified in Section 1.1.1 requires all departments that collect data directly applicable to the Performance Measures report these measures to the CSEM or designee at their request. Generally, progress relative to the SPTs set forth in the ASP will be reviewed in SMS Steering Committee meetings.

Internal safety reviews are designed to monitor all activities and functions to identify non-compliances with the ASP and correct them, identify hazards, and implement mitigations to reduce safety risk. They are also a means of identifying any existing mitigations that may be ineffective, inappropriate or were not implemented as intended as required.

The CSEM or designee will coordinate with and support any department that has a non-compliance or deficiency with developing a CAP and/or mitigation as necessary. [Also see 3.7.1 Corrective Action Plans (CAPs).]

### **3.4 Safety Assurance: Maintenance and Support Functions**

In addition to the above SA activities that apply for all departments, there are maintenance and related support functions under the purview of the COO and the Deputy CEO Planning & Infrastructure, who are responsible to oversee specific activities for SA that do not occur elsewhere in the agency.

These functions of maintenance control are fully documented in Maintenance Control Plans, processes and procedures for the following areas:

1. COO
  - a. Preventive, predictive, and corrective maintenance – rail, bus, paratransit/automotive/non-revenue maintenance and MOW
  - b. Support activities, including contracted activities (component repair,

equipment repair, overhaul, metrology, transportation, mainline recovery, fabrication)

- c. Hazard management, quality assurance and quality control
- d. Lifecycle Planning, including reliability and maintainability
- e. Supply chain, procurement and materials management and warehousing

## 2. Deputy CEO Planning & Infrastructure

- a. Facilities maintenance management
- b. Preventive, predictive, and corrective maintenance – facilities, fleet management, and transit stop maintenance
- c. Engineering, including contracted services
- d. Transit Asset Management support and interface
- e. Lifecycle Planning, including reliability and maintainability
- f. Supply chain, procurement and materials management and warehousing

Refer to the Maintenance Control Plans, and related procedures, for each maintenance department.

### 3.5 Investigations

49 CFR Part 673.27(b)(3) requires the transit agency to establish activities to conduct investigations of safety events to identify causal factors. FTA's SMS approach requires investigations to apply the "Organizational Approach;" that is, all investigations will seek to identify causal and contributing factors instead of simply blaming the person closest to the event.

Internal investigations of all FTA-defined safety events are initiated by the department or functional area that experienced the event in accordance with the RTA Investigation SOP #004-005. That department or functional area will continue to carry out the investigation unless otherwise directed by the Safety Department or an external investigator (e.g., FTA, SSO, NTSB).

Major event investigations are the responsibility of the CSEM and the Safety Department. These include: any events which meet a reporting threshold for the SSO and/or FTA, any events classified as "Tier 1" by RTA, and any events otherwise deemed serious by the CSEM.

Corrective actions stemming from any findings contained in the final investigation report must be developed by the departments and functional areas, in consultation with the Safety Department, and be approved by the SSO prior to implementation. Upon receipt of formal approval, actions are coordinated and managed by the CSEM and fully implemented in the approved time frame by the responsible party(ies). Responsible parties may or may not reside in the department or functional area that initially reported the safety event.

Generally, RTA will take appropriate measures (mitigations) to reduce the level of safety

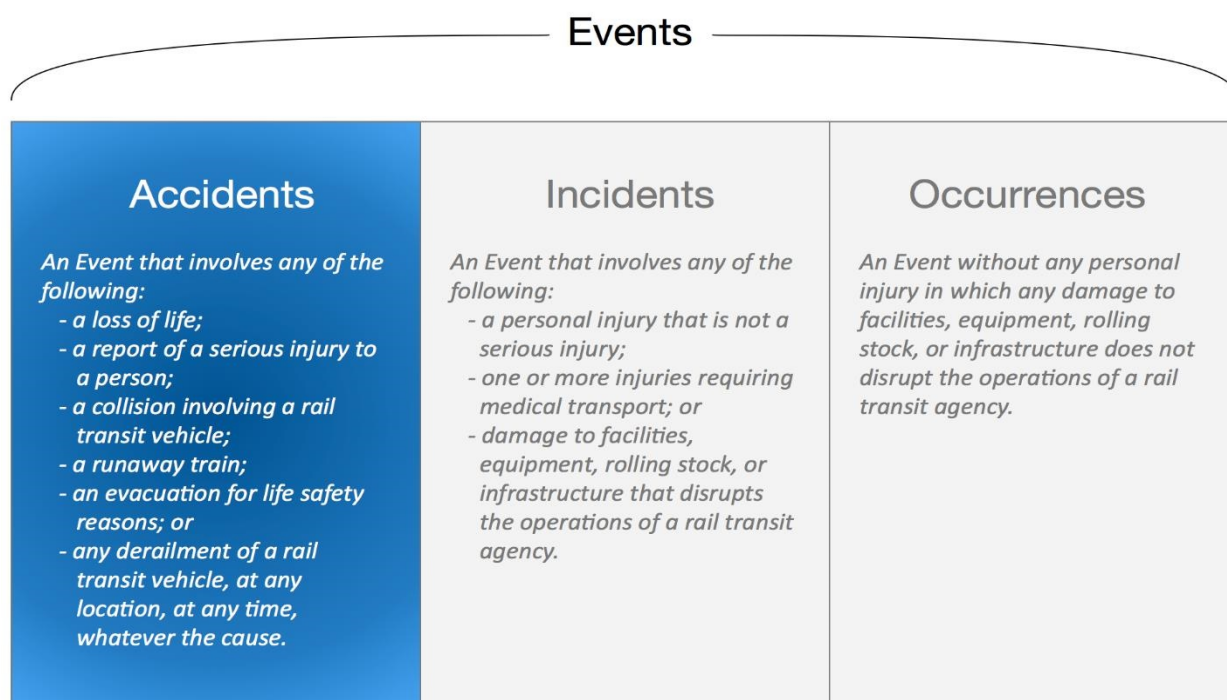
risk (likelihood and/or severity) associated with identified contributing factors in order to prevent reoccurrence. One or more CAPs may comprise a single safety risk mitigation.

CAPs may also be unrelated to the mitigation(s) as they may be aimed at addressing system deficiencies or non-compliances that were identified during the investigation but did not contribute to the event.

The CAP management process will be carried out at the direction of the CSEM, in accordance with SSOPS requirements. [Also see 3.7.1 Corrective Action Plans (CAPs).]

### 3.5.1 Event Reporting

RTA is required to report events as defined by FTA and the SSO. Part 674 defines three types of safety events: accidents, incidents, and occurrences, and requires a rail transit agency (RTA) to notify its SSO and the FTA within two hours of any event classified as an accident. FTA defines the following three categories of events:



Reporting to the SSO is defined in the SSOPS, and FTA is notified through the US DOT Crisis Management Center (CMC) by email at [toc-01@dot.gov](mailto:toc-01@dot.gov). The OCC is the primary responsible party for issuing the notification, in consultation with the on-call Safety representative, as necessary.

RTA attends monthly meetings to discuss accidents, including reporting and the status

of investigations of SSO-reportable events, with the SSO. Additional follow-up meetings may be scheduled in coordination with the SSO, as necessary.

### **3.6 Management of Change**

Management of change is a process for identifying and assessing changes that may introduce new hazards or have an adverse impact on the agency's safety performance. RTA is committed to identifying changes that need to be evaluated further to determine whether an adverse impact can reasonably be expected. When a change is identified (see Section II – SRM) it needs to be evaluated through SRM, as if it were a newly reported hazard.

Changes can introduce new hazards or have an impact on the appropriateness or effectiveness of existing mitigations.

Each department and functional area must identify all changes, perform an initial evaluation, and then elevate and forward the concern to the CSEM as appropriate, given the level of safety risk determined. If the level of safety risk is undetermined, or if additional technical capacity is required before reaching such a conclusion, the CSEM or designee may lead the analysis. The CSEM may direct a safety committee to assist with the assessment per SAF5. In coordination with the department or functional area that is responsible for the change as well as the safety committee, the CSEM either implements or advises the department to implement mitigations so that the level of safety risk is managed to an acceptable level during and after the change. As SMS Executive, the CSEM may elevate the analysis and any resulting actions/mitigations to the Accountable Executive if necessary.

SA activities that may identify a need to manage change, include:

- Monitoring of service delivery activities (including field observations)
- Monitoring operations and maintenance data
- Analysis of employee safety reporting program
- Evaluations of the SMS
- Safety audits, studies, reviews, and inspections
- Safety surveys
- Investigations.

Generally, at a minimum, changes need to be assessed through SRM if they substantially change the system (e.g., streetcar line extensions) or constitute a major safety-critical re-design (excluding functionally and technologically similar (“in-kind”) replacements. When evaluated or considered through any SRM process, the evaluation or analysis must be properly documented.

The following areas are specialized sources of risk associated with change.

### **3.6.1 Safety and Security Certification**

Safety and Security Certification (SSC) is an FTA-defined process of verifying that certifiable elements and items comply with a formal list of safety and security requirements developed for major construction, rehabilitation or vehicle procurement projects. Certifiable elements are those project elements that, as determined through hazard analyses, can adversely affect the safety and security of customers, employees, emergency responders, or the public.

SSC, along with a scaled-down practice known as Safety Acceptance, is accomplished through a collaborative effort between the CSEM and the applicable Project Team, which may include representatives from other RTA departments as well as project contractors.

The process is guided by RTA's Safety and Security Certification Program Plan (SSCPP) which is maintained by the Deputy CEO – Planning & Infrastructure.

The Safety and Security Certification Review Committee (SSCRC) reports to and receives direction from the SMS Steering Committee, and provides guidance for RTA's SSC program.

### **3.6.2 System Modification**

Physical changes to the system that are not governed by the SSC process often fall under the Engineering Modification Process. This includes evaluation and assurance, under the SRM process, that a proposed modification does not create unacceptable or undesirable risk in a system, vehicle, equipment or facility previously certified under the SSC process.

System modifications must be forwarded to the Safety Department for handling. Modifications may be discussed in safety committee meetings at the discretion of the CSEM. Additionally, internal safety reviews and external audits of the Infrastructure and Maintenance Departments will include a careful review of this process, to ensure it is performing as intended.

### **3.6.3 Procurement**

When the agency must make new procurements; changes to existing materials, vendors and contracts; or changes to the procurement process itself, RTA Executive-level management must apply the SRM process of this ASP to the extent practicable.

The process established for procurement follows the same steps as other changes:

1. The department or area must assess whether the change (procurement) will carry risk or introduce hazards.
2. If a consequence of the change being introduced is an increased level of safety

risk, the department or area must notify the Safety Department. This is typically done through the Change Order process.

3. The Safety Department will lead or support a formal risk assessment following the principles and procedures delineated in Section II – SRM. The Department may use SMEs where appropriate.
4. If appropriate, mitigations must be in place before the change is made. This process will be led by the Safety Department, in consultation with the Procurement Department and the department/area securing the material, vendor, or contractor.

### **3.7 Continuous Improvement**

Continuous Improvement is the process by which RTA examines its safety performance to identify safety deficiencies and carries out a plan to address the identified safety deficiencies. It consists of formal activities designed to evaluate the effectiveness of the SMS. Specifically, it will:

1. Identify the causes of sub-standard performance of the SMS
2. Determine the implications of sub-standard performance of the SMS in operations
3. Eliminate or mitigate such causes.

Its key elements are proper management of all activities through the SRM process; proper change management; compliance activities, including those contained herein in Section III - SA; and performance auditing.

The annual ASP revision cycle, managed by the CSEM in close coordination with the ELT, provides a framework for identifying and capitalizing on new opportunities to improve and grow the SMS.

Once deficiencies in the SMS are identified, corrective actions must be implemented in accordance with this ASP and applicable SSO requirements. As SMS Executive, the CSEM is duly authorized to implement such corrective actions as needed.

#### **3.7.1 Corrective Action Plans (CAPs)**

CAPs are required to correct non-compliance with the ASP or referenced internal requirements or deficiencies in the SMS; and otherwise by direction of the SSO or the FTA. Per FTA guidance on ASP implementation, CAPs are not to be confused with mitigations, although in some instances, they may be one in the same. In either case, the CSEM is responsible for monitoring and verifying completion and for ensuring the hazard or concern is adequately addressed.

All CAPs must be reviewed and approved by the SSO per 674.27(a)(4). CAPs are submitted by the CSEM to the SSO electronically for approval once they are entered on the CAP log.

Usually, this approval is required prior to beginning implementation of the corrective action, but in exigent circumstances involving immediate protection of life and property, the action may be commenced and then reviewed and accepted or modified by the SSO. RTA will attend all scheduled meetings to discuss the CAPs and coordinate activities with the SSO. CAPs may also be coordinated and discussed in SMS Steering Committee and/or LMSC meetings.

The SSOPS indicates the conditions under which RTA is required to develop and carry out a corrective action. All CAPs at RTA will conform to the requirements of the SSOPS.

CAP closure is dependent upon SSO verification of closure and approval.



## Section IV: Safety Promotion

A robust SMS is dependent upon ongoing management commitment to addressing safety risk through training and communication.

### 4.1 Competencies and Training

RTA is currently reviewing and updating its comprehensive safety training curriculum for all positions and functions. Training requirements that will be included in this comprehensive program for operations and maintenance positions (at a minimum) will encompass:

1. Departmental and functional area responsibilities for training
2. Departments/areas/sections providing training, including all on-the-job training and technical training programs for supervisors
3. Specialized internal safety-related training programs [industrial safety, respirators, Blood-borne Pathogens (BBP), Roadway Worker Protection (RWP), SMS, investigation, etc.]
4. Vendor-provided training programs controlled by RTA
5. Required initial training by department, area and position
6. Technical training and professional development coursework
7. Continuing safety education and training, to include any required re-certification training by department, area, and position (e.g., RWP)
8. Contractor training requirements
9. Training records creation, access, and maintenance
10. Certifications
11. Training Quality Assurance Program
12. Train-the-trainer programs
13. Student feedback and assessments
14. Trainer feedback and assessments

Instruction in safe methods of operations and safety procedures is included in rulebooks, manuals, handbooks, and other documentation developed for the training and qualification of safety-critical personnel, maintained by the department in consultation with HCWD. Training consists of classroom training, field training, on-the-job training, and testing/evaluation.

Additionally, as of 2022, all employees must take mandatory incident management/ Incident Command System (ICS) training through the Federal Emergency Management Agency's (FEMA) online Emergency Management Institute, as follows:

- All employees must successfully pass IS-100 – Introduction to Incident Command System
- Designated Incident Management Team positions must successfully pass:
  - o IS-200 – Basic Incident Command System for Initial Response
  - o IS-700 – An Introduction to the National Incident Management

- System
  - IS-800 – National Response Framework, An Introduction.

Pursuant to statutory requirements from the Bipartisan Infrastructure Law, the comprehensive safety training that operations and maintenance personnel receive must include de-escalation training. RTA has taken steps to incorporate de-escalation techniques and strategies and processes for handling difficult situations onboard the vehicle, into existing, quarterly safety meetings.

The Manager of Operations Training and the Director of Professional Standards and Training are responsible for providing new and revised safety training programs to the CSEM for review. Presently, one (1) maintenance training instructor also reports directly to the Director of Bus Maintenance and provides on-the-job training exclusively for new-hire and existing personnel in Bus and Rail Maintenance areas.

Key SMS personnel designated with direct responsibility for rail fixed guideway safety oversight are required to meet the training requirements codified in 49 CFR Part 672 to include the completion of refresher training every two years. Refresher training consists of two components:

- “SMS Awareness” online course through TSI – one hour; and
- Any external or vendor-provided safety- or security-related course which includes a minimum of one hour of safety oversight training.

Each designated Key SMS position is responsible for applying for and maintaining their individual certification with FTA.

At present, a one-hour introductory course on SMS concepts and shared SMS responsibilities is delivered to all new employees during new-hire orientation. Other introductory SMS presentations and workshops are available upon request and have been delivered to senior leadership team members and individual departments. The Safety Department develops and adapts its training to cover the following topics as needed:

- SMS responsibilities and accountabilities specific to each department or function
- Employee Safety Reporting Program
- SMS documentation and recordkeeping requirements
- Hazard identification
- CAP management process
- Safety Committee structure
- How to assist the Safety Department with Safety Promotion efforts as outlined in this ASP section.

## **4.2 Safety Communications**

Effective safety communication is one of the foundational philosophies of SMS. Its purposes are to:

1. Ensure that personnel are aware of the SMS
2. Convey safety-critical information
3. Explain why particular safety actions are taken
4. Explain why safety procedures are introduced or changed
5. Provide feedback on employee-reported hazards and safety concerns.

The primary safety communication responsibility of the ELT at RTA, under the requirements of 673.23(c), is to actively and personally communicate the Safety Management Policy to all employees and contractors. Any changes to the Safety Management Policy must be approved and distributed to all employees. All approved policies are shared in the “company policies” folder in the RTA public drive as well as through ADP. Additional tools for disseminating future revisions and for maintaining document control are under review.

Methods of communicating safety information to RTA employees include face-to-face meetings and interactions, sending agency-wide emails, posting and/or distribution of bulletins, department notices, and memoranda, sending electronic messages via the Computer-Aided Dispatch (CAD) system “Clever Devices”, and through a quarterly Safety Department newsletter. Posted information can be found at a central location in each department easily accessible to employees.

RTA's comprehensive employee safety promotion program includes the following elements:

- Facility/location safety inspections and audits with written reports and follow-up responses to employees as appropriate;
- Periodic employee awareness training;
- Periodic safety blitz or “stand-down” events;
- Weekly, monthly, and quarterly safety meetings, typically administered by the department/division;
- Quarterly safety meetings (mandatory for Operations and Maintenance employees);
- Special request employee safety training programs delivered by the Safety Department;
- Safety posters, and posting of reports, information, statistics, data, notices, bulletins, awareness campaigns, flyers, health services, employee assistance programs and other safety information in employee work areas;
- Annual worker right-to-know programs and industrial safety training; and
- Periodic insurance carrier/broker assessments.

#### **4.2.1 Safety Committees**

The executive-level safety committee at RTA is the SMS Steering Committee, the primary group responsible to provide guidance and direction to the agency and to the Accountable Executive on acceptable and unacceptable risk, resource allocation, the

status of SMS implementation for each of their areas of control and the promulgation of safety policy and SMS agency-wide.

Pursuant to FTA requirements announced in a February 2022 “Dear Colleague” letter stemming from the Bipartisan Infrastructure Law, RTA created the LMSC as a joint advisory group with specific goals and objectives that were established by the law.

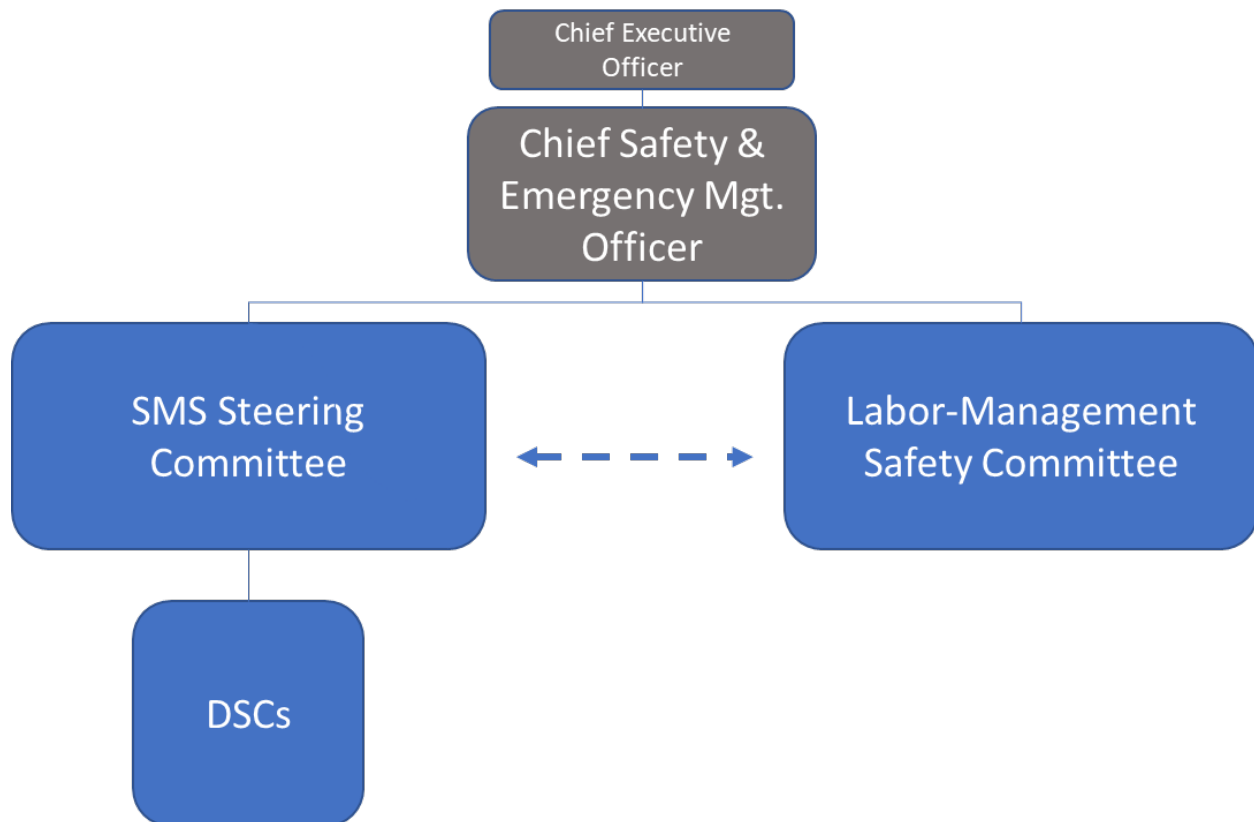


Figure 2 Safety Committee Structure (SAF5)

The LMSC as established in SAF5 complies with statutory requirements in Title 49 U.S.C. Section 5329(d) as amended by the Bipartisan Infrastructure Law, specifically subsections (1)(A) and (5)(A).

The roles, responsibilities, and basic procedures for both the SMS Steering Committee and LMSC are contained in the Board-approved policy, SAF5. Of note, the LMSC is explicitly required to approve this ASP prior to it being reviewed and approved by the RTA Board of Commissioners.

DSCs are front-line and mid-level safety committees established to address department-specific safety issues and communicate safety concerns and hazard resolution status. The DSCs establish and foster a close working relationship with employees, unions, and management regarding safety issues.

Other safety-focused committees that generally meet on an as-needed basis are

described further in SAF5.

#### **4.2.2 Hazardous Materials**

All maintenance and support personnel who are required to use chemicals and hazardous or toxic substances are trained in the safe use of such substances. Employees who move to new positions are provided training in the use of any new chemicals that they may be assigned to use by the supervisor.

RTA is responsible for developing procedures that ensure compliance with the hazardous materials standards by all RTA employees and implementing the SA process for hazardous materials.

The chemical, hazardous material and GHS Safety Data Sheet (SDS) review process is incorporated into Maintenance Department procedures and training. All chemicals and hazardous materials used by RTA employees or in the RTA operating system shall be evaluated and approved by the CSEM or his/her designee prior to use or testing of the product in accordance with the SOP.

The end user must ensure that the CSEM has reviewed and provided written approval of the requested chemicals prior to procurement, including procurement utilizing blanket orders, petty cash, purchase cards, construction specifications or equipment specifications. Procurement does not process requests for chemical products without the written approval from the CSEM and an approved SDS number on file for that product. Procurement shall implement the required quality control procedures to ensure that only chemical and hazardous materials, previously reviewed and approved by the CSEM and assigned a unique SDS number, are accepted by the receiving storerooms. Substitutes for chemical products and hazardous materials shall have prior CSEM review and approval.

All users of any approved product must read the Evaluation/SDS Approval prior to using the product and follow all instructions and precautions. The CSEM or his/her staff may conduct site visits where chemicals are being used to ensure that workers are aware of the hazards and that they are using the proper PPE.

#### **4.2.3 Drug and Alcohol Compliance**

RTA has developed a Drug & Alcohol Free Workplace Policy (SAF1) to ensure a safe environment for the public and RTA employees.

The Designated Employee Representative (DER; reports to the Chief HCWD Officer) has primary responsibility for administering a Drug & Alcohol Testing Program in accordance with 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs and 49 CFR Part 655: Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations. SAF1 establishes procedures for the Drug

and Alcohol Testing Program, which is administered by the DER, in close coordination with Operations and Safety Departments. The appendix section of SAF1 includes both a list of DOT safety-sensitive positions under the current organizational structure, as well as a list of non-DOT (“RTA”) safety-sensitive position for which testing is conducted under RTA’s authority.

## **APPENDICES FOLLOW**

## APPENDIX A: 2023 SAFETY PERFORMANCE TARGETS

The updated Safety Performance Targets (SPTs) are as follows. Total amounts are targeted by calendar year.

### Streetcar

Fatalities (total)	Fatalities (rate per 100k VRM)	Injuries*^ (total)	Injuries (rate per 100k VRM)	Safety Events*+ (total)	Safety Events (rate per 100k VRM)	Mean Distance Between Major Mechanical Failure
0	0.00	15	2.32	58	8.99	20,000

\* As defined in the NTD Safety & Security Policy Manual, dated January 2020<sup>4</sup>

^ Includes major and non-major reportable events but excludes injuries related to assaults or other crimes (security events)

+ Includes major safety events only

Determinations of accident/incident preventability have no bearing on any SPTs per FTA guidance.

In 2021, RTA reported **59** streetcar mode events that met a major safety event threshold and **12** injuries. Note: Upon review of previous years' NTD data, the target of 18 events previously set in 2021 was not attainable. Staff have corrected the discrepancy in event tracking databases accordingly. The number and rate have since been updated to be more realistic based on actual event statistics.

As comparison, the current internal benchmark for preventable accidents is 2.3 per 100,000 VRM.

### Fixed-Route Bus

Fatalities (total)	Fatalities (rate per 100k VRM)	Injuries*^ (total)	Injuries (rate per 100k VRM)	Safety Events*+ (total)	Safety Events (rate per 100k VRM)	Mean Distance Between Major Mechanical Failure
0	0.00	23	0.44	30	0.44	8,000

\* As defined in the NTD Safety & Security Policy Manual, dated January 2020

^ Includes major and non-major reportable events but excludes injuries related to assaults or other crimes (security events)

<sup>4</sup> NTD Safety and Security Policy Manual

(<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/ntd/146986/2020-ntd-safety-and-security-policy-manual.pdf>)

+ Includes major safety events only

Determinations of accident/incident preventability have no bearing on any SPTs per FTA guidance.

In 2021, RTA reported **23** fixed-route bus mode events that met a major safety event threshold and **21** injuries.

As comparison, the current internal benchmark for preventable accidents is 1.5 per 100,000 VRM.

#### Non-Fixed-Route Bus (Paratransit)

Fatalities (total)	Fatalities (rate per 100k VRM)	Injuries*^ (total)	Injuries (rate per 100k VRM)	Safety Events*+ (total)	Safety Events (rate per 100k VRM)	Mean Distance Between Major Mechanical Failure
0	0.00	6	0.72	6	0.72	40,000

\* As defined in the NTD Safety & Security Policy Manual, dated January 2020

^ Includes major and non-major reportable events but excludes injuries related to assaults or other crimes (security events)

+ Includes major safety events only

Determinations of accident/incident preventability have no bearing on any SPTs per FTA guidance.

In 2021, RTA reported **4** non-fixed-route bus mode events that met a major safety event threshold and **4** injuries.

As comparison, the current internal benchmark for preventable accidents is 1.5 per 100,000 VRM.

#### General Notes

For the purposes of establishing SPTs, safety events involving non-revenue vehicles are not included as they are not reported to NTD. Safety events involving RTA maintenance employees operating revenue service vehicles *are* included for their respective mode.

RTA's Safety and Security reporting for the previous three (3) years under NTD's Safety and Security Major and Non-Major criteria was accessed and reviewed in support of establishing SPTs. Due to differences in the reporting thresholds, the safety events reflected here are not necessarily the same as the events reported to LADOTD in accordance with 49 CFR Part 674.

All VRMs by mode are calculated using the most recent available year's actual, confirmed mileage data as shown in the NTD Agency Profile (NTD ID # 60032). The



below VRMs are used for all mileage-based targets:

- Streetcar – 645,164 (2021 VRM)
- Fixed-Route Bus – 5,266,290 (2021 VRM)
- Non-Fixed-Route Bus – 839,046 (2021 VRM)

SPTs are formally made available to the agency's Metropolitan Planning Organization (MPO), the Regional Planning Commission (RPC), per the requirements of 49 CFR Part 673.15(a), and to LADOTD annually for review and comment prior to finalizing the ASP. Refer to the Agency Safety Plan Revision SOP #004-002.

### Notes on FTA's Definitions Used in this Section

(per PTASP Technical Assistance Center "TAC" website -- <https://www.transit.dot.gov/PTASP-TAC>):

FTA's guidance on SPTs indicates that transit modes fall into one of three categories: rail modes, fixed-route bus modes, and non-fixed route bus modes. RTA's SPTs are established for these modes, accordingly. The safety performance of passenger ferry services is managed and overseen through separate policies and procedures.

For injuries, FTA uses the definition established by the NTD, which is "any damage or harm to persons as a result of an event that requires immediate medical attention away from the scene." For the injury performance measure, FTA uses all injuries reported on both the NTD S&S-40 (major) and S&S-50 (non-major) forms but excludes injuries related to assaults or crimes (security events). This means a transit agency may have to report a crime-related injury to the NTD, but it would exclude that injury from its injury performance measures.<sup>5</sup>

For safety events, FTA uses all safety events that meet an NTD **major event** reporting threshold (events reported on the S&S-40 form, however excluding major security events). The NTD defines a safety event as a collision, derailment, fire, hazardous material spill, act of nature (Act of God), evacuation, or other safety occurrence not otherwise classified occurring on transit right-of-way, in a transit revenue facility, in a transit maintenance facility, or involving a transit revenue vehicle and meeting established NTD thresholds.

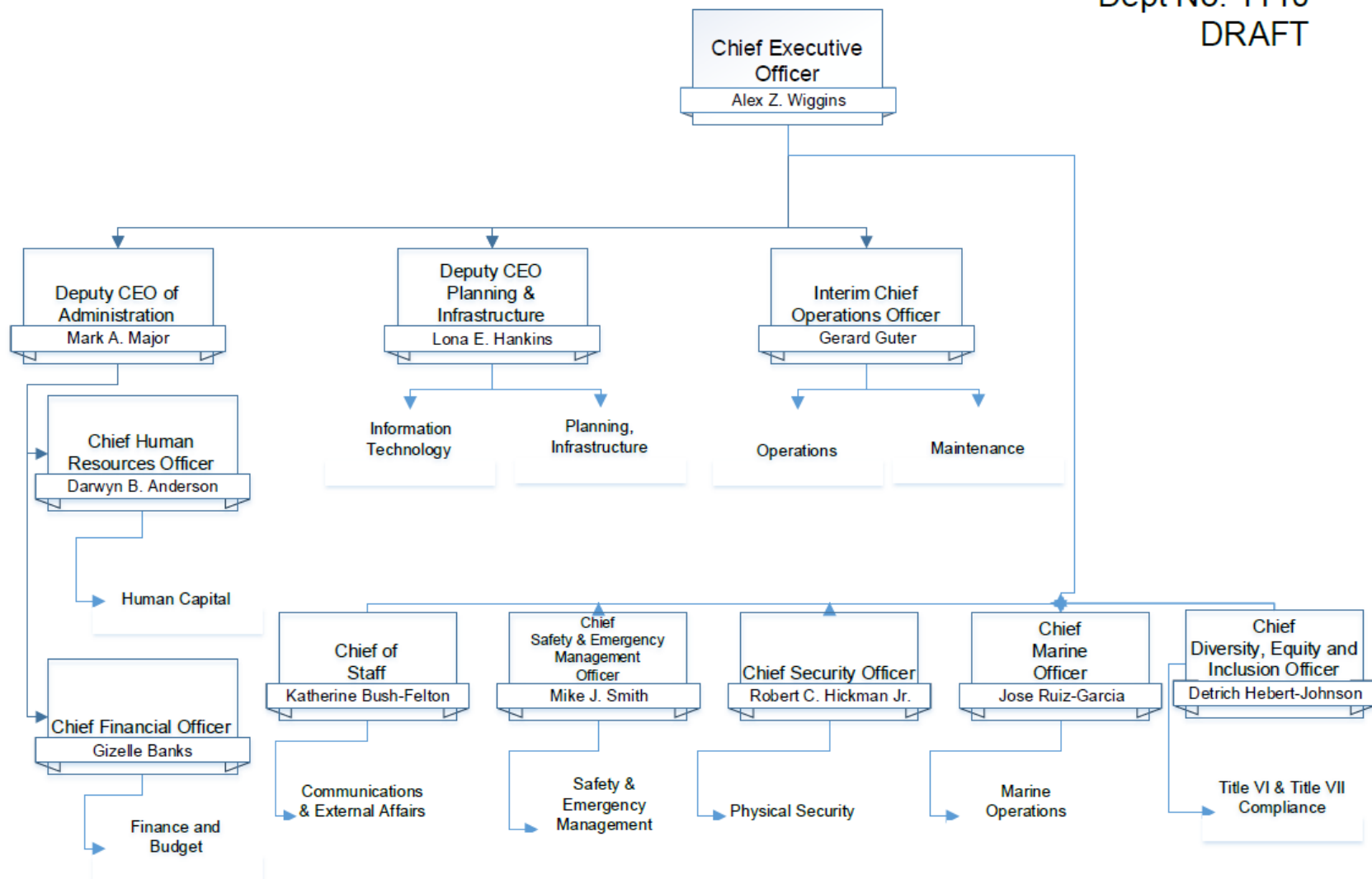
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<sup>5</sup> See FTA Safety Performance Targets Fact Sheet ([https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-08/SafetyPerformanceTargetFactSheet\\_20200814.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-08/SafetyPerformanceTargetFactSheet_20200814.pdf))

## APPENDIX B: ORGANIZATIONAL CHART



Office of the CEO  
Executive Leadership Team  
Dept No: 1110  
DRAFT



## APPENDIX C: DEFINITIONS/ACRONYMS

### Definitions

*The following definitions used in this document are consistent with 49 CFR Parts 625, 630, 670, 673, and 674. The source of each is noted in brackets, including the “SMS Glossary of Terms: FTA’s Guide to Relevant Terms for SMS Development” of September 2016 shown as “[SMS]”.*

**Accident** – an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision involving an RTA vehicle; a runaway RTA vehicle; an evacuation for life safety reasons; or any derailment of an RTA vehicle [673] at any location, at any time, whatever the cause. [SMS]

An *accident* must be reported in accordance with the thresholds for notification and reporting set forth in Appendix A to Part 674. [674]

**Accountable Executive** – a single, identifiable person who has ultimate responsibility and accountability for the implementation and maintenance of the SMS of RTA; responsibility for carrying out the Safety Plan and Transit Asset Management Plan (TAMP); and control or direction over the human and capital resources needed to develop and maintain both the Safety Plan in accordance with 49 USC 5329 and TAMP.

**Administrator** -- the Federal Transit Administrator or the Administrator’s designee. [670, 674]

**Advisory** -- a notice from FTA to recipients regarding an existing or potential hazard or risk in public transportation that recommends recipients take a particular action to mitigate the hazard or risk. [670]

**Agency Safety Plan (ASP)** – a document adopted by a Rail Fixed Guideway System, including RTA, detailing its safety policies, objectives, responsibilities, and procedures.

**Audit** -- an examination of records and related materials, including, but not limited to, those related to financial accounts. [670]

**BTW** -- Behind-The-Wheel, a type of required Operator training.

**Capital asset** -- a unit of rolling stock, a facility, a unit of equipment, or an element of infrastructure used in public transportation. [625]

**CEO** -- Chief Executive Officer of the Regional Transit Authority.

**CFO** -- Chief Financial Officer of the Regional Transit Authority.

**Chief Safety and Emergency Management Officer (CSEM)** – an adequately trained individual who has responsibility for safety and reports directly to an RTA chief executive officer, president, or equivalent officer. The CSEM does not serve in other operational or maintenance capacities. At RTA the CSEM also has primary responsibility for Emergency Management functions. [673]

**CM** -- Construction Manager of the Regional Transit Authority.

**Consequence** -- the potential outcome(s) of a hazard. [SMS]

**Continuous Improvement** -- a process by which a transit agency examines safety performance to identify safety deficiencies and carry out a plan to address the identified safety deficiencies. [SMS]

**Contractor** -- an entity that performs tasks on behalf of RTA, FTA, a State Safety

Oversight Agency, or other rail transit agency, through contract or other agreement [674], including tasks required for rail compliance.

For example, contractors could handle any portion of a major construction infrastructure project, handle daily switch inspections, or monthly substation maintenance. A contractor is a third party hired by the agency to fulfill a rail compliance need. The rail transit agency may not be a contractor for the oversight agency.

**COO** –Chief Operating Officer

**Corrective Action Plan (CAP)** -- a plan developed by RTA (as a recipient and rail transit agency) that describes the actions that RTA will take to minimize, mitigate, correct, or eliminate risks and hazards, and the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require RTA to develop and carry out a corrective action plan. [670, 674, SMS]

**DBE** -- Disadvantaged Business Enterprise.

**Directive** -- a formal written communication from FTA to one or more recipients which orders a recipient to take specific actions to ensure the safety of a public transportation system. [670]

**EEO** -- Equal Employment Opportunity.

**Equivalent Authority** – The Board of Commissioners of the New Orleans RTA is an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve the Safety Plan. [673, SMS]

**Event** – any Accident, Incident, or Occurrence. [673, 674, SMS]

**FTA** – the Federal Transit Administration (FTA) is an operating administration/agency within the United States Department of Transportation (USDOT). [670, 673, 674]

**FMLA** -- Family Medical Leave Act

**FRA** – the Federal Railroad Administration (FRA), an agency of the United States Department of Transportation (USDOT). [674]

**Grade Crossing** (as defined in the National Transit Database glossary) an intersection of roadways, railroad tracks, or dedicated transit rail tracks that run across mixed traffic situations with motor vehicles, streetcar, light rail, commuter rail, heavy rail or pedestrian traffic; either in mixed traffic or semi-exclusive situations.

**Hazard** – any real or potential condition that can cause injury, illness, or death; damage to or loss of a facility, equipment, rolling stock, infrastructure, property, system RTA; or damage to the local environment, or reduction of ability to perform prescribed function. [673, 674, SMS]

**Hazard Analysis** -- the formal activities to analyze potential consequences of hazards during operations related to provision of services. [SMS]

**Hazard Identification** -- formal activities to analyze potential consequences of hazards during operations related to provision of service. [SMS]

**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 RTA. [673, 674, SMS]

An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in Appendix A to Part 674. If a rail transit agency or State Safety Oversight Agency later determines that an Incident meets the definition of *Accident* in this section, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in Appendix A to Part 674. [674]

RTA has also defined Incident as an unexpected event, including security-related incidents, involving RTA passengers or employees that is not related to an accident. Incidents of significant magnitude must be reported to state and/or federal authorities. See Accident Reporting Threshold for a list of reportable incidents.

**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 [673, 674, SMS] or investigation of an event [670].

**Labor-Management Safety Committee (LMSC)** – Established by SAF5, consists of a voting roster of 6 designated managers/directors and 6 representatives from the two main labor unions at RTA.

**Lagging Indicators** -- provide evidence, through monitoring, that intended safety management outcomes have failed or have not been achieved. [SMS]

**Leading Indicators** -- provide evidence, through monitoring, that key safety management actions are undertaken as planned. [SMS]

**Management of Change** -- a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance. If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process. [SMS]

**Near miss** -- a safety event where conditions with potential to generate an accident, incident, or occurrence existed, but where an accident, incident, or occurrence did not occur because the conditions were contained by chance or by existing safety risk mitigations. [SMS]

**LADOTD** -- the "State of Louisiana Department of Transportation and Development" which is the designated State Safety Oversight Agency for rail fixed guideway systems in the State of Louisiana.

**National Public Transportation Safety Plan (NSP)** – the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 [673, 674] or authorized at 49 U.S.C. 5329. [670]

**NTSB** -- the National Transportation Safety Board, an independent Federal agency. [674]

**OCC** -- Operations Control Center, also known as "Dispatch"

**Occurrence** – an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of RTA. [673, 674, SMS]

**Organizational Accident** -- an accident that has multiple causes involving many people operating at different levels of the respective agency. [SMS]

**OCS** – Overhead Catenary System.

**Performance measure** -- a parameter that is used to assess performance outcomes. [625]

**Performance target** -- a specific level of performance for a given performance measure over a specified timeframe. [625, 673]

**PHA** -- Preliminary Hazard Analysis

**PPE** -- Personal Protective Equipment

**Practical Drift** -- the slow and inconspicuous, yet steady, uncoupling between written procedures and actual practices during provision of services. [SMS]

**Program Standard (SSOPS)** is a written document developed and adopted by LADOTD that describes the policies, objectives, responsibilities, and procedures used to provide safety and security oversight of rail transit agencies.

**Public Transportation Agency Safety Plan (PTASP)** -- the comprehensive agency safety plan for RTA that is required by 49 U.S.C. 5329 and Part 673 [673], based on a Safety Management System. Until one year after the effective date of FTA's PTASP final rule, a System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 may serve as the rail transit agency's safety plan. [674]

**Public Transportation Safety Certification Training Program (PTSCTP)** -- the certification training program for Federal and State employees or other designated personnel who conduct safety audits and examinations of public transportation systems, and for employees of public transportation agencies directly responsible for safety oversight, established by FTA in accordance with 49 U.S.C. 5329(c)(2), codified in 49 CFR Part 672. [674, 672]

**Public Transportation System** -- the entirety of RTA's operations, including the services provided through contractors. [625, SMS]

**Rail fixed guideway public transportation system** -- any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration (FRA), or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway. [674, SMS]

**RFP** -- Request for Proposals

**Risk** -- the composite of predicted severity and likelihood of the potential effect of a hazard. [674, SMS]

**Risk mitigation** -- a method or methods to eliminate or reduce the effects of hazards. [673, 674, SMS]

**ROW** -- right-of-way

**RTA** -- the New Orleans Regional Transit Authority.

**Safety** -- the state in which the potential of harm to persons or property damage during operations related to provision of services is reduced to and maintained at an acceptable level through continuous hazard identification and safety risk management activities. [SMS]

**Safety and Security Certification** -- the process applied to project development to ensure that all practical steps have been taken to optimize the operational safety and security of the project during engineering, design, and construction

before the start of passenger operation.

**Safety Assurance** – processes within RTA SMS that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that RTA meets or exceeds its safety objectives through the collection, analysis, and assessment of information. [673, SMS]

**Safety Deficiency** – a condition that is a source of hazards and/or allows the perpetuation of hazards in time. [SMS]

**Safety Management Policy** – RTA's documented commitment to safety, which defines RTA's safety objectives and the accountabilities and responsibilities of its employees in regard to safety. [673, SMS]

**Safety Management System (SMS)** – the formal, top-down, RTA-wide approach to managing safety risk and assuring the effectiveness of RTA's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks, hazards [673], and management of safety risk [625, 670, SMS].

**Safety Management System Executive** -- a Safety Officer or equivalent. [SMS]

**Safety Promotion** – a combination of training and communication of safety information to support SMS as applied to RTA's system. [673, SMS]

**Safety Risk** – the assessed probability and severity of the potential consequence(s) of a hazard, using as reference the worst foreseeable, but credible, outcome. [673, SMS]

**Safety Risk Management (SRM)** – a process within RTA's SMS/Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk. [673, 674, SMS]

**Safety Risk Mitigation** -- the activities whereby a public transportation agency controls the probability or severity of the potential consequences of hazards. [SMS]

**Security** is defined as freedom from intentional danger for employees and passengers.

**Serious injury** – any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (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 5 percent of the body surface. [673, 674]

**SIS** -- the Service, Inspection, and Storage building for the RTA Canal Street and Riverfront streetcars located at the A. Philip Randolph Facility at 2817 Canal Street.

**SMS Executive** – a Safety Officer or an equivalent. [673]

**SMS Steering Committee** – established by SAF5

**SRM** – Safety Risk Management (see above).

**SSCPP** -- Safety and Security Certification Program Plan

**SSCRC** -- Safety and Security Certification Review Committee

**State Safety Oversight Agency (SSOA; SSO)** – an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR part 674 [670, 673, 674, SMS].

**TPA** -- Third Party Administrator

**Transit asset management (TAM)** -- 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 cycle in order to provide safe, cost-effective, and reliable service. [625]

**USDOT** – United States Department of Transportation.



## APPENDIX D: LIST OF SAFETY POLICIES AND STANDARD OPERATING PROCEDURES

**This ASP references the following, related Organizational Policies and Standard Operating Procedures.**

ID	Title	Revision Date
004-100	Procedure for Performing Internal Safety Management Audits (ISMA)	3/1/21
004-002	Agency Safety Plan Revision	10/7/22
004-005	Accident/Incident Investigation (revision in progress)	6/15/20
004-006	Safety Assurance of Safety Critical Areas	10/20/20
004-007	On-Call Safety Representative Procedures	10/5/21
004-008	First Aid Cabinets	3/24/22
004-009	Working in Hot Weather	3/24/22
SAF1	RTA Drug and Alcohol Free Workplace Policy	2/23/21
SAF2	RTA Distracted Driving Policy	2/23/21
SAF3	RTA Safety Management Policy	6/28/22
SAF4	RTA General Accident and Injury Policy	2/23/21
SAF5	RTA Safety Committee Structure	6/28/22
SAF6	RTA Personal Protective Equipment Policy	8/24/21
	Safety and Security Certification Program Plan	6/15/17
	All Hazards Plan with Annexes	8/17/22



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**New Orleans Regional Transit  
Authority**

**Multi-Year Strategic Plan**  
for  
**Safety Management System Implementation**

**2020 – 2025**

**Updated: October 19, 2022**

## Policy Statement for Safety Management System Implementation

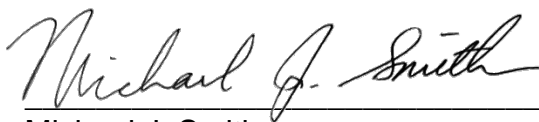
RTA is committed to improving the quality and effectiveness of its system-wide safety management programs aimed at reducing safety risk and eliminating or controlling hazards. This Safety Management System (SMS) Implementation Plan (or SIP) identifies several interrelated tasks that will help RTA achieve its safety objectives, which are outlined in Safety Management Policy (SAF3). The SMS methods and tools that we will use to carry out these tasks, and detailed descriptions of the key roles throughout the agency for accomplishing this important work, are contained in RTA's Agency Safety Plan (ASP).

The goal of the SIP is to identify, coordinate, and direct activities relative to the implementation of RTA's SMS on a system-wide basis under all applicable FTA requirements. The SIP provides key performance objectives and milestones for the next five years, 2020 through 2025.

Very intentionally, the SIP is designed to be reviewed and updated annually, along with the companion ASP and other SMS documents. In close coordination with the executive leadership team, the Safety Department will leverage these reviews to ensure we are on the right path toward achieving a mature SMS.

Using the guidance developed in this plan, all RTA departments will share the primary responsibility to establish the required programs and activities in their respective areas. The Safety Department will be happy to provide technical assistance as necessary.

Together, we will build, implement, and sustain a fully functioning SMS that will drive positive safety improvements and help position us to become a world-class transit system.

A handwritten signature in black ink, reading "Michael J. Smith". The signature is written in a cursive style with a horizontal line underneath.

Michael J. Smith

Chief Safety and Emergency Management Officer, SMS Executive

## **Summary of Gaps and Action Items (From July 15, 2020 version of SIP; Updated Plan Follows)**

The identified gaps that must be addressed in order for RTA to achieve full implementation are below, listed by topic (in no particular order). Each gap is numbered and is followed by one or more associated action items.

### **SMS Documentation**

1. Not all required documentation is developed.
  - i. Perform a document audit to establish all current documented procedures and identify gaps.
  - ii. Ensure that all departments have procedures and the necessary resources to support: hazard identification, risk assessment, tracking corrective actions to closure, and monitoring of mitigations (SA), including the use of appropriate tracking logs/risk registers.
2. Documents referenced in the ASP are not reviewed regularly.
  - i. Review and revise all documentation annually, including the emergency preparedness plan, rulebooks, SOPs, safety policy statement, safety performance targets, SIP, and all other documentation supporting the ASP/SMS.
  - ii. RTA Policy Manual is currently in development.
3. Customer safety concerns are not always fully documented and analyzed.
  - i. Ensure that all customer concerns are captured from: public meetings; customer calls and electronic communications; and face-to-face interactions with RTA employees.
  - ii. Safety Department ensures this information is captured in logs/registers and elevates to ESSC or Executive-level management, as appropriate.

### **Safety Committee Structure**

4. Executive-level ESSC not fully functional.
  - i. Re-establish the ESSC under a revised SOP/Charter to focus on SMS objectives, priority accidents/hazards, and other business based on safety criticality.
  - ii. Establish a new hierarchy and reporting structure between the ESSC and Departmental Safety Committees (DSCs).

- iii. Ensure that all departments appropriately elevate identified hazards and safety concerns to the ESSC's attention, in consultation with the Safety Department.
- 5. No ownership of Safety Management Policy Statement within ESSC.
  - i. Educate the ESSC on the current Safety Management Policy Statement and their roles and responsibilities related to key safety objectives.
  - ii. Incorporate safety objectives into meeting agenda.
- 6. No current committees represent middle management or front-line personnel in each department.
  - i. Well-managed DSCs will ensure two-way communication related to hazards, safety concerns, and safety programs, and will encourage participation in SRM and SA processes.
  - ii. Invite ATU Local 1560 to DSCs as appropriate.
  - iii. Provide baseline SMS training to DSCs.
  - iv. Task the Safety Department with providing technical assistance to DSCs as necessary to ensure effectiveness.

#### Safety Assurance Activities

- 7. Safety assurance (SA) activities are not robust, and results from activities are not disseminated to all departments.
  - i. Establish process whereby Safety Department leads SA activities and concerns are elevated to the ESSC as necessary.
    - 1. Include recommendations for enhancement of SA processes (continuous improvement).
  - ii. Distribute SA findings through the Safety Committees and other means.
  - iii. Ensure that all corrective actions for ineffective mitigations identified through the SA process are fully documented.
- 8. A compliant Management of Change process is in development.

- i. Establish Management of Change process including roles and responsibilities for all departments and elevation to the ESSC as necessary.
  - ii. Finalize and document in the process, all major changes that must be assessed through SRM:
    - 1. major addition, deletion or reconfiguration of RTA's operations, operating methodology, or operating territory, including the addition of rail service or stations
    - 2. major facility changes, additions or rehabilitation
    - 3. purchase of new equipment or rolling stock or major overhaul of existing equipment or rolling stock
    - 4. reorganization of personnel which results in changes in authority or responsibility in any safety-critical area
  - iii. Prepare a document map to ensure that all changes in the organization are reflected in all critical documentation.
9. Accident and incident investigations have not been sufficient in identifying contributing factors and mitigations, as required in Parts 673 and 674.
- i. Develop and implement training on the new procedure as appropriate.

#### Employee Safety Reporting Program

10. RTA has not fully implemented the required employee safety reporting program. It is in development.
- i. Implement the program as described in the ASP. Provide regular updates to the Executive-level management and the ESSC.
  - ii. Revise and finalize an official hazard-/unsafe behavior-reporting form.
  - iii. Re-establish a safety hotline (pending staffing plan and transition to in-house O&M responsibilities). Set up email "hotline" option in the interim.
  - iv. Establish Safety Department protocols for managing the safety hotline.

- v. When ready to launch, initiate robust training on the employee safety reporting program.
  - 1. Specifically address how to handle unacceptable hazards (per SRM section of the ASP)—must be reported to CSEM immediately and executive leadership may suspend service or halt work in the area.
- vi. Develop a centralized system where all hazards and safety concerns can be placed for Safety Department analysis and to aid communication efforts.

#### Communication of Safety Information

- 11. Hazard, assessment, and mitigation information is not shared system-wide
  - i. Ensure that all hazard identification, assessment, and mitigation activities are led by the Safety Department, and are properly documented, tracked and shared through Safety Committees, newsletters, bulletins, and other means.

#### Training

- 12. The management of RTA's training programs is not centralized.
  - i. Centralize management of training; use a matrix for monitoring compliance with program requirements.
- 13. RTA lacks a system-wide training policy for all employees and contractors.
  - i. The training policy needs to include safety-related training for all employees and contractors. The Safety Department will monitor each department's compliance with stated training requirements.
  - ii. The training policy needs to include specific requirements and monitoring activities for contractor safety training.
- 14. Need to establish and follow a new Training Plan for "designated personnel" in order to comply with 49 CFR Part 672.
  - i. Develop Training Plan (to be maintained by the CSEM and provided to SSO/FTA by request).
  - ii. Develop and provide biennial refresher training after completion of initial requirements per 49 CFR Part 672, which must require one hour of safety oversight training.

- i. Establish 3-year plan for engaging external training providers, including TSI, NSC, and others.

Miscellaneous

15. RTA does not hold annual exercises for emergency preparedness.

- i. Ensure that exercises (e.g., full-scale, tabletop) are held annually, both internally and with external agencies.

16. RTA needs a revised Drug & Alcohol Program

- i. Drug & Alcohol Program is in development and will be aligned with organizational structure changes, effective October 1, 2020.

17. Passenger ferry operations are not fully integrated into RTA's safety programs.

- i. Integrate ferry operations into RTA's SMS.
- ii. Participate in ferry operator-led safety meetings; hold joint meetings.



## Implementation Plan (Updated)

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
SMS Documentation	Perform a document audit to establish all current documented procedures and identify gaps.	Office of Internal Audit & Compliance is developing an SOP catalogue. HCWD has shared all Board-approved company policies and requires employees to sign, acknowledging receipt. Two sets of company policies have been approved, to date, Feb. and July 2021.	Ensure that all departments have procedures and the necessary resources to support: hazard identification, risk assessment, tracking corrective actions to closure, and monitoring of mitigations (SA), including the use of appropriate tracking logs/risk registers.	A Safety on-call technical consultant will commence work in 2023 to support a gap analysis of department documentation. This will augment prior analysis from the Office of Internal Audit and Compliance (OIAC).
	RTA Policy Manual is currently in development.	Complete	Review and revise all documentation annually, including the emergency preparedness plan, rulebooks, SOPs, safety policy statement, safety performance targets, SIP, and all other documentation supporting the ASP/SMS.	Complete. Emergency preparedness plan (All Hazards Plan) is complete. Operations Manual/ Rulebook is complete and currently being distributed. All rules, SOPs, and other documents will be reviewed annually.
			Ensure that all customer concerns are captured from: public meetings; customer calls and electronic communications; and	New Hazard Report form has been implemented. Vorex helpdesk application is live. Revised SRM section of ASP to indicate that public Board

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
			face-to-face interactions with RTA employees.	meetings will be reviewed for hazards/concerns.
			Safety Department ensures this information is captured in logs/registers and elevates to ESSC or Executive-level management, as appropriate.	Complete
Safety Committee Structure	Re-establish the ESSC under a revised SOP/Charter to focus on SMS objectives, priority accidents/hazards, and other business based on safety criticality.	Complete	Ensure that all departments appropriately elevate identified hazards and safety concerns to the ESSC's attention, in consultation with the Safety Department.	ESSC members were briefed on roles and expectations, including the responsibility to elevate hazards and safety concerns. SMS 101 training is also being rolled out to all employees.
	Establish a new hierarchy and reporting structure between the ESSC and Departmental Safety Committees (DSCs).	Complete; additional DSCs in development.	Well-managed DSCs will ensure two-way communication related to hazards, safety concerns, and safety programs, and will encourage participation in SRM and SA processes.	Will continue to push through DSCs 1-on-1.
	Educate the ESSC on the current Safety Management Policy Statement and their roles	Complete	Task the Safety Department with providing technical assistance to DSCs as	Complete; DSC guidelines distributed; Safety attends DSC meetings regularly.

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
	and responsibilities related to key safety objectives.		necessary to ensure effectiveness.	
	Incorporate safety objectives into meeting agenda.	Complete		
	Invite ATU Local 1560 to DSCs as appropriate.	Complete; Note: Also new LMSC has since been created.		
	Provide baseline SMS training to DSCs.	CBT version of SMS 101 course currently in development. DSC leadership will be among first groups targeted to receive the training.		
Safety Assurance Activities	Establish Management of Change process including roles and responsibilities for all departments and elevation to the ESSC as necessary.	Complete; See SAF5	Establish process whereby Safety Department leads SA activities and concerns are elevated to the ESSC as necessary.	SA SOP for Safety has been finalized and is being implemented. Safety is also conducting remote operator evaluations.
	Finalize and document in the M of C process, all major changes that must be assessed through SRM:...	Complete	Distribute SA findings through the Safety Committees and other means.	SA findings will be incorporated into ESSC.

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
	Prepare a document map to ensure that all changes in the organization are reflected in all critical documentation.	An SOP working group	Ensure that all corrective actions for ineffective mitigations identified through the SA process are fully documented.	SMS Implementation will be the main discussion point in SMS steering committee meetings as well as the Labor Safety Committee meetings. Targeting October 2022 for the first meetings for both; working with Ops on add'l methods for sharing real-time ride check and rule compliance results, such as a cloud-based tool.
	Develop and implement training on the new A/I Investigation procedure as appropriate.	Draft A/I SOP is currently near completion. Comprehensive training will roll-out in next 1-2 months, to include presentation, new form packet, and a workshop on quality report-writing.		
Employee Safety Reporting Program	Implement the program as described in the ASP. Provide regular updates to the Executive-level management and the ESSC.	Complete		
	Revise and finalize an official hazard-/unsafe behavior-reporting form.	Complete		

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
	Re-establish a safety hotline (pending staffing plan and transition to in-house O&M responsibilities). Set up email "hotline" option in the interim.	Complete		
	Establish Safety Department protocols for managing the safety hotline.	Complete		
	When ready to launch, initiate robust training on the employee safety reporting program.	Complete; SMS 101 training includes ESRP. All new-hires receive SMS 101.		
	Develop a centralized system where all hazards and safety concerns can be placed for Safety Department analysis and to aid communication efforts.	Vorex Helpdesk application is live; Currently developing protocols whereby other teams/departments send in local-identified hazards or concerns for tracking.		

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
Communication of Safety Information	Ensure that all hazard identification, assessment, and mitigation activities are led by the Safety Department and are properly documented, tracked and shared, through Safety Committees, newsletters, bulletins, and other means.	Complete		
Training	Centralize management of training; use a matrix for monitoring compliance with program requirements.	Complete	The training policy needs to include safety-related training for all employees and contractors. The Safety Department will monitor each department's compliance with stated training requirements.	New training policies and plans are in development in Operations Training.
	Develop Training Plan (to be maintained by the CSEM and provided to SSO/FTA by request).	CSEM maintains the PTSCTP training plan for Key SMS personnel. T3 Safety team members are fully PTSCTP-certified. RTA was approved for 3 classes on-site next Fiscal Year.	The training policy needs to include specific requirements and monitoring activities for contractor safety training.	Team is working on incorporating training requirements in Safety's review of upcoming procurements, focusing on long-term contracts and capital projects.

Topic	Short Term (12 months or less)	Current Status	Medium Term (13 to 36 months)	Current Status
	Establish 3-year plan for engaging external training providers, including TSI, NSC, and others.	See above re: TSI. CSEM is requesting additional courses. A 3-year plan is under development.	Develop and provide biennial refresher training after completion of initial requirements per 49 CFR Part 672, which must require one hour of safety oversight training.	Complete
Miscellaneous	Participate in ferry operator-led safety meetings; hold joint meetings	Complete	Ensure that exercises (e.g., full-scale, tabletop) are held annually, both internally and with external agencies.	New exercise plan is under ELT review; will include 2 exercises per year. Also will be carried out in close coordination with the Security team.
	Drug & Alcohol Program is in development and will be aligned with organizational structure changes, effective October 1, 2020.	Complete	Integrate ferry operations into RTA's SMS.	Not applicable

## APPENDIX F: REQUIRED APPROVALS

The LMSC, comprised of 50% labor and 50% RTA management, pursuant to the statutory requirements in Title 49 U.S.C. Section 5329(d) as amended by the Bipartisan Infrastructure Law, subsections (1)(A) and (5)(A), reviewed, and considered the approval of, the draft ASP during its regular, quarterly meeting on **October 19<sup>th</sup>, 2022**. Subsequently, the members were asked to cast votes of approval or disapproval via Microsoft Forms no later than **October 31<sup>st</sup>, 2022**. Below is a summary table of the final approval vote. All Committee proceedings were conducted in accordance with RTA Safety Committee Policy (SAF5). The ASP was approved by the LMSC by simple majority as of **October 31<sup>st</sup>, 2022**.

ID	Start time	Completion time	Email	Name	Please enter your name (First Last):	Do you approve the draft 2023 ASP with the highlighted edits?	Notes
1	10/24/22 10:23:29	10/24/22 10:23:41	anonymous			Approve	
2	10/24/22 10:48:02	10/24/22 10:48:45	anonymous		Darius Hollins	Approve	Member
3	10/24/22 10:52:12	10/24/22 10:52:20	anonymous		Craig Toomey	Approve	
4	10/24/22 11:07:48	10/24/22 11:08:04	anonymous		KoryDupree	Approve	Member
5	10/24/22 11:17:21	10/24/22 11:18:12	anonymous		Darwyn Anderson	Approve	
6	10/24/22 14:55:30	10/24/22 14:55:48	anonymous		MARC POPKIN	Approve	
7	10/24/22 14:55:34	10/24/22 14:56:59	anonymous		Brandon Mason	Approve	
8	10/24/22 16:46:18	10/24/22 16:46:34	anonymous		Robert Hickman	Approve	
9	10/25/22 10:54:35	10/25/22 10:55:38	anonymous		Darius Hollins	Approve	Member
10	10/27/22 7:22:29	10/27/22 7:22:39	anonymous		Floyd Bailey	Approve	Member
11	10/27/22 9:18:12	10/27/22 9:18:24	anonymous		Floyd Bailey Jr	Approve	(Duplicate)
12	10/28/22 9:59:27	10/28/22 10:01:08	anonymous		Korrie Mapp	Approve	Member
13	10/28/22 10:06:27	10/28/22 10:06:51	anonymous		Darwin Griffin	Approve	
14	10/30/22 20:55:47	10/30/22 20:56:03	anonymous		Kentrella Crawford	Approve	Member
15	10/31/22 11:20:19	10/31/22 11:20:43	anonymous		Darian	Approve	Member



PLACEHOLDER – WILL REPLACE THE  
FOLLOWING WITH BOARD RESOLUTION



**Regional Transit Authority**  
2817 Canal Street  
New Orleans, LA 70119-6301

504.827.8300

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**RESOLUTION NO.**     22-004

**STATE OF LOUISIANA**

**PARISH OF ORLEANS**

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**APPROVAL OF 2022 RTA AGENCY SAFETY PLAN**

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Introduced by Commissioner Raymond seconded by Commissioner Wegner.

**WHEREAS**, the Board of Commissioners of the Regional Transit Authority (RTA) previously approved its Agency Safety Plan (ASP) on July 28<sup>th</sup>, 2020, and first revision thereof on March 23<sup>rd</sup>, 2021; and

**WHEREAS**, the Public Transportation Agency Safety Plan (PTASP) final rule (49 Code of Federal Regulations [“CFR”] Part 673) requires operators of public transportation systems that are recipients of Federal Transit Administration (FTA) funds, such as RTA, to develop and implement a compliant Public Transportation Agency Safety Plan; and

**WHEREAS**, 49 CFR Part 673 requires that subsequent updates to the ASP be signed by the agency’s Accountable Executive and approved by the agency’s Board of Directors, or equivalent authority; and

**RESOLUTION NO. 22-004**  
**PAGE TWO**

**WHEREAS,** the Louisiana Department of Transportation and Development (LADOTD) is designated by the State of Louisiana and certified by FTA to conduct safety oversight of RTA, under 49 CFR Part 674; and

**WHEREAS,** the LADOTD reviewed and tentatively approved the ASP; and

**WHEREAS,** the updated ASP meets or exceeds FTA requirements under 49 CFR Parts 673 and 674 for such plans and incorporates the progress the agency has made toward the implementation of a viable Safety Management System (SMS) which is required by FTA; and

**WHEREAS,** the updated ASP was jointly reviewed and developed by staff as part of its continued effort to promote and advance the RTA SMS in accordance with all State and Federal requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the RTA that the 2022 RTA Agency Safety Plan, as revised and recommended by staff, is hereby approved.

RESOLUTION NO. 22-004  
PAGE THREE

THE FOREGOING WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION  
THEREOF AND RESULTED AS FOLLOWS:

YEAS:	<u>8</u>
NAYS:	<u>0</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>

AND THE RESOLUTION WAS ADOPTED ON THE 25<sup>th</sup> DAY OF JANUARY, 2022.



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FLOZELL DANIELS, JR.  
CHAIRMAN  
BOARD OF COMMISSIONERS

**From:** [Ben Magallon](#)  
**To:** [Smith, Michael J.](#); [Lawson, Kevin](#)  
**Cc:** [James Allen](#); [Ed Elam](#); [Holmes, Kisa](#); [Brooks, Natika](#)  
**Subject:** RE: For SSO Review: Draft ASP  
**Date:** Thursday, November 3, 2022 9:58:48 AM  
**Attachments:** [image001.png](#)

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***Sent on behalf of Kevin Lawson - DOTD SSO***

Mike,

The SSO has completed a review of the RTA's current draft 2023 Agency Safety Plan and provides tentative approval of the ASP, pending board adoption.

Do you plan to include documentation of Labor-Management Safety Committee approval, either in appendix or included with the concurrences and approvals?

There seems to be a sub-section titled "Transit Stop Maintenance" missing from the policy section (pg. 25)?

Thank you,  
Ben

**Ben Magallon, AICP, TSSP-Rail**  
*Senior Transportation Planner*

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**ATG | DCCM**

512.821.2081 p | 504.655.5720 c

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**From:** Smith, Michael J. <mjsmith@rtaforward.org>  
**Sent:** Monday, October 31, 2022 7:59 AM  
**To:** Lawson, Kevin <kevin.lawson@la.gov>  
**Cc:** JD Allen <jdallen@emailatg.com>; Ben Magallon <bmagallon@emailatg.com>; Ed Elam <EElam@emailatg.com>; Holmes, Kisa <kholmes@rtaforward.org>; Brooks, Natika <nbrooks@rtaforward.org>  
**Subject:** For SSO Review: Draft ASP

**Caution:** This e-mail originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

Good morning. I am pleased to submit RTA's current draft 2023 Agency Safety Plan for your review and approval. I am attaching both a track changes version and a "clean" version with changes accepted. Per our ASP Revision SOP (also attached) this has received both the concurrence of the

SMS Steering Committee/Executive Leadership Team, and an approval vote from the Labor-Management Safety Committee to move forward. With your support, barring any major changes required, we are targeting the December full Board meeting for final Board approval.

Please let me know if you have any questions or concerns. We look forward to your reply.

Thanks,

Mike

Mike Smith

Chief Safety and Emergency Management Officer



**New Orleans Regional Transit Authority**

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**RESOLUTION NO. \_\_\_\_\_**  
**STATE OF LOUISIANA**  
**PARISH OF ORLEANS**

---

**APPROVAL OF THE 2023 RTA AGENCY SAFETY PLAN**

---

Introduced by Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_.

**WHEREAS**, the Board of Commissioners of the Regional Transit Authority (RTA) previously approved its existing Agency Safety Plan (ASP) on January 25<sup>th</sup>, 2022.

**WHEREAS**, the Public Transportation Agency Safety Plan (PTASP) final rule (49 Code of Federal Regulations [“CFR”] Part 673) requires operators of public transportation systems that are recipients of Federal Transit Administration (FTA) funds, such as RTA, to develop and implement a compliant Public Transportation Agency Safety Plan; and

**WHEREAS**, 49 CFR Part 673 requires that subsequent updates to the ASP be signed by the agency’s Accountable Executive and approved by the agency’s Board of Directors, or equivalent authority; and

**RESOLUTION NO. \_\_\_\_\_**  
**PAGE TWO**

**WHEREAS,** the Louisiana Department of Transportation and Development (LADOTD) is designated by the State of Louisiana and certified by FTA to conduct safety oversight of RTA, under 49 CFR Part 674; and

**WHEREAS,** the LADOTD reviewed and tentatively approved the ASP via e-mail on November 3<sup>rd</sup>, 2022; and

**WHEREAS,** the updated ASP meets or exceeds all FTA requirements for such plans and incorporates the progress the agency has made toward the implementation of a viable Safety Management System (SMS) which is required by FTA; and

**WHEREAS,** both the ASP and the formal process established and employed by RTA staff to update it align with new FTA safety requirements from the Bipartisan Infrastructure Law which was signed into law on November 15<sup>th</sup>, 2021; and

**WHEREAS,** the updated ASP was jointly reviewed and developed by staff as part of its continued effort to promote and advance the RTA safety program.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the RTA that the 2023 RTA Agency Safety Plan, as revised and recommended by staff, is hereby approved.

**THE FOREGOING WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:**

**RESOLUTION NO. \_\_\_\_\_**  
**PAGE THREE**

**YEAS:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**AND THE RESOLUTION WAS ADOPTED ON THE 13<sup>th</sup> DAY OF DECEMBER, 2022.**

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**MARK RAYMOND, JR.**  
**CHAIRMAN**  
**RTA BOARD OF COMMISSIONERS**