

FAQs Last Updated: June 24, 2020

Updates are highlighted in yellow.

FAQs for Transit Providers:

Has the state of Oregon or the Federal Transit Administration issued any guidance for operating transit service during the COVID-19 pandemic?

On March 23, Governor Kate Brown issued Executive Order 20-12, directing everyone in Oregon to stay at home to the maximum extent possible. During this time, public transportation has continued to operate as it is a vital link, and sometimes the only means, for Oregonians to access employment, healthcare and other important services including access to groceries and pharmacies.

Effective May 15, 2020, the Governor issued statewide guidelines for Oregon transit agencies. These guidelines incorporate measures recommended by the Federal Transit Administration, Centers for Disease Control, and Oregon Health Authority, and are intended to protect agency staff, passengers, and communities.

ODOT will continue to coordinate with local, state and federal officials to provide guidance to public transportation agencies and passengers and assist transit agencies with implementation of recommended precautions.

What are the guidelines for transit agencies operating during the COVID-19 pandemic?

Per the OHA guidelines effective May 15, 2020, transit agencies are required to:

- Maintain at least three (3) feet of physical distance between passengers.
- Maintain at least six (6) feet of physical distance between the driver and passengers (except during boarding and in assisting those with mobility devices); reinforce this requirement by cordoning off seats as appropriate.
- Use physical partitions or visual cues (e.g., floor decals, colored tape, or signs) to discourage passengers from standing and sitting within three (3) feet of other passengers, and within six (6) feet of drivers, and other transit employees on the bus/train.
- Determine and post maximum occupancy for each bus.
- For rail systems, post maximum occupancy for each train car using clear, prominently placed signs. Make verbal announcements about maximum occupancy before and after each stop.
- Post clear signs, in more than one language, (available at healthoregon.org/coronavirus) at transit stops/centers listing COVID-19 symptoms, asking riders with symptoms to stay home, and who to contact if they need assistance. If someone with symptoms must travel, please use alternate transit, if available.
- Review and implement [Mask and Face Covering Guidance for Business, Transit and the Public](#).
- Provide transit employees access to soap, clean running water, and drying materials, or at least 60-95% alcohol-based hand sanitizer at their worksite.
- Clean buses/trains and transit stations frequently. Conduct targeted cleanings every four (4) hours, with a focus on disinfecting frequently touched surfaces of the bus/train and at transit stations.

To the extent possible, transit agencies **should**, but are not required to:

- Implement one-way flow of traffic with front door boarding and rear exiting.
- Use signs at high-traffic stops to encourage physical distancing while waiting for bus/train.
- Install hand sanitizer stations with 60-95% alcohol-based hand sanitizer solution in each bus/train to the extent possible.
- Consider installing clear plastic barriers between driver and passengers when six (6) feet of physical distance cannot be maintained.
- Establish a policy and practice for providing alternate transportation for riders who are ill and need transportation to obtain medical care that limits possible exposure to transit employees and other members of the public.
- Review and implement General Guidance for Employers as applicable.

Are transit agency drivers and employees required to wear face coverings?

Yes. OHA guidance states that transit agencies require employees, contractors and volunteers to wear a mask, face shield, or face covering, unless an accommodation for people with disabilities or other exemption applies. All transit employers must provide masks, face shields, or face coverings for employees. Medical grade masks are not required for transit agency drivers or staff.

Transit agencies should develop and comply with policies and procedures that provide for accommodations and exemptions for employees, contractors and volunteers based on:

- State and federal disabilities laws if applicable, including the Americans with Disabilities Act (ADA) which protects people with disabilities from discrimination in employment and requires employers to engage in the interactive process for accommodations.
- State or federal labor laws where applicable.
- State and federal public accommodations laws that provide all persons with full and equal access to services, transportation, and facilities open to the public.
- OHA public health guidance if applicable.

Are public transit passengers required to wear face coverings?

Yes. OHA guidance states that transit agencies must require public transit passengers to wear face coverings and provide one for a passenger that does not have one. An individual must wear a face covering unless they meet one of the exemptions specified in the transit agency's face covering policies, consistent with OHA [Mask and Face Cover Guidance for Business, Transit, and the Public](#). "Face covering" means a cloth, paper, or disposable face covering that covers the nose and the mouth.

Transit agencies are required to develop a policy and post clear signs about face covering requirements. A policy that requires customers and visitors to wear face coverings must:

- Provide exceptions to the policy to accommodate people with certain health conditions, or children under two years of age.
- Take into account that places of public accommodation must make reasonable modifications to their policy to allow people with disabilities to access their services.

- Take into account that requiring people to wear face coverings affects people differently including people of color who may have heightened concerns about racial profiling and harassment due to wearing face coverings in public.

[The CDC](#) recommends that people wear a cloth face covering to cover their nose and mouth in the community setting. This is an additional public health measure people should take to reduce the spread of COVID-19 in addition to (not instead of) social distancing, frequent hand cleaning and other everyday preventive actions. A cloth face covering is not intended to protect the wearer, but may prevent the spread of virus from the wearer to others. This would be especially important in the event that someone is infected but does not have symptoms. A cloth face covering should be worn whenever people must go into public settings (grocery stores, for example).

How might a transit agency approach enforcing the passenger face covering requirement?

It is up to the discretion of each transit agency to approach the enforcement of this requirement in the manner that best works for the agency and the community it serves. The following are some options for transit providers to consider when developing policies and procedures. Providers are encouraged to research and consider other best practices as the response to the pandemic continues.

While transit agencies are partners in maintaining public health, drivers may not be qualified to accurately assess and diagnose the health condition of passengers. For this reason, passengers may generally be permitted to refrain from wearing a covering if they express any reasonable justification for being unable to do. Drivers should be exceptionally friendly, respectful, courteous, and patient in order to create an environment where the face covering requirement is adhered to by the maximum of number of passengers.

Drivers and agency staff should be discouraged from engaging in any of the following:

- Forcibly preventing a passenger from boarding who refuses to wear a covering.
- Forcibly removing a passenger from a bus who removes their covering while on board.
- Assisting passengers with putting on a face covering.
- Allowing or participating in the harassment, intimidation, or discrimination of any passenger who is unable to wear a face covering or has legitimate reasons for refusal.
- Performing temperature checks on passengers as a condition to board.

Can members of the same household sit together? If so, how does this affect the maximum capacity?

OHA guidelines recommend physical distancing from any person who is not a member of one's household. It is up to the discretion of an agency to determine how members of the same household may ride on transit. If agency policy will allow household members to sit as a group, the maximum capacity must maintain 3 feet of distance between the household group and other passengers. Agencies must post the maximum capacity, or capacity range if household groups may sit together, on each bus.

Some agencies serve riders from multiple counties that are in different phases of reopening. Are there different transit guidelines for different counties?

No, the guidelines for transit agencies are effective statewide.

Under Governor Brown’s Executive Order 20-12, are public transportation services considered “essential services” that should continue?

When a state or local municipality issues a “stay home” order, the state or local government entity making the declaration stipulates exactly who/what the “order” applies to and how. Any question or concerns related to such declarations should be presented to the state or local municipality who issued the order for response and guidance.

The State of Oregon has not issued an essential business list. The state, instead, has provided a list of business categories that should STOP OPERATING because the nature of these businesses makes it impossible to adhere to social distancing protocol (for example, nail salons, hair salons, barber shops may not continue operation as it is impossible to provide these services while maintaining appropriate social distance).

If a business can maintain appropriate social distancing, AND it is not in any of the categories listed in Executive Order 20-12, the business may continue operating while adhering to social distancing protocol.

Should transit providers alter services as a result of COVID-19?

Concern regarding public transportation is understandable. Local providers can and should respond to local conditions and needs that may arise due to local stay-at-home guidelines, changes at large employment centers, staff reductions due to illness, or other challenges. Such conditions may make it difficult or impossible for a provider to continue providing services at usual levels or frequency.

In declared emergencies, transit providers work with local emergency management officials to address local needs. With the COVID-19 pandemic, both the state of Oregon and the federal government have declared emergencies.

What should we be telling our passengers?

OHA guidance requires the following:

- Post clear signs, in more than one language, (available at healthoregon.org/coronavirus) at transit stops/centers listing COVID-19 symptoms, asking riders with symptoms to stay home, and who to contact if they need assistance. If someone with symptoms must travel, please use alternate transit, if available.

The [CDC recommends](https://www.cdc.gov) the following:

- **Stay home if you're sick.**
- **Avoid close contact.** Practice social distancing between other riders and transit driver.
- **Clean your hands often.** Wash vigorously with soap and water for 20 seconds or use hand sanitizer if soap and water is not available. Avoid touching your eyes, nose and mouth with unwashed hands.
- **Cover coughs and sneezes.**

Are transit providers required to transport visibly sick riders?

The [FTA has provided guidance](#) under the civil rights section of its FAQ document for FTA grantees related to transporting visibly sick riders who represent a direct threat to the health or safety of others.

Local public health officials, city or county manager and local legal counsel should be consulted prior to determining whether a transit rider should be denied access in the interest of public health. These decisions should be made at a policy level and not left up to vehicle operator discretion.

[OHA guidance](#) recommends that agencies establish a policy and practice for providing alternate transportation for riders who are ill and need transportation to obtain medical care that limits possible exposure to transit employees and other members of the public.

What resources are available to transit providers to continue operating for passengers who have no other travel options?

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides new Federal Transit Administration (FTA) Section 5307 and 5311 funding to assist providers during the COVID-19 pandemic, was signed into law on Friday, March 27. See ODOT Public Transportation [Division's communication on distributing these funds](#).

Because Oregon Governor Brown has declared a state of emergency, transit providers have expanded eligibility for federal assistance. Current sub-recipients of Section 5311 Formula Grants for Rural Areas and Section 5307 Urbanized Area Formula Program funding are allowed to use existing operating funds for COVID-19-related expenses "...to protect the health and safety of their riders and their workforce", and these expenses will be covered at an 80 percent federal share rather than 50 percent. Eligible activities include: "... emergency protective measures to eliminate or lessen threats to public health and safety, such as cleaning/sanitizing of rolling stock, stations, bus shelters, etc.; placing hand sanitizer dispensers in high traffic areas; and providing personal protective equipment as appropriate." Source: [FTA](#)

Finally, with the federal disaster declaration, local governments are eligible for FEMA relief and they can pass resources on to public transportation agencies if they are assisting with emergency functions. Local transportation agencies who wish to apply for FEMA funding should check with their county emergency management office to see how they intend to handle the FEMA application process.

Can 5310 and 5311 funds be used to provide meal delivery?

Yes, 5310 and 5311-funded vehicles can be used to provide meal delivery.

Subrecipients can pay for operating meal delivery services through the following:

- 5311: This can be done with CARES funding (100%) match rate and the Emergency Relief enhanced match rate (100%)
- 5310: This can be done with the regular match rate. The enhanced match rates are not available for 5310.

Has FTA waived any federal requirements?

Transit agencies responding to the novel coronavirus (COVID-19) pandemic may use the [Emergency Relief Docket](#) to request a waiver from FTA administrative and regulatory requirements, as well as the provisions of any non-statutory FTA requirements.

Some federal requirements include specific provisions related to emergencies, and therefore, no FTA waiver is necessary.

The [FTA's COVID-19 FAQs page](#) provides additional details and contact information regarding waiver requests.

FAQs regarding the Special Transportation Fund (STF)

Can funding from the Special Transportation Fund (STF) be used to support transportation services other than public transportation services?

Per Oregon administrative rule and statute, STF moneys will be used for financing and improving transportation programs and services for the Elderly and People with Disabilities and may be used for the following purposes:

- (a) Maintenance of existing transportation programs and services for the Elderly and People with Disabilities.
- (b) Expansion of such programs and services.
- (c) Creation of new programs and services.
- (d) Planning for, and development of, access to transportation for the Elderly and People with Disabilities who are not currently served by transportation programs and services.

The designated uses of STF funds are determined by local priority, through a local STF Advisory Committee process. If a local STF Agency and Advisory Committee determine that local citizens, particularly seniors and people with disabilities are not able to access regular services, the local agency can determine that providing meals or pharmaceutical delivery is an appropriate use for these funds and would benefit those vulnerable populations. The same process could apply to cleaning and disinfecting measures, and even transporting personnel for medical or emergency purposes.

Can STF funds from one STF Agency be used to fund services in an adjacent STF Agency's area of responsibility?

Yes. Access to essential services is not limited by jurisdictional boundaries, and frequently involves travel to another community outside the general area of an STF Agency. Multiple STF agencies should work cooperatively with Providers and other individuals and agencies, to more effectively apply funding and other resources to meet common transportation needs of people unable to drive, with low- incomes, with disabilities and older adults. Coordination actions may reduce duplication of service, reduce cost, increase service levels or make services more widely available in a community.

FAQs regarding the Statewide Transportation Improvement Fund (STIF)

Can funding from the Statewide Transportation Improvement Fund (STIF) be used to maintain existing public transportation services?

Under existing state law, STIF funds cannot be used to maintain existing public transportation services. In order to use STIF funds for existing service maintenance, state law must be changed.

If the legislature took action in a special session to allow STIF to be used to maintain existing services, how quickly could this occur and what is the process to make it happen?

The timing of potential use of STIF funds for this currently-ineligible purpose depends upon whether the Legislature merely suspends the current eligibility requirements, establishes a new process for using funds for this purpose, or something different altogether.

If the Legislature merely suspends the current eligibility requirements, providers with existing approved STIF plans could begin expending STIF Formula funds on service maintenance immediately.

If the Legislature establishes a new process, funds may not be available for a period of months and may require approval or endorsement from PTAC and/or the OTC.

ODOT will continue to advocate for flexibility for STIF funds in response to the current COVID emergency. If the Legislature takes action to broaden STIF eligibility to include maintenance of existing services, ODOT will work to ensure those funds are made available as swiftly as possible.

Can STIF funding be used to support transportation services other than public transportation services?

No, STIF statutes limit STIF use to financing investments and improvements in public transportation services, except for light rail capital. Use of STIF to fund other services and transportation needs would require a statutory amendment.

How will we learn if the state has issued changes to the requirements or recommendations for transit service providers?

- Information from the state of Oregon is posted daily at <https://govstatus.egov.com/orcovid-19>.
- Information will continue to be posted on ODOT's COVID-19 page for rail and public transit providers.
- Additional information is located on ODOT's COVID-19 webpage.

Are transit agencies required to complete their National Transit Database (NTD) report for 2020?

Yes, Reporting to the National Transit Database is required by law and transit agencies must complete their NTD report for the fiscal year July 1, 2019 - June 30, 2020.

Is FTA drug and alcohol testing required during a declaration of a national, state, or local emergency?

The declaration of a national, state, or local emergency does not exempt FTA-regulated employers from the applicable FTA testing requirements. As an FTA-regulated employer, you must comply with the drug and alcohol testing requirements found in 49 CFR Parts 40 and 655.

As an FTA-regulated employer, you are required to comply with the applicable FTA testing requirements. The FTA recognizes that transit agencies may experience difficulties with some areas of compliance and has addressed some many of them on its website with [frequently asked questions about COVID-19](#).