



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

October 2, 2020

Mr. Larry I. Willis
President, Transportation Trades
Department, AFL-CIO
815 16th Street, N.W., 4th Floor
Washington, D.C. 20006

RE: Petition for Rulemaking (Docket DOT-OST-2020-0115)

Dear Mr. Willis:

This letter responds to the petition for rulemaking dated July 27, 2020 that you filed on behalf of the Transportation Trades Department AFL-CIO in Docket DOT-OST-2020-0115.

The petition urges the U.S. Department of Transportation (Department) to promulgate a regulation mandating that passengers traveling with DOT-regulated commercial transportation providers wear masks or face coverings. The petition notes that thousands of transportation industry workers perform their duties on planes, buses, ferries, and trains in increasingly dangerous conditions because of the Coronavirus Disease 2019 (COVID-19) public health emergency and suggests the Department should promulgate a rule with a mandatory face covering requirement.

Pursuant to 49 CFR § 5.13(c), any person may file a petition with the Department to issue, amend, or repeal a rule. After considering the petition, I have determined that rulemaking is not warranted.

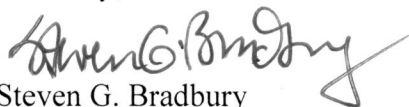
The Department shares the concerns expressed in the petition about the health and welfare of frontline transportation workers, whose services are invaluable and have helped to keep America moving during the COVID-19 public health emergency. The Department's Operating Administrations have taken steps to educate transportation stakeholders and promote critical health and workplace protocols issued by the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA) to ensure they are observed in our transportation systems. The adoption of these health mitigation protocols, including mask usage, in commercial transportation is closely monitored by the Department. In addition, most State, local, and private sector transportation entities have adopted policies requiring face mask usage.

These requirements are in place across all modes of transportation—from planes and buses to trains and ferries.

The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations to ensure they remain cost-justified and narrowly tailored to address an identified market failure. At this time, the Department's view is that the measures discussed above, along with the ongoing efforts of key transportation stakeholders, are adequate to address the concerns identified in the petition without the initiation of a rulemaking process.

For these reasons, pursuant to the authority delegated at 49 CFR § 1.27, I deny the petition. The Department will continue to monitor relevant health and workplace guidelines issued by the CDC and OSHA, as well as supplemental State and local measures, and their incorporation by transportation stakeholders, to help prevent the spread of COVID-19 and maintain health across the transportation network.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven G. Bradbury", written in a cursive style.

Steven G. Bradbury

General Counsel

(and performing the duties and function of Deputy Secretary)