



**March 19, 2015**

Request for Proposals

TCRP J-5, Study Topic 16-03

**Public Transit Emergency Preparedness against Ebola and Other Infectious Diseases: Legal Issues**

The Transit Cooperative Research Program (TCRP) plans to award a contract for a study and report. The research Problem Statement is enclosed for your consideration. TRB anticipates an estimated 350 hour level of effort and compensation in the \$37,950.00 to \$56,700.00 range. Legal research reports sponsored by this project are published in TRB's Legal Research Digests (LRD) series or in electronic format. Publications are made available to some libraries and to approximately 4000 transportation lawyers and officials through the TRB distribution network.

After reviewing the enclosed statement, if you are interested in being considered as the researcher and author, you should reply by email on or before April 19, 2015 to:

James B. McDaniel Counsel for Legal Research Projects Transportation Research Board 500 5 <sup>th</sup> Street, NW, 4 <sup>th</sup> Floor Washington, DC 20001	Tel: (202) 334-3209 Fax: (202) 334-2003 Email: <a href="mailto:jmcdaniel@nas.edu">jmcdaniel@nas.edu</a>
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Your reply should include: a statement of interest; a resume; a list of your prior publications (you may enclose one or two publications); a statement of resources you will allocate to this project; any additions, deletions, or changes you may wish to suggest for undertaking the work; and your requested compensation. Proposals should not exceed a total of 25 pages (including writing samples).

Offers are evaluated by Project Panel members and TCRP staff consisting of individuals collectively knowledgeable in the problem area. Evaluations are based upon the offerors': 1) experience in the subject area; 2) understanding of the work (demonstrated by the commitment of resources); 3) prior relevant publications (including briefs); 4) schedule for completing the work; and 5) price.

Feel free to call me at (202) 334-3209 if you have questions.

Sincerely,

Enclosure

James B. McDaniel  
Counsel for Legal Research Projects



**TCRP J-5, STUDY TOPIC 16-03**  
**Public Transit Emergency Preparedness against Ebola and Other**  
**Infectious Diseases: Legal Issues**  
**Problem Statement**

The 2014 outbreak of Ebola, originating in West Africa and shortly thereafter transmitted to Europe and the United States, was described on September 18, 2014 by the World Health Organization as “the greatest peacetime challenge the United Nations and its agencies have ever faced.” The fatality rate of Ebola has been estimated at 50-75 percent. Authorities in the U.S. have implemented quarantines and other emergency measures. Unofficial, detrimental responses such as “social distancing” and stereotyping can also develop as a result of public fear and concern – especially if public agencies do not have clear, advance measures and directives ready to employ.

This study topic should examine responses to infectious disease epidemics in order to identify legal issues that may be confronted by transit agencies. Such responses may include but not be limited to closures of public facilities, businesses, and other major traffic generators; checkpoints for screening; quarantine zones; compulsory leave for employees with fevers; refusals of employees to come to work; disinfection measures; pre-screening of passengers; and full or partial suspension of service. The study should evaluate privacy and civil rights of patrons and employees, as well as liability issues.

The study should consider national and representative state laws and court decisions affecting transit agencies’ responses to infectious disease outbreaks, including potential conflicts among transit agencies’ procedures and federal and state requirements.

The study should examine the legal basis for the protocols that public transit agencies and other transportation providers such as airlines have planned or implemented to respond to epidemics and pandemics. The study should review information from leading agencies and organizations such as the Centers for Disease Control, Department of Homeland Security, Network for Public Health Law, and World Health Organization to ascertain what procedures transit agencies should have in place before and during an epidemic.

The study should survey approximately 250 U.S. transit agencies to determine their response plans. The survey should provide a checklist of legally sound measures that transit agencies may use to address infectious disease epidemics and pandemics.

The study contents should build upon NCHRP Report 769, “A Guide for Public Transportation Pandemic Planning and Response, (2014).

**Research Implementation:**

**This study is requested to be accelerated.** This research will be conducted in two (2) phases. Phase I will consist of Task I. At the conclusion of Phase I, TRB will make a determination whether to proceed with Phase II. Both Phases will be pursuant to a firm fixed price agreement.

**Phase I**

**Task 1.** Research Plan and Detailed Report Outline. Consultant will conduct background research and develop a complete research plan. The final step of this task will consist of the development of a work plan, a proposed questionnaire (researcher is expected to send out a questionnaire to collect information



on transactions during Phase I), description of each project that is potentially useful as a case study, and a detailed outline for the report. The outline should be about 10-15 pages, and contain sufficient detail to inform the committee of what a 75-100 page report will contain. This outline should also contain the pagination for each proposed section and/or subsection. This material will be submitted to the Principal Investigator for committee consideration.

Estimated Length of time: 60 days

Estimated work effort: 100 hours

**Phase II**

**Task 2.** Conduct thorough research, case and statutory/regulatory analysis, and collect additional primary data (including survey) to the extent necessary

Estimated Length of time: 90 days

Estimated work effort: 60 hours

**Task 3.** Draft report in accordance with the approved outline (including modifications required by TRB).

Estimated Length of Time: 60 days

Estimated work effort: 150-200 hours

**Task 4.** Revise report as necessary. Offeror should estimate that 2 revisions will be necessary. One revision may be required after review by the Principal Investigator and members of a select subcommittee. Additional, revisions may be required after the report has been reviewed by the full committee.

Estimated Length of time: 60 days

Estimated work effort: 60 hours

**Total effort:** Estimated Length of time: 270 days\*  
Estimated work effort: 370-340 hours

Phase 1	100 hours
Phase 2	270-320hours
Total:	330-420 hours

Estimated Compensation: \$37,950 - \$56,700. Firm fixed price.

Payment Schedule: 25% paid upon submission and approval of the Task 1 Report. 50% paid upon submission and approval of the Task 3 Report. 25% paid upon submission and approval of the Final Report (Following revisions as required by TRB).

If an offeror's estimation of length of time and estimated work effort differs from those above, the offeror should use his/her estimates.

\*The successful offeror can expect committee review time to consume an additional 90-150 days.

An important factor in rating offers will be the offeror's commitment to promptly undertake and complete this study.



# TRANSPORTATION RESEARCH BOARD

*OF THE NATIONAL ACADEMIES*

Submit statements of Interest on or before April 19, 2015 by email to:

James B. McDaniel  
Counsel for Legal Research Projects  
Transportation Research Board  
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