

## PTASP Agency Safety Plan Review, Approval, and Certification Webinar Q&As (3/19/20)

### PTASP Certification

**As a State, we do not apply for Urbanized Area Formula Funding (Section 5307) funds. Our certifications and assurances do not apply to Section 5307 grants. Do we still certify in Transit Award Management System (TrAMS) for the Public Transportation Agency Safety Plan (PTASP) requirements?**

**Are the Safety Management System (SMS) and the Agency Safety Plan (ASP) two separate documents?**

**What is the difference between the approval of an Agency Safety Plan (ASP) and the certification made in the Transit Award Management System (TrAMS)?**

**Do we have to have our Metropolitan Planning Organization (MPO) certify for our agency as part of their overall safety requirements?**

### ASP Approval

**Are the appendices of the Agency Safety Plan (ASP) exempt from the approval process when the ASP is updated?**

### Training

**What is the time frame for an agency to have all personnel trained on the Agency Safety Plan (ASP)? Is this something that must be completed prior to the compliance deadline, or is there a time frame after the plans go into effect?**

**Does the Agency Safety Plan (ASP) need to identify and address all of the training requirements of Public Transportation Safety Certification Training Program (49 CFR Part 672)?**

### General

**Are there any requirements for the Metropolitan Planning Organization (MPO) related to the Agency Safety Plan (ASP) review and approval process?**

**When can the Accountable Executive and Chief Safety Officer (CSO) be the same individual?**

**Can a contractor's employee be designated as the Accountable Executive when a transit system is managed and operated by a contractor?**

**Can the Chief Safety Officer (CSO) be an employee of our contractor or do they need to be an employee of our transit agency?**

**Are there any drafts or examples of Agency Safety Plans (ASPs) for small agencies to use as a reference when they develop their ASP?**

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and subgrantees should refer to FTA's statutes and regulations for applicable requirements.

## PTASP Certification

**As a State, we do not apply for Urbanized Area Formula Funding (Section 5307) funds. Our certifications and assurances do not apply to Section 5307 grants. Do we still certify in Transit Award Management System (TrAMS) for the Public Transportation Agency Safety Plan (PTASP) requirements?**

Yes, all States with applicable small public transportation providers must complete the PTASP certification in TrAMS by the compliance deadline. As a State making this certification, you are certifying that you have complied with all applicable PTASP regulation requirements. This means that you have developed an Agency Safety Plan (ASP) that meets all applicable PTASP regulation requirements for any small public transportation provider in your State that has not opted to develop its own ASP and notified your State. States should not complete the certification until they have met all of the applicable PTASP regulation requirements.

**Are the Safety Management System (SMS) and the Agency Safety Plan (ASP) two separate documents?**

No, your SMS is the process your agency uses to manage safety risk. Your ASP is a document that defines all of the processes you will use to operate your SMS. The ASP addresses the four required elements of your SMS: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion.

**What is the difference between the approval of an Agency Safety Plan (ASP) and the certification made in the Transit Award Management System (TrAMS)?**

The ASP approval that the PTASP regulation occurs at the transit agency level. For rail transit agencies, it is also conducted at the State Safety Oversight Agency. Your transit agency's Board of Directors—or Equivalent Authority—is required to approve your agency's ASP. By doing so, they are indicating that the ASP meets all applicable PTASP regulation requirements.

Urbanized Area Formula Funding (Section 5307) recipients, rail transit agencies in FTA's State Safety Oversight program, and States make the PTASP certification in TrAMS. By certifying, the entities are saying that their organization and all of their applicable Section 5307 subrecipients have met all of the applicable PTASP regulation requirements. This certification is not limited to the ASP document. It is a certification that the entity and all of its Section 5307 subrecipients have met all applicable PTASP regulation requirements.

**Do we have to have our Metropolitan Planning Organization (MPO) certify for our agency as part of their overall safety requirements?**

Under the PTASP regulation, there is no requirement for the MPO to certify, except in a case where the MPO is a recipient of Urbanized Area Formula Funding (Section 5307) funding and passes that funding to your agency as its subrecipient. In this situation, the MPO is required to certify compliance in TrAMS. The MPO is certifying that it, and all of its applicable subrecipients (including your agency), met all applicable PTASP regulation requirements.

Although an MPO is not required under Part 673 to certify, Section 673.15 may obligate them to coordinate with a rail transit agency in the selection and establishment of safety performance targets.

## ASP Approval

**Are the appendices of the Agency Safety Plan (ASP) exempt from the approval process when the ASP is updated?**

FTA has provided guidance that agencies can use appendices or referenced documents in their ASP to address PTASP regulation requirements. When your Accountable Executive signs the ASP and your Board of Directors or Equivalent Authority approves the ASP, they are indicating that the ASP meets the requirements of the PTASP regulation. Therefore, any referenced documents or appendices that are used to address PTASP regulation requirements would need to be part of the review process in order for the reviewer to confirm that the ASP meets PTASP regulation requirements. This applies to the initial ASP review and approval as well as the annual review and update process.

## Training

**What is the time frame for an agency to have all personnel trained on the Agency Safety Plan (ASP)? Is this something that must be completed prior to the compliance deadline, or is there a time frame after the plans go into effect?**

By the compliance deadline, your agency must have an approved ASP in place that fully complies with the requirements of the PTASP regulation. While there is no requirement for completing training prior to the compliance deadline, it may be beneficial for your agency personnel to understand their accountabilities and responsibilities as defined in the ASP. Training will help your personnel carry out the ASP as written. Agencies may consider training certain employees on processes defined in your ASP, but there are no specific training deadlines in the PTASP regulation. However, when an agency certifies its ASP, FTA expects that it is implementing its training activities.

**Does the Agency Safety Plan (ASP) need to identify and address all of the training requirements of Public Transportation Safety Certification Training Program ([49 CFR Part 672](#))?**

The ASP must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program. Your agency should include Public Transportation Safety Certification Training Program requirements that apply to your agency's designated personnel. State Safety Oversight Agencies may also require rail transit agencies to include this information in their ASPs.

## General

**Are there any requirements for the Metropolitan Planning Organization (MPO) related to the Agency Safety Plan (ASP) review and approval process?**

The PTASP regulation does not include requirements for MPOs related to the ASP review and approval process. The regulation requires States and transit agencies to "make their safety performance targets available to States and Metropolitan Planning Organizations to aid in the planning process" ([49 CFR § 673.15\(a\)](#)). The regulation also states that "to the maximum extent practicable, States and transit agencies must coordinate with States and Metropolitan Planning Organizations in the selection of State and MPO safety performance targets" ([§ 673.15\(b\)](#)). Please see FTA's [PTASP Informational Guidance: Roles and Responsibilities](#) fact sheet and also FTA's [MPO PTASP Frequently Asked Questions](#) for information on the role of the MPO.

**When can the Accountable Executive and Chief Safety Officer (CSO) be the same individual?**

Bus agencies may either identify a CSO/SMS Executive or designate the Accountable Executive to serve as the CSO/SMS Executive. Rail transit agencies may allow the Accountable Executive to also serve as the CSO or SMS Executive but should consider whether the Accountable Executive has the capacity to support SMS implementation and operation along with other responsibilities. The rail transit agency's State Safety Oversight Agency may provide further guidance on this topic based on its familiarity with the rail transit agencies under its jurisdiction. For more information, please refer to FTA's [CSO SMS Executive Fact Sheet](#).

**Can a contractor's employee be designated as the Accountable Executive when a transit system is managed and operated by a contractor?**

Yes. An agency can designate a contractor as the Accountable Executive as long as the individual meets the requirements for the Accountable Executive role established in the PTASP regulation. Per [§ 673.5](#), the Accountable Executive is a single, identifiable person who has ultimate responsibility for carrying out the ASP of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management (TAM) Plan; and control or direction over

the human and capital resources needed to develop and maintain both the agency's Agency Safety Plan (ASP), in accordance with 49 U.S.C. 5329(d) and the agency's TAM Plan, in accordance with 49 U.S.C. 5326.

**Can the Chief Safety Officer (CSO) be an employee of our contractor or do they need to be an employee of our transit agency?**

An agency can designate a contractor as the CSO as long as the individual meets the requirements for the CSO role established in the PTASP regulation. Per [§ 673.5](#), the CSO must be “an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.”

**Are there any drafts or examples of Agency Safety Plans (ASPs) for small agencies to use as a reference when they develop their ASP?**

Yes, FTA has published a [Sample Small Public Transportation Provider Agency Safety Plan](#) for States and small public transportation providers to use as an example of an ASP that meets the requirements of the PTASP regulation.