

2020 FTA Joint State Safety Oversight and Rail Transit Agency Virtual Workshop

October 6-8, 2020



U.S. Department
of Transportation

Federal Transit
Administration

Public Transportation Agency Safety Plan (PTASP) Implementation: Integrating Lessons Learned Training Handout

October 7, 2020

PTASP Updates

Notice of Enforcement Discretion

FTA issued a Notice of Enforcement Discretion effectively extending the PTASP compliance deadline from July 20, 2020 to **December 31, 2020**. This means that agencies need to make their PTASP regulation certification in TrAMS by the end of the year.

View the notice here: <https://www.transit.dot.gov/safety/public-transportation-agency-safety-program/public-transportation-agency-safety-plan-ptasp>

PTASP Certification

As of September 25, **58% of all affected transit agencies** have certified in TrAMS that they have an ASP in place that meets the requirements of the PTASP regulation. **61% of rail transit agencies** (RTA) have certified to the PTASP regulation in TrAMS.

In addition to initial certification, Part 673 requires an RTA to establish a process and timeline for conducting an annual review and update of the ASP. However, RTAs have flexibility in how they address the requirement.



SSOAs may establish ASP review and update requirements for RTAs under their jurisdiction. RTAs must ensure that the ASP review and update process and timeline meets any SSOA requirements.

RTAs must certify **and** re-certify compliance with the PTASP regulation annually in TrAMS. When an RTA certifies compliance with the PTASP regulation in TrAMS, they are affirming that the agency has met all PTASP requirements. This means that the ASP (and subsequent updates) have been:

- Signed by the RTA's Accountable Executive,
- Approved by the RTA's Board of Directors or an Equivalent Authority, and
- Reviewed and approved by the RTA's State Safety Oversight Agency (SSOA).

It also means the agency has addressed all other applicable PTASP regulation requirements.

For those RTAs that have not yet executed their Certifications and Assurances for Fiscal Year (FY) 2020, FTA's FY 2020 Annual List of Certifications and Assurances includes a new Certification item 2, titled "PTASP," identified in the image to the right with a green rectangle. Recipients must check this row off to certify compliance with the PTASP regulation by December 31, 2020.

Category	Title
<input type="checkbox"/> 01	REQUIRED CERTIFICATIONS AND ASSURANCES
<input type="checkbox"/> 02	PTASP
<input type="checkbox"/> 03	PRIVATE SECTOR PROTECTIONS

Agency Roles in Part 673

FTA Role

FTA is involved in the process as follows:

- FTA **does not approve** ASPs.
- FTA will **review** ASPs as part of the existing Federal triennial review process that examines how recipients of urbanized area program funds meet statutory and administrative requirements.
- FTA **audits SSOA compliance** with FTA's SSO program requirements, including the SSOA's review and approval of the RTA's ASP through the SSO audit program.
- FTA's PTASP Technical Assistance Center provides voluntary ASP reviews. These are provided for technical assistance only and do not indicate approval of the Plan.

SSOA Role

The SSOA:

- **Issues a Program Standard** that establishes specific requirements for an RTA's ASP and safety activities. This may mean that an SSOA establishes requirements beyond those established in the PTASP regulation.
- **Reviews and approves the Agency Safety Plan** and any revisions that result from the required annual review process or any other revision.
 - o The SSOA may establish requirements for the ASP approval process for RTAs under their jurisdiction, including specific dates and timelines.
- **Audits the RTA's implementation** of its approved ASP through its onsite audits of the RTA.

RTA Role

Finally, the RTA:

- **Develops** the ASP based on PTASP regulation and SSOA Program Standard requirements.
- **Implements** its ASP.
- **Conducts** an annual review to determine if its ASP needs to be updated.
- **Submits** its ASP and any subsequent revisions to the SSOA for review and approval according to the process defined in the SSOA Program Standard.
- **Certifies compliance** with the PTASP regulation in TrAMS by December 31, 2020 and **annually thereafter** as part of FTA's annual Certifications and Assurances process.

Notes:

ASP Review Lessons Learned

FTA launched its PTASP Technical Assistance Center (TAC) in October 2019 to provide comprehensive technical assistance to help the transit industry meet PTASP regulation requirements at 49 CFR Part 673.

FTA offers voluntary reviews of draft ASPs to rail and bus transit agencies. You can request a review by visiting <https://www.transit.dot.gov/PTASP-TAC>.

13th Submit your ASP by **November 13th** to guarantee a review by FTA's PTASP-TAC!

TAC reviews of RTA ASPs

To date, FTA's TAC has reviewed 16 RTA ASPs. For each, the TAC reviewed the ASPs to ensure that the Plans met PTASP regulation requirements and that the documented processes addressed PTASP requirements for SMS activities.

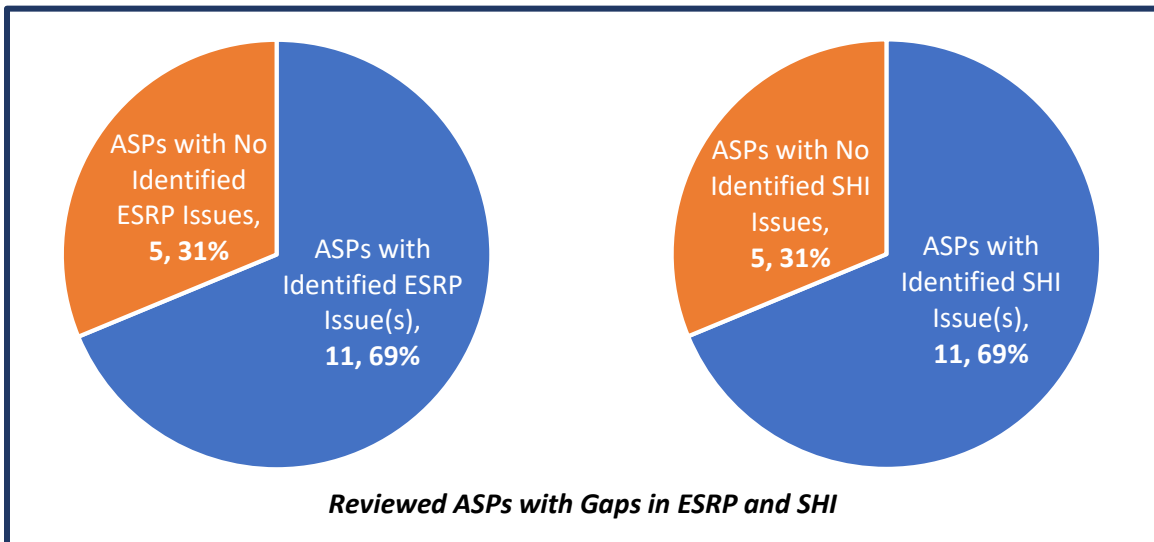
During the TAC's review of RTA ASPs, two areas stood out as needing additional attention.

The Employee Safety Reporting Program (ESRP):

- The TAC identified gaps in 69% of related to the ESRP. This included a total of 40 individual "issues" or gaps.

Safety Hazard Identification (SHI):

- The TAC identified gaps in 69% of submitted RTA ASPs related to SHI. This included a total of 16 individual gaps.



ESRP and SHI within the SMS

As you know, SHI is the first element in Safety Risk Management, and ESRP is a critical way in which we monitor information as a part of our Safety Assurance activities. An agency's Employee Safety Reporting System can be a valuable tool to support the agency's SHI efforts. ESRP Requirements



The ESRP must:

- Establish and implement a process that allows employees – including relevant contract employees – to report safety conditions to senior management.
- Specify protections for employees who report safety conditions to senior management (Part 673 does not specify what those protections must be).
- Describe employee behaviors that may result in disciplinary action, and therefore would not be covered by protections.
- Inform employees of safety actions taken in response to reports submitted through an ESRP.

§673.23(b)

A transit agency must establish and implement a process that allows employees to report safety conditions to senior management, protections for employees who report safety conditions to senior management, and a description of employee behaviors that may result in disciplinary action.

SHI Requirements

The agency must:

- Establish how the agency will identify hazards and consequences.
- Consider FTA and oversight authority information.
- Some agencies, including all RTAs, must consider changes that may impact safety performance (§673.27(c)(2)).

Information sources for SHI may include employee safety reporting and Safety Assurance outputs (§673.27).

§673.25(b)

- 1) A transit agency must establish methods or processes to identify hazards and consequences of hazards.
- 2) A transit agency must consider, as a source for hazard identification, data and information provided by an oversight authority and the FTA.

Notes:

Employee Safety Reporting Program (ESRP) Review Key Findings

ESRP Lesson Learned #1:

Some ASPs **do not clearly state** what employees **should** report, **what not** to report, and **how** to report.

Clear directions help the RTA:

- Gather “better” data.
 - o Telling employees what kinds of information is the most helpful to the agency makes it more likely that the information reported will be useful. It can also help “spark” an employee’s memory – they may not have realized that something they observe in their day-to-day work is actually valuable information for the ESRP.
 - o Telling employees what pieces of information they should include in their reports helps ensure you receive all the “pieces of the puzzle” for their safety concern.
- Reduce the amount of input, or reports, that do not advance the agency’s safety mission.
 - o Telling employees what kinds of information they should **not** report to the ESRP can reduce the number of reports that are not relevant to the ESRP – think of this as separating **signals** from **noise**.
 - o Providing a list of other reporting avenues at the agency and the kinds of information those programs collect can help route non-ESRP reports to the right person at the RTA.
- Increase the likelihood of reporting.

Some employees may not use an ESRP if they do not understand how to report or what information to report.

ESRP Lesson Learned #2:

Some ASPs outline a **cumbersome process** for safety reporting that **may not** reflect the employees’ **work environments**.

- Making reporting easier increases the likelihood that employees will use the ESRP.
- Consider the employee’s work environment – not all reporting mechanisms work for all employees.
 - o Front line employees may not have access to computers to submit an email or other virtual form of report. Similarly, front line employees may not have access to a phone during their work hours. Offering multiple mechanisms for reporting can help increase the likelihood that employees report to the ESRP.

ESRP Lesson Learned #3:

Some ASPs **do not describe how the RTA will provide feedback to employees** who submit reports under the ESRP.

- Providing feedback to employees who submit reports under the ESRP is required under the regulation. Beyond being a compliance issue, providing feedback is a critical element of ensuring continuing ESRP support.
- Employees who do not receive feedback on their submitted ESRP reports may feel as though the agency does not care about their input and may be less likely to report in the future.
- Employees who do not receive feedback on their submitted ESRP reports may tell their colleagues about their experience, making their colleagues less likely to report in the future.

Notes:

What are your key takeaways from the ESRP section?

How will you coordinate your team to review and potentially update your ASPs or ASP oversight activities?

ESRP Planning Questions

Lesson Learned #1: Some ASPs do not clearly state what employees should report, what employees should not report, and how to report.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) What information do you want to receive from individuals who report safety concerns? 2) What about the reporting process could be time consuming or extraneous? 3) What are some ways you could communicate reporting methods to employees? 4) What are some key takeaways you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) What type(s) of training on employee safety reporting would you expect to see at an RTA? 2) How could you verify the sufficiency of RTA training on employee safety reporting? 3) How could you verify whether RTA employees understand safety reporting methods and tools? 4) What are some key takeaways you may want to share with other oversight agencies?
Lesson Learned #2: Some ASPs outline a cumbersome process for safety reporting that may not reflect the employees' work environment.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) Why is it important to consider the employee's reporting environment? 2) How might an employee's work environment affect their ability to report safety concerns? 3) How might the reporting method affect their ability to report safety concerns? 4) What are some key considerations you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) What are some employee work environments or conditions that could make reporting safety concerns difficult? 2) How could you assess employee work environments and any potential impacts on safety reporting? 3) How could you evaluate the appropriateness of an RTA's employee reporting process? 4) What options does the SSOA have to assist RTAs with simplifying their ESRP? 5) What are some key takeaways you may want to share with other agencies?
Lesson Learned #3: Some ASPs do not describe how the RTA will provide feedback to employees who submit reports under the ESRP.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) Why is it important to provide feedback to employees who submit reports? 2) What specific feedback could you provide to employees who submit reports? 3) What methods could you use to provide feedback to employees? 4) What are some key considerations from this discussion you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) How could SSOAs oversee how RTA management provides feedback to employees who report safety concerns? 2) How could you evaluate the process RTA management uses to provide feedback to employees that report safety concerns? 3) What options does an SSOA have to assist RTAs with improving their process for providing feedback to employees who submit reports? 4) What are some key takeaways you may want to share with other agencies?

Safety Hazard Identification (SHI) Review Key Findings

SHI Lesson Learned #1:

Some ASPs do not establish authorities, accountabilities, and responsibilities for hazard identification.

- Failing to establish authorities, accountabilities, and responsibilities can mean that critical tasks are delayed – or do not get done at all. Establishing these at each step in the process helps ensure that your Safety Risk Management process gets off to a good start.
- For example, does the ASP establish who is authorized to and accountable and responsible for collecting information about potential hazards, analyzing the information, documenting their activities? What about following up with appropriate departments for clarifications or additional information?

SHI Lesson Learned #2:

Some ASPs identify very few sources for hazard identification and may not apply hazard identification to all elements of the system.

- SMS is, at its core, a system-wide process that considers safety at every level and in every department. Confining safety hazard identification to a subset of the agency, such as just to operations or maintenance, leaves the entire agency vulnerable.

SHI Lessons Learned #3:

Some ASPs provide limited detail regarding methods or activities for reporting hazards to the safety department or other relevant department for analysis.

- Committing to identifying safety hazards is important, but it is just as important to establish a clear process for communicating those identified hazards to the relevant department. This helps ensure that the right people get the right information to start the process of making informed decisions based on risk.

Notes:

What are your key takeaways from the Safety Hazard Identification section?

How will you coordinate your team to review and potentially update your ASPs or ASP oversight activities?

Safety Hazard Identification Planning Questions

Lesson Learned #1: Some ASPs do not establish authorities, accountabilities, and responsibilities for hazard identification.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) What employee roles could be involved in identifying this safety hazard? 2) What criteria could you use to determine the responsibilities and accountabilities of the people identified? 3) What are some key considerations you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) How could you verify whether the RTA has sufficient authorities, accountabilities, and responsibilities for hazard identification? 2) How could you verify whether the RTA takes the appropriate actions related to hazard identification? 3) What are some key takeaways you may want to share with other agencies?
Lesson Learned #2: Some ASPs identify very few sources for hazard identification and may not apply hazard identification to all elements of the system.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) From a system-wide perspective, what are some sources for hazard identification from across your system? 2) What are some not-so-obvious sources for safety hazard identification? 3) How do the sources support safety hazard identification? 4) What are some best practices you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) How could you verify whether the sources of hazard identification are system-wide? 2) How could you evaluate the sufficiency of this process? 3) What are some key takeaways you may want to share with other oversight agencies?
Lesson Learned #3: Some ASPs provide limited detail regarding methods or activities for reporting hazards to the safety department or other relevant department for analysis.	
RTA Perspective	SSOA Perspective
<ol style="list-style-type: none"> 1) Why is it important to report hazards, potential consequences of hazards, and any other safety-related information to the safety department or other relevant department? 2) Aside from a hotline, what are some ways employees could report hazards? 3) Based on the roles identified for hazard identification, how can you the effectiveness of the reporting methods available to each role? 4) What are some methods or processes for reporting hazards you may want to share with other agencies? 	<ol style="list-style-type: none"> 1) How could you verify whether the Safety Department or other relevant department actually receives reports of the identified hazards? 2) How could you evaluate the sufficiency of this process? 3) What are some key takeaways you may want to share with other oversight agencies?