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This issue of the *Biweekly Message* focuses on Agency Safety Plan (ASP) development challenges the Technical Assistance Center has identified through ASP reviews and agency questions about the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673).

Featured Resources

The [Sample ASP for Small Public Transportation Providers](#) and the [Sample ASP for Bus Transit Providers](#) demonstrate sample content to help agencies develop an ASP.

The [PTASP Checklist for Bus Transit](#) and the [Checklist for Rail Transit Agencies \(RTAs\) and State Safety Oversight Agencies \(SSOAs\)](#) are fillable PDFs that can help you keep track of PTASP requirements as you develop or complete your ASP.

The [Safety Performance Targets Fact Sheet](#) contains guidance on how to determine safety performance targets (SPTs).

The [Certification Fact Sheet](#) reviews the who, when, and how of certifying compliance with the PTASP regulation.

The [CSO SMS Executive Fact Sheet](#) describes the role of an agency's Chief Safety Officer (CSO)/Safety Management System (SMS) Executive.

The [Key Points for Developing Agency Safety Plans for Recipients with Contractors and Other External Service Providers Fact Sheet](#) covers how to incorporate contracted services into your ASP.

PTASP Applicability Webinar (January 21, 2020):
[Webinar Presentation](#) | [Webinar Recording](#)

Access the entire resource library by visiting FTA's [PTASP Technical Assistance Center website](#).

Important Updates

Notice of Enforcement Discretion:

The PTASP regulation set July 20, 2020 as the deadline for transit agencies to certify that they have established a compliant Agency Safety Plan. However, on December 11, 2020 FTA published [a second Notice of Enforcement Discretion](#) to alert transit agencies that FTA will refrain from taking enforcement action until **July 21, 2021**.

New ASP Review Deadline:



[Submit](#) your ASP to the PTASP TAC by **May 28, 2021** to guarantee review.

Need Assistance?

Contact the PTASP Technical Assistance Center (TAC) to speak with a specialist today!



PTASP-TAC@dot.gov

1-877 PTASP-AID



1 (877) 827-7243

9 a.m. to 8 p.m. EST, M-F



Contact the TAC for **one-on-one technical sessions** to help with your ASP.



Q & A Highlights

Question 1:

The PTASP regulation states the CSO must have a direct line of reporting to the Accountable Executive. To clarify, can the CSO directly report to another position for day-to-day supervision (performance reviews, attendance, specific assignments) but still have a direct line to report to the Accountable Executive?

FTA Response:

While FTA recommends that the CSO serve as a member of the Accountable Executive's leadership team, the PTASP regulation does not require this arrangement. The regulation only requires that the CSO report directly to the Accountable Executive without intermediaries.

Therefore, a transit agency may place its CSO position under a manager other than the Accountable Executive if it ensures that its organizational placement of the CSO position does not interrupt direct reporting and communication of safety issues between the CSO and the Accountable Executive. For example, some transit agencies have used a dotted line on the organizational chart to indicate that the CSO has authority to speak with the Accountable Executive at any time about safety matters, even if another employee supervises the CSO.

Question 2:

Does each of our contractors need to have an ASP?

FTA Response:

The recipient of Section 5307 funds (or the State, for small transit providers) is accountable for development and implementation of an ASP that covers all of the services it provides, both directly operated and contracted. However, the contractors and subcontractors may be responsible for implementing the SMS processes included in the ASP. Thus, it may be beneficial for your agency to collaborate with contractors and subcontractors during ASP development to help ensure the ASP is realistic, implementable, and fits the unique needs of the agency.

Your agency could request the contractors and subcontractors develop portions of the ASP. Alternatively, the agency could develop the ASP on its own and ensure that its contracted and subcontracted operators follow it. No matter which approach you choose, your agency has the responsibility to ensure compliance with the regulation and to certify compliance annually.

Upcoming Events

**New PTASP Implementation
webinars coming in 2021**

[Check here for updates](#)



Question 3:

Should the ASP contain the actual Board of Directors approval document or just reference it and its location? Does a representative of the Board need to sign the ASP?

FTA Response:

The PTASP regulation does not specifically require a transit agency to include the Board of Directors' or Equivalent Authority's approval documentation in its ASP, but the agency should maintain documentation of the approval. FTA recommends that agencies document the name of the entity that approved the ASP and the date of approval. Agencies may also choose to record the location of the approval documentation.

The PTASP regulation does not require the Board of Directors to sign the ASP. The only signature the PTASP regulation requires is that of the Accountable Executive (49 CFR § [673.11\(a\)\(1\)](#)).

Question 4:

Does receiving funds from the [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) trigger PTASP applicability?

FTA Response:

Agencies receiving only CARES Act funds are not required to develop an ASP. However, if an agency wants to be eligible to receive funding under the Urbanized Area Formula Program (49 U.S.C. § 5329) in the future, it will first need to meet PTASP requirements.

Get Involved with the [PTASP Community of Practice](#)

We want to hear from you! Below are two of many topics for discussion. Start the conversation today to support your ASP development and learn from your peers.

- What methods does your agency use to [communicate safety information](#) to employees and contractors? How do you ensure employees and contractors have received the safety information?
- During safety event investigations, how will your agency check for [organizational factors](#) that may have contributed to the event?

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.