

NOTICE OF ENFORCEMENT DISCRETION  
PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM  
REGULATION  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION

On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Safety Certification Training Program Regulation (PTSCTP) at 49 CFR Part 672, as authorized by 49 U.S.C. § 5329(c)(1). The effective date of the regulation was August 20, 2018. The PTSCTP regulation provides minimum training requirements for designated personnel. Such personnel include State Safety Oversight Agency (SSOA) employees and contractors who conduct safety audits and examinations of public transportation systems that receive Federal transit funds and transit agency employees who are directly responsible for safety oversight of public transportation systems that receive Federal transit funds. Designated personnel have until August 20, 2021, or a later date dependent on designation, to complete initial PTSCTP training requirements and must complete refresher training every two years thereafter. FTA recipients and subrecipients are also required to annually certify compliance with the PTSCTP regulation.

On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under section 319 of the Public Health Service Act<sup>1</sup>, and on March 13, 2020, the President issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease 2019 (COVID-19). During the COVID-19 public health emergency, transit agencies are providing essential transportation services. While ridership has fallen drastically during this emergency, transit agencies across the country are continuing to provide millions of trips a day to lifeline services and carry healthcare and other essential workers to critical jobs. Accordingly, Federal guidance<sup>2</sup> includes transit workers on an advisory list of essential critical infrastructure workers.

Appendix A of 49 CFR Part 672 details the required curriculum that designated personnel must complete for PTSCTP certification. From March to September 2020, 25 in-person offerings of the required courses were canceled or postponed due to the COVID-19 public health emergency, with more cancellations expected in fiscal year 2021. With 140 designated individuals needing initial training, and 214 individuals needing refresher training by August 20, 2021, current virtual training offerings cannot meet this need.

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<sup>1</sup> The Secretary of Health and Human Services renewed the public health emergency determination on April 21, 2020; July 23, 2020; and October 2, 2020.

<sup>2</sup> Cybersecurity and Infrastructure Security Agency, Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work During the COVID-19 Response.  
<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

This Notice is to advise FTA recipients and subrecipients, and designated personnel subject to the PTSCTP regulation, that FTA will refrain from taking enforcement action pursuant to 49 U.S.C. § 5329(g) and the FTA Master Agreement (26) (October 1, 2019) until August 21, 2022, if those FTA recipients and subrecipients and designated personnel are unable to certify that they have complied with the PTSCTP regulation. This Notice will remain in effect through August 20, 2022.

Notwithstanding this Notice's exercise of enforcement discretion, FTA expects affected designated personnel to continue to work toward meeting the training and refresher training requirements to the extent practicable under the current circumstances caused by the COVID-19 public health emergency.

FTA reminds employers and designated personnel that the PTSCTP regulation does not require that refresher training be provided in a traditional classroom setting or through on-the-job training. Any method of refresher training delivery, including web-based, self-paced computer instruction, remotely delivered classroom instruction, or some combination of those methods that covers the required elements in 49 CFR Part 672 Appendix A are acceptable. FTA encourages the utilization of any of these training methods to ensure transit employees receive appropriate refresher training.

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way.

December 11, 2020, in Washington D.C.

A handwritten signature in black ink, appearing to read "K. Jane Williams", written over a horizontal line.

K. Jane Williams  
Deputy Administrator  
Federal Transit Administration