

Key Points for Developing Agency Safety Plans for Recipients with Contractors and Other External Service Providers



PTASP Rule Applicability

- A recipient of FTA funds is responsible for meeting 49 C.F.R. Part 673 requirements, not contractors or other external service providers (ESPs). This includes requirements for Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion.
- A recipient is responsible for all Part 673 requirements regardless of the number of ESPs used by the recipient. A recipient means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under Chapter 53 (49 U.S.C. Section 5329), including subrecipients.
- Part 673 pertains to ESPs that are directly related to transit service operations and maintenance, and Public Transportation Agency Safety Plan development.



Contact

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Employee Safety Reporting

- Regardless of how many ESPs are used by a recipient, each ESP may have its own employee safety reporting program or participate in a combined program.
- A recipient can have its own employee safety reporting program to acquire safety-related information about the transit agency's operations and maintenance functions performed by ESPs.

Recipients May Choose to Perform the Following Activities When Developing Agency Safety Plans (ASP):

- Conduct planning and coordination activities with ESPs to ensure sufficient time to meet FTA's **July 20, 2020** deadline for ASP approval and certification.
- Seek ESP input on Safety Management System (SMS) processes and procedures, since operations and maintenance service providers may implement and operate a transit agency's SMS.
- Require an ESP develop the ASP for the mode(s) of service the ESP operates.
- Authorize an ESP employee to serve in the role of Accountable Executive and Chief Safety Officer (CSO)/SMS Executive. There must be a direct line of reporting between the Accountable Executive and CSO/SMS Executive.
- Have agreements with their ESPs to provide and maintain SMS documentation.

The guidance in this document is not legally binding in its own right and will not be relied upon by the Federal Transit Administration as a separate basis for affirmative enforcement action or other administrative penalty. Compliance with the guidance in this document (as distinct from existing statutes and regulations) is voluntary only, and noncompliance will not affect rights and obligations under existing statutes and regulations.