FTA
FEDERAL TRANSIT ADMINISTRATION

PTASP TECHNICAL ASSISTANCE CENTER

Implementing an Agency Safety Plan During the COVID-19 Public Health Emergency

The COVID-19 public health emergency continues to present challenges for transit agencies across the nation. FTA acknowledges that these ongoing disruptions seriously impact the transit industry's ability to meet the compliance and certification requirements of the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673). [1]

Currently, most agencies are close to certifying their Agency Safety Plans (ASPs) or beginning to implement their ASPs. However, many are facing major changes in operations — such as reduced budgets and staff — and may no longer be able to implement their ASPs as planned. FTA's second Notice of Enforcement Discretion announced that FTA will refrain from enforcing the PTASP regulation until July 21, 2021, which allows agencies to adjust their ASPs to reflect their new operation realities before certifying.

> ### PTASP Notice of Enforcement Discretion
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> On December 11, 2020, FTA published a new Notice of Enforcement Discretion, providing enforcement relief for FTA recipients and subrecipients unable to meet the certification requirements for the PTASP regulation (49 CFR Part 673). The new PTASP Notice of Enforcement Discretion advises that, until July 21, 2021, FTA will refrain from taking enforcement action pursuant to 49 U.S.C. § 5329(g).

Using Safety Management Systems (SMS) to Adapt to Changing Environments

Implementing the PTASP regulation, including developing and implementing an ASP, may seem daunting when there is increased pressure to do more with less. However, SMS is built for scalability: this means that SMS principles and practices work in both the smallest and largest transit systems. For example, one person may operate the entire Safety Risk Management (SRM) process by themselves at a small agency, whereas operating the SRM process at a large agency may involve multiple people and departments.

SMS scalability also means that SMS principles and practices can be scaled within an agency in response to its current circumstances, such as when a public health emergency disrupts an agency's regular operations. What if, for instance, an agency finds that they can no longer

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[1] 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.

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implement their Employee Safety Reporting Program (ESRP) as planned? Scaling your ESRP in response to your current operating reality is just one way you could take advantage of the flexibilities offered by SMS and the PTASP regulation.

Other examples include:

- Changing the frequency of SMS activities, such as decreasing how often your agency monitors compliance with operations and maintenance procedures, to reflect a reduced workforce;

- Holding virtual meetings rather than in-person meetings to continue activities as planned; and

- Prioritizing hazard identification on COVID-19-related hazards.

> You **do not** need to recertify if you revise your ASP in between annual certifications. Document the changes (for example, in a memo) and include them in your annual ASP review and update process.
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> For more information on certification, see the Certification Fact Sheet and Understanding the Agency Safety Plan Review, Approval and Certification Process.

Transit Agencies Example: Scaling an ASP to Reflect Current Resources

A transit agency drafted their ASP in early 2020, describing an ESRP with multiple options for employees to submit reports. In their ASP, the agency stated they would have a web-based reporting tool, a phone application, a phone hotline, an email address and a paper-based form.

However, the COVID-19 public health emergency has impacted these plans by shrinking the resources available for developing and maintaining multiple reporting formats. The agency decides to scale back its ESRP to reduce the re-source burden by implementing only the hotline, email address and paper-based form. They decide that this is a rea-sonable first step toward implementing the ESRP and put their plans to develop the more costly and complicated web-based reporting tool and phone application on hold.

The agency documents this change in an internal memo. During the annual ASP review and approval process, they update the section on their ESRP approach to note current reporting formats and include a development timeline for the other ESRP formats based on their current operational circumstances.

COVID-19 may have led to changes in transit operations, but ASP development, implementation and update processes allow agencies to assess their current situation and adjust their ASPs and SMS as needed. If your agency is in the ASP development phase, you can make these changes directly in the ASP. If your agency has already certified your ASP, your agency can document these changes and revise your ASP during your next annual ASP review and update (as directed by your agency leadership and State Safety Oversight Agency, for rail transit agencies only).

Visit the TAC Resource Library for guides, fact sheets and webinars on the PTASP regulation. Contact the PTASP TAC at 1-877-827-7243 or PTASP-TAC@dot.gov for assistance with any PTASP-related topic.

PTASP Technical Assistance Available Now
- Access one-on-one Agency Safety Plan support
- Learn and share through the PTASP Community of Practice
- Explore the PTASP Resource Library

https://www.transit.dot.gov/PTASP-TAC