

# Bipartisan Infrastructure Law Changes to Public Transportation Agency Safety Plan (PTASP) Requirements

---

March 1, 2022

Federal Transit Administration

*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.*



# Agenda

- Welcome and Opening Remarks
- New Requirements in the Bipartisan Infrastructure Law
- Applicability
- Review of New PTASP Requirements for:
  - All Applicable Agencies
  - Applicable Agencies Serving a Small Urbanized Area
  - Applicable Agencies Receiving Section 5307 Funds and Serving a Large Urbanized Area
- Questions & Answers



# Welcome and Opening Remarks



**Nuria Fernandez**

Administrator

Federal Transit Administration



# New PTASP Requirements

- The Bipartisan Infrastructure Law includes new PTASP requirements
  - Visit [FTA's Bipartisan Infrastructure Law](#) webpage to view these new requirements in line with the original text (49 U.S.C. § 5329(d))
- The February 17, 2022 [Dear Colleague letter](#) outlines FTA's expectations to address these new requirements



- Some agencies may already have an Agency Safety Plan (ASP) that complies with the new PTASP requirements
- Some agencies may already satisfy *elements* of the new PTASP requirements

# Applicability

- The requirements under the Bipartisan Infrastructure Law apply to those transit agencies that must have an Agency Safety Plan in place under the PTASP regulation (49 CFR Part 673)
- The Bipartisan Infrastructure Law establishes additional PTASP requirements
- Most of these requirements are based on the size of the Urbanized Areas (UZA) that transit agencies serve



# Identifying the Urbanized Areas Served

- Transit agencies can identify the urbanized areas they serve based on data reported to the National Transit Database (NTD)
- FTA publishes this data publicly on its [NTD Data website](#)
- The [2020 Annual Database Federal Funding Allocation](#) file presents the latest available data
- This file shows UZAs served and the population of those UZAs

The screenshot shows the Federal Transit Administration's NTD Data website. At the top is the FTA logo and the text "Federal Transit Administration". Below this is the heading "NTD Data". A link "Click here to see the NTD Data Products Guide" is provided. The main content area is titled "Data Categories" and contains a list of categories with checkboxes: Agency Information, Assets, Data Dictionary/Questionable Items, Expenses, Fares/Funding, Monthly Ridership, Resources, Safety and Security, and Service Data. To the right of this list are two dropdown menus: "Product Type" (set to "- Any -") and "Data Product Year" (set to "2020"). Below these is a search bar containing the text "Federal Funding Allocation". At the bottom of the search section are two buttons: "Apply" and "Reset". Below the search section is a table with three columns: "Title", "Product Type", and "Data Product Year". The table contains one row with the following data: Title: [2020 Annual Database Federal Funding Allocation](#), Product Type: Annual Database (Excel), Data Product Year: 2020.

Title	Product Type	Data Product Year
<a href="#">2020 Annual Database Federal Funding Allocation</a>	Annual Database (Excel)	2020

# State Departments of Transportation (DOT)

- ❌ State DOTs that previously developed ASPs for small public transportation providers are not obligated to update existing ASPs to reflect new PTASP requirements
  - Small providers are responsible for carrying out and updating their plans, even if the plan was developed by the State DOT
- ✅ State DOTs must still develop ASPs that comply with all PTASP requirements for newly applicable small public transportation providers that do not opt to develop their own ASP



# REVIEW OF NEW PTASP REQUIREMENTS





# Don't Forget!



- Some agencies may already have an ASP that complies with the new PTASP requirements
- Some agencies may already satisfy *elements* of the new PTASP requirements

# **PTASP REQUIREMENT FOR ALL APPLICABLE AGENCIES**



# Exposure to Infectious Diseases

## New Requirement

Each recipient or State ... shall certify that the recipient or State has established a comprehensive agency safety plan that includes...

(D) **strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions, and consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority, minimize exposure to infectious diseases**

See § 5329(d)(1)(D)



# Exposure to Infectious Diseases



Each transit agency should consider identifying mitigations or strategies related to exposure to infectious diseases through the safety risk management process described in the agency's ASP

See § 5329(d)(1)(D)



# **NEW PTASP REQUIREMENT FOR APPLICABLE AGENCIES SERVING A SMALL URBANIZED AREA**



# ASP Development

## New Requirement

(B) for each recipient serving an urbanized area with a population of fewer than 200,000, a requirement that the **agency safety plan be developed in cooperation with frontline employee representatives**

See § 5329(d)(1)(B)



If the existing ASP was not developed in cooperation with frontline employee representatives, agencies should update their ASP in cooperation with frontline employee representatives by **December 31, 2022**



# **NEW PTASP REQUIREMENTS FOR APPLICABLE AGENCIES RECEIVING SECTION 5307 FUNDS AND SERVING A LARGE URBANIZED AREA**



# Safety Committee

## New Requirement

... The safety committee of a recipient shall—

- (i) be convened by a joint labor-management process;
- (ii) consist of an equal number of—
  - (I) frontline employee representatives, selected by a labor organization representing the plurality of the frontline workforce employed by the recipient or, if applicable, a contractor to the recipient, to the extent frontline employees are represented by labor organizations; and
  - (II) management representatives

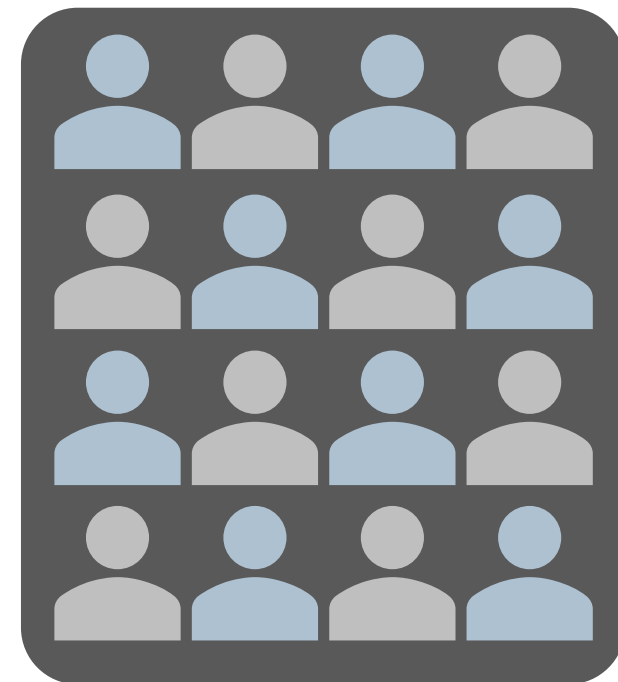
See § 5329(d)(5)(A)





# Forming the Safety Committee

- Establish a Safety Committee by **July 31, 2022**
  - If a transit agency has an existing Safety Committee, that committee will be sufficient if it meets the statutory requirements
  - **Once established, the Safety Committee should begin work to meet its responsibilities as soon as practicable**
- The Safety Committee must:
  - ✓ Consist of an equal number of frontline employee representatives and management representatives
  - ✓ Be convened using a joint labor-management process



See § 5329(d)(5)



# Forming the Safety Committee

- Representatives of frontline transit workers employed by the agency or agency's contractor must be selected by a labor organization representing the plurality of the agency's frontline workforce (the largest number of the agency's frontline workers) to the extent the frontline workforce is represented by labor organizations
- Agencies may choose to follow an existing collective bargaining process to establish and operate the required Safety Committee, provided the new requirements are met
- If the agency's frontline workers are not represented by labor organizations, the agency should determine a method to select frontline employee representatives

See § 5329(d)(5)



# Safety Committee Responsibilities

## New Requirement

... The safety committee of a recipient shall...

(iii) have, at a minimum, responsibility for—

- (I) identifying and recommending risk-based mitigations or strategies necessary to reduce the likelihood and severity of consequences identified through the agency's safety risk assessment;
- (II) identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and
- (III) identifying safety deficiencies for purposes of continuous improvement.

See § 5329(d)(5)(A)(iii)



# Safety Committee and the ASP

## New Requirement

(A) a requirement that ... **the safety committee** ..., followed by the board of directors (or equivalent entity) of the recipient **approve, the agency safety plan and any updates to the agency safety plan...**

See § 5329(d)(1)(A)



# Safety Committee and the ASP

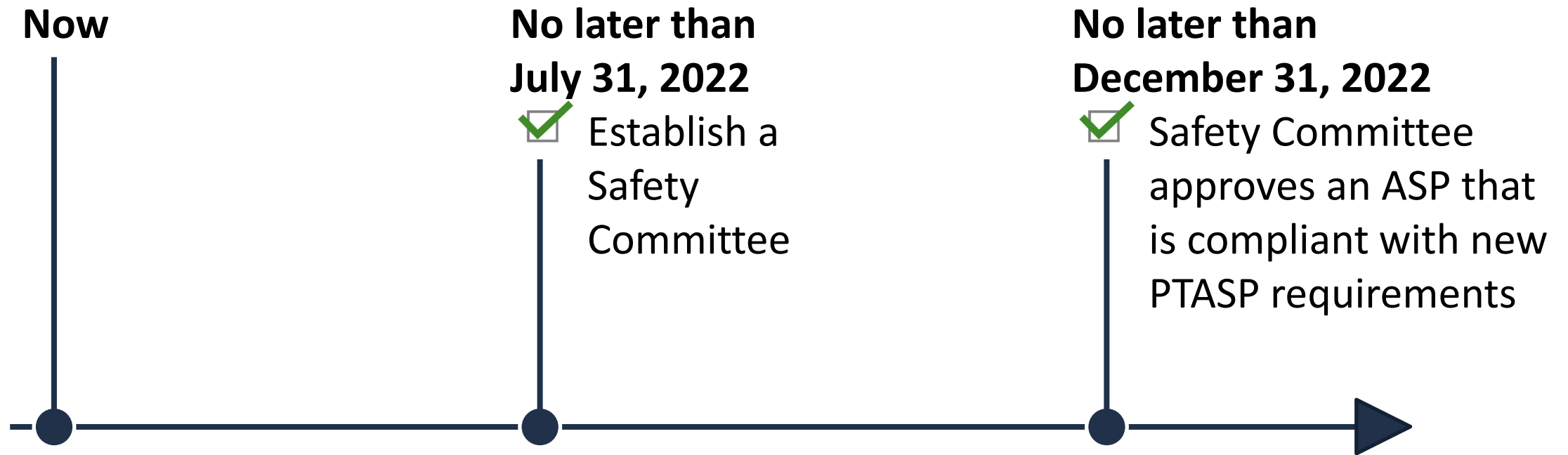


If the transit agency is not already compliant with the new PTASP requirements, the Safety Committee must approve an update to the agency's ASP to incorporate these new requirements by **December 31, 2022**

See § 5329(d)(1)(A)



# Safety Committee Timeline



# Risk Reduction Program

## New Requirement

Each recipient or State ... shall certify that the recipient or State has established a comprehensive agency safety plan that includes...

(I) ... a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the national transit database...

See § 5329(d)(1)(I)



# Risk Reduction Program - Vehicular and Pedestrian Accidents

## New Requirement

Each recipient or State ... shall certify that the recipient or State has established a comprehensive agency safety plan that includes...

(I) a risk reduction program ... including—

(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments...

See § 5329(d)(1)(I)(i)





# Risk Reduction Program - Transit Worker Assaults

## New Requirement

Each recipient or State ... shall certify that the recipient or State has established a comprehensive agency safety plan that includes...

(I) a risk reduction program ... including...

(ii) the mitigation of assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators when a risk analysis performed by the safety committee ... determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.

See § 5329(d)(1)(I)(ii)



# Risk Reduction Performance Targets

## New Requirement

### (4) Risk reduction performance targets.

(A) In general.—The safety committee ... shall establish performance targets for the risk reduction program ... using a 3-year rolling average of the data submitted by the recipient to the national transit database under section 5335.

See § 5329(d)(4)(A)



# Risk Reduction Performance Targets



Performance targets for a risk reduction program are *not required* to be in place *until* FTA has updated the National Public Transportation Safety Plan to include applicable performance measures

See § 5329(d)(4)(A)



# Safety Training

## New Requirement

Each recipient or State ... shall certify that the recipient or State has established a comprehensive agency safety plan that includes...

(H) a comprehensive staff training program for—

(ii) ... the operations and **maintenance personnel** and personnel directly responsible for safety of the recipient that includes—

(I) the completion of a safety training program;

(II) continuing safety education and training; and

(III) **de-escalation training**

See § 5329(d)(1)(H)



# Updates and Questions



Visit FTA's Bipartisan Infrastructure Law website, available at [www.transit.dot.gov/BIL](http://www.transit.dot.gov/BIL), for the latest information



If you have questions regarding these new requirements, please contact us at [FTA-IIJA@dot.gov](mailto:FTA-IIJA@dot.gov)



# QUESTIONS & ANSWERS







[TRANSIT.DOT.GOV](https://www.transit.dot.gov)