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This issue of the Public Transportation Agency Safety Plan (PTASP) Technical Assistance Center (TAC) Update focuses on Employee Safety Reporting Programs (ESRP).

Featured Resources

New! Employee Safety Reporting Program (Part 1): Covers how an ESRP supports Safety Management Systems (SMS) and the types of data an ESRP collects. (This article was originally published in the October *TSO Spotlight*).

New! Improving Safety for Pedestrians and Bicyclists Accessing Transit: Examines tools and approaches to enhancing pedestrian and bicyclist safety for access to transit.

Sample Bus Transit Provider Agency Safety Plan (ASP): Contains a description of an ESRP on pages 14–17.

ESRP webinar (July 31, 2019): Discusses the safety reporting program requirements in the PTASP regulation and provides guidance on how to implement an ESRP.

Employee Safety Reporting Programs: Reviews PTASP requirements for an ESRP and provides design and implementation considerations. (This presentation was given at the 2019 Joint SSO and RTA Workshop.)

Safety Management Policy and Safety Promotion webinar (May 2019): Covers ESRP requirements and examples (slides 11 and 12).

Access the entire TAC Resource Library by visiting FTA's PTASP TAC website.

Need Assistance?

Contact the **PTASP TAC** at

PTASP-TAC@dot.gov

1-87 PTASP-AID
1 (877) 827-7243

Contact the TAC for **one-on-one technical sessions** for ASP development and implementation support.

Reminder: Bipartisan Infrastructure Law Compliance Dates

Transit agencies that receive Section 5307 funding and serve a large urbanized area (population of 200,000 or more) have until **Saturday, December 31, 2022** to have their Safety Committee approve an update to their Agency Safety Plan (ASP).

Transit agencies that serve a small urbanized area (population of fewer than 200,000) have until **Saturday, December 31, 2022** to update their ASP in cooperation with frontline employee representatives.

Have questions about the Bipartisan Infrastructure Law? Email FTA-IIJA@dot.gov.

See also the Bipartisan Infrastructure Law Changes to PTASP Requirements Webinar and the ASP checklists for bus *and* rail.

U.S. Department of Transportation
Federal Transit Administration

PTASP TECHNICAL ASSISTANCE CENTER

Q & A Highlights

Question 1:

Our agency uses a form to submit reports for our ESRP. Does the PTASP regulation require us to include employee behaviors that may result in disciplinary action and what those disciplinary actions are on that form?

FTA Response:

The PTASP regulation does not require safety-issue reporting forms to include this information.

The regulation requires the employee safety reporting process to include protections for employees who report safety conditions and a description of employee behaviors that may result in disciplinary action. The employee safety reporting process must be described or referenced in the ASP, and communicated to employees, including the safety protections and the behaviors that may result in disciplinary action.

Question 2:

Can you give me an example of behaviors that are unacceptable and therefore would not be exempt from disciplinary actions?

FTA Response:

FTA does not prescribe which actions are not covered by the protections of an ESRP and may result in disciplinary action. FTA leaves these decisions up to individual transit agencies. However, some examples may include illegal acts (e.g., assault or theft), gross negligence (e.g., knowingly using heavy equipment for purposes other than their intended uses that put people at risk), or deliberately or willfully disregarding regulations or procedures (e.g., reporting to work under the influence of controlled substances).

ASP Directory

FTA added an Agency Safety Plan Directory to the TAC Resource Library. Transit agencies can use these publicly available ASPs as a resource to help with their own ASPs.

If you would like to add your ASP to the ASP directory, please contact PTASP-TAC@dot.gov.

FTA has not assessed whether any of the plans meet applicable statutory or regulatory requirements. This directory is provided for technical assistance only.

Question 3:

Our State-developed ASP includes language regarding employee discipline for misconduct related to safety and security. We have addressed this issue separately in our work rules. Does the ASP have to include a disciplinary section if work rules covering enforcement are already in place?

FTA Response:

The PTASP regulation requires a transit agency to "establish and implement a process that allows employees to report safety conditions to senior management, protections for employees who report safety conditions to senior management, and a description of employee behaviors that may result in disciplinary action" (49 CFR § 673.23(b)). Transit agencies can describe the ESRP, protections, and behaviors that may result in disciplinary action within the ASP or reference documentation that describes these policies. Your agency may reference established work rules that define employee behavior that is not protected when reporting through the ESRP, rather than define all behavior that may result in disciplinary action directly in the ASP.