



FEDERAL TRANSIT ADMINISTRATION

## **APTA 2016 Legal Affairs Seminar**

### **Safety Management Systems and the Public Transportation Agency Safety Plan NPRM**

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FEDERAL TRANSIT ADMINISTRATION

# Presentation Overview

- Background
- FTA's Approach to Applying SMS in Transit
- Public Transportation Agency Safety Plan NPRM
- Submitting Comments
- Upcoming Rulemaking Outreach
- Questions

# Background

- December 2009 - DOT Secretary transmits landmark safety legislation to Congress
- MAP-21 signed into law 2012 – Establishes FTA's new regulatory role with respect to transit safety
  - Responds to gaps in transit safety highlighted by
    - NTSB investigations
    - GAO and OIG audits
    - FTA audits of State Safety Oversight programs
- FTA adopts SMS in May 2013
- FTA issues safety/transit asset management ANPRM in October 2013



## Public Transportation Safety Program

- Establishes FTA's Safety Oversight Authority and program of requirements for most recipients of FTA funding
- Establishes FTA's commitment to a Safety Management System (SMS) approach
- Requires FTA to create National Public Transportation Safety Plan to communicate with public transit industry
- Formalizes a comprehensive framework for safe public transportation through 4 program components:

### National Public Transportation Safety Plan

- Safety vision, mission, goals
- Performance management criteria and guidance
- Safety Risk Management practices and procedures
- SMS implementation guidance
- Best practices and safety plan templates
- Top Safety Priorities
- Safety Standards

#### GUIDANCE

### National Public Transportation Safety Certification Training Program

- Federal/State employees (or their designees) who conduct audits and examinations of public transportation systems
- Personnel of public transportation systems who have direct responsibility for safety oversight at their system

### Public Transportation Agency Safety Plans

#### Identifies:

- Methods for identifying and evaluating safety risk
- Framework for agencies to identify strategies for minimizing public exposure to unsafe conditions
- Performance targets and criteria based on criteria established in the National Safety Plan
- Requires training for personnel responsible for safety

## TRANSIT AGENCIES

### State Safety Oversight (SSO) Program

- Oversees the agency safety plan for the rail transit systems
- Investigates and enforces plan
- Audits rail transit systems
- Reports on safety status of each transit rail agency

SAFER PUBLIC TRANSPORTATION

# **FTA'S APPROACH TO APPLYING SMS IN TRANSIT**



# What is SMS?

- SMS is the formal, top-down, organization-wide, data-driven approach to managing safety risk and assuring the effectiveness of safety risk mitigations
- SMS integrates safety into all aspects of transit system's activities:
  - Planning
  - Design
  - Construction
  - Operations
  - Maintenance
- SMS is flexible, and can be scaled to the mode, size, and complexity of any transit operator, in any environment – urban, suburban, or rural

# B.L.U.F.

*The success of an SMS is dependent upon executive leadership's commitment to fostering a non-punitive safety culture.*

# SMS Framework Components

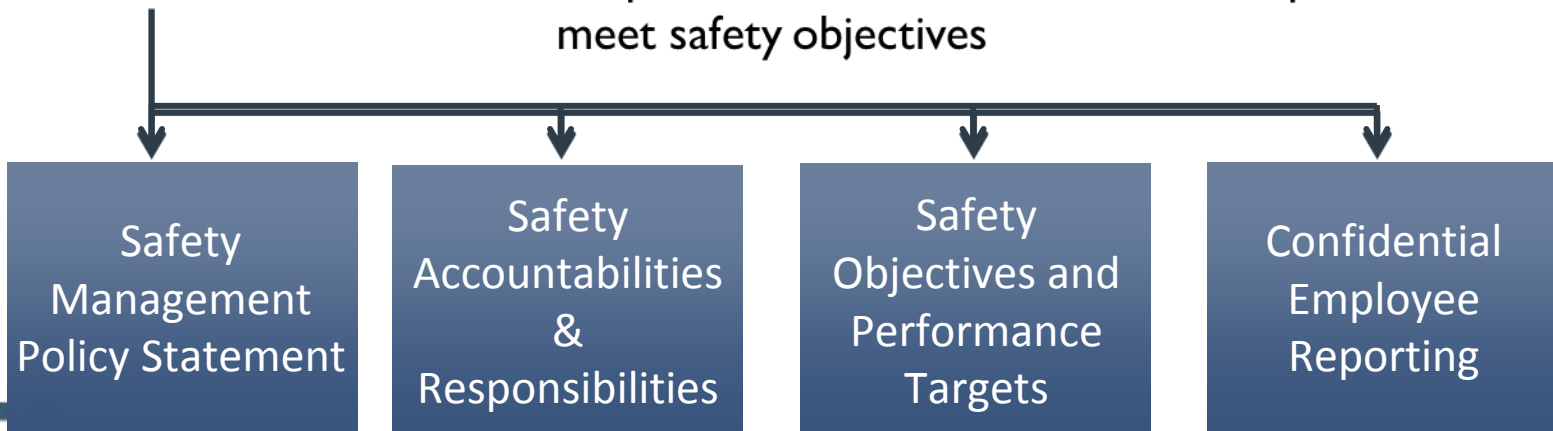
1. Safety Management Policy
2. Safety Risk Management
3. Safety Assurance
4. Safety Promotion



# Safety Management Policy Component and its Subcomponents



- Establishes necessary organizational structures, roles, and responsibilities
- Ensures safety is addressed with the same priority as other critical organizational functions
- Provides direction for effective:
  - Safety Risk Management
  - Safety Assurance
  - Safety Promotion
- Helps ensure sufficient resources are provided to meet safety objectives



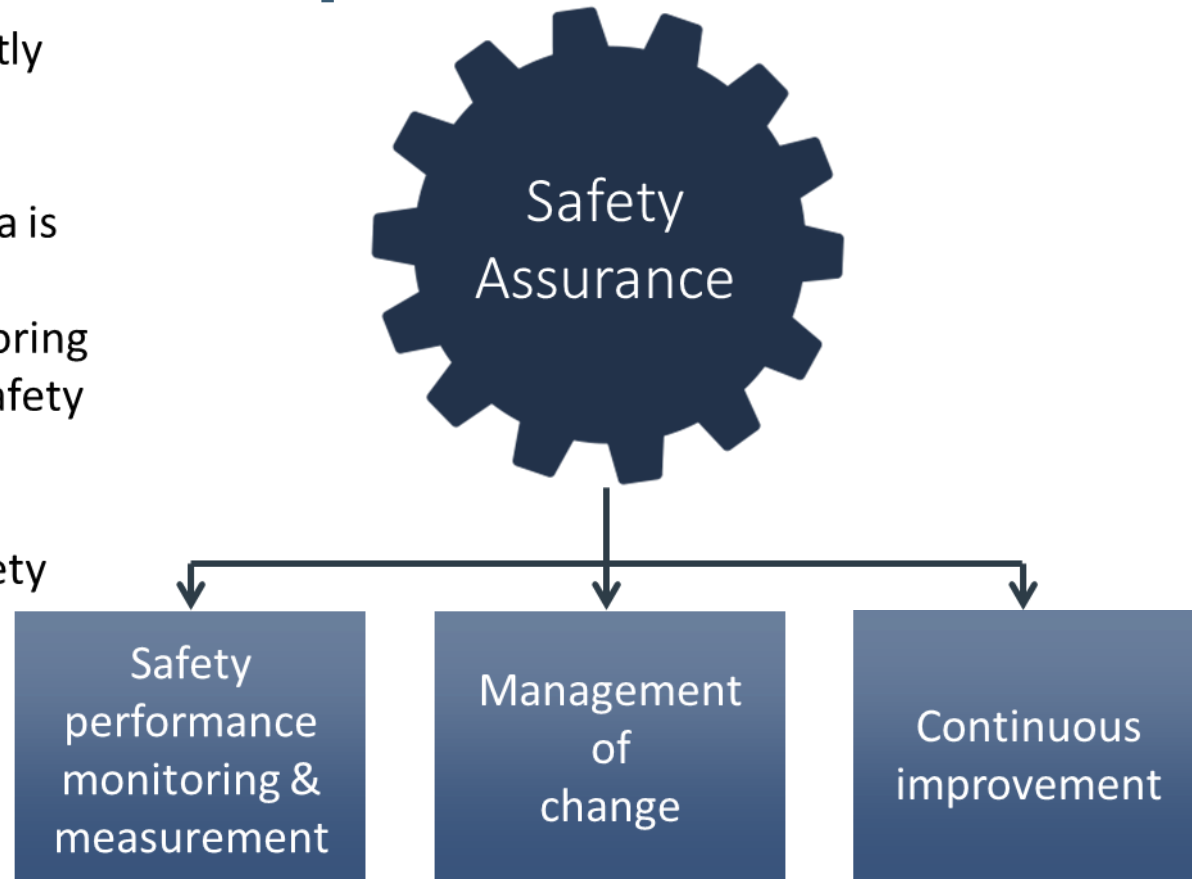
# SRM Component and its Subcomponents



- Vital to the success of SMS
- Before an SMS can be effectively built or improved, safety hazards must be identified in your operation and mitigations need to be in place to manage the safety risk
- Safety risk management is a **continuous** process

# Safety Assurance Component and its Subcomponents

- A **continuous** process, constantly interacting with Safety Risk Management
- Where safety performance data is collected and analyzed
- Systematic and ongoing monitoring and recording of an agency's safety performance
- Helps verify an agency's safety performance is in line with safety objectives and targets



# Safety Promotion Component and its Subcomponents



# **PUBLIC TRANSPORTATION AGENCY SAFETY PLAN NPRM**



# Statutory Authority

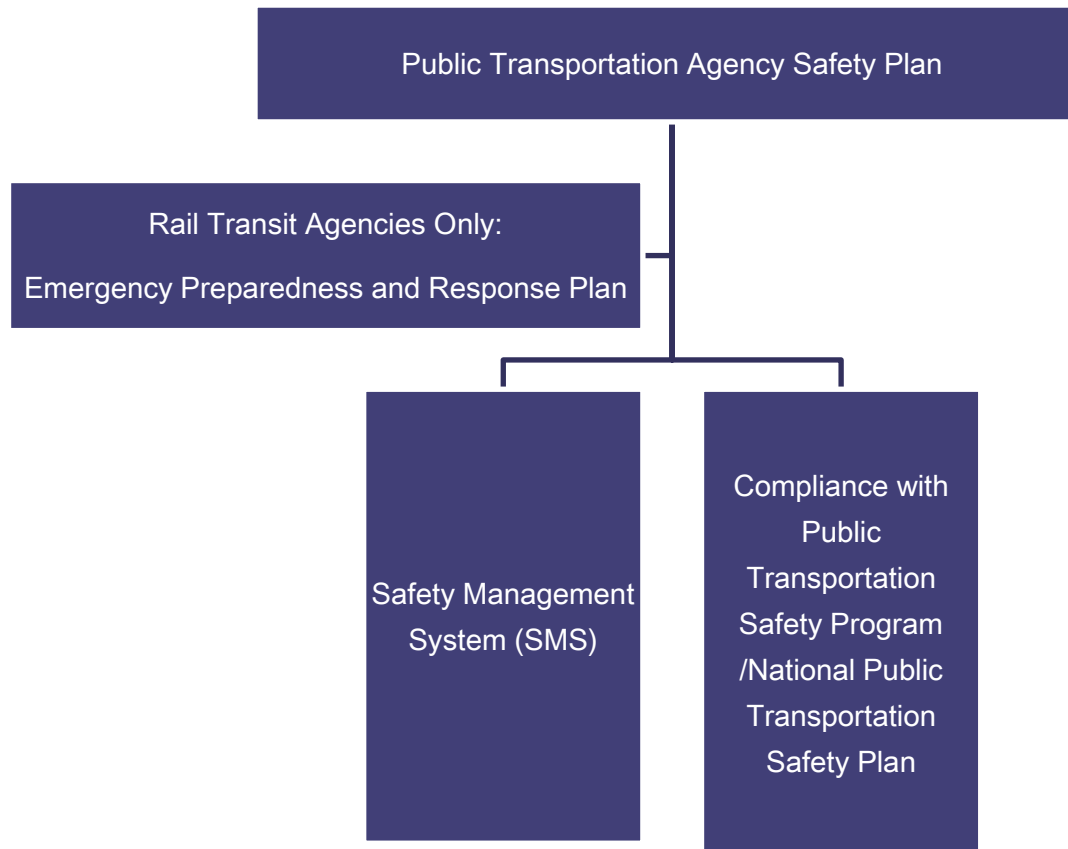
Through MAP-21 and the FAST Act, Congress has required each “operator of a public transportation system” that receives FTA funds to develop and implement a Public Transportation Agency Safety Plan. (49 U.S.C. 5329(d)).



# Statutory Requirements

- Approval of the plan by the board of directors or equivalent entity
- Methods for identifying and evaluating safety risks throughout the system
- Strategies to minimize the exposure of the public, personnel and property to hazards
- An annual review and update of the plan
- Performance targets based on the safety performance criteria established in a National Public Transportation Safety Plan
- An adequately trained Safety Officer who reports directly to the general manager, president, or equivalent officer
- A comprehensive training program for personnel directly responsible for safety

# NPRM Requirements





# Statutory Requirements/SMS Crosswalk

Statutory Provision	Safety Plan Must Include:	SMS Pillar
49 U.S.C. § 5329(d)(1)(A)	"a requirement that the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan"	Safety Management Policy
49 U.S.C. § 5329(d)(1)(B)	"methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient"	Safety Risk Management
49 U.S.C. § 5329(d)(1)(C)	"strategies to minimize exposure of the public, personnel, and property to hazards and unsafe conditions"	Safety Risk Management
49 U.S.C. § 5329(d)(1)(D)	"a process and timeline for conducting an annual review and update of the safety plan of the recipient"	Safety Assurance
49 U.S.C. § 5329(d)(1)(E)	"performance targets based on the safety performance criteria and state of good repair standards"	Safety Management Policy
49 U.S.C. § 5329(d)(1)(F)	"assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient"	Safety Management Policy
49 U.S.C. § 5329(d)(1)(G)	"a comprehensive staff training program for the operations personnel directly responsible for safety of the recipient"	Safety Promotion

# Applicability

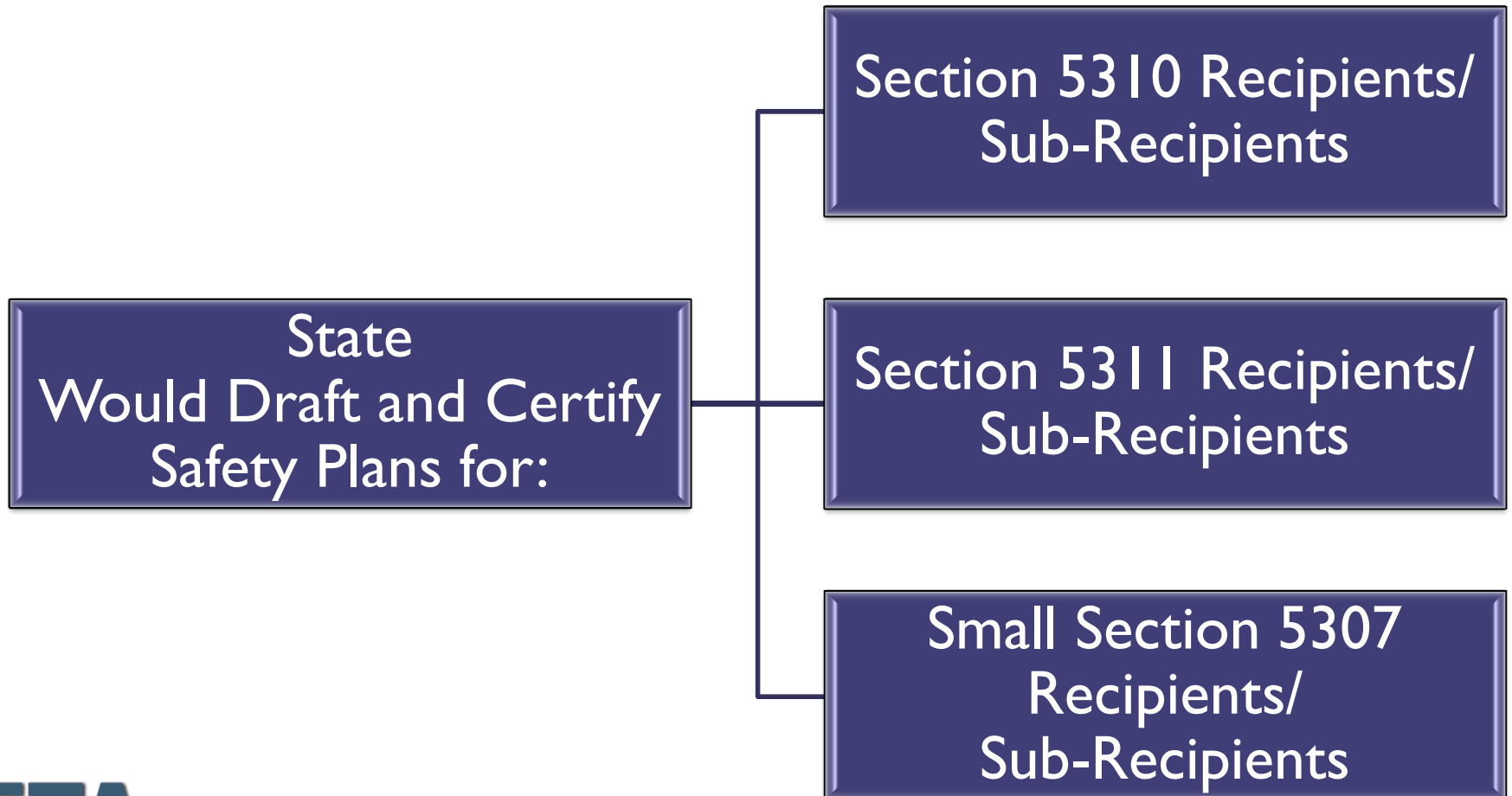
## Would Apply to...

- Each “operator of a public transportation system” that receives Federal financial assistance under 49 U.S.C. Chapter 53, including recipients and sub-recipients

## Would Not Apply to...

- A transportation operator that only provides service closed to the general public and only available for a particular clientele
- Commuter rail service regulated by the Federal Railroad Administration
- Passenger ferry service regulated by the U.S. Coast Guard

# State Drafting and Certification of Safety Plans



## Effective Date

- Each transit agency, or State, would have one year after the effective date of a final rule to draft and certify a safety plan.

# Nexus Between Safety Plan and TAM Plan

Accountable Executive



# Coordination with the Planning Process

- Each transit agency would be required to make its safety performance targets available to States and Metropolitan Planning Organizations (MPO) to assist with the selection of safety performance targets at the State and MPO levels.

# Certification and Enforcement

- Each transit agency, or State, would be required to annually certify that it has a plan compliant with the rule.
- FTA proposes to use its existing Certifications and Assurances process to satisfy this requirement.
- FTA would ensure compliance with the rule through its existing Triennial Review and State Management Review processes.

# Submitting Public Comments

- ✓ The public comment period closes on April 5, 2016
- ✓ Public comments must identify the following information:
  - Docket Number: FTA-2015-0021
  - Regulatory Identification Number (RIN): 2132-AB23



# Upcoming Rulemaking Outreach

- Webinars
  - 2/24: Small Urban/Rural/Tribal Agencies
  - 3/1: Bus only Agencies
  - 3/2: Multimodal Agencies
  - 3/3: Small Urban/Rural/Tribal Agencies
- Public Listening Session
  - 3/16: APTA Legislative Conference

# Questions?

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