

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION (FTA)**

Frequently Asked Questions

Public Transportation Safety Program Final Rule

**Question 1: What is the Public Transportation Safety Program Final Rule?**

**Answer:** The Public Transportation Safety Program Final Rule (Safety Program Rule) establishes substantive and procedural rules for the administration of the Public Transportation Safety Program (National Safety Program) authorized at 49 U.S.C. § 5329, including FTA’s authority to monitor and oversee transit safety and enforce transit safety laws. The Rule establishes Safety Management Systems (SMS) as FTA’s foundational safety policy which will support FTA in taking a risk-based approach to the development and implementation of the National Safety Program. The rule does not require any specific, immediate action from recipients.

**Question 2: To whom does the rule apply?**

**Answer:** The rule applies to all recipients of Chapter 53 funds, including States, State Safety Oversight Agencies, and operators of public transportation systems.

**Question 3: Does the rule apply to agencies that are regulated by another federal entity, such as the Federal Railroad Administration?**

**Answer:** The rule does not apply to transit operators who are subject to the safety jurisdiction of another Federal agency, such as commuter rail operators that are subject to the Federal Railroad Administration’s safety regulatory requirements.

**Question 4: What types of oversight and enforcement authority does the rule grant to the FTA?**

**Answer:** FTA may:

- conduct investigations, inspections, audits, and examinations, and test the equipment, facilities rolling stock, and operations of a recipient’s public transportation system;
- withhold up to 25% of a recipient’s funding under 49 USC 5307 if FTA has evidence that the recipient has engaged in a pattern or practice of serious safety violations;
- require a recipient to use Federal financial assistance to correct safety deficiencies identified by FTA or a State Safety Oversight Agency (SSOA);

- require more frequent oversight of a recipient by an SSOA that has jurisdiction over the recipient;
- require more frequent reporting by a recipient;
- order a recipient to develop and execute a corrective action plan;
- issue restrictions and prohibitions on a transit agency's operations when unsafe conditions and/or practices create a substantial risk of death or personal injury;
- issue Safety Advisories that *recommend* corrective actions, inspections, limitations, or other responses from a recipient to mitigate or avoid safety risks or hazards; or
- issue Safety Directives that *require* action by a recipient. General Directives are applicable to all recipients or a subset of recipients, and Special Directives are issued to one or more named recipients.

**Question 5: Does the rule mandate that transit agencies adopt Safety Management Systems (SMS)?**

**Answer:** No. The Public Transportation Safety Program final rule formally establishes the principles and practices of SMS as the foundation for the FTA's new safety oversight authority. However, on February 5, 2016, FTA published the [Public Transportation Agency Safety Plan Notice of Proposed Rulemaking \(NPRM\)](#).<sup>1</sup> Under that proposed rule, each operator of public transportation that receives Federal financial assistance under 49 U.S.C. Chapter 53 would be required to develop and implement an Agency Safety Plan based on the principles of Safety Management System (SMS). FTA anticipates publishing a Public Transportation Safety Plan Final Rule later this year. For information about SMS, please refer to the [SMS resources](#) on the FTA Office of Transit Safety and Oversight website.

**Question 6: Will the FTA provide advance notice before visiting a transit agency to perform an inspection, investigation, testing, or other compliance activity?**

**Answer:** To the extent practicable, FTA will provide notice to a recipient prior to initiating investigations, inspections, audits, examinations, or testing the equipment, facilities, rolling stock, or operations of a recipient's public transportation system.

**Question 7: Where can I find additional information on the Public Transportation Safety Program Final Rule?**

**Answer:** Please visit the Office of Transit Safety and Oversight's [rulemaking page](#) for more information on the Public Transportation Safety Program Final Rule.

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<sup>1</sup> The Agency Safety Plan NPRM is available at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-05/pdf/2016-02017.pdf>.