Public Transportation Safety Certification Training Program Final Rule

Office of Transit Safety and Oversight

August 2, 2018
Today’s Presentation

• Background
• Revisions from the NPRM
• Final Rule Overview
• Technical Training Plans
• Curriculum
• Recordkeeping
• Oversight Framework
• Questions
Background
## Overview of Safety Rulemakings

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Rule Overview</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interim Safety Certification Training Program Provisions</strong></td>
<td>Fills gap in training needs until the Final Training Rule is published</td>
<td>Final Interim Provisions Published: 2/27/2015 Effective: 5/28/2015</td>
</tr>
<tr>
<td><strong>State Safety Oversight</strong> 49 C.F.R. Part 674</td>
<td>Strengthens State oversight of rail transit systems</td>
<td>Final Rule Published: 3/16/16 Effective: 4/15/16</td>
</tr>
<tr>
<td><strong>Public Transportation Safety Program</strong> 49 C.F.R. Part 670</td>
<td>Establishes the procedural rules for enforcement of FTA’s safety programs</td>
<td>Final Rule Published: 8/11/2016 Effective: 9/12/2016</td>
</tr>
<tr>
<td><strong>National Public Transportation Safety Plan</strong></td>
<td>Sets safety performance measures for PTASP performance targets</td>
<td>Final Guidance Published: 1/17/17</td>
</tr>
<tr>
<td><strong>Public Transportation Agency Safety Plan</strong> 49 C.F.R. Part 673</td>
<td>Requires transit agencies to develop and implement safety plans based on SMS principles</td>
<td>Final Rule Published: 7/19/2018 Effective: 7/19/2019 Compliance: 7/20/2020</td>
</tr>
<tr>
<td><strong>Public Transportation Safety Certification Training Program</strong> 49 C.F.R. Part 672</td>
<td>Establishes training curriculum to ensure basic level of safety-related competency for rail transit system auditing and oversight</td>
<td>Final Rule Published: 7/19/2018 Effective: 8/20/2018</td>
</tr>
<tr>
<td><strong>Preventing Transit Worker Assault NPRM</strong></td>
<td>FAST Act requirement</td>
<td>Under Development</td>
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</table>
• Congress directed FTA to establish a comprehensive Public Transportation Safety Certification Training Program for two categories of personnel (49 U.S.C. § 5329(c)(1)).
  • Federal and State employees who conduct safety audits and examinations of public transportation systems
  • Employees of public transportation agencies directly responsible for safety oversight
• Concurrently, Congress directed FTA to publish interim safety certification training requirements to be in effect until the effective date of the final rule (49 U.S.C. § 5329(c)(2)).
The Training Rule Process

Final Rule Published on July 19, 2018
Effective Date is August 20, 2018
SMS and the Training Rule

• Under the Public Transportation Safety Program Rule, FTA established SMS as the approach to Transit Safety.
• SMS encourages agencies to be proactive and to ensure that employees have the competencies required to manage safety effectively.
• SMS is integrated into the Training Rule by requiring safety personnel to have a minimum level of SMS competency.
• SMS is integrative and ensures that safety is everyone’s responsibility, not just the safety office; therefore, SMS training is required for all employees who are engaged in safety oversight, from frontline, to middle managers, to Executives.
Revisions from Safety Certification Training Program NPRM
Training Rule NPRM Changes

NPRM Comments
• 19 comments, including one letter representing five state DOTs.
• The majority of commenters were supportive of FTA establishing a training curriculum to ensure basic level of safety-related competency.

<table>
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<tr>
<th>Major Issues Discussed by Commenters</th>
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<tr>
<td><strong>Comment Category</strong></td>
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</table>
| Course Requirements  | Final rule does not require security or SMS gap courses. | • Total reduction of 38 course hours  
                                |                                | • Approximate total reduction of up to $565,000 |
| Equivalency Credit   | Final rule provides process for obtaining credit for non-FTA sponsored courses. | |

*From requirements in the Interim Provisions
Final Rule Overview
Safety Certification Training Final Rule
Table of Contents

Title 49—Transportation
PART 672--PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM

Subpart A – General Provisions
   672.1 Purpose.
   672.3 Scope and applicability.
   672.5 Definitions.

Subpart B – Training Requirements
   672.11 Designated personnel who conduct safety audits and examinations.
   672.13 Designated personnel of public transportation agencies.
   672.15 Evaluation of prior certification and training.

Subpart C – Administrative Requirements
   672.21 Records.
   672.23 Availability of records.

Subpart D – Compliance and Certification Requirements
   672.31 Requirement to certify compliance.

Appendix to Part 672—Public Transportation Safety Certification Training Program Reference Document
# Applicability and Requirements

<table>
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<tr>
<th>Applicability</th>
<th>Requirements</th>
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| **Mandatory** | - Designate employees and contractors who must take the Safety Certification Training Program courses.  
- Designated personnel must complete Safety Certification Program within 3 years.  
  - Refresher training every 2 years.  
- SSOAs and RTAs must certify compliance as part of FTA’s annual grant certification and compliance process. |
| **Voluntary** | - None. Employees and contractors are encouraged to complete courses in the voluntary curriculum included in the rule. |
| - SSOA employees and contractors who have been designated to conduct safety audits and examinations.  
- Rail transit agency employees and contractors who have been designated as directly responsible for the safety oversight.  
- Designate employees and contractors who must take the Safety Certification Training Program courses.  
- Designated personnel must complete Safety Certification Program within 3 years.  
  - Refresher training every 2 years.  
- SSOAs and RTAs must certify compliance as part of FTA’s annual grant certification and compliance process. |
| - Bus transit system personnel with direct safety oversight responsibility.  
- State DOTs overseeing safety programs for sub-recipients of Federal financial assistance.  
- None. Employees and contractors are encouraged to complete courses in the voluntary curriculum included in the rule. |
RTA Personnel
Directly Responsible for Safety Oversight

Personnel whose primary job function includes:

- Development, implementation, and monitoring of the RTA’s System Safety Program Plan or the Public Transportation Agency Safety Plan, and/or
- Development, implementation, and review of any of the processes and procedures that are needed to comply with the SSOA program standard.
SSOA Personnel Conducting Safety Audits and Examinations

Personnel whose job function includes conducting safety examinations and audits of RTAs, or manage/supervise those who conduct safety examinations and audits of RTAs

- Examination means a process for gathering or analyzing facts or information related to the safety of a public transportation system.
- Audit means a review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.
What Do Designated Personnel Need to Do?

1. Enroll in the Program and Request an Individual Training Plan (ITP)
2. Register for and Complete Courses
3. Request Equivalency Credit (If Applicable)
Enrolling in the Program and Requesting an ITP

• Email FTASafetyPromotion@dot.gov to enroll and request your Individual Training Program

• Include the following information in your request:
  – The agency you work for
  – Your role within that agency
  – Your phone number
Registering for Courses

• Register on the Transportation Safety Institute (TSI) Learning Management System (LMS) at
  – Contact TSI for assistance:
  – (405) 954-3682
  – Transit@dot.gov
Requesting Credit for Equivalent Courses

- Go to FTA’s training website at https://www.transit.dot.gov/regulations-and-guidance/safety/safety-training to download the equivalency credit request form for official evaluation of training completed outside of FTA’s Safety Training Program
- Email completed form and required supporting documents to FTASafetyPromotion@dot.gov
- Allow 60 days for review and response by FTA
Technical Training Plan Requirement for SSOAs
To request a TTP template please email FTASafetyPromotion@dot.gov

SSOA Develops and submits TTP* to FTA (SSO Program Manager)

FTA reviews/approves the TTP

FTA notifies SSOA of approval or required changes

SSOA emails updated TTP to FTA SSO Program Manager*

*To request a TTP template please email FTASafetyPromotion@dot.gov
Technical Competencies

• Required technical competencies (technical training component of the curriculum) may be satisfied through a number of options, including:
  – Internal staff
  – Qualified staff from other agencies (e.g., FRA State Participation Program)
  – Contractors

• SSOAs can address each competency area through:
  – Rail system training
  – Equivalencies
    • Experience/existing qualifications
    • Certifications
      – E.g., the FRA Certified Track Inspector
Curriculum
## Safety Certification Training Rule

### Required Curriculum

<table>
<thead>
<tr>
<th>Format</th>
<th>Courses</th>
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<tbody>
<tr>
<td><strong>e-Learning</strong></td>
<td>- SMS Awareness</td>
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<td><strong>Virtual Classroom</strong></td>
<td>- SMS Safety Assurance</td>
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<tr>
<td><strong>Traditional Classroom</strong></td>
<td>- SMS Principles for Transit</td>
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<td>- SMS Principles for SSO Programs*</td>
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<td></td>
<td>- Rail Incident Investigation</td>
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<td></td>
<td>- Effectively Managing Transit Emergencies</td>
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<td></td>
<td>- Rail System Safety</td>
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*Under Development*
Recordkeeping
Recordkeeping

- SSOAs and RTAs must ensure that their designated personnel are enrolled in training program.
- Designated personnel must update their individual training record as they complete applicable training requirements.
- SSOAs must retain a record of technical training completed by their designated personnel in compliance with this rule for at least five (5) years from the date record is created.
Recordkeeping (Availability of Records)

- SSOAs and RTAs
  - May not release information on designated personnel that is required by the rule without their written consent, unless required by law.
  - Must promptly provide copies of any records of training completed to comply with this rule, upon written request by personnel.
  - Must provide access to facilities used and records compiled to comply with the rule to DOT, FTA, or any State agency with jurisdiction over transit safety oversight.
  - If requested by the NTSB, disclose information related to the training of designated personnel to NTSB as part of an accident investigation.
Oversight Framework
# Safety Certification Training Rule Oversight Framework

## FTA Role
- Curriculum and courses - enrollment and registrations
- Guidance
- Evaluate TTPs and equivalency requests
- State Safety Oversight (SSO) reviews

## Transit Agency Role
- Ensure participation of designated personnel
- Annual self-certification

## SSO Agency Role
- Develop, implement, and update TTP
- Ensure participation of designated personnel
- Annual self-certification
- Oversee RTA’s compliance
Training Rule Technical Assistance

To assist with the implementation of the final Training Rule FTA has published:

- Guidance on designating personnel
- Information on ITPs based on job category
- Information on enrollment and registration
- Equivalency credit request form

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<thead>
<tr>
<th>Webinars</th>
<th>Dates</th>
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<tr>
<td>Public Transportation Safety Certification Training Program Final Rule</td>
<td>Thursday, August 16 at 2:00 PM ET</td>
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<tr>
<td></td>
<td>Multimodal Agencies</td>
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<tr>
<td></td>
<td>Monday, August 6 at 2:00 PM ET</td>
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<td>SSO Agencies</td>
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<td>Thursday, August 9 at 2:00 PM ET</td>
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<td>Bus-only Agencies</td>
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<td>Tuesday, August 28 at 2:00 PM ET</td>
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<td>Wednesday, September 5 at 2:00 PM ET</td>
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<td></td>
<td>Rail-Only Agencies</td>
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<td></td>
<td>Thursday, September 6 at 2:00 PM ET</td>
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<td></td>
<td>State DOTs</td>
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<tr>
<td></td>
<td>Wednesday, September 12 at 2:00 PM ET</td>
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Upcoming Webinars
More Information and Follow-up Questions

- Questions: [FTASafetyPromotion@dot.gov](mailto:FTASafetyPromotion@dot.gov)
- Call the TSO Main Number at 202-366-1783

Upcoming Webinars

- Webinar: Public Transportation Safety Certification Training Program Rule (Session 1)
  - https://www.transit.dot.gov/about/events

- Webinar: Public Transportation Agency Safety Plan Final Rule Applicability for Multi-Modal Agencies
- Webinar: Tribal Transit Program Competitive Funding Opportunity

Training Website

- Public Transportation Safety Certification Training Program