

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA)

Public Transportation Agency Safety Plan Final Rule

Frequently Asked Questions
Last Updated: October 3, 2019

Final Rule Overview

Question: What is the Public Transportation Agency Safety Plan (PTASP) final rule?

Answer: The PTASP final rule (49 C.F.R. Part 673) intends to improve public transportation safety by guiding transit agencies to more effectively and proactively manage safety risks in their systems. It requires certain recipients and sub-recipients of FTA grants that operate public transportation to develop and implement safety plans that establish processes and procedures to support the implementation of Safety Management Systems (SMS). SMS is a comprehensive, collaborative approach to managing safety. It brings management and labor together to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more precisely.

Since no two public transportation systems are alike, the rule sets scalable and flexible minimum standards for safety plans, including requirements for the identification, assessment, and mitigation of risks and strategies to minimize exposure to hazards, a safety training program, safety performance targets, and a process and timeline for conducting an annual review and update of the safety plan.

Question: To whom does the PTASP rule apply?

Answer: The rule applies to all operators of public transportation systems that are recipients and sub-recipients of FTA grant funds. Specifically, if you operate public transportation and are a recipient or sub-recipient of Urbanized Area Formula Grant Program funds under 49 U.S.C. § 5307 (Section 5307 Grant Program) or if you operate a rail transit system that is subject to FTA's State Safety Oversight Program, then you must comply with the PTASP rule. FTA is deferring applicability of this requirement for operators that only receive funds through FTA's Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program under 49

U.S.C. § 5310 (Section 5310 Grant Program) and/or Formula Grants for Rural Areas Program under 49 U.S.C. § 5311 (Section 5311 Grant Program).

The rule does not apply to certain modes of transit service that are subject to the safety jurisdiction of another Federal agency, including passenger ferry operations that are regulated by the United States Coast Guard, and commuter rail operations that are regulated by the Federal Railroad Administration.

FTA has developed a [flowchart](#) to assist transit operators to determine whether they need to develop a safety plan.

Question: Why is FTA deferring the applicability of the PTASP requirements for small operators who receive Section 5310 and 5311 funds?

Answer: The PTASP final rule takes a risk-based approach to managing safety, and FTA determined that these operators pose a lower risk than larger operators. FTA also received several comments in response to the Notice of Proposed Rulemaking (NPRM) from small operators requesting a reduction in financial and administrative burden. Additionally, a recent [report](#) from the National Academy of Sciences, Engineering and Medicine noted that FTA should concentrate its initial implementation and oversight on the country's largest two dozen or so transit systems, which account for the majority of the country's ridership. As a result, FTA is deferring the applicability of the requirements of the rule for approximately 2,000 small operators. This is a significant reduction in burden to small and rural operators compared to the original requirements proposed in the NPRM.

FTA will continue to evaluate the safety risks posed by small operators to determine the need for future regulation. Any future application of PTASP rule requirements or other safety requirements for small operators will be subject to public notice and comment.

Question: On what date does the PTASP final rule become effective? By when do I need to comply?

Answer: The rule takes effect on July 19, 2019. Transit operators must certify they have safety plans in place no later than July 20, 2020. Transit operators are required to review, update, and certify their plans annually.

Question: Why do I need to have a safety plan if my public transportation system is already safe?

Answer: Through the Moving Ahead for Progress in the 21 Century Act (MAP-21) and Fixing America's Surface Transportation (FAST) Act, Congress amended Federal transit law to require

each operator of a public transportation system to draft and carry out a PTASP to reduce the likelihood of safety events. The PTASP will help operators better manage safety risks through the development and implementation of proactive Safety Management Systems (SMS).

From 2008 to 2017, the National Transportation Safety Board reported on 13 rail transit accidents that, collectively, resulted in 15 fatalities, 349 injuries, and over \$57 million in property damages. During that same period, bus and rail transit agencies reported over 63,000 incidents, approximately 2,300 fatalities, and over 95,000 injuries to FTA's National Transit Database. In many cases, these safety events occurred after long periods of excellent safety records, but underlying poor safety cultures, deficiencies in the training and supervision of employees, deficiencies in the maintenance of equipment and infrastructure, and the lack of proactive safety risk management and oversight resulted in sudden catastrophic events.

Through this rule, FTA intends to improve safety by guiding transit agencies to more effectively and proactively manage safety risks in their systems and to predict and reduce the frequency of these safety events.

Question: How do I submit my PTASP for certification?

Answer: FTA is requiring each transit agency, direct recipient, or state to annually self-certify that they have PTASPs that meet the requirements of this rule. FTA will use its existing Certifications and Assurances process for this effort. FTA intends to use its triennial oversight review programs to assess compliance with the requirements of the rule.

Question: How will FTA verify that transit agencies have safety plans in place?

Answer: The rule requires each operator to certify compliance with these requirements through its annual Certifications and Assurances to FTA. A State that drafts one or more safety plans on behalf of small operators may provide certification of those plans to FTA on behalf of small transit providers. FTA intends to use its triennial oversight review programs to assess compliance with the requirements of the rule.

Question: Does FTA have data protection measures in place to cover safety plans?

Answer: An operator's data may be protected under State law. FTA does not have specific statutory data protection authority for safety plans nor the information collected through the implementation of safety plans.

Question: What is the penalty if a transit agency does not have a certified PTASP as required by the rule?

Answer: FTA is committed to helping the transit industry comply with this rule and will continue our extensive outreach, including providing webinars, guidance and technical assistance. Beginning July 20, 2020, transit operators must certify compliance with the PTASP rule requirements to be eligible to receive Federal transit funds. Failure to comply with a requirement of the rule subjects a grantee to a range of FTA enforcement options depending upon the circumstances, including a transit operator being ineligible to receive FTA grant funds until the operator satisfies the requirements of the rule.

Question: What FTA funding sources can I use to develop and implement my Public Transportation Agency Safety Plan (PTASP)?

Answer: Transit agencies and States may use FTA’s Planning Program funds under 49 U.S.C. § 5305 (Section 5305) and FTA’s Urbanized Area Formula funds under 49 U.S.C. § 5307 (Section 5307) to assist with the *development* of PTASPs.

Transit operators may use a variety of other FTA funding sources for the *implementation* of their PTASPs, including Section 5307 funds, FTA’s State of Good Repair Program funds under 49 U.S.C. § 5337 (Section 5337), and FTA’s Bus and Bus Facilities Program funds under 49 U.S.C. § 5339 (Section 5339). Those funding sources may be used for activities that are eligible under the applicable grant program, independent of the PTASP rule.

Because some State Departments of Transportation (DOTs) that are required by 49 C.F.R. § 673.11(d) to draft and certify PTASPs on behalf of small public transportation providers do not receive Section 5307 funds, States may use FTA’s Planning Program Section 5305 funds to develop PTASPs. FTA encourages State DOTs to coordinate with the Metropolitan Planning Organizations located within their States to determine whether the States should use Planning Program funds through Section 5305 for the one-time drafting and certifying of PTASPs for small public transportation providers.

For additional information on FTA Grant Programs, please see our website:

<https://www.transit.dot.gov/funding/grants/grant-programs>.

Question: Can the Accountable Executive be a contractor?

Answer: The definition of “Accountable Executive” from 49 C.F.R. §673.5 of the PTASP final rule is: a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency’s Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency’s Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. § 5329(d), and the agency’s Transit Asset Management Plan in accordance with 49 U.S.C. § 5326. The Accountable Executive may be a contractor if that person has control or direction over the human and capital resources needed to develop and maintain both the agency’s Safety Plan and TAM Plan.

For further technical assistance regarding the sufficiency of a transit agency's organizational structure, please submit your question to the PTASP_QA@dot.gov email box.

Question: Can my rail transit agency's Chief Safety Officer (CSO) have responsibilities other than safety?

Answer: The Public Transportation Agency Safety Plan (PTASP) regulation requires transit agencies to identify a CSO who has responsibility for safety and the authority and responsibility for the day-to-day implementation and operation of the agency's Safety Management System. In rail transit agencies, the CSO may not serve in other operational or maintenance capacities. (49 C.F.R. §673.5). Supplementary FTA guidance provides that a rail transit CSO may have additional responsibilities that have a nexus to safety, including, but not limited to, security, asset management, and training. (See FTA's Chief Safety Officer Factsheet at <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/safety/public-transportation-agency-safety-program/132361/cso-sms-executive-fact-sheet.pdf>). A rail transit agency's State Safety Oversight Agency is responsible for determining whether it is permissible for a rail transit agency's CSO to have additional responsibilities.

Safety Management Systems

Question: What is a Safety Management System (SMS)?

Answer: A Safety Management System (SMS) is a comprehensive, collaborative approach to managing safety. It brings management and labor together to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more precisely.

SMS helps transit agencies apply resources to risk and ensure they have the organizational infrastructure to support decision-making at all levels regarding the assignment of resources.

Some key parts of SMS include:

- Defined safety roles and responsibilities;
- Strong executive safety leadership;
- Formal safety accountabilities and communication;
- Effective policies and procedures; and
- Active employee involvement.

Operators of public transportation systems that are subject to the PTASP rule must develop and implement SMS processes as part of their agency safety plans.

Question: How does SMS differ from system safety?

Answer: The key difference between SMS and system safety is how safety is managed under each approach. FTA’s PTASP rule requires transit operators to manage their safety risks through the implementation of SMS. SMS is a top-down, data-driven management system which involves the continuous collection and analysis of information that helps a transit operator become proactive about how it addresses safety risks. In contrast, system safety—a common transit industry approach to safety—is an engineering discipline that incorporates safety into a system during its design and construction.

System safety assumes that technical compliance with engineered solutions will result in safe operations. The major focus of system safety is to integrate risk management into the overall system engineering process rather than addressing hazards as day-to-day operational considerations.

While the system safety approach effectively resolves many hazards, new safety risks may emerge over time with deviations in work practices, performance changes in system equipment or component parts, degraded conditions, aging infrastructure, integration of old and new technologies, and workforce changes. By using the principles of SMS, the PTASP promotes the collection and analysis of more information from the frontline, supervisors, automated systems, customers, audits of normal operations, and other activities to help the rail transit agency manage safety risks and regularly monitor the effectiveness of safety risk mitigation. The PTASP final rule requires each transit operator to designate an accountable executive who is ultimately responsible for managing safety and allocating resources to improve safety. SMS requires each employee and function within an organization to assume responsibility for safety, not just the safety office. Two other key components of SMS are the safety risk management and safety assurance processes, where data is collected and analyzed, priorities are established, and solutions are introduced then measured against performance, and monitored and evaluated to ensure the solutions are effective.

Question: How does SMS integrate with system safety?

Answer: SMS improves on the System Safety Program Plan (SSPP) framework by integrating and harmonizing the various elements of a safety plan so that they work together to manage safety risks throughout all aspects of a transit agency’s operations. SMS provides structure and accountability to supply management with ongoing information about safety risks concerning an agency’s operations. SMS supports management decisions to prioritize actions and allocate resources to resolve identified safety concerns or reduce safety risk to an acceptable level. SMS also includes routine monitoring of service delivery operations in order to evaluate the safety performance of activities and programs.

Question: Does each operator of a public transportation system need to implement an SMS?

Answer: No. Only operators of public transportation systems that are subject to this rule must develop and implement SMS processes.

To reduce the administrative, financial, and regulatory burdens on small public transportation providers, FTA has developed a condensed SMS framework for operators of 100 or fewer vehicles in peak revenue service. Small public transportation providers only need to develop processes for safety performance monitoring and measurement. A process for safety performance and monitoring will enable the agency to monitor its system for compliance with the agency's procedures for operations and maintenance and identify and address inefficiencies. The process ensures that mitigations are implemented, adhered to, and effective.

Question: Where can I find more information on SMS?

Answer: FTA's [National Public Transportation Safety Plan](#) provides an overview of SMS. Additionally, FTA publishes other SMS resources on its website as they are developed. Individuals may access those resources at <https://www.transit.dot.gov/regulations-and-guidance/safety/safety-management-systems-sms>. The Transportation Safety Institute offers online and in-person courses on SMS for public transportation (<https://www.transportation.gov/tsi/transit-safety-and-security>).

Question: Can a Chief Safety Officer or SMS Executive also be responsible for security in a transit system?

Answer: Yes, a Chief Safety Officer or SMS Executive also can be responsible for security in their transit system. In rail transit systems, Chief Safety Officers cannot have additional operational and maintenance responsibilities, they must be dedicated to ensuring safety within the system as a full-time responsibility. Rail transit agencies may petition FTA to allow its Chief Safety Officer to serve multiple roles given administrative and financial hardships with having a single, dedicated, and full-time Chief Safety Officer. Similarly, FTA recommends bus transit systems that operate more than 100 vehicles in peak revenue service to have a dedicated Chief Safety Officer, given the increased safety risks in those systems, although, this is not a requirement.

Small transit providers who are Section 5307 Grant Program recipients and subrecipients may have their Chief Safety Officer serve other functions, including the areas of operations, maintenance, and grant administration. For these transit agencies, the Chief Safety Officer may be a full-time employee of the transit system who has responsibility for duties other than safety,

a part-time employee of the transit system, or a contractor. To illustrate, in a small bus agency, the general manager or operations manager may be the same individual as the Chief Safety Officer or SMS Executive.

The Role of the State and Small Providers

Question: What is a State’s role in safety plan development, implementation, and approval? How does that affect small providers?

Answer: States must draft and certify safety plans on behalf of small public transportation providers, unless a small provider opts to draft and certify their own safety plan and notifies the State that they will do so. A small public transportation provider is an operator who meets all of the following requirements:

- Is a recipient or sub-recipient of FTA’s Urbanized Area Formula Program,
- Operates 100 or fewer vehicles in peak revenue service, and
- Does not operate rail fixed-guideway public transportation.

Regardless of who drafts and certifies a safety plan, each transit operator is required to carry out and implement its own safety plan, including all SMS-related activities because each transit agency is in the best position to manage safety risks within their own system.

State Safety Oversight Agencies must review and approve the safety plans of each rail transit agency that is subject to their jurisdiction.

In addition to these requirements, each transit operator must provide the State in which it operates and its Metropolitan Planning Organizations (MPO) with its safety performance targets to assist the State and MPO with the capital program planning process.

Question: Can you further explain the definition of ‘small public transportation provider’ and whether it is the same as the Transit Asset Management (TAM) rule definition of ‘Tier II provider’?

Answer: Yes, FTA’s intentions isto match the definition of Tier II provider in the TAM rule with the definition of “small public transportation provider” in the PTASP rule. FTA interprets the definition of ”small public transportation provider” to include bus transit systems with one hundred (100) or fewer vehicles in revenue service during peak regular service across all non-rail fixed route modes or in any one non-fixed route mode. FTA is aware that the funding thresholds differ in the TAM rule’s Tier II definition and the definition of small public transportation

provider in the PTASP rule. However, the revenue service thresholds are applied the same in both rules.

State Safety Oversight

Question: If I am a State Safety Oversight Agency, what do I have to do in terms of safety plans?

Answer: State Safety Oversight Agencies must review and approve the safety plan of each rail transit agency for which it has responsibility. FTA also offers a series of SMS courses designed to assist the industry, and intends to develop additional courses, as needed. For additional information, please visit: <https://www.transit.dot.gov/PTASP>.

Technical Assistance and Training

Question: Will FTA provide technical assistance on how to develop and implement PTASPs?

Answer: Yes. FTA is providing the industry with templates, guidance documents, webinars, and technical assistance to assist with the development and implementation of safety plans. FTA also offers a series of SMS courses designed to assist the industry, and intends to develop additional courses, as needed. For additional information, please visit: <https://www.transit.dot.gov/PTASP>.

National Safety Plan and Performance-Based Planning

Question: What is the relationship between the PTASP rule and the National Public Transportation Safety Plan (NSP)?

Answer: As part of PTASP requirements, transit agencies must set safety performance targets in their safety plans based on the following safety performance measures that FTA has established in the NSP:

1. Fatalities,
2. Injuries,
3. Safety Events, and
4. System Reliability.

The NSP is available on FTA's website at <https://www.transit.dot.gov/regulations-and-guidance/safety/national-public-transportation-safety-plan>.

After establishing their safety performance targets, transit agencies provide them to their States and Metropolitan Planning Organizations (MPOs), along with their safety plans. State DOTs and MPOs must reference those safety performance targets and plans within the statewide transportation improvement program and statewide long-range plan and the MPO's transportation improvement program and metropolitan transportation plan. The safety performance targets and performance-based plans should inform a transit agency's investment priorities, and those investment priorities should be carried forward within the MPO's and State DOT's planning processes.

Question: How will my performance targets be incorporated into the State and MPO planning process?

Answer: FTA and the Federal Highway Administration (FHWA) have published a [final rule](#) on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning that established new requirements for MPOs and State DOTs to coordinate with transit providers, set performance targets, and integrate those performance targets and performance plans into their planning documents by certain dates. As part of this performance-based approach, recipients of federal highway and transit funds are required to link investment priorities from their Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) to achieve performance targets.

The PTASP rule requires the State or transit agency who drafted the safety plan to make its safety performance targets available to States and MPOs to aid in the planning process, and to

coordinate with States and MPOs in the selection of State and MPO safety performance targets. MPOs will integrate transit agency performance targets and performance plans into their planning documents, including the TIP, by certain dates set in the FTA/FHWA planning rules. States will incorporate transit agency safety performance targets into their STIP. The safety performance targets will help States and MPOs to develop their investment priorities for upcoming transit projects within their jurisdictions for at least the upcoming four years. States, MPOs and transit agencies should coordinate with each other throughout this planning process.

You can find more information about Transportation Planning on [FTA's Website](#).

Transit Asset Management

Question: How are Transit Asset Management Plans linked to safety plans?

Answer: Through the implementation of its Transit Asset Management (TAM) Plan, required under 49 C.F.R. Part 625, a transit agency should consider the results of its condition assessments while performing safety risk management and safety assurance activities. The results of the condition assessments, and subsequent SMS analysis could inform a transit agency's TAM Plan elements, specifically investment priorities. The Accountable Executive has the ultimate responsibility for decision-making throughout this process.

Please note, the PTASP final rule applies to only Section 5307 recipients and sub-recipients, and the TAM rule applies to all operators of public transit.

You can find more information about Transit Asset Management on [FTA's TAM website](#).

For Further Information

Question: Who do I contact for further information?

Answer: Please direct all inquiries to FTA's dedicated e-mail address for the PTASP rule and SMS: PTASP_QA@dot.gov.