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Public Transportation Agency Safety Plan (PTASP) Mini Workshop

Candace Key

SWTA Midwest/SW Transit Conference
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Session Topics

- Public Transportation Agency Safety Plan (PTASP) regulation requirements for bus transit

- Role of State Departments of Transportation

- Considerations for developing and carrying out an Agency Safety Plan

PTASP Overview

- Public Transportation Agency Safety Plan (PTASP) regulation at 49 C.F.R. Part 673

- Innovative approach to improving transit safety:
  - Based on Safety Management System (SMS) principles and methods
  - Risk and performance-based
  - Flexible and scalable

- Compliance deadline: <u>July 20, 2020</u>

Applicability

Applies to:	Does NOT Apply to:
Operators of transit systems that are recipients or subrecipients of FTA funds: ✓ Section 5307 ❚❚ Section 5310 & 5311 (applicability deferred) ✓ All rail transit operators, regardless of FTA funding source	✗ FTA recipients that do not operate transit systems ✗ Commuter rail service regulated by Federal Railroad Administration ✗ Passenger ferry service regulated by U.S. Coast Guard

Impacted Agencies

65 Rail Transit Agencies   **128 Large 5307 Bus Agencies**   **737 Small 5307 Bus Agencies**   **Multi-modal Transit Agencies**

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Requirements

Agency Safety Plan (ASP)	Safety Management System (SMS) (*Subpart C*)	PTASP Documentation (*Subpart D*)
Develop and certify an Agency Safety Plan	Implement and operate a Safety Management System	Maintain documentation related to the ASP, SMS implementation, and results from SMS processes and activities

Reviewing the Regulation

- The regulatory text, factsheets and guidance are available at www.transit.dot.gov/PTASP

PART 673—PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

Subpart A—General

673.1   Applicability.
673.3   Policy.
673.5   Definitions.

Subpart B—Safety Plans

673.11   General requirements.
673.13   Certification of compliance.
673.15   Coordination with metropolitan, statewide, and non-metropolitan planning processes.

Subpart C—Safety Management Systems

673.21   General requirements.
673.23   Safety management policy.
673.25   Safety risk management.
673.27   Safety assurance.
673.29   Safety promotion.

Subpart D—Safety Plan Documentation and Recordkeeping

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Agency Safety Plan Requirements

- One plan for all modes, or one for each mode
  - Recommend excluding commuter rail subject to safety regulation by FRA from ASP due to data protection differences

- Must include:

✅ **SMS** processes and activities	✅ **Safety performance targets**
✅ **Emergency preparedness and response plan (rail only)**	✅ **Process and timeline for annual review and update**

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Agency Safety Plan Requirements

- ✓ Must address all applicable requirements and standards in FTA's Public Transportation Safety Program

- ✓ Must specify a Chief Safety Officer or SMS Executive

- ✓ Must be signed by the Accountable Executive

- ✓ Must be approved by the agency's Board of Directors or an Equivalent Authority

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The Accountable Executive

- A single, identifiable person who has ultimate responsibility for carrying out the Agency Safety Plan and the Transit Asset Management (TAM) Plan

- Has control or direction over the human and capital resources needed to develop and maintain the Agency Safety Plan and TAM Plan

- Accountable for ensuring that the agency's SMS is effectively implemented, and action is taken, as necessary, to address substandard performance in the agency's SMS

- Accountable Executive may be a contractor if these criteria are met

Chief Safety Officer (CSO) or SMS Executive

- An adequately trained individual with authority and responsibility for day-to-day implementation and operation of the SMS

- Designated as the CSO/SMS Executive by the Accountable Executive

- Direct line of reporting to the Accountable Executive

- May be a full-time or part-time employee of the transit system, or a contracted employee

- For non-rail modes, may serve functions other than safety, such as operations and maintenance
  - FTA recommends large public transportation agencies have a full-time CSO/SMS Executive who is fully dedicated to ensuring safety

# Board of Directors and Equivalent Authority

- Equivalent Authority: Entity that carries out duties similar to that of a Board of Directors, including **sufficient authority to review and approve** a recipient or subrecipient's Agency Safety Plan

- Examples include mayor, a county executive, board of county commissioners, or a grant manager

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Who is Responsible for Developing the Plan?

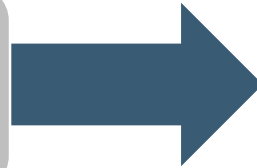**If the Section 5307 recipient or subrecipient is a:**

Then:
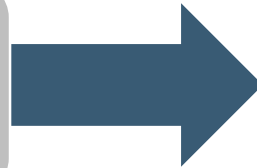
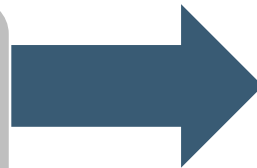|	
Small public transportation provider	**State Department of Transportation (DOT)**
Large bus transit provider	**Large bus transit provider**
Rail transit provider	**Rail transit provider**

Who is Responsible for Carrying Out and Annually Updating the Plan?

- Each transit agency must carry out and update its own plan, regardless of agency size or plan development approach

State DOT vs SSOA

State Department of Transportation (DOT)

- Responsible for developing Agency Safety Plans for small public transportation providers

- Can develop a single plan or separate plans for each small provider

- Not responsible for carrying out or updating Agency Safety Plans

- Not responsible for overseeing or enforcing PTASP requirements

State Safety Oversight Agency (SSOA)

- Conduct safety oversight of rail transit under 49 C.F.R. Part 674

- Cannot develop Agency Safety Plans for rail transit agencies

- Cannot use State Safety Oversight formula funds to develop Agency Safety Plans for bus transit agencies

What is a Small Public Transportation Provider?

✓ **100 or fewer vehicles in revenue service during peak regular service <u>across all fixed</u> route modes**

✓ **100 or fewer vehicles in revenue service during peak regular service <u>in each non-fixed</u> route mode**

✓ **Does not operate rail transit**

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Small Provider Examples

✅
- 75 fixed route buses
- 81 demand response paratransit vehicles
- 55 demand response taxis

❌
- 65 fixed route buses
- 55 fixed route vanpools
- 30 demand response paratransit vehicles

❌
- 110 demand response paratransit vehicles

✅
- 85 fixed route buses
- 15 fixed route vanpools
- 62 demand response paratransit vehicles

❌
- 75 fixed route buses
- 50 deviated fixed route buses
- 6 demand response paratransit

❌
- 102 fixed route buses
- 65 demand response paratransit vehicles

✅
- 100 fixed route buses
- 1 ferry route

❌
- 22 fixed route buses
- 2 streetcar lines

✅
- 35 fixed route buses
- 2 commuter rail lines under FRA safety oversight

❌
- 37 fixed route buses
- 105 demand response paratransit vehicles
- 12 demand response taxis

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Small Provider Opt-Out

- Small public transportation providers may opt out of a State-developed plan

- To opt-out, a small provider must **<u>notify</u>** the State that it will draft its own plan

- State should **<u>maintain documentation</u>** of small provider opt-out if the State doesn't develop the plan

- If the State develops small provider plan and small provider later opts-out, small provider has one year from the notification date to draft and certify a plan

Safety Performance Targets

- Must **develop safety performance targets** based on the safety performance measures established in the National Public Transportation Safety Plan

- Must make safety performance targets **available to** States and Metropolitan Planning Organizations (MPOs)

- Must **coordinate with** States and MPOs on the selection of State and MPO performance targets to the maximum extent practicable

- Targets are not reported to FTA at this time

Safety Performance Targets

Fatalities	Injuries	Safety Events	System Reliability
Total number of reportable fatalities and rate per total vehicle revenue miles by mode	Total number of reportable injuries and rate per total vehicle revenue miles by mode	Total number of reportable events and rate per total vehicle revenue miles by mode	Mean distance between major mechanical failures by mode

- Must develop 7 targets for the 4 measures in the National Public Transportation Safety Plan

- "Reportable" fatalities, injuries, and events are defined in the National Transit Database Safety and Security Reporting Manual

  - https://www.transit.dot.gov/regulations-and-guidance/safety/national-public-transportation-safety-plan

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Safety Management System (SMS) Components

SMS Components – Key Differences

Safety Risk Management (SRM) and Safety Assurance (SA) are the key processes and activities for managing safety	Safety Management Policy (SMP) and Safety Promotion (SP) provide the structure and supporting activities to make SRM and SA possible and sustainable
Actions	**Enablers**

vs

SMS Requirements – Safety Management Policy

- Safety management policy, not all safety policy

- Includes information relevant to developing and carrying out the other SMS components

- Relevant resources:
  - SMP and SP webinar
  - Safety Management Policy Statement Checklist and Examples
  - Employee Safety Reporting Program webinar

§ 673.23

a) **Safety Management Policy Statement, with safety objectives**

b) **Employee Safety Reporting Program**

c) **Safety Management Policy communication**

d) **Defined authorities, accountabilities, and responsibilities**

Employee Safety Reporting Program

- Must establish and implement a process that allows all employees—including relevant contract employees—to report safety conditions to senior management

- Must specify protections for employees who report safety conditions to senior management

- Must describe employee behaviors that may result in disciplinary action, and therefore would not be covered by protections

- Must inform employees of safety actions taken in response to reports submitted through an employee safety reporting program

- **Hotline**
- **Paper form**
- **Safety meetings or toolbox talks**

- **SharePoint site or form**
- **Phone or tablet app**
- **Third party information collection service**

Authorities, Accountabilities, and Responsibilities

- Must establish necessary authorities, accountabilities, and responsibilities for the development and management of the transit agency's SMS:

| Authorities	Accountabilities	Responsibilities
What is the position authorized to do?	What is the position accountable for, which cannot be delegated?	What must the position do or oversee the accomplishment of?

- Required positions or categories of positions include:

  - Accountable Executive
  - Chief Safety Officer or SMS Executive

  - Agency leadership and executive management
  - Key staff
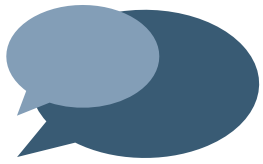
Exercise – Safety Management Policy Statement

Please write down your responses and discuss:

1. **Who should be involved in developing the Policy Statement at your transit agency?**

2. **Who should be involved in communicating it?**

3. **Why is their involvement important?**
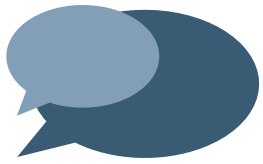
Exercise – Safety Management Policy Statement

Key take-aways:

- Can be helpful to include transit agency leaders and others who have a significant role in determining agency policies and priorities

- May be beneficial to include managers and leaders in efforts to communicate the policy, to avoid mixed messages or misunderstanding

SMS Requirements – Safety Promotion

- Must demonstrate that safety and safety performance information is communicated throughout the agency's organization

  - Must include information on hazards and safety risk relevant to employees' roles and responsibilities

  - Must inform employees of safety actions taken in response to reports submitted through an employee safety reporting program

§ 673.29

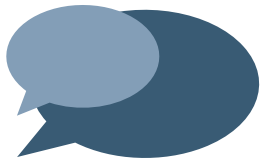a) **Competencies and training**

b) **Safety communication**

- Must establish and implement a **comprehensive** safety training program for all agency employees **directly responsible for safety**
  - Includes contractors
  - Must have refresher training

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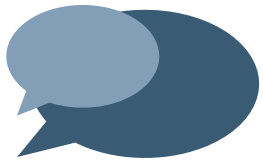
Exercise – Competencies and Training

Please write down your responses and discuss:

1. **Who in your transit agency would be considered "directly responsible for safety"?**

2. **How might the training for these positions change, given the requirements under Part 673?**

Exercise – Competencies and Training

Key take-aways:

- Positions that are "directly responsible for safety" will vary from agency to agency

- Responsibilities under Part 673 extend beyond the Safety Department, so agencies may consider looking beyond positions with "safety" in their name

- New training could include safety management topics and updates to existing procedures (e.g., documentation and recordkeeping)

SMS Requirements – Safety Risk Management

- For **all** elements of a transit agency's system

- Consider how you will develop, maintain, and make available required documents

- Consider defining scope of when SRM is conducted

- Relevant resources include:

  – SRM and SA webinar

  – Hazard and Consequences Self-Guided Training Tool

> **§ 673.25**
>
> a) **A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system**

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Risk

- A **measure** of severity and likelihood, combined

- **Predicted**—in the future; hasn't happened yet

- Measures the **potential effects** of a hazard, not the hazard itself

- Likelihood (**how often**) vs. severity (**how bad**)

> **§ 673.5 Definitions**
>
> *Risk* **means the composite of predicted severity and likelihood of the potential effect of a hazard**

- **Avoid confusing** risk with hazard

  - We often call something "a safety risk" when we mean "a hazard"

Hazard

- **Real or potential** condition—not an event
  - **Real**: Observable condition that exists in the transit system
  - **Potential:** Condition that doesn't exist, but could exist if a change is made in the transit system
- **Can cause** consequences

§ 673.5 Definitions

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment

Consequence

- Important to **distinguish hazards from consequences** for accurate safety risk assessment

- Potential consequences are **the focus of safety risk assessment**
  - Assess the **severity and likelihood of potential consequences, <u>not</u> hazards**

- A single hazard could cause multiple consequences

Not defined in § 673.5, but can be derived from the definition of *Hazard*. Transit agencies may choose to use the following definition:

***Consequence* means an effect of a hazard, involving injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment**

Event

- **Something that happened**, not a condition or system state

- Important to distinguish from a hazard

- Safety event investigation may reveal hazards

§ 673.5 Definitions

Event **means any accident, incident, or occurrence**

- Used primarily for reporting, not SRM
  - Event definitions are based on type of event and magnitude of outcomes

Safety Hazard Identification

- Must establish how the agency will identify hazards and consequences

- **All agencies must** consider FTA and oversight authority information

- **Some agencies must** consider changes that may impact safety performance

- Information sources may include Employee Safety Reporting Programs and Safety Assurance outputs

§ 673.25

b) **Safety hazard identification**

1) **A transit agency must establish methods or processes to identify hazards and consequences of hazards**

2) **A transit agency must consider, as a source for hazard identification, data and information provided by an oversight authority and the FTA**

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Example of Hazard vs. Consequence

CONSEQUENCE

HAZARD

Near-side bus stop

Bus pulls away from the near-side bus stop and the car, trying to turn right in front of the bus, collides with the bus

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Safety Risk Assessment

- Must **assess likelihood and severity** of the consequences of hazards
  - Must include existing mitigations
- Must **prioritize hazards** based on the safety risk of their potential consequences
- Consider how you will select or prioritize hazards and potential consequences to undergo safety risk assessment

§ 673.25

c) **Safety risk assessment**

1) **A transit agency must establish methods or processes to assess safety risks associated with identified safety hazards**

2) **A safety risk assessment includes an assessment of the likelihood and severity of the consequences of the hazards, including existing mitigations, and prioritization of the hazards based on the safety risk**

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Safety Risk Mitigation

- Must have methods or processes to **identify necessary mitigations** or strategies

- Can reduce risk by reducing likelihood and/or severity
  - No requirement for a single mitigation to address both

- When identifying and choosing mitigations, consider mitigation monitoring needs

§ 673.25

d) **Safety risk mitigation**

A transit agency must establish methods or processes to identify mitigations or strategies necessary as a result of the agency's safety risk assessment to reduce the likelihood and severity of the consequences

SMS Requirements – Safety Assurance

- Processes for the collection, analysis, and assessment of information

- Helps to ensure:
  - Safeguards are in place and *actually* effective
  - Early identification of potential safety issues
  - Safety objectives are met

- Relevant resources include:
  - SRM and SA webinar

§ 673.5 Definitions

Safety Assurance means processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information

Safety Performance Monitoring & Measurement

- Focused on current agency processes and activities

- To validate expectations and identify system changes:

  - Do our assumptions match reality? Is there something we missed that could be a safety concern?

  - How is the system changing? Is the change a safety concern?

§ 673.27

b) **Safety performance monitoring and measurement. A transit agency must establish activities to:**

1) **Monitor its system for compliance with, and sufficiency of, the agency's procedures for operations and maintenance;**

2) **Monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended;**

3) **Conduct investigations of safety events to identify causal factors; and**

4) **Monitor information reported through any internal safety reporting programs**

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Management of Change

- Management of change, not change management

- Evaluates *proposed* or *future* changes

  - Once a change is made (e.g., new procedure implemented) it may be monitored through other SA activities

- Focused on non-safety changes

- Recommended, but **not required for small public transportation providers**

§ 673.27

b) **Management of change**

1) **A transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance**

2) **If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process**

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Continuous Improvement

- Focused on agency-wide safety performance

- Assessment could use:
  - Required safety performance targets (e.g., number of injuries)
  - Safety objectives
  - Additional agency-wide or mode-wide safety performance targets

- Recommended, but **not required for small public transportation providers**

> **§ 673.27**
>
> c) **Continuous improvement**
>
> 1) **A transit agency must establish a process to assess its safety performance**
>
> 2) **If a transit agency identifies any deficiencies as part of its safety performance assessment, then the transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address the identified safety deficiencies**

SMS Content in Agency Safety Plans

Could include:

Descriptions of how the transit agency meets Part 673 requirements	**References** to other documents, such as agency procedures, that establish or demonstrate Part 673 requirements
Explanation of how information in referenced documents satisfies Part 673 requirements	**Discussion** of how the transit agency has **implemented, or plans to implement**, Part 673 requirements described or referenced in the **ASP**

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PTASP Documentation and Recordkeeping

- Transit agencies must maintain documentation and recordkeeping of:
  - Establishing the ASP, including documents included in whole or by reference
  - Programs, policies, and procedures to carry out the ASP
  - SMS implementation activities
  - Results from SMS processes and activities
- Must maintain these documents for a minimum of **three years** after they are created and make these documents available upon request by the FTA, or other Federal entity
  - For rail transit agencies, also their applicable State Safety Oversight Agency

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Funding for Agency Safety Plan Development and Implementation

Federal funds may be used to develop and implement an Agency Safety Plan:

Development	Implementation

Development:
- Section 5305 Statewide Transportation Planning Program
- Section 5307 Urbanized Area Formula Grants

Implementation:
- Section 5307 Urbanized Area Formula Grants
- Section 5337 State of Good Repair Grants
- Section 5339 Grants for Bus and Bus Facilities Program

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Agency Safety Plan Certification

- Applicable States and transit agencies must certify that they meet the PTASP regulation requirements

- States and transit agencies will certify under the Certifications and Assurances process

- FTA will provide further guidance on certifying PTASP compliance by **July 20, 2020**

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PTASP Oversight for Bus Transit

- FTA will conduct oversight through the Triennial Review process

- PTASP requirements will be added to comprehensive review guide

Preparing for July 20, 2020 - PTASP Resources

- Resources available include:
  - Fact Sheets
  - Articles
  - Infographics
  - Guidance and Templates
  - Past Webinar Materials (Recordings and Presentations)
- Questions? Email PTASP_QA@dot.gov or call the TSO Main Number at 202-366-1783

Resources page: https://www.transit.dot.gov/PTASPResources
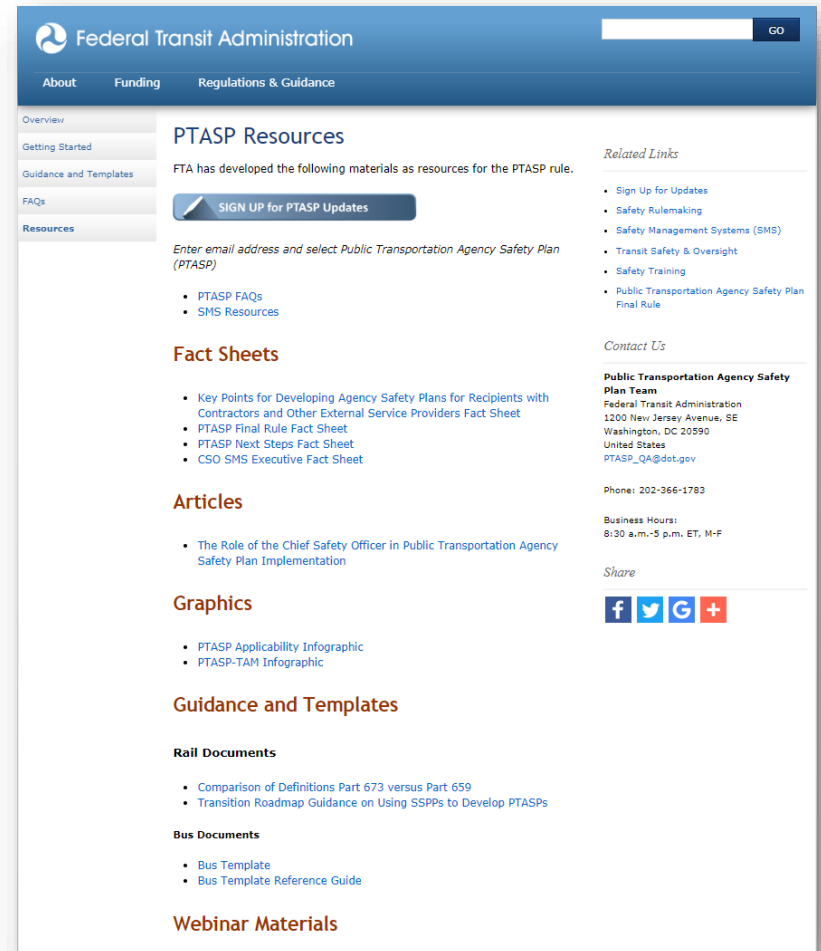
Preparing for July 20, 2020 - PTASP Resources

Read, watch, and participate

- Review the PTASP FAQs

- Visit the PTASP Resources page to view previous webinars and documents

- Participate in webinars explaining PTASP-regulations and guidance

- Read our newsletter, *TSO Spotlight* for PTASP-related articles

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Questions?

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