Sample Agency Safety Plan Development Timeline for Bus Transit Providers

December 2019

Version 1

FTA's Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) requires all eligible operators to develop an Agency Safety Plan (ASP). This document provides a sample set of tasks and a timeline to support bus transit providers in drafting an ASP as required in FTA's PTASP regulation. The ASP must document the processes and activities related to implementation of a Safety Management System (SMS) at the agency. Multimodal transit providers that do not operate rail transit service overseen by a State Safety Oversight Agency (SSOA) or commuter rail service overseen by the Federal Railroad Administration (FRA), may also use this document to support their ASP and SMS development activities. *The identified tasks and milestones are provided for illustrative purposes to enhance readiness for FTA's July 20, 2020, compliance deadline.*[1]

Background

FTA's PTASP regulation applies to operators of public transportation systems that receive financial assistance under the FTA's Urbanized Area Formula Program at 49 U.S.C. 5307. Recipients or subrecipients of Federal financial assistance under 49 U.S.C. 5307 that operate 101 or more vehicles in peak revenue service across all fixed route modes and/or operate 101 or more vehicles in revenue service during peak regular service in each non-fixed route mode and/or operate a rail fixed guideway public transportation system must develop, certify, and carry out an ASP to document the processes and activities related to SMS implementation and to address Part 673 requirements.

FTA's regulation also extends to small transit providers, defined as recipients or subrecipients of Section 5307 grant funds that operate 100 or fewer vehicles in revenue service during peak regular

ASP Requirements

The ASP must:

- Be signed by the agency's Accountable Executive and approved by the Board of Directors (or an Equivalent Authority) (§ 673.11(a)(1))
- Designate an Accountable Executive and Chief Safety Officer or SMS Executive (§ 673.23(d))
- Document processes and activities related to SMS (§ 673.11(a)(2))
- Include or reference a safety management policy statement with safety objectives, an employee safety reporting program, and authorities, responsibilities, and accountabilities for safety management (§ 673.23)
- Include performance targets based on the performance measures in the National Public Transportation Safety Plan (§ 673.11(a)(3))
- Address applicable requirements in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan (§ 673.11(a)(4))
- Establish a process and timeline for conducting an annual review and update of the ASP (§ 673.11(a)(5))

Table 1: ASP Required Contents

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[1] The guidance in this document is not legally binding in its own right and will not be relied upon by the Federal Transit Administration as a separate basis for affirmative enforcement action or other administrative penalty. Compliance with the guidance in this document (as distinct from existing statutes and regulations) is voluntary only, and noncompliance will not affect rights and obligations under existing statutes and regulations.

service across all fixed route modes and operates 100 or fewer vehicles in revenue service during peak regular service in each non-fixed route mode. Transit operators that provide rail transit service are excluded from this definition, regardless of size.

State Departments of Transportation (DOT) may draft and certify ASPs for small transit providers, or small transit providers may opt out of a State-developed plan (§ 673.11(d)). To opt-out, a small provider must notify the State DOT that it will draft its own plan. Whether a small provider develops its own plan or a State DOT drafts the plan for the agency, the small transit provider must carry out and update the plan.

For bus transit providers drafting and certifying their own ASPs, Table 1 provides an overview of FTA's ASP requirements. Transit providers developing their own ASPs may operate in mid-sized and large urban areas. Depending on the size of the provider, more than one level of operational management and a full-time Chief Safety Officer (CSO) must be considered. These transit providers may also operate other modes of service, including paratransit, vanpool, commuter bus, rail transit, and commuter rail service.

Multimodal transit agencies can decide whether to develop and implement one ASP for the entire agency, or separate plans for each mode. If the agency develops one joint plan, SSOA approval would only apply to the rail transit portion, unless otherwise required under State law. Agencies may want to use the same SMS processes for all modes; however, the SSOA may require changes or enhancements of SMS processes for rail transit beyond PTASP regulation requirements, which the agency may choose not to apply to its other modes.

Due to different levels of data and information protections, FTA discourages the inclusion of modes overseen by other Federal entities in the ASP. For example, FRA's statutory and regulatory framework for rail safety provides data protection for safety plans; FTA's statutory and regulatory framework does not. Combining an ASP with an FRA-regulated safety plan may result in a loss of the FRA data protection for the rail safety content covered by the FRA.

Roles and Responsibilities

As specified in § 673.11, a bus transit provider responsible for developing and implementing its ASP by July 20, 2020:

- Can develop a single plan or separate plans for each mode of transit service;

- Is responsible for developing and carrying out an SMS that complies with FTA's PTASP regulation, and is documented in its ASP; and

- Is responsible for carrying out and annually reviewing its ASP and updating the ASP as needed.

FTA has developed a template that bus transit providers can use to document their ASPs (available here: https://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-

safety-program/ptasp-template-bus); however, it is up to each agency to determine the format for its safety plan. If a bus transit provider or multimodal agency chooses to use its own format, it may be helpful to review FTA's ASP review checklist (available here: https://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/ptasp-checklist-bus) to ensure all Part 673 elements are addressed.

When developing an ASP for one or more modes, the public transportation agency can use funds from FTA grant programs to cover the costs of plan development, including:

- § 5307 – Urbanized Area Formula Grants,
- § 5309 – Capital Investment Grants,
- § 5337 – State of Good Repair, and
- § 5339 – Bus and Bus Facilities.

If the transit agency is a recipient or subrecipient of Section 5307 funds and contracts with another entity to provide bus transit service, paratransit service, or multiple modes of service, the recipient or subrecipient is still responsible for ensuring that each of the requirements of Part 673 is satisfied, including specific safety roles and responsibilities. Ultimately, each FTA recipient or subrecipient is responsible for ensuring compliance with Part 673 and certifying compliance annually—not a contractor. The transit agency may request that a contractor draft a plan, but the transit agency, as the recipient or subrecipient, is still ultimately responsible for the plan.

FTA will monitor development and implementation of ASPs by transit bus providers and multimodal agencies through its Triennial Review program. FTA will provide additional information and guidance as it becomes available.

While there are numerous approaches to developing an ASP, many agencies will rely on their CSO and Safety Department to lead the ASP development effort. As specified in § 673.23(d)(2), the CSO "has the authority and responsibility for day-to-day implementation and operation of an agency's SMS." Multimodal agencies operating both rail and bus systems may have one CSO or separate CSOs for bus and rail, if both CSOs have a direct line of reporting to the Accountable Executive.

Illustrative Timeline with Milestones

To support public transit providers and multimodal agencies in complying with the PTASP regulation, and meeting the July 20, 2020, deadline, **Table 2 of this document provides an illustrative timeline with activities and milestones for consideration**. *Use of this document is not required; it is provided as one possible approach to ensuring readiness to meet the Part 673 ASP compliance deadline*.

This sample timeline begins on December 1, 2019, and concludes on July 20, 2020. The sample timeline includes the following types of activities:

- Establishment of authorities, accountabilities, and responsibilities for ASP and SMS development and implementation;

- Frequent leadership briefings;

- Use of FTA's PTASP Technical Assistance Center (TAC);

- ASP/SMS scoping meetings and schedule development;

- Agency-wide communication and outreach on ASP/SMS development;

- Working sessions with a range of stakeholders to review existing agency safety management practices and identify new ones needed to address the PTASP regulation;

- Documentation of existing processes that address FTA's PTASP regulation and development of new processes and activities, as necessary or appropriate, to address gaps;

- Development of initial draft ASP and circulation for comments, including to FTA's PTASP TAC;

- Resolution of comments and development of final draft ASP;

- Issuance of signed and approved ASP; and

- Beginning SMS implementation.

Table 2: Sample Tasks, Activities and Timeline for Large Bus Transit Providers

Date	ASP Development Status	Major Tasks and Activities

December 2019	Getting started	✓ Brief Agency Leadership and Executive Management team on PTASP requirements
		✓ Identify roles and responsibilities for ASP development and implementation, per § 673.23(d):
		   ○ Accountable Executive
		   ○ CSO or SMS Executive
		   ○ Agency Leadership and Executive Management
		   ○ Key Staff
		✓ Identify other staff and/or contractors who may support ASP and SMS development and implementation, and finalize work plan
		✓ Establish agency lead(s) for ASP development
		✓ Finalize ASP development team(s)
		✓ Ensure team(s) review resources available at FTA's PTASP Technical Assistance Center, see: https://www.transit.dot.gov/PTASP-TAC, including FTA's Bus Transit ASP Template and Resource Guide and SMS webinars and workshops materials
		✓ Ensure team(s) complete ASP and/or SMS training, such as *SMS Awareness* (https://www.transit.dot.gov/regulations-and-guidance/safety/sms-awareness-course) and the *Roadmap to Developing an Agency Safety Plan for Bus Transit Agencies* (https://tsi-dot.csod.com/client/tsi-dot/default.aspx)

January 2019	Develop initial ASP outline	✓ Conduct initial ASP development scoping meeting(s) ✓ Develop schedule for ASP development and final sign-offs ✓ Adopt FTA's PTASP Template for Bus Transit or establish outline for agency's ASP ✓ Brief Accountable Executive on ASP development status and schedule

Date	ASP Development Status	Major Tasks and Activities
		✓ Develop and communicate plan for ASP development and implementation ✓ Agency-wide announcement from Accountable Executive regarding the initiation of ASP development activities and schedule (highlighting the July 20, 2020, schedule)
February 2019	Complete basic research and gather stakeholder input	✓ Schedule meetings and work sessions with the key stakeholder groups to include in ASP and SMS design and development ✓ Interview stakeholders and observe transit operations ✓ Request copies of stakeholder policies, procedures, rules, manuals, etc. ✓ Clarify how stakeholders monitor safety performance ✓ Clarify existing reports and data available to support the agency's SMS ✓ Meet with union officials and frontline employees to discuss the ASP and solicit information and recommendations ✓ Brief the Accountable Executive on progress and brief the Board of Directors regarding ASP requirements and schedule
March 2020	Identify and document existing programs and activities that can support ASP development	✓ Conduct ASP team(s) work sessions to review existing policies, procedures, rules, manuals, requirements, etc. ✓ Establish library of materials to be referenced in ASP development ✓ Develop emails, memorandums, or presentations documenting existing elements that support ASP development and implementation ✓ Identify gaps where existing processes do not address the PTASP regulation or the agency's needs for safety management ✓ Brief the Accountable Executive and Agency Leadership on results

Date	ASP Development Status	Major Tasks and Activities
April 2020	Identify, develop, and document new processes, activities, and tools to address new requirements	✓ Conduct working sessions to develop processes and activities to address gaps in meeting the PTASP regulation or SMS development ○ New processes and procedures may be kept simple and clear at this stage ✓ Engage the agency's processes for soliciting input and review of changes to existing processes or development of new processes ✓ Document or summarize proposed changes and new processes and activities in email, memoranda, presentations, or meeting minutes ✓ Brief the Accountable Executive on new processes developed
April and May 2020	Complete initial Draft of ASP	✓ Develop initial draft ASP, using FTA's template or agency's outline ○ Be sure to reference existing and newly developed policies, processes, procedures, or activities, to the extent appropriate ✓ Reach out to FTA's PTASP TAC to schedule a review of your initial draft ASP or to conduct a technical assistance session ✓ Schedule meeting with Board of Directors to approve the ASP by July 20, 2020 ✓ Brief the Accountable Executive on progress
May 2020	Obtain stakeholder comments and complete revised draft of ASP	✓ Complete revised draft ASP ✓ Meet with stakeholders to review ASP contents and solicit additional comments ✓ Develop final ASP ✓ Create presentation for Accountable Executive and Board of Directors to walk through the ASP ✓ Finalize communication and rollout strategy regarding the final ASP

Date	ASP Development Status	Major Tasks and Activities
June 2020	Obtain approvals and final required sign-offs by Accountable Executive and Board of Directors or equivalent authority	✓ Meet with the Accountable Executive to review the final ASP ✓ Obtain Accountable Executive signature on the final ASP ✓ Initiate agency-wide communication and rollout strategy for the ASP ✓ Meet with the Board of Directors for approval of the final ASP
July 20, 2020, and beyond	Implement ASP as written	✓ Implement the agency's ASP, including new Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion elements ✓ Annually review, update, and approve ASP (to reflect maturity of the SMS and associated organizational and agency changes) ✓ Annually certify to FTA