

# FTA



FEDERAL TRANSIT ADMINISTRATION

# Agency Safety Plan Review, Update, Approval, and Certification

March 19, 2020



U.S. Department of Transportation  
Federal Transit Administration

# Resources Regarding COVID-19

## Questions?

- <https://www.transit.dot.gov/frequently-asked-questions-fta-grantees-regarding-coronavirus-disease-2019-covid-19>
- Email: [FTAresponse@dot.gov](mailto:FTAresponse@dot.gov)

# Webinar Objective and Topics

- Objective
  - To help States and transit agencies understand the requirements for Agency Safety Plan review, update, approval, and certification in the Public Transportation Agency Safety Plan (PTASP) regulation at 49 CFR Part 673
- Topics
  - Requirements for Agency Safety Plan review, update, and approval
  - Examples of ways to meet PTASP requirements
  - Certifying the Agency Safety Plan

# **REQUIREMENTS FOR AGENCY SAFETY PLAN APPROVAL**



# PTASP Regulation Requirements



## Agency Safety Plan

Develop, **approve**, and **certify** an Agency Safety Plan, including an **annual review and update process**



## Safety Management System (SMS)

Implement and operate an SMS



## PTASP Documentation

Maintain Agency Safety Plan and SMS documentation

# PTASP Requirement for Agency Safety Plan Approval

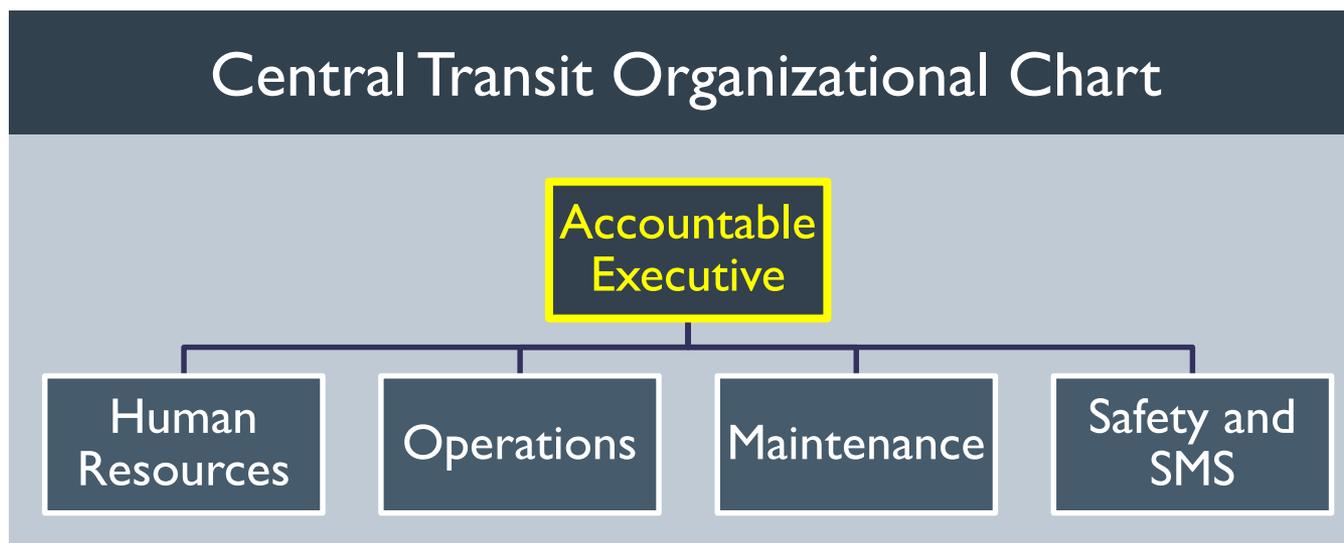
The Agency Safety Plan and subsequent updates must be signed by the **Accountable Executive** and approved by the agency's **Board of Directors or an Equivalent Authority** ( § 673.11(a)(1))



## Who is the Accountable Executive?

A single, identifiable person who has:

- Ultimate responsibility for carrying out the Agency Safety Plan and the Transit Asset Management Plan
- Control or direction over human and capital resources needed to develop and maintain both Plans ( § 673.5 and 673.23(d)(1))



## What is the Accountable Executive's Role?

- Ensuring that the SMS is effectively implemented
- Ensuring action is taken, as necessary, to address substandard performance in the agency's SMS ( § 673.23(d)(1))

## Question 1

**Can the Accountable Executive also be the Chief Safety Officer/SMS Executive?**

- A. In some cases
- B. Never
- C. I don't know

## Answer I

# Can the Accountable Executive also be the Chief Safety Officer/SMS Executive?

## A. In some cases

### Bus Transit

The Accountable Executive can designate anyone, including themselves, as long as that person meets PTASP requirements for the position



### Rail Transit

The Chief Safety Officer/SMS Executive **may not** have other operational responsibilities **unless** those responsibilities have a **nexus to safety**, for example:

- Security
- Training
- Transit asset management



# What is an Equivalent Authority?

An entity that:

- Carries out duties similar to that of a Board of Directors
- Has sufficient authority to review and approve a recipient or subrecipient's Agency Safety Plan ( § 673.5)

# What are some examples of an Equivalent Authority?

- Grant manager
- City council
- City manager
- County legislature
- State transportation commission



# What does it mean to approve the Agency Safety Plan?

The Board of Directors or Equivalent Authority approval indicates that the Agency Safety Plan:

- Complies with each requirement of the PTASP regulation
- Will effectively guide the transit operator in the management of safety risk

# Documenting the Approval and Signature Process

Consider describing or referencing documentation that describes the approval and signature process, including details such as:

- Stating Accountable Executive's responsibility to carry out the Plan and the general process by which they carry out the Plan
- Stating the Board of Directors' or Equivalent Authority's responsibility to approve the Plan and the process by which they approve the Plan

# Small Public Transportation Providers and Agency Safety Plan Approval

The State is responsible for drafting the Agency Safety Plan for small public transportation providers unless the small provider voluntarily “opts” to develop its own Agency Safety Plan and notifies the State ( § 673.11(d))



# Small Public Transportation Providers and Agency Safety Plan Approval

Regardless of whether the State or transit agency drafts the Agency Safety Plan, the **transit agency's**:

- Accountable Executive must sign the Plan
- Board of Directors or Equivalent Authority must approve the Plan

## Resources for Agency Safety Plan Approval

Consider using the Agency Safety Plan checklist provided in FTA's PTASP Technical Assistance Center Resource Library

- Bus transit:  
<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/safety/public-transportation-agency-safety-program/133671/public-transportation-agency-safety-plan-checklist-bus-transit.pdf>
- Rail transit: <https://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/asp-review-checklist>

# Structuring an Agency Safety Plan Approval

- Consider briefing the Board of Directors or Equivalent Authority on the Agency Safety Plan and associated requirements
- Consider how much time the Accountable Executive and Board of Directors or Equivalent Authority will need to sign and approve the Agency Safety Plan, respectively



# State Safety Oversight Agencies and Agency Safety Plan Approval

State Safety Oversight Agencies may establish requirements for the approval process for rail transit agencies under their jurisdiction

## **Central State Safety Oversight Agency Program Standard**

Section 4.2. Central Transit must provide a briefing to its Board of Directors on changes to the Agency Safety Plan no later than May 1 each year.

## Question 2

**Other than the Board of Directors or Equivalent Authority, who else approves Agency Safety Plans?**

- A. FTA, for all transit agencies
- B. State Safety Oversight Agencies, for rail transit agencies under their jurisdiction
- C. Both
- D. Neither

## Answer 2

**Other than the Board of Directors or Equivalent Authority, who else approves Agency Safety Plans?**

**B. State Safety Oversight agencies, for rail transit agencies under their jurisdiction**

FTA does not **approve** Agency Safety Plans

- FTA will **review** Agency Safety Plans as part of the existing triennial review process
- FTA's PTASP Technical Assistance Center provides **voluntary** Agency Safety Plan reviews
  - These are provided for technical assistance only and do not indicate approval of the Plan

# **REQUIREMENTS FOR AGENCY SAFETY PLAN ANNUAL REVIEW AND UPDATE**

**FTA**

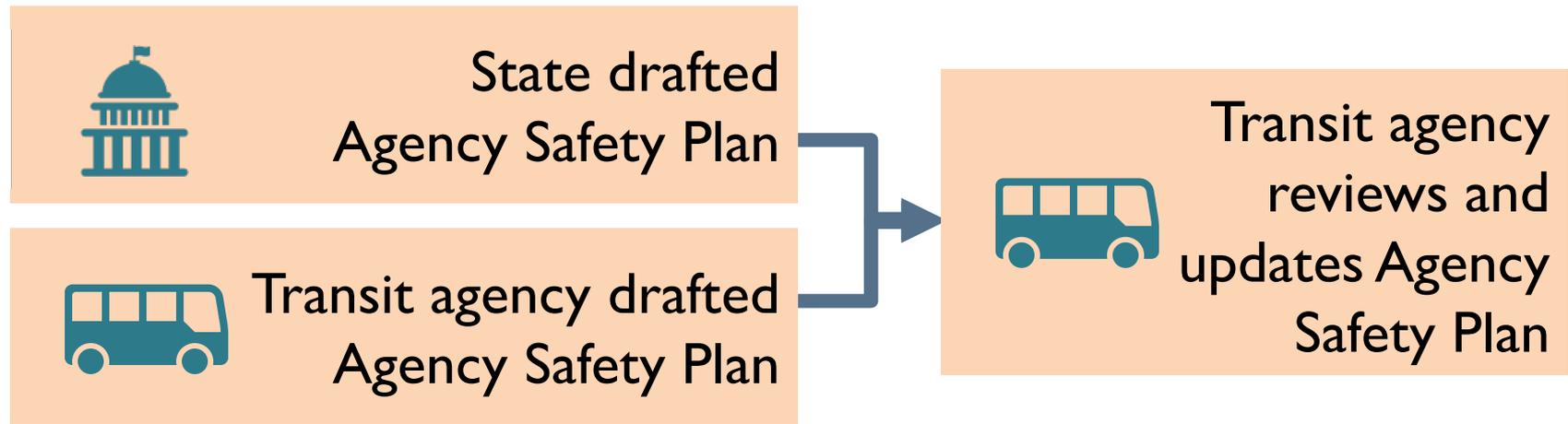
FEDERAL TRANSIT ADMINISTRATION

# PTASP Requirement for Agency Safety Plan Review and Update

- Transit agencies must establish a process and timeline for conducting an annual review and update of the Agency Safety Plan ( § 673.11(a)(5))
- FTA does not dictate what constitutes an annual review and update process
  - State Safety Oversight Agencies may establish Plan review and update requirements for rail transit agencies under their jurisdiction

# Small Public Transportation Providers and Agency Safety Plan Review and Update

Small public transportation providers are responsible for reviewing and updating their Agency Safety Plan, regardless of who drafted the initial Plan



# **EXAMPLES OF AGENCY SAFETY PLAN REVIEW AND UPDATE**



# Considerations for the Agency Safety Plan Review

Consider three questions:

1. Does our Agency Safety Plan address all relevant requirements, particularly the PTASP regulation?
  - PTASP regulation requirements may change
2. Does our Agency Safety Plan reflect our organization and transit system as it operates today?
3. Are the activities and processes described in our Agency Safety Plan suitable to manage safety at our transit agency?

## Starting the Agency Safety Plan Review

If you answer “not sure” or “no” to any of the three questions, your agency may want to review and update relevant sections of the Agency Safety Plan

Agency Safety Plan Review 2021	Yes/No	Comments
Does our Agency Safety Plan reflect our organization and transit system as it operates today?	No	Our ASP lists our regular bus and paratransit services, but does not list the new bus rapid transit service.

## Starting the Agency Safety Plan Review

- Remember, the agency is required to review the Plan at least annually, but is not required to update the Plan annually, unless necessary
- If the agency updates the Plan, the Accountable Executive must sign and the Board of Directors or Equivalent Authority must approve the updated Plan

# Starting the Agency Safety Plan Review

- Consider soliciting feedback from across the agency through a committee or special meetings
- Consider asking each department head to answer each of the questions
  - This takes advantage of their individual area of expertise and helps ensure that the Agency Safety Plan works for every area of the transit agency

Agency Safety Plan Review 2021	Training	Maintenance	Operations
Does our Agency Safety Plan reflect our organization and transit system as it operates today?	Yes	Yes	No, Section 1.2 does not include changes to bus routes made this year.

# Considerations for the Agency Safety Plan Review

Consider establishing activities and responsibilities related to:

- Version/document control
- Soliciting and incorporating suggestions or requests for changes to the document from all departments
- “Shepherding” the Agency Safety Plan through the review, signature, and approval process

# Example Components of an Agency Safety Plan Review

Consider updating your initial checklist to use during reviews, including items such as:

- Did we add, change, or remove service or fleets in the previous year?
- If we were a small provider, did we add additional services? Are we still considered a small provider?

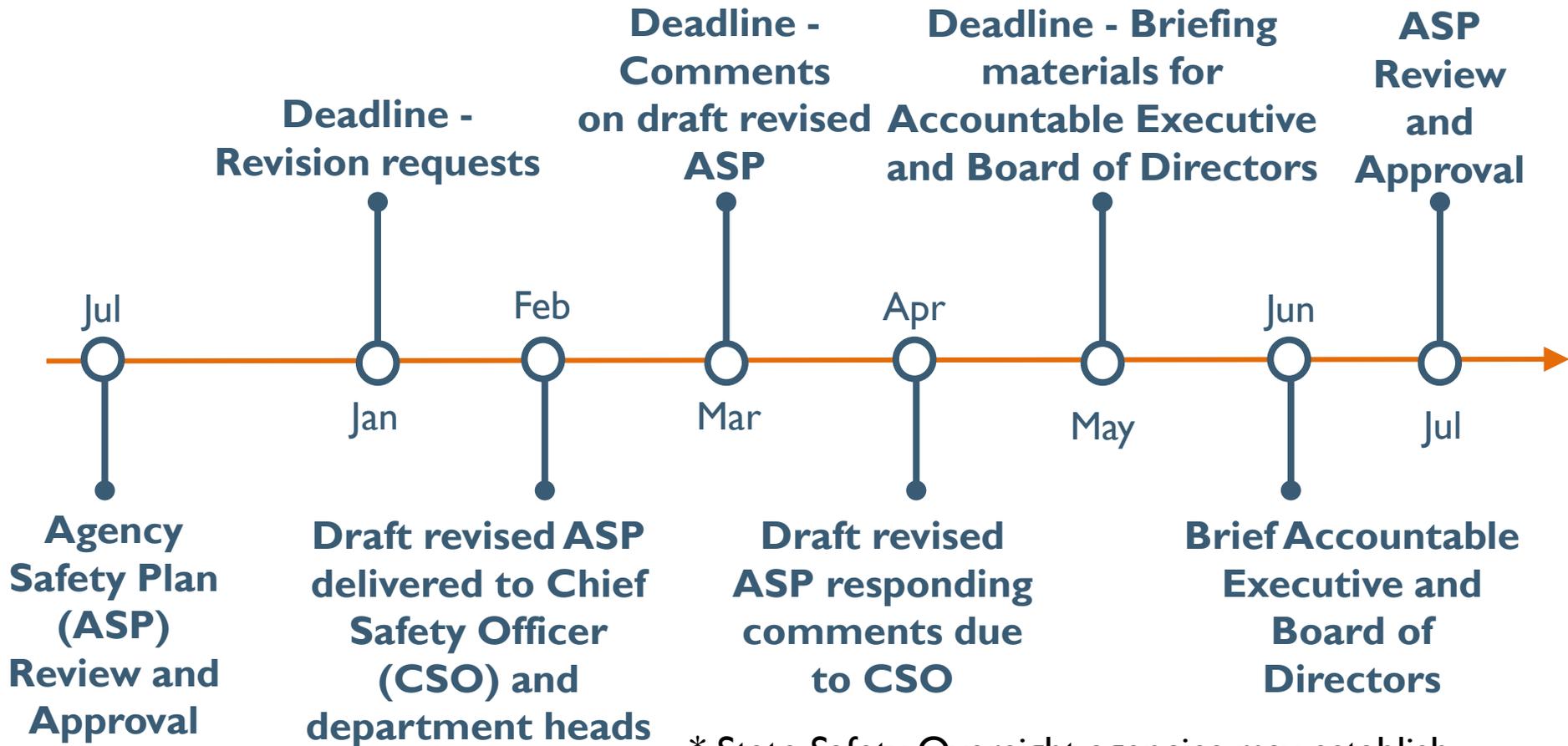
Transit Fleet			
Calendar Year	Total Number of Vehicles		
	Bus	Bus Rapid Transit	Demand Response
2020	120	0	14
2021	120	3	14

## Example Components of an Agency Safety Plan Review Timeline

Consider including time for activities such as:

- Soliciting and incorporating feedback on the existing Plan
- Briefing the Accountable Executive and Board of Directors or Equivalent Authority on changes to the Plan
- Accountable Executive review and signature and Board of Directors or Equivalent Authority review and approval

# Example Timeline for an Agency Safety Plan Review\*



\* State Safety Oversight agencies may establish additional requirements for rail transit agencies under their jurisdiction

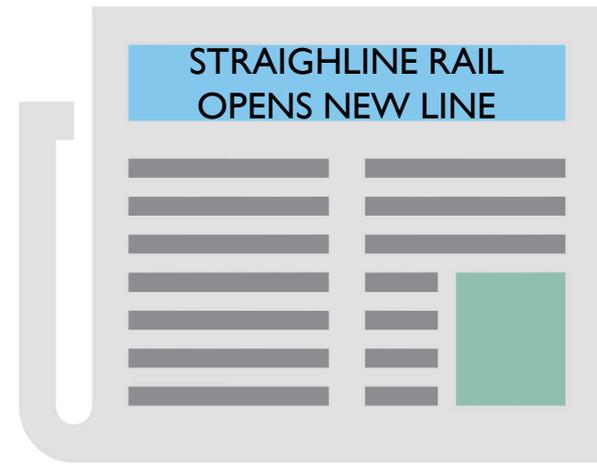
# The Interim Agency Safety Plan Review

- Transit agencies may want to establish a process for conducting interim Agency Safety Plan reviews and updates

# Why would an agency update the Plan outside of the annual cycle?

Major agency changes, such as:

- Operating characteristics (for example, adding or removing a line, increasing or decreasing service)
- Infrastructure (for example, changes to asset inventory, condition assessment)
- Organization (for example, changes to department structure)



# Why would an agency update the Plan outside of the annual cycle?

- In response to SMS performance or outputs
  - For example, risk assessments indicate that a process in the Plan is not sufficient, SMS Committee recommends changes to the current safety performance measurement process, etc.
- In response to an FTA directive, bulletin, or other communication
- In response to a State Safety Oversight Agency finding (rail modes only)

## Question 3

**Does the Accountable Executive have to sign and the Board of Directors or Equivalent Authority have to approve every revision of the Agency Safety Plan?**

- A. Yes
- B. No
- C. I don't know

## Answer 3

**Does the Accountable Executive have to sign and the Board of Directors have to approve every revision of the Agency Safety Plan?**

**A. Yes**

The Accountable Executive must sign and the Board of Directors or Equivalent Authority must approve every revision of the Agency Safety Plan

# **AGENCY SAFETY PLAN CERTIFICATION**



# PTASP Certification Requirements

## Initial Certification

- Each applicable recipient or State must certify compliance with the PTASP regulation by July 20, 2020

## Annual Certification

- Each applicable recipient or State must certify compliance annually ( § 673.13(b))

# Who needs to certify?

- Recipients of Section 5307 funding
- States with small public transportation providers
  - Small public transportation providers are:
    - Recipients or subrecipients of Federal financial assistance under FTA's Urbanized Area Formula
    - 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.
    - Do not operate rail transit
- Rail transit agencies in the State Safety Oversight Program

Questions about whether PTASP applies? See FTA's Applicability webinar for more information: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-programs/safety/public-transportation-agency-safety-program/146966/ptasp-applicability-webinar.pdf>

# When Must Initial Certification Occur?

- On or before July 20, 2020, applicable States and recipients must certify compliance with the PTASP regulation
- Do not complete PTASP certification until PTASP requirements are met
- States and recipients can certify to other requirements now and come back later to complete the PTASP certification
  - After all applicable PTASP requirements have been met
  - On or before July 20, 2020

# How does certification occur?

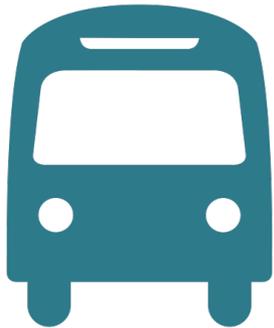
- Applicable States and recipients must certify in the Transit Award Management System (TrAMS) that they—and applicable subrecipients—meet relevant PTASP regulation requirements
- FTA’s fiscal year (FY) 2020 Annual List of Certifications and Assurances includes ***new Certification item 2: Public Transportation Agency Safety Plans***
  - <https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/fiscal-year-2020-annual-list-certifications>

## What does certification mean?

The State or recipient is certifying that:

- The State or recipient has fulfilled all applicable PTASP regulation requirements
  - For example, the State has developed ASPs that meet PTASP requirements for all small public transportation providers in its jurisdiction that have not opted out and notified the State
- Subrecipients have fulfilled all applicable PTASP regulation requirements

# Certification Example



I am a:

- Bus transit provider
- Recipient of Section 5307 funding with an open Section 5307 grant on July 20, 2020

**On or before July 20, 2020**, I must certify that my agency meets all applicable PTASP requirements

# Certification Example



I am a:

- Rail transit agency in the State Safety Oversight Program

**On or before July 20, 2020, I must certify that my agency meets all applicable PTASP requirements**

# Certification Example



I am a:

- State with small public transportation providers under my jurisdiction that did not opt to develop their own ASP

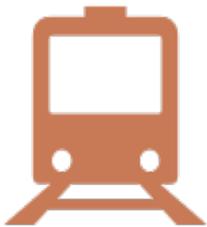
**On or before July 20, 2020**, I must certify that the State DOT has met all applicable PTASP requirements (I have developed ASPs for all small public transportation providers in my State that have not opted to develop their own ASP and notified the State)

## Certification Example



I am a:

- Recipient of Section 5307 funding that I pass on to a subrecipient transit provider(s)



**On or before July 20, 2020**, I must certify that I and those subrecipient(s) meet applicable PTASP requirements

## Certification Example



I am a:

- Bus transit provider
- Subrecipient*** of Section 5307 funding with an open Section 5307 grant on July 20, 2020

**On or before July 20, 2020**, the recipient of my 5307 funds will certify that my agency meets all applicable PTASP requirements

# FY 2020 Certification

## Published Certifications and Assurances

FTA CERTIFICATIONS AND ASSURANCES

### PTASP Technical Assistance Center

PTASP Technical Assistance Center

#### ▲ Certifications and Assurances

##### Certification History

Certification Date: 2/12/2020 | Official: Johnita Glover | Attorney: Johnita Glover

<input type="checkbox"/>	Category	↑	Title
<input type="checkbox"/>	01		REQUIRED CERTIFICATIONS AND ASSURANCES
<input type="checkbox"/>	02		PTASP
<input type="checkbox"/>	03		PRIVATE SECTOR PROTECTIONS
<input type="checkbox"/>	04		DEMAND RESPONSIVE SERVICE
<input type="checkbox"/>	05		ROLLING STOCK REVIEWS AND BUS TESTING
<input type="checkbox"/>	07		INTELLIGENT TRANSPORTATION SYSTEMS
<input type="checkbox"/>	08		INTEREST, FINANCING, AND LEASING COSTS

# FY 2020 Certification

Records / TrAMS | Recipient Organizations

## Transportation, State Department of - SDOT - 00000

Summary Applications/Awards TrAMS Users Locations Designated Recipient Suballocations News **Related Actions**

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### Certifications & Assurances | FY 2020 C&A Affirmations

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#### Recipient Details

Recipient ID	Recipient Name
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#### Certification and Assurance Information

Fiscal Year	2020	Original Certification Date	N/A
Assigned Date	10/9/2019	Latest Certification Date	N/A
Due Date	1/7/2020		

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#### Published Certifications and Assurances

FTA CERTIFICATIONS AND ASSURANCES

#### Public Transportation Agency Safety Plan (PTASP)

On or before July 20, 2020, applicants and recipients of Section 5307 grants and rail transit agencies that are subject to the State Safety Oversight Program must certify to Category 2: Public Transportation Agency Safety Plans

[List of All Applicable Agencies](#)

PTASP Technical Assistance Center

# PTASP Prompt

actions

I have read and understand the information provided and I agree to comply with the Certifications and Assurances as indicated on the foregoing pages. I further certify that the information provided herein has been legally made and constitute legal and binding obligations on it.

You selected Category 2. If you selected Category 2, you must certify to the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673). PTASP applies to recipients or sub-recipients of financial assistance under 49 U.S.C. § 5307, Rail Transit Agencies (RTAs), and States that are required to draft and certify Agency Safety Plans on behalf of small public transportation providers. For additional information or support, please visit the FTA's PTASP Technical Assistance Center (<https://www.transit.dot.gov/PTASP-TAC>). Are you sure you want to continue with certification?

**Certification Date** 2/20/2020

## Important Note on When to Submit

- Do not submit your FY 2020 certification until you and all your subrecipients have met applicable PTASP requirements
  - See FTA’s FY 2020 Certifications and Assurances instructions: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/funding/grantee-resources/certifications-and-assurances/147966/fy20-certifications-and-assurances-instructions.pdf> (Question 2)
- You can certify to other requirements in TrAMS now and come back later to complete the PTASP certification
  - **After** all applicable PTASP requirements have been met
  - **On or before** July 20, 2020

# Agency Safety Plan Signature, Approval, and Certification Overview

	Small Public Transportation Provider	All Other Providers
Who develops the Plan?	State, unless the transit agency opts out and notifies the State	Transit agency
Who signs the Plan?	Accountable Executive	Accountable Executive
Who approves the Plan?	Board of Directors or Equivalent Authority	Board of Directors or Equivalent Authority
Who certifies for FY 2020?	State DOT (drafting of the plan for small providers that have not opted out) <b>AND</b> Recipient (signature, approval, and implementation of the plan)	Recipient

# Upcoming Webinars

## PTASP Webinar Series

- **Safety Assurance Agency Safety Plan Section Lessons Learned**
  - Thursday, March 26, 2020 at 2:00 PM ET
- **Safety Promotion Agency Safety Plan Section Lessons Learned**
  - Thursday, April 23, 2020 at 2:00 PM ET

## Outstanding Questions Sessions

- Session 1, Monday, May 18, 2020 at 2:00 PM ET
- Session 2, Thursday, June 18, 2020 at 2:00 PM ET

**Register at:** <https://www.transit.dot.gov/PTASP>

# PTASP Technical Assistance Center (TAC) Links and Contact Information



## Technical Assistance Center

- [www.transit.dot.gov/PTASP-TAC](http://www.transit.dot.gov/PTASP-TAC)

## PTASP Community of Practice

- [www.transit.dot.gov/PTASP-COP](http://www.transit.dot.gov/PTASP-COP)

## Frequently Asked Questions

- [www.transit.dot.gov/PTASP-FAQs](http://www.transit.dot.gov/PTASP-FAQs)

		<a href="http://transit.dot.gov/PTASP-TAC">transit.dot.gov/PTASP-TAC</a>
		1 - 877 - 827 - 7243
		<a href="mailto:PTASP-TAC@dot.gov">PTASP-TAC@dot.gov</a>
		PTASP Technical Assistance Center 943 Glenwood Station Lane, Suite 301 Charlottesville, VA 22901

Don't delay – the deadline to submit Agency Safety Plans for PTASP TAC review is April 30, 2020