

**Department of Transportation
Federal Transit Administration
Supporting Statement for Paperwork Reduction Act Submissions
49 C.F.R. Part 673, Public Transportation Agency Safety Plan**

Justification

The purpose of this request is to seek the Office of Management and Budget's (OMB) approval for a new information collection that is associated with a Notice of Proposed Rulemaking.

1. Circumstances Making the Collection of Information Necessary

Through this Notice of Proposed Rulemaking (NPRM), the Federal Transit Administration (FTA) would establish requirements for Public Transportation Agency Safety Plans as authorized by Section 20021 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and reauthorized by the Fixing America's Surface Transportation Act. This NPRM would require operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop and implement Public Transportation Agency Safety Plans incorporating the Safety Management Systems (SMS) approach. The development and implementation of agency safety plans will help to ensure public transportation systems are safer nation-wide.

One year after FTA issues a final rule to carry out 49 U.S.C. § 5329(d), each State, local governmental authority, and other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53, must certify that it has established and implemented a comprehensive Public Transportation Agency Safety Plan. 49 U.S.C. § 5329(d)(1). FTA proposes that large transit providers that are direct recipients of financial assistance through FTA's Urbanized Area Formula Program under 49 U.S.C. § 5307 (Section 5307) would develop their own plans, have the plans approved by their Boards of Directors (or equivalent authority), and certify to FTA that those plans are in place. FTA also proposes that operators of public transportation systems that receive financial assistance through FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program under 49 U.S.C. § 5310 and FTA's Rural Area Formula Program under 49 U.S.C. § 5311, as well as small public transportation providers as defined in this NPRM (systems with 100 or fewer vehicles operating in revenue service that do not operate rail fixed-guideway service), may have their plans drafted and certified by the State in which they operate.

Pursuant to 49 U. S.C. § 5329(d)(1), each Public Transportation Agency Safety Plan must include, at minimum:

- A requirement that the board of directors, or equivalent entity, approve the plan and any updates;
- Methods for identifying and evaluating safety risks throughout all elements of the recipient's public transportation system;
- Strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;

- A process and timeline for conducting an annual review and update of the plan;
- Performance targets based on the safety performance criteria and state of good repair standards set out in the National Public Transportation Safety Plan, and Transit Asset Management (TAM);
- Assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and
- A comprehensive staff training program for operations personnel and personnel directly responsible for safety that includes the completion of a safety training program and continuing safety education and training.

FTA is proposing to implement these statutory requirements through a new Part 673 to Title 49 of the Code of Federal Regulations. Pursuant to FTA's proposed 49 C.F.R. § 673.11, a transit agency would be required to, within one calendar year after publication of the final rule, establish a Public Transportation Agency Safety Plan that meets the requirements of Part 673 and, which at a minimum, would consist of the following elements:

- The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by the agency's Board of Directors, or an entity equivalent to a Board of Directors;
- The Public Transportation Agency Safety Plan must document the processes and activities related to SMS implementation and include the four pillars of SMS: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance, and (4) Safety Promotion;
- The Public Transportation Agency Safety Plan must include performance targets based on the safety performance criteria established under the National Public Transportation Safety Plan, and the state of good repair standards established in the regulations that implement the National Transit Asset Management System and are included in the National Public Transportation Safety Plan;
- The Public Transportation Agency Safety Plan must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan;
- Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan; and
- A rail transit agency must include in its Public Transportation Agency Safety Plan an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

As noted above, pursuant to the SMS approach that FTA has adopted, each transit agency's Public Transportation Agency Safety Plan must include the four pillars of SMS: (1) Safety Management

Policy; (2) Safety Risk Management; (3) Safety Assurance, and (4) Safety Promotion. Through Safety Management Policy, a transit agency must include a safety policy statement that governs the adoption of SMS deployment and implementation.

A transit agency would be required to develop “methods for identifying and evaluating safety risks throughout all elements of the public transportation system” (49 U.S.C. § 5329(d)(1)(B)) and “strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions” (49 U.S.C. § 5329(d)(1)(C)). Each of these requirements is consistent with the second component of SMS—Safety Risk Management—which requires the development of processes and activities to help the organization better identify hazards associated with its operational systems. Once identified, a transit agency would evaluate the safety risks associated with the potential consequences of these hazards, as well as institute mitigations to control the consequences or eliminate the safety risk.

The statutory requirements at 49 U.S.C. § 5329(d)(1)(B) and (C) also encompass the requirements of the third component of SMS—Safety Assurance. Safety Assurance requires an organization to monitor the effectiveness of safety risk mitigations established under Safety Risk Management. Safety Assurance also is designed to ensure that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of data about the organization’s performance.

The fourth component of SMS—Safety Promotion—involves the training, awareness, and communication that support safety. The training aspect of SMS is consistent with the statutory requirement (49 U.S.C. § 5329(d)(1)(G)) for a comprehensive staff training program for operations personnel and personnel directly responsible for safety.

Operators of public transportation systems within the transit industry can vary greatly based on size, complexity, and operating characteristics. Transit agencies need safety processes, activities, and tools that scale to size, complexity, and uniqueness of the transit system. SMS provides such an approach. SMS is flexible, and can be scaled to the mode, size, and complexity of any transit operator, in any environment—urban, suburban, or rural.

The extent to which the transit agency’s SMS processes, activities, and tools are used and documented will vary from agency to agency. For a small bus operation, SMS is going to be simple and straightforward. For a larger transit agency with hundreds or thousands of employees and multiple modes, SMS is going to be more complex.

SMS scales itself to reflect the size and complexity of the operation, but the fundamental accountability remains the same. SMS establishes the accountabilities, processes and activities necessary to ensure that appropriate information rises to the highest levels of the organization to support decision-making related to safety risk. It is incumbent on each transit agency to determine the level of detail necessary to identify and evaluate its own unique safety risks and target its resources to manage those safety risks.

2. Purpose and Use of the Information

The Public Transportation Agency Safety Plan will be the mechanism through which recipients demonstrate that they have complied with the statutory requirements in 49 U.S.C. § 5329(d).

While the plan specifies the activities that an agency and/or state must take, the information exchange between recipients and FTA consists of:

- Annual Certifications and Assurances. FTA proposes to require operators of public transportation systems and States to certify compliance with Part 673 through their annual submittal of their Certifications and Assurances to FTA. These entities will transmit this information through the Certification and Assurances module in FTA's Transportation Electronic Data and Management System (TEAM) and later via the Transit Award Management System (TrAMS), which will replace TEAM in early 2016.
- Triennial Review Process. FTA proposes to ensure compliance with this rule through its Triennial Review oversight process. FTA proposes to incorporate questions specific to the Public Transportation Agency Safety Plan rule into FTA's existing oversight questionnaire for transit agencies to ascertain areas of compliance.
- State Management Review Process. FTA also proposes to ensure compliance with this rule through its triennial State Management Review oversight process. FTA proposes to incorporate questions specific to the Public Transportation Agency Safety Plan rule into FTA's existing oversight questionnaire for States to ascertain areas of compliance.

The purpose and use of this information is to ensure that the specifications of the rule are carried out through a process of self-certification by a State or transit agency.

The SMS approach is the unifying concept undergirding this rule. As such, the Public Transportation Agency Safety Plan will reflect each transit agency's ongoing processes related to the following five fundamental questions of SMS:

1. What likely will be the cause of the transit agency's next accident?
2. How does the transit agency know the likely cause of the next accident?
3. What is the transit agency doing to mitigate the safety risks?
4. Is the strategy or action working?
5. How does the transit agency know what it is doing is working?

The answers to these questions, a transit agency's ultimate implementation of SMS, and the associated information collection will help guide a transit agency's and FTA's safety program priorities. The information will come from the transit agencies and beneficiaries in their SMS framework, and through the Public Transportation Agency Safety Plan drafting and certification processes. Also, through FTA's State Management Review and Triennial Review processes, FTA will analyze State and agency safety management practices and program effectiveness. FTA anticipates that this improved information flow will broaden an individual transit agency's experiences in reaching SMS maturity.

Another important use of the information is to strengthen a transit agency's SMS processes internally. FTA anticipates that a transit agency's SMS process will be improved and that safety outcomes will be mitigated or eliminated through the requirements for the Accountable Executive to approve plans, for certain safety-related decision-making to be elevated to the executive level, and for the involvement of all staff to report safety problems or issues before they become severe. These activities lead to and support a safety culture wherein issues can be reported anonymously so that personnel are less reluctant to report potential safety hazards to the people in the other offices within the transit agency. Information exchange is of key importance for an agency's SMS implementation to attain higher levels of maturity.

3. Use of Information Technology and Burden Reduction

FTA proposes to require transit agencies and States to submit annual certifications and assurances to FTA to ensure compliance with this proposed rule. Transit agencies and States may generate and use any processes desired, but submissions and compliance would not require information technology that is more complex than a word processing or spreadsheet file.

The data and information collected will be entered, stored, transmitted, and circulated electronically, both internal to the agency and in external communications from agency- to-State, and agency-to-FTA submissions.

Small public transportation providers may use templates supplied by FTA which would be in word processing, form-filling software or a web hosted form to allow for entering of values on an electronic form that can be transmitted to a State or to FTA.

FTA encourages transit agencies and States to utilize the Internet so that the transit agencies can upload their information to the State, thus lessening the burden to the transit agency and the State.

FTA's existing TEAM System and the scheduled TrAMS replacement system will be used by the States and direct-report agencies for the submission of annual certification and assurance materials.

Since the transit agencies and States have some form of information technology in place to support their overall operations and functions, their main emphasis would be on the modification of these systems to support the new requirements specified in this proposed rule.

4. Efforts to Identify Duplication and Use of Similar Information

FTA is initiating several rules that interrelate with this NPRM in terms of information exchange. This includes rules for the Public Transportation Safety Program (and National Public Transportation Safety Plan guidance), the Public Transportation Agency Safety Plan, the Public Transportation Safety Certification Training Program, the Transit Asset Management (TAM) Rule, and the FTA and FHWA Statewide and Metropolitan Planning Rule. In their entirety, the requirements of 49 U.S.C. §§ 5329, 5326, 5303, and 5304 support one another and the coordination of National, State, and local efforts to improve transit safety and increase the reliability and performance of the Nation's public transportation systems.

FTA has examined each of these rulemakings and guidance documents, and FTA has identified their inputs or outputs to the proposed Public Transportation Agency Safety Plan rule. In some cases, this rule will borrow information from the others. For instance, performance measure criteria are derived from the National Public Transportation Safety Plan and the definition of State of Good Repair (SGR) and SGR standards identified in the TAM rule.

FTA examined and utilized FTA and United States Department of Transportation (USDOT) data repositories as possible sources of data, including the National Transit Database (NTD), reports from the Bureau of Transportation Statistics (BTS), and industry data reports.

FTA assumed that many of the Public Transportation Agency Safety Plan and safety management functions and processes already exist within transit agencies. SMS reframes many of these existing activities in a comprehensive and efficient way to ensure safety.

FTA anticipates that large Section 5307 rail transit and bus systems will have significantly more of the information and processes already in place that can support SMS implementation. Many of the provisions outlined in this rule would incorporate many of these existing processes—such as hazard identification, risk evaluation, and mitigation processes which are ubiquitous across the industry—thus leading to a decrease in duplication of paperwork and costs.

Through the existing State Safety Oversight Rule for Rail Fixed Guideway Systems at 49 C.F.R. Part 659, which will be superseded by 49 C.F.R. Part 674, FTA already requires many of FTA's proposed provisions—such as hazard identification and risk evaluation—in this rule.. As a result, rail transit agencies have processes in place, and higher maturity levels with SMS, which will help them expand their safety plans in a manner that covers bus modes of transit. Some bus-only transit systems will need to start from an earlier point in the maturity level. They will have to create more policies and procedures than established rail transit systems. FTA will provide technical assistance and provide guidance documents to the industry in an effort to lessen any duplication of paperwork burdens.

As noted above, FTA's existing Triennial Review and State Management Review oversight processes will be other mechanisms to capture information regarding safety performance and management practices. The current reviews cover multiple aspects of Federal oversight of Federal grant recipients, and FTA will update these reviews to include questions which will provide indications of compliance with this proposed rule, and other related metrics. These modifications to FTA's oversight practices should not significantly alter FTA's existing review processes.

With respect to the establishment of performance targets, FTA proposes to require transit agencies to make their performance targets available to States and Metropolitan Area Planning Organizations (MPO) to assist with the development of State-wide and MPO-level performance targets. FTA does not anticipate additional paperwork burdens related to this activity.

FTA is proposing to require rail transit agencies to develop emergency preparedness and response plans. Rail transit agencies already have emergency preparedness and response plans in accordance with FTA's State Safety Oversight Rule at 49 C.F.R. Part 659. Consequently, FTA anticipates no additional paperwork burden with this activity.

In 2016, FTA intends to administer a voluntary SMS Pilot and Implementation Program for transit agencies. FTA anticipates that this pilot program will reveal other opportunities for reducing paperwork and financial burdens, and FTA anticipates that the pilot program will provide methods and best practices for SMS implementation at transit agencies of all modes and sizes nationwide. Through the program, FTA also intends to provide technical assistance and guidance to transit agencies so that they can fully implement an SMS (and become compliant with the proposed requirements in this NPRM).

5. Impact on Small Businesses or Other Small Entities

FTA communications with the transit industry have allowed for agencies to anticipate and commence preparation for this rule's proposed requirements. For instance, following a recommendation from FTA's designated Federal Advisory Committee—the Transit Advisory Committee for Safety (TRACS)—on May 13, 2013, the FTA Administrator issued a Dear Colleague letter and answers to Frequently Asked Questions (FAQs) to the industry setting forth FTA's intention to adopt the SMS approach to guide the advancement of FTA's safety rulemakings and other initiatives to improve the safety of public transportation.

Subsequently, FTA issued an Advanced Notice of Proposed Rulemaking (ANPRM) on October 3, 2013. The ANPRM sought comment on 123 questions related to this rule and TAM. In response, FTA received comments from 167 stakeholder entities. A key theme among commenters is that the regulation should be scalable and flexible enough to recognize that smaller agencies may not have the resources to implement a complex and lengthy Public Transportation Agency Safety Plan.

FTA requests comment from the public on this NPRM so that it can minimize the impact on transit agencies while satisfying the statutory requirements in 49 U.S.C. § 5329(d). FTA specifically seeks comments on additional ways in which it can reduce paperwork burdens, particularly on small public transportation providers.

FTA proposes to mitigate any impacts to the smaller systems—particularly the small Section 5307, 5311, and 5310 operators—through the adoption of the following approaches.

- Scalability
 - SMS is inherently a scalable process that can be adapted to any size system. FTA intends to provide the industry with templates to assist with transit agencies' efforts to scale SMS to their particular operating environments. These templates will include forms that recipients can complete by entering information. With small systems, there will be less detailed verbiage and data requested. The template format will guide the small system with compliance with the proposed rule.
- FTA's proposed rule also requires States to draft and certify plans for small public transportation providers.

- In regards to Section 5311 systems, FTA will require States to draft and certify safety plans on behalf of these systems, unless the providers decide to opt-out and draft and certify their own safety plans. This requirement will reduce the burden and cost of agency safety plan development on behalf of Section 5311 systems.
- In regards to small Section 5307 systems, FTA has designated small public transportation providers in this NPRM as those that operate 100 buses or less in revenue service and do not operate a rail fixed-guideway system. Similar to Section 5311 systems, FTA will require States to draft and certify safety plans on behalf of these systems, unless the small providers decide to opt-out and draft and certify their own safety plans. This requirement will reduce the burden and cost of agency safety plan development on behalf of small public transportation providers.
- FTA also proposes to require States to draft and certify safety plans on behalf of Section 5310 public transportation providers, unless the Section 5310 system decides to opt-out and draft and certify its own safety plan. This requirement will reduce the burden and cost of agency safety plan development of behalf of Section 5310 systems.
- This requirement for States to draft and certify on behalf of small public transportation providers significantly reduces the time and cost burden placed on small transit agencies. The proposed requirement would add burden on the States, but given that their staff resources are more available than small public transportation providers, and given FTA technical assistance and templates, this burden should not require significant additions of State staff.
- FTA anticipates that 15% of the systems will develop and provide their own plans and FTA anticipates that 85% will submit their plans and reportage directly to their State (or have the State draft the plan and certify the plan fully on their behalf).
- Maturity Assumptions
 - Transit agencies will experience the major cost impacts during the first year as the agencies must reorganize lines of communication, information exchange, and reporting as they move along the path to maturity. After the initial set up of these processes, the tasks will be focused on the ongoing implementation and maintenance of SMS which will require less levels of effort.

Training may be abbreviated for smaller systems and will be provided online, so that smaller agencies can expend fewer resources on staff training time and expenses, while receiving the benefits of such learning. FTA will take into account existing training programs such as the Community Transportation Association of American (CTAA) Certified Safety and Security Officer Certification program to avoid duplication of efforts.

Small transit agencies consist of staff members that perform multiple functions. The implementation of this rule will not require additional staffing, but a reshuffling and accretion of duties of current staff, especially during the first year.

FTA will conduct an overall annual certification and assurances process for certification of safety plans. This process is already in place through the FTA's grant management system TEAM and its scheduled replacement TrAMS. All of FTA's grantees already submit certifications and assurances annually through this method, so there will be no duplication of efforts, but rather, FTA will build upon and utilize a process that is already in place.

6. Consequences of Collecting the Information Less Frequently

Any delay or curtailment in the self-reporting of this information would hamper the ability of States and FTA to monitor the implementation of the rule and the improvements in safety management, as systems progress up the maturity ladder. In addition, without the information requirements stated in the rule, FTA would be unable to adequately determine compliance with the statutory requirements of 49 U.S.C. § 5329(d).

7. Special Circumstances that Require the Collection to be Conducted in a Manner Inconsistent with OMB Guidelines

There are no special circumstances within this NPRM that requires collection of information inconsistent with these guidelines.

8. Comments in Response to the Federal Register Notices and Efforts to Consult Outside Agencies

As mentioned above, on October 3, 2013, FTA issued an ANPRM which sought public comments on the National Public Transportation Safety Plan, the Public Transportation Agency Safety Plan, the Public Transportation Safety Certification Training Program, and the Transit Asset Management System.

In addition, FTA has conducted industry outreach at various sessions at every major American Association of Public Transportation (APTA) meeting since 2013, particularly APTA's (Annual Conference, its Transit CEOs Conference, its Legislative Conference, and its Bus and Paratransit Conference) since 2013. FTA's Office of Safety and Oversight safety office has also participated in safety briefings for the American Association of State Highway and Transportation Officials (AASHTO) and the National Rural Transit Assistance Program (RTAP) Board Meetings. The FTA's Office of Transit Safety and Oversight Office also plans to contribute several presentations to at the upcoming CTAA Annual EXPOs and APTA conferences. FTA conducted additional Transit safety public outreach has also taken place at the 2015 Transportation Research Board (TRB) Annual Conference and the 2015 TRB Legal Workshop, focusing discussions during several sessions focused on transit safety initiatives and the importance of SMS in rail transit. FTA has held webinars during the comment period of the

recent SSO NPRM and after the publication of the final interim Safety Certification Training Program provisions. FTA participated in a 2015 webinar on safety rulemakings held by ITS America. The FTA’s Transit Office of Safety and Oversight Office has published several USDOT Fast Lane blogs on safety milestones for FTA. More webinars and safety briefings are planned in the coming months, including a listening session planned for the proposed Public Transportation Agency Safety Plan rulemaking on March 16, 2016, as well as several webinars.

9. Explanation of Any Payment or Gift to Respondents

FTA’s proposed rule does not include any payments or gifts to respondents.

10. Assurance of Confidentiality Provided to Respondents

No elements of confidentiality are involved in this rulemaking.

11. Justification for Sensitive Questions

No sensitive questions are included in this rulemaking.

12. Estimates of Hour Burden Including Annualized Hourly Costs

Estimated Annual Number of Respondents: 561
 Estimated Annual Number of Responses: 2,367
 Estimated Total Annual Burden Hours: 1,235,786
 Estimated Total Cost: \$74,160,465

For more details on these estimates, please see the information below.

Table 1 Number of Respondents

Agency Respondent Group	Number of Respondents	Number of Responses
Group 1		
• States	55	55
• 5307 Rail	60	60
• 5307 Large Bus	127	127
Group 1 Subtotal	242	242
Group 2		
• 5307 Small	94	625
• 5311	195	1300
• 5310	30	200
Group 2 Subtotal	319	2,125
Total	561	2,367

Given FTA’s proposed requirement that States draft and certify Public Transportation Agency Safety Plans on behalf of small public transportation providers, FTA utilized data from its TAM rulemaking wherein FTA proposed that States develop “group” TAM plans for these same small public transportation providers. Consequently, Table 1 depicts the two respondent groups that were established in the TAM rule, as well as the responses. Group 1 includes the States and large Section 5307 systems, including those that possess a rail transit mode and those that provide a bus-only mode of

transit. Group 2 consists of the small public transportation providers: Small 5307 providers, Section 5311 providers, and Section 5310 providers.

Table 2 summarizes the overall burden, in labor-hours per response per year for each group of respondents. The tables include a breakdown for the three main paperwork-related elements of the proposed rule: Development and Certification; Implementation and Documentation; and Recordkeeping. Development and Certification refers to the initial costs associated with developing an Agency Safety Plan, while Implementation and Documentation refers to the tasks associated with carrying out the plan, including the four elements of SMS: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. Recordkeeping includes the ongoing annual expense to maintain records related to Public Transportation Agency Safety Plans.

Table 2 Total Annualized Burden

Group 1

Group 1: States

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	55	111	6,082
Implement/Document	55	0	0
Recordkeeping	55	0	0

Group 1: 5307 Rail

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	60	48	2,862
Implement/Document	60	699	41,956
Recordkeeping	60	238	14,274

Group 1: 5307 Large Bus

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	127	48	6,123
Implement/Document	127	771	97,943
Recordkeeping	127	232	29,520
GRAND TOTAL (Group 1)	242	821	198,760

Group 2

Group 2: 5307 Small

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	94	19	1,773

Implement/Document	625	355	221,601
Recordkeeping	625	242	150,938

Group 2: 5311

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	195	14	2,767
Implement/Document	1,300	279	362,875
Recordkeeping	1,300	190	247,163

Group 2: 5310

Elements	Total Responses	Burden Hours Per Response	Total Annual Burden
Development/Certification	30	11	319
Implement/Document	200	227	45,463
Recordkeeping	200	21	4,129
GRAND TOTAL (Group 2)	2,125	488	1,037,026

Summary for Table 2:

Group 1: The number of State respondents is 55. These entities, along with large Section 5307 rail/bus and Section 5307 large bus operators report directly to FTA. The grand total of respondents is 242 (55+60+127).

Group 2: The total number of responses for each subgroup (small Section 5307, Section 5310, and Section 5311 operators) is 319 (94+195+30) when counting the number of plans submitted. When counting all constituent agencies participating, the total for each subgroup (small Section 5307, Section 5310, and Section 5311 operators) is 625, 1,300, and 200, respectively, for a total of 2,125 agencies.

Variance across agencies is expected in the response to this proposed rule based on agency size and category.

- The range of estimated hourly burdens spans from 49,911 labor hours for the Section 5310 agencies to 612,804 labor hours for the Rural Section 5311 agencies. Additionally, the labor hour burden for the State category is estimated at 6,082.
- In terms of individual agencies, the highest estimated labor burden is for the Large Section 5307 rail/bus and bus only agencies at 1,052 hours and the lowest is for the Section 5310 agencies (that operate public transportation systems) at 250 hours.

The main reasons for the variance in labor burdens across agency categories are:

- The States will assist many of the Small 5307, Rural 5311, and Section 5310 agencies with plan development and certification.

- The proposed rule places a lesser burden on smaller agency categories given the scalability of SMS and the lower volume of safety incidents that these smaller transit agencies will experience.
- The experience and abilities of available labor likely differ between categories.

Table 3 Total Costs to Agency, Years 1-3 (Includes Labor, IT/Materials, and Travel)

		Year 1	Year 2	Year 3	Total
Rail	Development/ Certification	\$618,697	\$74,142	\$74,142	\$766,981
	Implement/ Document	\$4,614,087	\$3,532,486	\$3,532,486	\$11,679,058
	Recordkeeping	\$2,051,779	\$2,051,779	\$2,051,779	\$6,155,338
Large 5307	Development/ Certification	\$1,500,158	\$124,918	\$124,918	\$1,749,995
	Implement/ Document	\$8,444,752	\$6,063,049	\$6,063,049	\$20,570,849
	Recordkeeping	\$3,290,570	\$3,290,570	\$3,290,570	\$9,871,709
Small 5307	Development/ Certification	\$420,302	\$44,987	\$44,987	\$510,276
	Implement/ Document	\$13,838,330	\$10,667,758	\$10,667,758	\$35,173,846
	Recordkeeping	\$8,714,824	\$8,714,824	\$8,714,824	\$26,144,473
Rural 5311	Development/ Certification	\$655,670	\$70,180	\$70,180	\$796,030
	Implement/ Document	\$22,660,481	\$17,468,619	\$17,468,619	\$57,597,720
	Recordkeeping	\$14,270,660	\$14,270,660	\$14,270,660	\$42,811,981
5310	Development/ Certification	\$75,654	\$8,098	\$8,098	\$91,850
	Implement/ Document	\$2,839,007	\$2,188,547	\$2,188,547	\$7,216,100
	Recordkeeping	\$238,386	\$238,386	\$238,386	\$715,157
State	Development/ Certification	\$50 7,435	\$61,298	\$61,298	\$630,031
	Implement/ Document	\$0	\$0	\$0	\$0
	Recordkeeping	\$0	\$0	\$0	\$0

The labor and cost estimates in Tables 2 and 3 are based on the following parameters:

- Responses occur once annually for all entities, including the certification of Public Transportation Agency Safety Plans.
 - This involves the certification of their plan.
- The annual hour burden is calculated with the following factors applied:

- o The calculation uses three years of the expected burden of labor, with the greatest labor burden falling in the first year.
 - o There are three different phases of rule adherence: Plan Development and Certification, Implementation and Documentation, and Recordkeeping.
 - o The tasks associated with the Development and Certification phase apply only to those agencies/entities developing their own plan, but the tasks associated with the other two phases apply to all agencies.
 - o The types of labor included labor of the Accountable Executive, the Chief Safety Officer, Safety Staff, Safety Data Analyst(s), the Operations/Maintenance Manager, and Training Staff. Not every category of labor was involved in every duty, and FTA assumed that as agencies grew smaller, fewer of these categories existed and the burden of labor was divided differently. Additionally, the State category did not involve all of these labor categories; only included a Program Manager.
 - o The calculation includes estimated costs for travel, materials, records, and information technology which do not have hours directly attributable to them; the non-labor portion comprises approximately \$47 million over the 3-year period.
- Explanation of how the burden was estimated:
 - o For each category of agency, the proposed rule was broken down subpart by subpart and clause by clause and the required response was scoped out using Project Management Planning (PMP) estimation techniques.
 - o The labor burden for each response action then was estimated and divided across labor categories. This burden estimated new labor specific to the rule and assumed that the paperwork burdens were new.
 - o Total labor burdens per labor category for each of the three phases are thus calculated.
 - o Within each agency category, FTA made assumptions on the implementation maturity of the covered agencies. There are three maturity levels: High, Medium, and Low. FTA applied these levels separately to the first phase and the other two phases (for example, an agency can be highly mature in terms of Development, but of medium maturity for Implementation and Recordkeeping).
 - o FTA used the maturity level to discount the labor burden for the hours for agencies assigned to each maturity category. FTA estimated these maturity discount levels for each agency category by each phase. The High category has a 50% discount, the Medium category almost always has a 25% discount, and the Low category normally has either no discount or a 5% discount.
 - o For Years 2 and 3 FTA assumed that Development and Certification labor burdens would be 25% of those of Year 1.
 - o For Years 2 and 3, FTA divided the tasks in the Implementation and Documentation phase into four SMS subcategories: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. FTA assumed that the labor burden for each of these subcategories for Years 2 and 3 were 20%, 85%, 85%, and 70% of the Year 1 burden, respectively.

- o For the Recordkeeping phase, FTA assumed the Year 2 and 3 labor burdens were the same as the Year 1 burden, as recordkeeping should be a fairly constant and recurring expense.
- o For the Rural 5311 agencies, FTA assumed the labor burden for each task was 75% of the labor burden assigned to the Small Section 5307 category. FTA made this assumption for all three task phases.
- o For the Section 5310 operators of public transportation systems, FTA assumed the labor burden for each task was 75% of the labor burden assigned to the Rural 5311 category for the Development and Implementation task phases, and 10% for the Recordkeeping task phase.
- o For the State labor burden, FTA applied the 50% template discount for Year 1 of the Development and Certification phase.
- o In addition to the general development and certification labor burden for the State, FTA assumed that an additional 4 hours of labor were needed to individualize the plan for each participating agency and 1 hour was needed to certify each agency's plan. For Years 2 and 3, this hour of labor for the certification for each participating agency was the only labor burden for the State.
- o FTA assumed that there is no labor burden for the Implementation or Recordkeeping phases for the State.

Table 4: Analysis of Costs for Systems, Years 1-3—Totals Summary

Phase	Year 1	Year 2	Year 3	Total
Development and Certification	\$3,777,917	\$383,624	\$383,624	\$ 4,545,164
Implementation and Documentation	\$52,396,657	\$39,920,458	\$39,920,458	\$132,237,573
Recordkeeping	\$28,566,219	\$28,566,219	\$28,566,219	\$85,698,657
Totals Year 1,2,3	\$84,740,793	\$68,870,301	\$68,870,301	\$222,481,395

13. Estimate – Total Annual Cost Burden to Respondents/Record-keepers

The estimates above in Section 12 include all costs, including labor, IT, and travel, for the full spectrum of activities from initial plan development, through implementation and documentation, to recordkeeping. There are no additional costs beyond what is estimated there, except for FTA's own costs as described below in Section 14.

14. Annualized Cost to the Federal Government

FTA Cost Burden*				
	Year 1	Year 2	Year 3	Total
Development and Certification**	\$11,861	\$1,249	\$1,249	\$14,357.97
Implementation and	\$15,606	\$11,849	\$11,849	\$39,305

Documentation***				
Record Keeping	\$10,000	\$10,000	\$10,000	\$30,000
Total	\$37,467	\$23,097	\$23, 097	\$83,662

Notes:

*This data includes both labor and non-labor costs.

** Years 2 and 3 are based on 40 hours of labor—this is the same amount estimated in Year 1 for the development of templates for Section 5311 and Section 5310 operators.

*** Cost levels for Year 2 and Year 3 are proportional to the level of effort of agencies (as seen in the average of five categories).

Total Annual Cost to the Federal Government: \$27,887 (three year average annual cost)

- The total FTA burden hours are 1,289.
- The FTA maturity level is set at Medium (so the burden is 75% of full effort) for the Development and Implementation phases and High (100%) for the Recordkeeping phase.
- The burden hours associated with the Development phase for Years 2 and 3 are assumed to correlate to the labor burden associated with the lowest level required in Year 1 for the Development phase – the 40 hours for Rural 5311 agencies and Section 5310 agencies.
- The burden hours for Years 2 and 3 for the Implementation phase are calculated by multiplying the burden hours for Year 1 by the average reduction from Year 1 to Year 2 for all of the agency categories. State data was not used in this calculation. (This un-weighted average is 75.92%, but the range is only from 71.80% to 77.09%, so a weighted average would not change it significantly.) This was used because it is assumed that as agencies spend less labor hours on the plan, they will require FTA assistance and involvement proportionately less, as well.

The total amount of FTA operational expenses is \$30,000.

- These expenses include physical and IT software, hardware and related materials associated with Recordkeeping.

There are no other expenses that would otherwise not have been incurred.

15. Explanation for Program Changes or Adjustments

This is a new information collection request.

16. Plans for Tabulation and Publication and Project Time Schedule

All rail transit and large bus Section 5307 agencies will be assembling information through the drafting and certification process, and they will conduct an annual review of their Public Transportation Agency Safety Plans.

The States also will be assembling information through the drafting and certification process for the small Section 5307, Section 5310, and Section 5311 agencies, and they will conduct an annual review of their own Public Transportation Agency Safety Plans (85% of the systems will be assembled in this way).

Fifteen percent of the small Section 5307, Section 5310, and Section 5311 agencies are expected to develop and certify their own plans (by “opting-out” of having the States draft and certify plans on their behalf).

FTA will tabulate and aggregate all of this information for the purpose of ensuring compliance, to identify areas of need for further technical assistance and for reporting back to the industry.

Implementation of the provisions is expected one year after promulgation of the final rule.

FTA anticipates that transit agencies’ levels of compliance with the proposed rule will be uneven at the outset; there will be differing levels of maturity for different categories of transit agencies. As a transit agency implements SMS, the transit agency’s maturity level will increase over time. All operators of public transportation systems should experience an increase in maturity metrics.

17. Reason(s) the Display of OMB Expiration Date is Inappropriate

Not applicable

18. Exceptions to Certification for Paperwork Reduction Act Submissions

FTA does not propose to claim exceptions to certification for Paperwork Reduction Act submissions.