

**U.S. Department of Transportation
Federal Transit Administration
Supporting Statement for Paperwork Reduction Act Submissions
Public Transportation Agency Safety Plan
(OMB# 2132-0580)**

Justification

The purpose of this request is to seek the Office of Management and Budget's (OMB) approval of the renewal of an existing approved information collection. The information collection (IC) was previously approved in June of 2019, when it was a new (IC). There are no programmatic or new regulatory changes associated with this information collection. However, this current submission reflects a reduction in both annual responses and annual burden hours. This revision reflects a reduction to the number of responses due to a change in the respondent universe based on current data. The burden hours of the previous submission included the hours necessary to develop the Agency Safety Plans. The reduction in the annual burden hours in this current submission reflects the fact that respondents only need to update and self-certify completion of their existing plans.

1. Circumstances Making the Collection of Information Necessary

Through 49 CFR Part 673, the FTA established requirements for Public Transportation Agency Safety Plans as authorized under 49 U.S.C. § 5329(d). The regulation requires States and certain operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop Public Transportation Agency Safety Plans based on the Safety Management Systems (SMS) approach. The development and implementation of safety plans will help ensure that public transportation systems are safe nationwide.

Annually, each State, local governmental authority, and operator of a public transportation system that is subject to this rule must certify that it has developed an ASP. See 49 U.S.C. § 5329(d)(1). Each operator of a public transportation system must have its safety plan approved by its Board of Directors (or an Equivalent Authority) and signed by its Accountable Executive.

States must draft safety plans on behalf of any small public transportation provider located within the State unless that small public transportation provider opts to develop its own plan. FTA defined "small public transportation provider" to mean a bus system which operates 100 or fewer vehicles in peak revenue service. Given that the regulation does not apply to operators of public transportation systems that only receive FTA funds under Section 5310 and/or Section 5311, FTA excluded these entities from the information collection.

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

- An approval from the recipient's Board of Directors, or an Equivalent Authority;

- 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 measures established in FTA's National Public Transportation Safety Plan;
- Assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer; and
- A comprehensive safety 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.

Pursuant to 49 CFR § 673.11, each operator of a public transportation system must establish a Public Transportation Agency Safety Plan that meets the requirements of 49 CFR Part 673 and, at a minimum, includes 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 Equivalent Authority;
- The Public Transportation Agency Safety Plan must document the processes related to the transit agency's SMS, including its four components: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance, and (4) Safety Promotion;
- The Public Transportation Agency Safety Plan must include safety performance targets based on the safety performance measures established in FTA's 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 its Public Transportation Agency Safety Plan; and
- A rail transit agency must include or incorporate by reference 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, each transit agency's ASP must include documented processes and procedures related to the four components of SMS: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance, and (4) Safety Promotion. These processes and procedures are explained in more detail below.

Through Safety Management Policy, each transit agency must develop a safety management policy statement that includes organizational safety accountabilities and responsibilities, the agency's safety objectives, and an employee reporting program.

Through Safety Risk Management, each transit agency must establish a safety risk management process for all elements of the public transportation system. This process must include procedures for identifying safety hazards, for assessing safety risk, and for mitigating safety risk, as necessary.

Through Safety Assurance, each transit agency must establish procedures for monitoring and measuring its safety performance. Rail transit agencies and large bus agencies that operate more than 100 vehicles in peak revenue service must establish procedures for assessing changes to their public transportation systems that may introduce new hazards and for continually improving their safety performance.

Through Safety Promotion, each transit agency must establish a comprehensive safety training program for all agency employees and contractors directly responsible for safety in the agency's public transportation system and communicate safety information throughout the agency.

SMS is a scalable and flexible management tool designed to meet the needs of each unique operating environment of a public transportation provider. Thus, the extent of SMS documentation will vary from transit agency to transit agency. For a small bus operator, SMS will involve a simpler process and less paperwork than that of a larger rail transit agency that employs hundreds or thousands of employees and operates in a more complex environment.

2. Purpose and Use of the Information

The ASP and supporting documentation will be the mechanism through which a transit agency demonstrates that it has complied with the statutory requirements of 49 U.S.C. § 5329(d).

While the ASP specifies the activities that a transit agency must undertake, the information exchange between FTA and its recipients will consist of:

- Annual Certifications and Assurances. FTA requires operators of public transportation systems and States to certify compliance with 49 CFR Part 673 through its annual submittal of Certifications and Assurances. These entities will transmit this

information through the existing Certification and Assurances module in FTA's Transit Award Management System (TrAMS).

- Triennial Review Process. FTA will ensure compliance with this regulation through its Triennial Review oversight process. FTA will incorporate questions specific to the PTASP regulation into FTA's existing oversight questionnaire for transit agencies to evaluate areas of compliance.
- State Management Review Process. FTA also will ensure compliance with this regulation through its triennial State Management Review oversight process. FTA will incorporate questions specific to the PTASP regulation into FTA's existing oversight questionnaire for States to evaluate areas of compliance.

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

The information collection will help guide a transit agency and FTA's safety program priorities. The information will come from the transit agencies through their ASP drafting and certification processes. FTA anticipates that this improved information flow will broaden an individual transit agency's experiences in implementing a mature SMS.

Another important use of the information is to strengthen a transit agency's SMS processes internally. FTA anticipates that a transit agency's SMS processes 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. SMS establishes a proactive approach to managing safety risk, as opposed to a reactive one.

3. Use of Information Technology and Burden Reduction

FTA requires transit agencies and States to submit annual certifications and assurances to FTA to ensure compliance with the PTASP regulation. 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 from agency to FTA submissions.

Transit agencies and States may use ASP templates issued by FTA, which are publicly available on FTA's website.

FTA's existing TrAMS system will be used by transit agencies and States for the submission of annual certification and assurance information. FTA will not be collecting ASPs on an annual basis, but it will be requiring transit agencies and States to annually self-certify, in accordance

with FTA's already established policies and procedures, that they are complying with the PTASP regulation.

4. Efforts to Identify Duplication and Use of Similar Information

No other Federal agency or operating administration within the U.S. Department of Transportation collects PTASP regulation certification information. There is no duplication of information.

5. Impact on Small Businesses or Other Small Entities

The information collected does not involve small businesses.

6. Consequences of Collecting the Information Less Frequently

Any delay or curtailment in the self-reporting of this information would hamper the ability of FTA to monitor the implementation of, and compliance with, the PTASP regulation and the improvements in safety management. Additionally, without the information requirements 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 that require the collection of information inconsistent with any OMB guidelines.

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

In accordance with the Paperwork Reduction Act of 1995, on March 22, 2022, FTA issued a 60-day Federal Register Notice (Vol. 87, No. 55 page 16306-16307) announcing its intention to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Public Transportation Agency Safety Plan. In response, FTA received no comments. FTA published a 30-day Federal Register Notice on June 23, 2022 (Vol. 87 No. 120 pages 37550-37551).

In 2019, FTA established the PTASP TAC to provide ongoing and direct technical assistance to agencies required to comply with the PTASP regulation. Since that time the PTASP TAC has provided extensive support to transit agencies and States, including direct responses to over 1,800 inquiries, reviews of over 400 Agency Safety Plans, facilitation of 20 webinars with over 3,500 participants, conduct of 17 workshops with over 600 participants, and development and publication of over 70 technical assistance documents, tools, and templates via the PTASP TAC website. While this process helped the transit industry achieve 100% certification compliance with the Final Rule by the enforcement deadline of 7/20/2021, it has also provided FTA with valuable perspective on transit industry SMS implementation and maturation.

In addition, in an effort to provide additional outreach to our respondents, FTA published an [Agency Safety Plan \(ASP\) Directory](#) as part of the PTASP TAC Resource Library. Transit agencies can use these publicly available ASPs as a resource to help with their own ASP.

9. Explanation of Any Payment or Gift to Respondents

The PTASP regulation does not include any payments or gifts to respondents.

10. Assurance of Confidentiality Provided to Respondents

No elements of confidentiality are involved in the PTASP regulation.

11. Justification for Sensitive Questions

No sensitive questions are included in the PTASP regulation.

12. Estimates of Hour Burden Including Annualized Hourly Costs

Estimated Annual Number of Respondents: 755
Estimated Annual Number of Responses: 755 (one per respondent annually)
Estimated Total Annual Burden Hours: 252,855
Estimated Total Annual Cost: \$26,286,151

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

Table 1: Number of Respondents¹

Agency Respondent Type	Number of Respondents
States	50
5307 Rail	62
5307 Large Bus	74
5307 Small	569
Total	755

Table 1 establishes the respondent groups applicable under the PTASP regulation. All respondents must certify compliance with the PTASP regulation annually. States are responsible for developing new ASPs for new small public transportation providers in their State unless the new provider opts to develop its own ASP. Rail, large bus, and small public transportation providers are required to implement their ASP.

¹ Source: Federal Transit Administration (FTA) Public Transportation Agency Safety Plan (PTASP) Technical Assistance Center (TAC).

Table 2 summarizes the overall burden, in labor-hours per response per year for each respondent type. The tables include a breakdown for the four main paperwork-related elements of the rule: Development, Certification, Implementation and Documentation, and Recordkeeping. Development refers to the initial costs associated with developing a safety plan, Certification refers to the annual costs for certifying compliance with the Part 673, while Implementation and Documentation refers to the tasks associated with carrying out and implementing the safety plan. Recordkeeping includes the ongoing annual expense to maintain records related to the safety plans.

Table 2: Total Annualized Burden

		Total Responses	Burden Hours Per Response	Total Annual Burden
Rail	Development/Certification	62	3	186
	Implement/Document	62	892	55,295
	Recordkeeping	62	39	2,408
Large 5307	Development/Certification	74	3	222
	Implement/Document	74	661	48,913
	Recordkeeping	74	41	3,027
Small 5307	Development/Certification	569	3	1707
	Implement/Document	569	213	121,146
	Recordkeeping	569	34	19,601
States	Development	50	40	200
	Certification	50	3	150
Grand Total		755		252,855

Summary for Table 2:

The total number of respondents is 755, which includes 62 Section 5307 rail respondents, 74 Section 5307 large bus respondents, 569 Section 5307 small respondents, and 50 applicable State respondents.

When counting all constituent agencies participating, the total for each sub-type (rail Section 5307 recipients, large bus Section 5307 recipients, small bus Section 5307 recipients, and States) is 62, 74, 569, and 50, respectively, for a total of 755 agencies.

The range of estimated hourly burdens spans from 52,162 labor hours for the Section 5307 large bus agencies to 142,454 labor hours for the small Section 5307 bus agencies. Additionally, the labor hour burden for the State category is estimated to be 350.

In terms of individual transit agencies, the highest estimated labor burden is for the Section 5307 rail agencies at 934 hours, and the lowest is for the small Section 5307 bus agencies that operate public transportation systems at 250 hours.

The main reasons for the variance in labor burdens across agency categories are: (1) the rule places a smaller burden on smaller agency categories given the scalability of SMS and the lower volume of safety events that these smaller transit agencies will experience; and (2) the experience and abilities of available labor likely differ between categories.

This updated table reflects the finalized certification process that requires all recipients of Section 5307 funds to certify compliance with 49 CFR Part 673. Previous estimates assumed that States would certify on behalf of small public transportation providers. Additionally, this updated table reflects a reduction in overall burden hours as all applicable transit agencies have completed ASP development.

The burden hours were monetized using a combination of sources. Hourly wage rates were estimated using annual average salaries for various classifications of labor, divided by 2,080 hours of work per year. The average Accountable Executive salary for Rail agencies was determined by a random sampling of publicly available Chief Executive Officer (CEO) salary information and total compensation data available through NTD. Other salaries for rail agencies were determined as a ratio of the Accountable Executive salary based on the same ratios exhibited by the available May 2016 Bureau of Labor Statistics (BLS) data for urban and interurban bus transit systems.² Salaries for Large and Small 5307 agencies also were estimated based on this BLS data. The annual salaries were adjusted to account for inflation over time and benefits, using BLS data on the employment cost index and benefits (employer cost for employee compensation).³ The estimate leverages a 14.4% wage increase between 2016 and 2020 of 14.36% based on average wage increase (AWI) data published by the Social Security Administration (SSA).⁴

Table 3: Total Annual Costs (Includes Labor, IT/Materials, and Travel)

		Annual Cost
Rail	Development/Certification	\$ 10,382
	Implement/ Document	\$ 7,458,603
	Recordkeeping	\$ 1,268,267
Large 5307	Development/Certification	\$ 8,770
	Implement/ Document	\$ 4,307,712
	Recordkeeping	\$ 1,195,596
Small 5307	Development/Certification	\$ 4,129
	Implement/ Document	\$ 8,643,822
	Recordkeeping	\$ 3,380,434
States	Development/Certification	\$ 2,934
	Certification	\$ 5,502
Total		\$ 26,286,151

² See http://www.bls.gov/oes/current/naics3_485000.htm

³ BLS Employment Cost Index, December 2016, Table 11. <https://www.bls.gov/news.release/eci.t11.htm>. For these employees, BLS data show wages increased 2.1% from 2015 to 2016. This increase was included to adjust for inflation in the wage data from 2015 to 2016.

BLS Employer Cost for Employee Compensation, December 2016, Table 3.

https://www.bls.gov/news.release/archives/ecec_03172017.pdf

For these employees, BLS data show wages as 63% of total compensation, with benefits at 37%.

⁴ <https://www.ssa.gov/oact/cola/awidevelop.html>

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 compliance with 49 CFR Part 673.
- The annual hour burden is calculated with the following factors applied:
 - There are three different phases of rule adherence: Plan Development and Certification, Implementation and Documentation, and Recordkeeping.
 - The tasks associated with the Development and Certification phase apply agencies supporting annual certification with 49 CFR Part 673 and the development of ASPs for any new transit system.
 - The types of labor included are 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, at the State level, not all of these labor categories are likely to be involved, for instance, a Program Manager is assumed to be the main labor category for work at the State level.
 - Wage estimates from 2016 have been increased by 14.36% based on the average wage index (AWI) for 2016 and 2020 (<https://www.ssa.gov/oact/cola/awidevelop.html>)
 - The calculation includes estimated costs for travel, materials, records, and information technology which do not have hours directly attributable to them.
- Explanation of how the burden was estimated:
 - For each category of agency, FTA broke down the PTASP regulation subpart by subpart, and then clause by clause, and FTA scoped the required response using Project Management Planning (PMP) estimation techniques.
 - FTA then estimated the labor burden for each response action and divided it across labor categories. This burden estimated new labor specific to the rule and assumed that the paperwork burdens were new.
 - FTA calculated the total labor burdens per labor category for each of the three phases.

- 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).
- 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.
- 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 were 20%, 85%, 85%, and 70% of the Original PRA Year 1 burden, respectively.
- In addition to the general certification labor burden for the State, FTA assumed that an additional 16 hours of labor were needed to individualize an ASP for any new small public transportation provider. The estimate includes a projected 5 new small public transportation providers per year.
- FTA assumed that there is no labor burden for the Implementation or Recordkeeping phases for the State.

Table 4: Analysis of Costs, Annual Summary

Phase	
Development and Certification	\$ 31,717
Implementation and Documentation	\$ 20,410,137
Recordkeeping	\$ 5,844,297
Totals	\$ 26,286,151

13. Estimate—Total Annual Cost Burden to Respondents/Recordkeepers

The estimates in Section 12 above include all costs, including labor, information technology (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 in Section 14 below.

14. Annualized Cost to the Federal Government

	Annual
Development and Certification	\$48,984
Implementation and Documentation	\$122,459
Total	\$171,443

Notes:

*This data includes only labor costs. The FTA cost burden reflects estimated FTA costs for the development of templates and other startup costs, as well as ongoing coordination with transit agencies and providing oversight as needed. These costs are relatively limited because FTA will assess each transit agency’s compliance with the rule as part of the normal triennial review process.

The annual average burden hours are 2,207. The wage rate used was an estimated fully-loaded hourly rate for a mid-range general schedule grade 12 FTA employee. This rate equated to \$77.68 per hour.⁵

15. Explanation for Program Changes or Adjustments

The change in the current supporting statement reflects a decrease in the number of responses and a decrease in burden hours from the 2019 PRA submittal. This revision reflects a reduction to the number of responses due to a change in the respondent universe based on current data. The burden hours of the previous submission included the hours necessary to develop the Agency Safety Plans. The reduction in the annual burden hours in this current submission reflects the fact that respondents only need to update and self-certify completion of their existing plans.

16. Plans for Tabulation and publication for collections of information whose results will be published.

FTA does not plan to publish any results from this collection, including any statistical results.

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 claim exceptions to certification for Paperwork Reduction Act submissions.

⁵ The 2022 annual general schedule salary for a grade 12, step 5 employee in Washington, D.C. is \$101,813. An employer-provided benefits multiplier of 1.587 was applied to the salary, which was then divided by 2080 to determine the hourly rate.