U.S. Department of Transportation
Federal Transit Administration (FTA)
Supporting Statement for Paperwork Reduction Act Submissions
Public Transportation Safety Certification Training Program
OMB CONTROL NO. 2132-0578

JUSTIFICATION

This supporting statement is associated with revisions proposed by a Notice of Proposed Rulemaking (NPRM) for a regulation with a currently approved information collection (OMB# 2132-0578) "Public Transportation Safety Certification Training Program (PTSCTP)". The PTSCTP provides minimum training requirements for Federal and State personnel and contractors who conduct safety audits and examinations of transit systems and for transit agency personnel and contractors who are directly responsible for safety oversight to enhance the Safety Management Systems (SMS) technical proficiency. There have been no statutory changes or requirements since the last OMB submission, however, the NPRM proposes programmatic changes. There has also been an slight increase in the respondent industry. That newly added transit agencies along with the programmatic changes, has resulted in a increase of burden hours.

1. Circumstances Making the Collection of Information Necessary

The PTSCTP is authorized pursuant to 49 U.S.C. § 5329(c)(1) and provides minimum training requirements for Federal and State personnel and contractors who conduct safety audits and examinations of transit systems and for transit agency personnel and contractors who are directly responsible for safety oversight to enhance the technical proficiency.

The PTSCTP has different Individual Training Plan (ITP) tracks. The different ITP tracks are stated below:

1) **State Safety Oversight (SSO)** - State personnel and their contractor support who conduct safety audits and examinations of public transportation systems.
2) **Rail Transit Agency (RTA)** – Rail transit agency personnel who are directly responsible for public transportation system safety oversight,

All are recipients of FTA grant funding and compliance a grant condition.

FTA personnel and contractors who conduct safety audits and examinations of rail public transportation systems will adhere to applicable Safety Oversight Agencies (SSOAs) training requirements. PTSCTP prescribes minimum training requirements for SSOAs personnel and contractors who conduct safety audits and examinations of public transportation systems. The program also provides minimum training requirements for RTA personnel who are directly responsible for safety oversight of public transportation systems. To comply with 49 U.S.C. § 5329(c)(1), designated personnel are required to register for the PTSCTP and request an individual training plan (ITP) at: Safety Training | FTA (dot.gov). FTA then issues an ITP with a curriculum associated with his or her job category. That is either conducting safety audits and

examinations, or directly responsible for safety oversight of a public transportation system. Following registration, participants enroll in courses specific to their curriculum. In those circumstances where a participant has already completed training that may be equivalent to a PTSCTP requirement from an entity other than FTA, the participant may request that FTA evaluate the training. The evaluation request is initiated by submitting the following to FTA: an official transcript or certificate of the training; a description of the curriculum and competencies obtained; and a brief statement detailing how the training or certification satisfies the applicable PTSCTP requirement. The NRPM proposes that participants submit an equivalency credit request form available on FTA's website Request for Equivalency Credit for Non-FTA Course Training | FTA (dot.gov). This form existed previously however, the proposed change in the NPRM specifies that equivalency requests must be submitted using this form and not some other method. This is a programmatic change and does not affect existing requirements. If FTA determines the training satisfies a PTSCTP requirement, the participant is provided appropriate credit and waived from having to repeat the training. Recipients are required to self-certify compliance with 49 CFR part 672 annually. Additionally, SSOAs are required to maintain training records for its designated personnel for a five-year period.

2. 11Purpose and Use of the Information

It is necessary for FTA to collect information for this program to ensure that SSOA and RTA are complying with the prescribed training requirements by ensuring their designated personnel are receiving training that assist with enhancing technical and professional proficiency in performing safety oversight functions. FTA will use the information collected to monitor implementation of the PTSCTP. Certain information collected may be disseminated to recipients or FTA program managers to encourage and ensure participation by designated personnel is achieved within the prescribed 3-year certification period. FTA will disseminate any information associated with the PTSCTP to the general public.

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 this program. 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.

FTA uses information technology, particularly electronic record keeping for PTSCTP registration. In compliance with both the requirements of the Paperwork Reduction Act and Government Paperwork Elimination Act (GPEA), FTA utilizes 100% electronic entry and participation in the PTSCTP. Initial information will be collected on a one-time basis as participants register for the program. All participants will utilize FTA's electronic registration process to request an ITP and register for required coursework. Additionally, participants will be able to correspond with FTA via electronic mail when requesting evaluation of such training. Data and information collected will be entered, stored, transmitted, and circulated electronically, both internal to the agency and in external communications from FTA to recipients. If technical assistance is warranted, FTA may provide support through either electronic or telephonic forms of technology. FTA's Transit Awards Management System (TrAMS) will be used by RTAs and

SSOAs to submit electronic certification and assurances that they are compliance in accordance with established policies and procedures. TrAMS is already in use by all of FTA grantees, so there is no additional burden associated with the use of this system. FTA has published a TrAMS user guide online (attached under supplementary documents in ROCIS which is updated as required).

4. Efforts to Identify Duplication and Use of Similar Information

Congress authorized the PTSCTP to enhance the technical and professional competencies of those charged with safety oversight responsibilities for public transportation systems. The PTSCTP implements federal training requirements mandated by Congress and there is no duplication of effort for participants. The information requested is unique to each participant and is not available from any other source. FTA coordinated its efforts during the rulemaking process in 2019 to ensure that required participants for each rule are not burdened with the same requirements twice. FTA has numerous programs/information collections related to safety oversight and in some cases have some overlap for required participants. However, tasks associated with each information collection have been designated in the appropriate information collection previously and are not duplicated with this request. Specifically, the information collection for the Rail Fixed Guideway Systems; State Safety Oversight (OMB#2132-0558) contain training costs and burdens associated with PTSCTP requirements for SSOAs. The costs and burdens associated with this program do not include training costs and burdens already captured in the approved SSO information collection.

5. Impact on Small Businesses or Other Small Entities

The requirements of this program apply only to SSOAs and RTAs; recipients such as bus transit systems or ferry systems are not required to participate in the PTSCTP. In an effort to minimize burden on all participants, FTA will maintain electronic records of participants and make the records available to them electronically. This process will assist recipients with monitoring the progress of designated personnel and assist with their annual self-certification requirement. Additionally, FTA will continue to develop and offer e-Learning courses as part of the PTSCTP online curriculum.

6. Consequences of Collecting the Information Less Frequently

If this information were not collected or collected less frequently, FTA would be unable to fulfill the statutory requirements of 49 U.S.C. § 5329 (c)(1). FTA has limited the information collection requirements to implement the PTSCTP to those that are essential for ensuring compliance. Without the information collection requirements stated in this document, FTA would be unable to adequately determine compliance with program requirements; thus, adversely affecting the funding status of recipients. FTA considers the collection of information to be a critical element of its goal of advancing public transportation safety.

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

FTA's Office of Safety and Oversight has an entire division of their staff dedicated to Stakeholder Outreach. These staff members draft conference presentations, webinars, safety stakeholder letters and write and disseminate a monthly newsletter to the industry about safety and oversight topics, events, training, and guidance that affect the public transportation industry. Presentations, transcripts of webinars, copies of stakeholder letters and newsletters can be found at Conference Presentations | FTA (dot.gov).

A NPRM was published on October 26, 2023 (Vol.88 No. 206) pages 73573-73582. Following the publication of the NPRM, FTA will host public webinars, publish an article in the TSO newsletter and the Public Transportation Agency Safety Plan Technical Assistance Center (PTASP TAC) update. Reminders will be sent via GovDelivery and social media and include information about the NRPM in external meetings and speaking engagements. Additionally, FTA will develop and publish Frequently Asked Questions to highlight key changes as a result of the rulemaking.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift is made to respondents.

10. Assurance of Confidentiality Provided to Respondents

There have been no assurances of confidentiality provided to respondents. This was unnecessary given that there will be no questions of a confidential nature for individuals on the information reported by the recipients.

11. Justification for Sensitive Questions

No individuals are asked questions of a sensitive nature in this information collection. Only RTAs and state oversight agencies will provide the information.

12. Estimates of Hour Burden Including Annualized Hourly Costs

Total Annual Respondents: **95** respondents (31 SSOAs that conduct audits and examinations of public transportation systems and 64 public RTAs with designated personnel who are directly responsible for safety oversight of their systems).

Total Annual Burden Hours: **11,564** (6,446 new burden hours as result of NPRM + 5,118 previously approved burden hours)

New Requirements Annual Burden Hours: 6,446

The PTSCTP operates under a previously approved information collection associated with the existing requirements or 49 CFR part 672. This includes requirements for training, recordkeeping and annual certification.

The proposed rule would add information collection burden associated additional recordkeeping and reporting requirements and new refresher training requirements. There are 95 annual respondents (SSOAs and RTAs) that provide information to FTA related to the PTSCTP. The table below indicates the hours estimated to be incurred on an annual basis with the proposed changes.

Requirement	Respondents	Annual hours	Total hours
Staff enrollment	31 SSOAs	12	372
Point of contact identification	31 SSOAs	2	62
Point of contact responsibilities	31 SSOAs	24	744
Semi-annual reporting	31 SSOAs	4	124
Refresher training	175 SSOA employees	4 (8 hours every 2 years)	700
Total			**2,002**

Requirement	Respondents	Annual hours	Total hours
Staff enrollment	64 RTAs	12	768
Point of contact identification	64 RTAs	2	128
Point of contact responsibilities	64 RTAs	24	1,536
Semi-annual reporting	64 RTAs	4	256
Refresher training	439 RTA employees	4 (8 hours every 2 years)	1,756
Total			**4,444**

<u>Previously Approved Annual Burden Hours</u>: 5,118

Requirement	Respondents	Annual hours	Total hours
Record keeping and annual certification of compliance	30 SSOAs	88.6	2,658
Total			**2,658**
Requirement	**Respondents**	**Annual hours**	**Total hours**
Record keeping and annual certification of compliance	60 RTAs	41	2,460
Total			**2,460**

<u>Total Annual Burden Hours</u>: 11,564

	Existing annual hours: 5,118
+	New annual hours: 6,446
=	Total annual hours: 11,564

<u>Total Annual Cost to Respondents</u>: **317,726**

To estimate the value of respondent staff time spent on the new proposed requirements, FTA used occupational wage data from the Bureau of Labor Statistics as of May 2023 in the "Transit and Ground Passenger Transportation" industry (North American Industry Classification System code 485000).[1] For SSOA and rail transit agency points of contact, the closest occupational category is "General and Operations Managers" (code 11-1021). For SSOA and rail transit agency personnel completing training, the closest occupational category is "Transportation Inspectors" (code 53-6051). FTA used median hourly wages as a basis for the estimates, multiplied by 1.62 to account for employer benefits.[2]

Staff	Occupational category	Code	Median hourly wage	Wage with benefits
SSOA and RTA point of contact	General and Operations Managers	11-1021	$37.63	$60.69
SSOA and RTA personnel	Transportation Inspectors	53-6051	$21.61	$34.86

The administrative and reporting requirements of the proposed rule have estimated annual costs of approximately $318,000. The largest annual costs are for point of contact responsibilities ($128,000) and refresher training ($86,000). FTA would also incur minimal one-time costs to

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[1] Bureau of Labor Statistics. 2023. "May 2022 National Occupational Employment and Wage Estimates: United States: NAICS 485000 - Transit and Ground Passenger Transportation." https://www.bls.gov/oes/current/naics3_485000.htm.

[2] Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 22 (https://www.bls.gov/news.release/ecec.htm). Employer costs for state and local government workers averaged $57.60 an hour, with $35.69 for wages and $21.95 for benefit costs. To estimate full costs from wages, one would use a multiplier of $57.60 / $21.95, or 1.62.

develop the refresher training materials.

Requirement	Annual costs
Staff enrollment	$69,191
Point of contact identification	$11,532
Point of contact responsibilities	$128,337
Semi-annual reporting	$23,064
Refresher training	$85,603
Total	**$317,726**

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

There is no additional cost beyond what is shown in question 12 above.

14. Annualized Cost to the Federal Government

We estimate the annualized cost to the Federal government to be approximately $1,432,248 as noted in the table below.

One GS-14 (step-10) SALARY TABLE 2023-DCB (opm.gov) salary plus 28% fringe benefits

Federal Salaries and Benefits	$ 220,256
Contract Services	$ 368,000
Equipment, Supplies, Space, Other	$ 58,260
Travel (Other than Course Delivery)	$ 13,800
Course Delivery (TSI)	$ 462,866
ADD: TSI Indirect @ 19%	$ 211,496
Est. Materials Fee Recovery	$ 97,570
Total	$ 1,432,248

15. Explain the reasons for any program changes or adjustments.

The proposed changes are based on FTA's administration of the PTSCTP since 2018. During the management of the program, FTA has identified areas that require clarification in the regulation. Proposed programmatic changes would streamline FTA's PTSCTP communication process with the transit industry and clarify the process for the evaluation of prior certification and training. These are the first proposed changes to the regulation since it was initially issued July 19, 2018. There has also been an increase in the total annual respondents since the last OMB approval.

Since then, there was (1) additional SSOA and (4) new RTA's bringing the total respondent universe to 95. The programmatic changes along with the new respondents increased the total annual burden hours to 11,564.

16. Plans for Tabulation and Publication and Project Time Schedule

FTA does anticipate reporting on the progress of the industry in aggregate to Congress; however, FTA does not plan to publish training specific program data.

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

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.