

Public Transportation Agency Safety Plans (PTASP)

Office of Transit Safety and Oversight

February 2024



U.S. Department of Transportation
Federal Transit Administration

Agenda

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2. Summary of Comments

3. Changes

- **Safety Risk Reduction Program: Safety Risk Mitigations**
- **Accountable Executive**
- **Safety Committee Procedures**
- **Integrating the Safety Risk Reduction Program into the Safety Management System**
- **Safety Committee and Cooperation with Frontline Transit Worker Representatives**
- **Minor Changes to Definitions**
- **Preamble: Actions to Protect Transit Workers**
- **Economic Analysis**

Background

- FTA published an NPRM for the PTASP regulation in the Federal Register on **April 26, 2023**, and the comment period closed on **June 26, 2023**
- FTA received **53 comment submissions** to the docket with a total of **636 individual comments** on specific topics
- Changes from the proposed rule were made based on Comments and **Decisions made with OST and the White House Infrastructure Implementation Team**
 - **Safety Risk Mitigations related to the Safety Risk Reduction Program**
 - **Accountable Executive implementation of various mitigations**
 - **Safety Committee Procedures**
 - Safety Risk Reduction Program integrated into SMS and removal of separate section 673.20
 - Safety Committee and Cooperation with Frontline Transit Worker Representatives
 - FTA Actions to Protect Transit Workers
 - Definitions
 - Economic Analysis

Summary of Comments

- Safety Risk Reduction Program: Accountable Executive and Safety Risk Mitigations
 - Accountable Executive **must implement** mitigations recommended by Safety Committee – ATU, TWU, Senators Schumer, Brown, Van Hollen, Reed, Menendez, Warren
 - Accountable Executive **considers** mitigations recommended by Safety Committee – APTA, CTA, SEPTA
- Safety Committee: Dispute Resolution/Tiebreaking
 - **Establish** dispute resolution process and **Prohibit** Accountable Executive from breaking ties – ATU, TWU
 - **Require** Accountable Executive to break ties – APTA, California Transit Association, CTA, SEPTA, The Rapid, VTA
 - Give Safety Committee **flexibility** to reach decisions without specifically requiring a vote – San Diego MTS
- Safety Committee: Meeting Notices and Compensation
 - Add requirements for **notice of compensation, meeting frequency** – VTA
 - Add **compensation requirement** – ATU
- Safety Risk Reduction Program: Relationship to Safety Management System (SMS)
 - Safety risk reduction program appears incongruent with SMS – ASCE, ATU, ATU Locals, CTA, Kansas City Streetcar, New Jersey Transit, New Orleans Regional Transit Authority, PennDOT, Pittsburgh Regional Transit, WMATA
- Other Comments
 - Clarification of definitions, compliance enforcement, Safety Committee inspection authority and access to data

Safety Risk Reduction Program: Safety Risk Mitigations

- To address comments regarding the Safety Committee's role in recommending safety risk mitigations as part of the Safety Risk Reduction Program, FTA has added language to clarify the Safety Committee's involvement (at **§673.25(d)(3)-(4)**) and requirements for documenting these safety risk mitigations in the ASP (at **§673.11(d)(7)(iv) and 673.25(d)(5)**).

§ 673.25(d)(3)-(4)

- The Safety Committee identifies and recommends **safety risk mitigations** as part of the safety risk reduction program.
- This must include the consideration of measures to reduce visibility impairments on buses and the deployment of assault mitigations on buses

§ 673.11(a)(7)(iv) and 673.25(d)(5)

- Transit agencies are required to include or incorporate by reference in the ASP any **safety risk mitigations relating to the safety risk reduction program** that are identified and recommended by the Safety Committee based on a safety risk assessment

Accountable Executive

- To address comments regarding the Accountable Executive's responsibility to ensure the implementation of safety risk mitigations recommended by the Safety Committee, FTA has clarified that the Accountable Executive must implement all mitigations ***documented or incorporated by reference in the ASP, including all mitigations recommended by the Safety Committee as part of the Safety Risk Reduction Program.***

§ 673.23(d)(1)

- The Accountable Executive must implement **safety risk mitigations for the safety risk reduction program** that are included in the ASP under § 673.11(a)(7)(iv).

§ 673.25(d)(6)

- The Accountable Executive must consider **all other safety risk mitigations** that are recommended by the Safety Committee.
- **If the Accountable Executive declines to implement a mitigation, the Accountable Executive must prepare and present a written statement explaining their decision to the Safety Committee and Board of Directors.**

Safety Committee Procedures

- § 673.19(c)(2)
 - Provides that Safety Committee procedures must address how meeting agendas and notices will be developed and shared.
- § 673.19(c)(4)
 - Safety Committee procedures **must include the compensation policy established by the transit agency for participation in Safety Committee meetings.**
 - FTA is not requiring transit agencies to compensate members of the Safety Committee; it is requiring the transit agency to adopt a policy for Safety Committee compensation.
- § 673.19(c)(6) & (8)
 - Safety Committee procedures must document the Safety Committee's decision-making processes. **The Safety Committee may use the dispute resolution or arbitration process from the transit agency's Collective Bargaining Agreement, or a different process that the Safety Committee develops and agrees upon, but the Accountable Executive may not be designated to resolve any disputes within the Safety Committee.**

Integrating the Safety Risk Reduction Program into the Safety Management System

- To address comments regarding the Safety Risk Reduction Program and its relationship to a Safety Management System, FTA has eliminated the proposed § 673.20 and moved the Safety Risk Reduction Program requirements to relevant sections of the rule.

§ 673.11

General Requirements

- General program elements
- Setting safety performance targets

§ 673.25

Safety Risk Management

- Carrying out the safety risk reduction program using SMS processes
- Safety risk reduction program requirements associated with Safety Risk Management

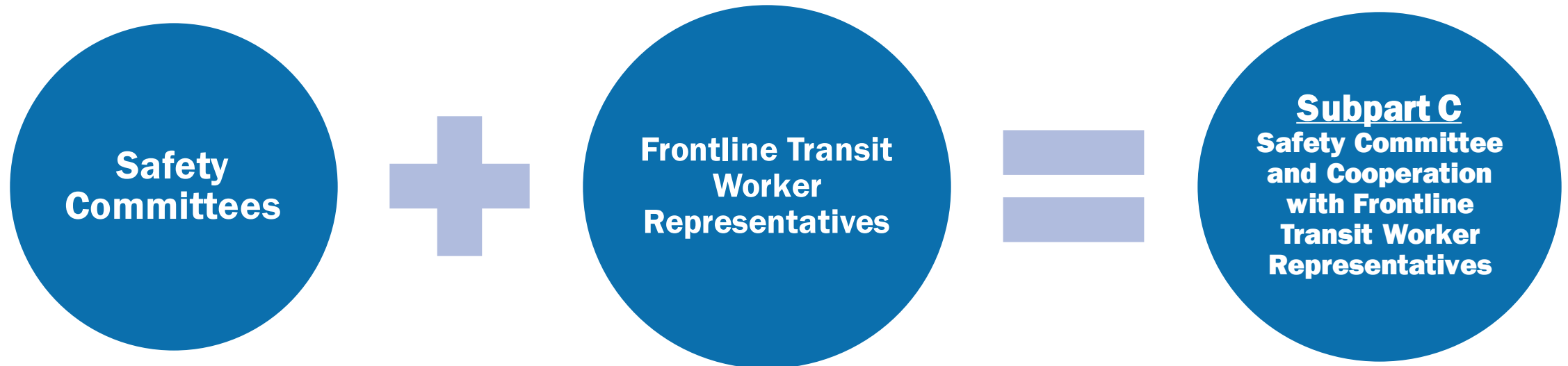
§ 673.27

Safety Assurance

- Safety performance monitoring and measurement
- Continuous improvement
- Safety set-aside

Safety Committee and Cooperation with Frontline Transit Worker Representatives

- FTA strengthened the focus of the provisions on cooperation with frontline transit workers by grouping requirements for Safety Committees and Cooperation with Frontline Transit Worker Representatives into a single **Subpart C**



Minor Changes to Definitions at § 673.5

Injury

[Definition added]

Injury means any harm to persons as a result of an event that requires immediate medical attention away from the scene.

Performance Target

[Definition removed and combined with Safety Performance Target for clarity]

Safety Performance Target

[Definition clarified]

Safety performance target means a quantifiable level of performance or condition, expressed as a value for the measure, related to safety management activities, to be achieved within a specified time period.

Preamble: Actions to Protect Transit Workers



- FTA added a section to the preamble based on a request from discussions with the White House Infrastructure Implementation Team

- 2019 Federal Register Notice: Using SMS to address operator assault risk
- 2020 launch of Bus Operator Compartment Redesign Program
- 2021 launch of the Enhanced Transit Safety and Crime Prevention Initiative
- 2021 launch of Assault Awareness and Prevention training courses
- 2022 issuance of Dear Colleague letter on Bipartisan Infrastructure Law requirements to strengthen frontline worker involvement in safety
- 2022 issuance of *Special Directives: Required Actions Regarding Transit Worker Assault* to 9 agencies accounting for 79% of worker assaults
- 2022 publication of a Notice of Funding Opportunity for the Transit Worker and Rider Safety Best Practices Research Project
- 2022-2023 update of NTD requirements to capture additional assault data
- 2023 Federal Register Notice seeking comment on a proposed *General Directive: Required Actions Regarding Assaults on Transit Workers*
- 2023 publication of Advance Notice of Proposed Rulemaking on Transit Worker Hours of Service and Fatigue Risk Management
- Planned NPRMs on Transit Worker and Public Safety and Rail Transit Roadway Worker Protection

Economic Analysis

- FTA updated the analysis to clarify self-executing provisions and use a with-statute baseline.
- FTA updated the discount rate to 2%, following updates to Circular A-4.
- FTA adjusted labor hour estimates in response to comments.

Summary of economic effects, 2024-2033 (\$2021, discounted to 2023)

	Total	Annualized (2%)
Benefits	Unquantified	-
Costs		
De-escalation training	\$584,925	\$58,855
Continuous improvement processes	\$5,881,933	\$584,699
<i>Total costs</i>	\$6,466,858	\$644,554
Net benefits	Unquantified	-

Questions

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U.S. Department of Transportation
Federal Transit Administration

FTA Mission, Vision, Values



Mission

Improve America's Communities through Public Transportation



Vision

A Better Quality of Life for All Built on Public Transportation Excellence

Values

Service

Provide reliable, transparent, responsive, and anticipatory services to meet stakeholder needs

Integrity

Commitment to the highest professional and ethical standards

Innovation

Foster new ideas, concepts, and solutions for improved outcomes

Sustainability

Optimize decisions, resources, and systems to make long-term positive impacts on the environment, infrastructure, and safety

Equity

Remove barriers for systemically underserved communities to access all aspects of economic, social, and civic life