

Public Transportation Safety Certification Training Program (PTSCTP)

Notice of Proposed Rulemaking (NPRM)
Summary of Comments

March 2024



U.S. Department of Transportation
Federal Transit Administration

Notice of Proposed Rulemaking (NPRM)

- FTA published an NPRM for the PTSCTP regulation in the Federal Register on **October 26, 2023**
- The comment period closed on **December 26, 2023**
- FTA received **15 comment submissions** to the docket
 - 6 individuals
 - 5 transit agencies
 - 1 State Safety Oversight Agency
 - 1 labor organization, 1 industry association, and 1 nonprofit organization
- These submissions contained a total of **135 individual comments** on specific topics
 - Definitions
 - New training requirements
 - Voluntary participants
 - New administrative requirements
 - Bus applicability
 - General requirements



Summary of Changes

The PTSCTP NPRM proposes **discretionary changes including:**

- Adding new and revised definitions for clarity and consistency
- Requiring applicable agencies to establish a point of contact and report to FTA semiannually
- Clarifying voluntary participation in the PTSCTP
- Adding an additional recertification element defined by FTA
- Removing Appendix A to allow flexibility in PTSCTP curriculum revision

FTA reviewed and considered all comments received. FTA is revising the term “refresher training” to “recertification training” to clarify the applicability of the training required to maintain PTSCTP certification.



New and Revised Definitions (§ 672.5)

FTA proposes adding new definitions and revising existing definitions to provide clarity and synchronization with other FTA safety rulemaking

- Rail fixed guideway public transportation
- Rail Transit Agency
- Federal Transit Administration
- Designated personnel



New Definitions (§ 672.5)

The PTSCTP NPRM proposes adding new definitions that do not change existing requirements

Initial training: Clarify the phrase used to define the courses that must be completed within three years of enrollment

PTSCTP curriculum: Clarify the courses an individual must complete as a participant

Recertification *and* Recertification training: Complement the proposed “Initial training” definition and clarify existing requirements. The term “refresher training” has been revised to “recertification training” in the final rule.

Safety review: Clarify the term that is used in the SSOA applicability language in § 672.3(b)(1)

Voluntary participant: Clarify voluntary participation in the PTSCTP



Comments on Definitions (§ 672.5)

FTA received three comments related to definitions:

- **Directly responsible for safety oversight:** One transit agency argued that implementation of the Agency Safety Plan is broadly shared throughout an agency and, without additional clarification, the number of affected individuals would be too large
- **Rail fixed guideway public transportation:** One transit agency asked if this definition would supersede the definition of this term in other regulations
- **Safety oversight training:** One transit agency requested that FTA consider defining “safety oversight training”

Definitions (§ 672.5) – Response to Comments

No update to the final rule based on these comments is recommended. FTA will provide responses and clarification in the preamble.

- The definition of **directly responsible for safety oversight** establishes minimum requirements and as such a transit agency may go beyond these when designating employees and contractors
- The definition of **rail fixed guideway public transportation** is consistent with other FTA regulatory actions (e.g., updates to Part 673 and Part 674)
- The Final Rule maintains flexibility for transit agencies and SSOAs to define recertification training for its designated participants and FTA will not add a separate definition for **safety oversight training**

New Training Requirements

The PTSCTP NPRM proposes amending existing language to provide clarity on enrollment requirements and add an additional recertification training component

§ 672.11(b) and .13(b) ***Enrollment requirements***

- Require SSOAs and RTAs to ensure their designated personnel are enrolled in the PTSCTP within 30 days of designation

§ 672.11(d) and .13(d) ***Recertification***

- Maintain existing recertification requirements for agency-defined training and add a recertification training element defined by FTA

§ 672.15 ***Evaluation of prior certification and training***

- Provide clarity on existing processes regarding evaluation of prior certification and training



Comments on New Training Requirements

FTA received five comments related to new training requirements:

- **Enrollment within 30 days of designation:** One nonprofit organization supported this proposal
- **New recertification training element defined by FTA:** One SSOA, one transit agency, and one industry association opposed this addition, while one other transit agency requested the element be defined in the final rule
- **Evaluation of prior certification and training:** FTA did not receive any comments regarding this clarification

New Training Requirements – Response to Comments

No update to the final rule based on these comments is recommended. FTA will provide responses and clarification in the preamble.

- FTA has not defined a recertification training element beyond the requirements at § 672.11(d)(2) and § 672.13(d)(2)
- FTA is not defining this recertification training element in the final rule to maintain flexibility in ensuring the training is relevant and delivered in a format to minimize burden on the industry
- FTA-defined recertification training will provide agencies with relevant updates regarding FTA regulations, notices, directives, and best practices
- FTA will consider multiple forms of input, including input from SSOAs, to define this recertification training element

Voluntary Participants (§ 672.17)

The PTSCTP NPRM proposes adding a new section to provide clarification on existing processes for voluntary participants

§ 672.17 *Voluntary participants*

- Confirms FTA's classification of voluntary PTSCTP participation and what voluntary participation entails
- Eliminates recertification requirements previously associated with maintaining PTSCTP certification
- Clarifies process for maintaining certification after subsequently becoming a designated participant

Comments on Voluntary Participants (§ 672.17)



FTA received four comments related to voluntary participants

- One industry association opposed the removal of refresher training requirements for voluntary participants
- One transit agency requested FTA provide an explanation of why voluntary participants would not be required to complete refresher training
- One transit agency and one industry association requested clarification on how refresher training requirements would apply to a voluntary participant who subsequently becomes designated by an SSOA or Rail Transit Agency

Voluntary Participants – Response to Comments

FTA is revising the term “refresher training” to “recertification training” to clarify the applicability of the training required to maintain certification.

- The mandatory requirements of the final rule apply only to designated personnel
 - FTA is revising the term “refresher training” to “recertification training” to align with the intent of this training and clarify which participants the requirement applies to
 - FTA does not have the legal authority to require voluntary participants to complete PTSCTP training
 - This update reduces burden on the industry
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- Upon designation, a participant who has already completed the initial training requirements must complete recertification within two years of designation

New Administrative Requirements (§ 627.21)

The PTSCTP NPRM proposes adding new administrative requirements to streamline communication between FTA and applicable agencies

§ 672.21(b) and (c)

Point of contact

- Require SSOAs and RTAs to identify a single point of contact to serve as a liaison with FTA regarding PTSCTP records
- Outline responsibilities of the point of contact

§ 672.21(d)

Semiannual reporting

- Require SSOAs and RTAs to provide reports to FTA semiannually including:
 - List of agency participants and their status
 - Agency-defined recertification requirements



Comments on New Administrative Requirements (§ 672.21)

FTA received several comments related to new administrative requirements

§ 672.21(b) and (c) *Point of contact*

- Six commenters supported the establishment of a **point of contact** at each agency
 - Commenters included three transit agencies, a nonprofit organization, a labor union, and an industry association
- One transit agency requested FTA provide guidance on the type of communication and documentation the point of contact will be required to provide, and suggested FTA require a secondary point of contact
- One transit agency stated that the point of contact should not be required to track voluntary participants

§ 672.21(e) *Semiannual reporting*

- Four commenters supported the **semiannual reporting** requirement
 - Commenters included two transit agencies, a labor union, and an individual
- One SSOA, one industry association, and one transit agency recommended that FTA provide a template for reporting or use existing reporting platforms or audit programs

Administrative Requirements – Response to Comments

No update to the final rule based on these comments is recommended. FTA will provide responses and clarification in the preamble.

- FTA will develop and distribute technical assistance to support agency points of contact
 - FTA agrees a secondary point of contact may be good practice for some agencies but is not establishing this as a requirement to limit additional administrative burden
 - FTA agrees that points of contact should not be required to track voluntary participants
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- FTA will develop a process for **semiannual reporting** to control burden and establish information consistency across the industry



Bus Applicability

In the NPRM, FTA did not propose extending mandatory PTSCTP applicability to the bus transit industry, However, FTA sought **industry input** on whether mandatory PTSCTP participation should extend to bus transit agencies and personnel. This information will be used to inform any future actions.

3 commenters **supported** extending the requirement to bus transit

- Commenters included a transit agency, a labor union, and a nonprofit organization
 - Nature of safety responsibilities and consistency across all modes of public transportation
 - Number of bus collisions and safety concerns
 - Further define “bus safety oversight personnel” to determine applicability

3 commenters **opposed** extending the requirement to bus transit

- Commenters included an industry association, a transit agency, and an individual
 - Limited bus transit agency resources
 - Course availability challenges
 - Lack of oversight structure such as an SSO Program

3 commenters expressed **neutral** positions

- Commenters included an SSOA and two transit agencies

General Comments



FTA also received several general comments

- One nonprofit organization stated the PTSCTP curriculum is still relevant given current safety concerns across the industry
- One transit agency and an individual recommended the *Transit Safety and Security Audits* course delivered by the Transportation Safety Institute (TSI) be added to the PTSCTP curriculum
- One nonprofit organization recommended that designated personnel complete the entire PTSCTP curriculum annually
- One individual requested that FTA ensure training availability is appropriate to meet demand
- One industry association requested that FTA provide a timeline for any changes to the PTSCTP curriculum and suggested FTA merge the PTSCTP with the Transit Safety and Security Program (TSSP)
- One industry association requested that FTA provide a list of approved refresher training courses
- One transit agency asked for clarification on the consequences of a designated participant not completing refresher training

General Comments – Response to Comments

No update to the final rule based on these comments is recommended. FTA will provide responses and clarification in the preamble.

- FTA has removed Appendix A to afford flexibility to address PTSCTP curriculum modification needs, however, the final rule does not alter the existing curriculum
 - FTA will coordinate with the industry regarding any changes to the PTSCTP curriculum to ensure there is sufficient time to comply with requirements
 - FTA believes requiring participants to complete the curriculum annually would present a significant burden to the industry
 - FTA continues to monitor course demand and availability
- FTA notes that the TSSP is a separate program that is outside the scope of this rulemaking
- Due to the evolving availability of training and unique agency needs, FTA is not including an exhaustive list of courses or activities that meet the recertification requirement
 - FTA has published a technical assistance fact sheet to assist the industry in identifying courses or activities that best suit their agency's needs
- A recipient that fails to comply with the requirements of the final rule, including recertification, is subject to FTA enforcement action in accordance with FTA's authorities under 49 U.S.C. § 5329

Questions

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