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F E D E R A L   T R A N S I T   A D M I N I S T R A T I O N

FTA Safety Final Rules Overview

Office of Transit Safety and Oversight

July 25, 2018

U.S. Department of Transportation
Federal Transit Administration

Agenda

- Key Takeaways

- Overview of Safety Rulemakings

- Final Rule: Public Transportation Agency Safety Plan (PTASP), 49 C.F.R. Part 673

- Final Rule: Public Transportation Safety Certification Training Program (Training Rule), 49 C.F.R. Part 672

- Technical Assistance

- Upcoming Webinars

Key Takeaways

- Publication of the PTASP and Training final rules completes the regulatory foundation of the Public Transportation Safety Program under 49 U.S.C. § 5329.

- Rules implement an innovative, risk-based and performance-based approach to improving transit safety founded on SMS principles.

- PTASP applies to operators that provide approximately 97 percent of total U.S. transit trips taken annually.

- PTASP is NOT an one-size-fits-all rule; defers applicability for 2,000 small and rural transit systems because these operators pose a lower safety risk.

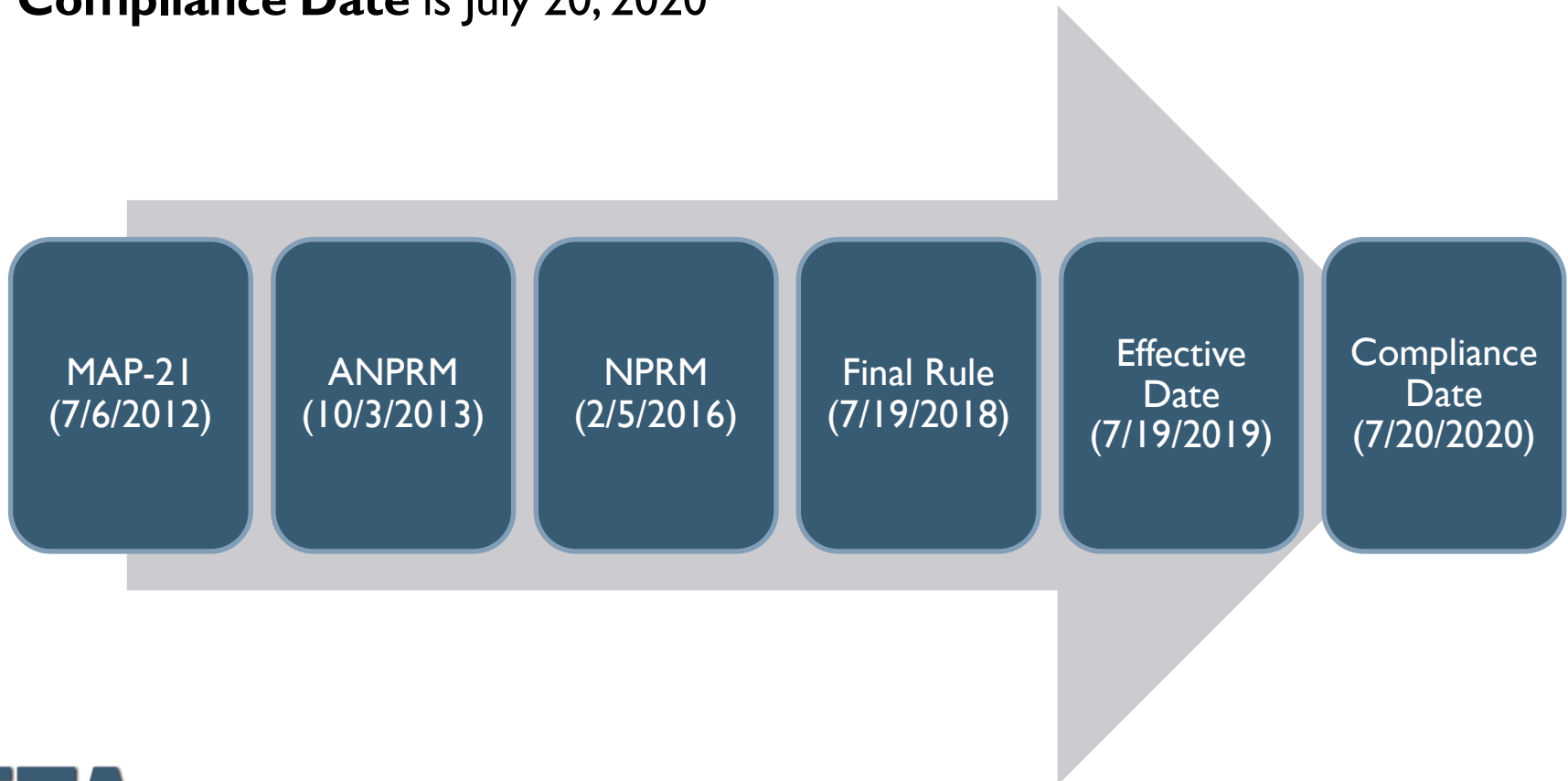- Training rule is deregulatory and reduces the burden from the previous interim requirements.

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Overview of Safety Rulemakings

Regulation	Rule Overview	Status
Interim Safety Certification Training Program Provisions	Fills gap in training needs until the PTSCTP Final Rule is published	**Final Provisions** Published: 2/27/2015 Effective: 5/28/2015
State Safety Oversight 49 C.F.R. Part 674	Strengthens State oversight of rail transit systems	**Final Rule** Published: 3/16/16 Effective: 4/15/16
Public Transportation Safety Program 49 C.F.R. Part 670	Establishes the procedural rules for enforcement of FTA's safety programs	**Final Rule** Published: 8/11/2016 Effective: 9/12/2016
National Public Transportation Safety Plan	Sets safety performance measures for PTASP performance targets	**Final Guidance** Published: 1/17/17
Public Transportation Agency Safety Plan 49 C.F.R. Part 673	Requires transit agencies to develop and implement safety plans based on SMS principles	**Final Rule** Published: 7/19/2018 Effective: 7/19/2019 Compliance: 7/20/2020
Public Transportation Safety Certification Training Program 49 C.F.R. Part 672	Establishes training curriculum to ensure basic level of safety-related competency for rail transit system auditing and oversight	**Final Rule** Published: 7/19/2018 Effective: 8/20/2018
Preventing Transit Worker Assault NPRM	FAST Act requirement	**NPRM in Development**

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The PTASP Process

Final Rule Published on July 19, 2018
Effective Date is July 19, 2019
Compliance Date is July 20, 2020

| MAP-21 (7/6/2012) | ANPRM (10/3/2013) | NPRM (2/5/2016) | Final Rule (7/19/2018) | Effective Date (7/19/2019) | Compliance Date (7/20/2020) |

PTASP NPRM Changes

NPRM Comments

- 646 comments from 77 individual commenters.
- The majority of commenters were supportive of Safety Management Systems (SMS).

Major Issues Discussed by Commenters		
Comment Category	**FTA Response**	**Reduction in Burden/Cost***
Applicability	Final rule defers applicability to 2,000 small and rural operators under Sections 5310 and 5311.	$26 million
SMS Requirements	Final rule reduces SMS requirements for small operators.	$8.4 million
Record Keeping	Final rule reduces overall record keeping burden.	$6.4 million

*In relation to the costs calculated in the Notice of Proposed Rulemaking (NPRM)

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PTASP Applicability and Requirements

Applicability	Requirements
Would Apply to: • Operators of transit systems that receive FTA funds (Section 5307) and all rail transit operators (regardless of funding source). **Would Not Apply to:** • FTA recipients that do not operate transit systems. • Commuter rail service regulated by FRA. • Passenger ferry service regulated by USCG. • Deferring applicability for operators that only receive Section 5310 and Section 5311 funds (both recipients and sub-recipients).	**Public Transportation Agency Safety Plan** • Approved by Accountable Executive and Board of Directors (and SSOA for rail transit agencies) • Annual Review/Update • Compliance with Public Transportation Safety Program/National Safety Plan • Assignment of Chief Safety Officer → Safety Management System (SMS) → Safety Performance Targets → Rail Agencies Only: Emergency Preparedness Plan → Employee Reporting Program

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SMS Requirements

Safety Management Policy
- Safety Objectives for Agency
- Employee Reporting Program
- Accountabilities and Responsibilities for: Accountable Executive, Chief Safety Officer, Agency Leadership, Key Staff Responsible for Safety

Safety Risk Management
- Identify safety hazards
- Assess safety risks associated with the identified safety hazards
- Prioritize safety hazards based on level of risk
- Implement safety risk mitigations

Safety Assurance
- Safety Performance Monitoring and Measurement (All Transit Agencies)
- Management of Change (Rail/Large Bus Only)
- Continuous Improvement (Rail/Large Bus Only)

Safety Promotion
- Comprehensive safety training program for agency employees/contractors directly responsible for safety
- Communicate agency's safety performance throughout organization

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PTASP Oversight Framework

FTA Role

- Guidance
- Technical assistance
- Triennial reviews

Transit Agency Role

- Develop and implement PTASP
- Annual self-certification

SSO Agency Role

- Review and approve RTA PTASPs
- Oversees RTA compliance

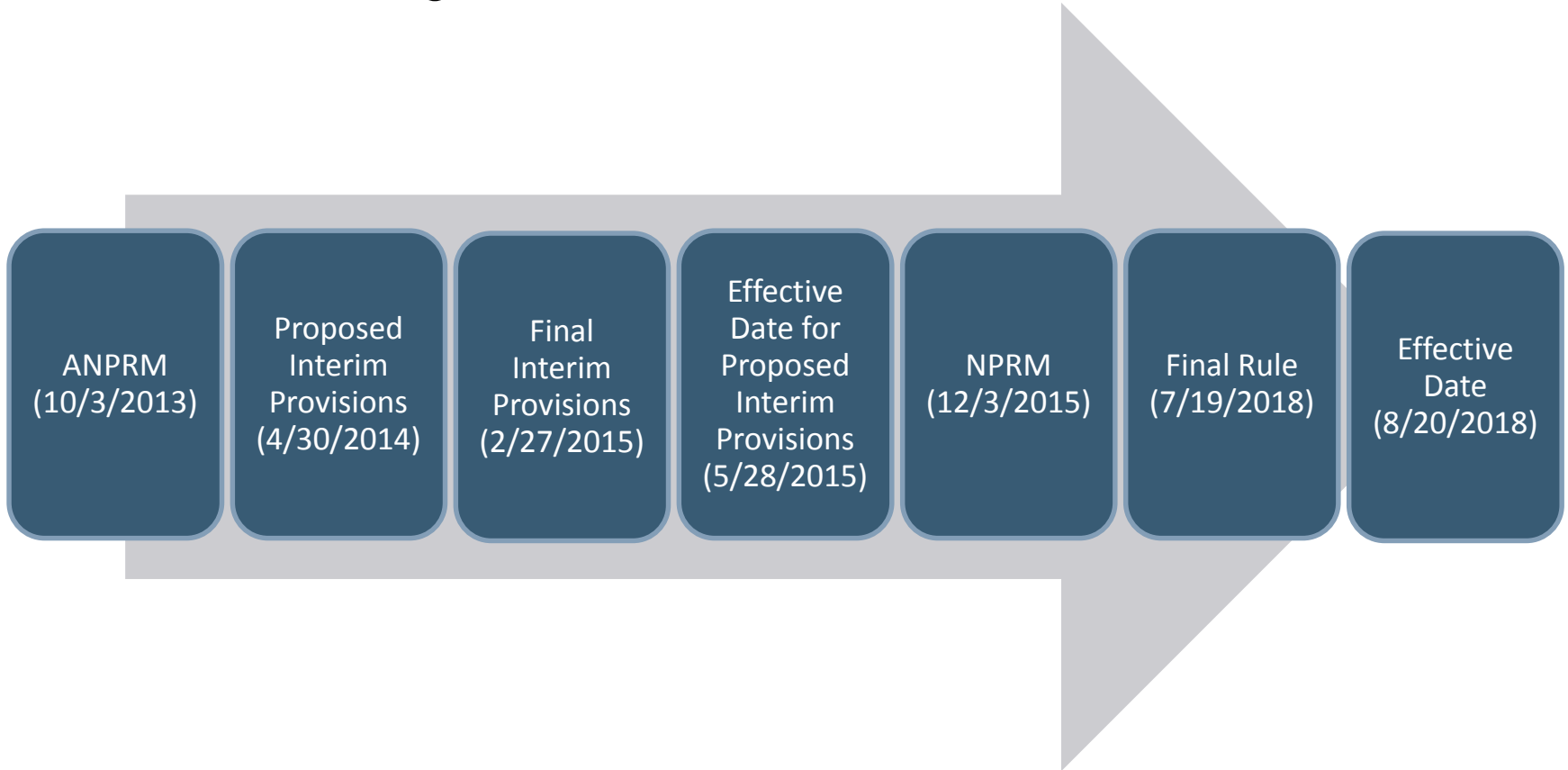FEDERAL TRANSIT ADMINISTRATION

PTASP Effective Date

The rule is effective on **July 19, 2019**. Transit agencies must develop, certify, and implement an agency safety plan by **July 20, 2020.**

Please do not wait to begin development of your agency safety plan. FTA cannot waive or extend the compliance deadline.

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The Safety Certification Training Rule Process

Final Rule Published on July 19, 2018
Effective Date is August 20, 2018

| ANPRM (10/3/2013) | Proposed Interim Provisions (4/30/2014) | Final Interim Provisions (2/27/2015) | Effective Date for Proposed Interim Provisions (5/28/2015) | NPRM (12/3/2015) | Final Rule (7/19/2018) | Effective Date (8/20/2018) |

Safety Certification Training Rule
NPRM Changes

NPRM Comments

- 19 comments, including one letter representing five state DOTs.
- The majority of commenters were supportive of FTA establishing a training curriculum to ensure basic level of safety-related competency.

Major Issues Discussed by Commenters		
Comment Category	**FTA Response**	**Reduction in Burden***
Course Requirements	Final rule does not require security or SMS gap courses.	• Total reduction of 38 course hours. • Approximate total reduction of up to $565,000.
Equivalency Credit	Final rule provides process for obtaining credit for non-FTA sponsored courses.	

*From requirements in the Interim Provisions

Safety Certification Training Rule Applicability and Requirements

Applicability	Requirements
Mandatory • SSOA employees and contractors who have been designated to conduct safety audits and examinations. • Rail transit agency employees and contractors who have been designated as directly responsible for the safety oversight.	• Designate employees and contractors who must take the Safety Certification Training Program courses. • Designated personnel must complete Safety Certification Program within 3 years. • Refresher training every 2 years. • SSOAs and RTAs must certify compliance as part of FTA's annual grant certification and compliance process.
Voluntary • Bus transit system personnel with direct safety oversight responsibility. • State DOTs overseeing safety programs for sub-recipients of Federal financial assistance.	• None. Employees and contractors are encouraged to complete courses in the voluntary curriculum included in the rule.

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Safety Certification Training Rule Required Curriculum

e-Learning
- SMS Awareness

Virtual Classroom
- SMS Safety Assurance

Traditional Classroom
- SMS Principles for Transit
- SMS Principles for SSO Programs*
- Rail Incident Investigation
- Effectively Managing Transit Emergencies
- Rail System Safety

*Under Development

Safety Certification Training Rule Oversight Framework

FTA Role

- Curriculum and courses - enrollment and registrations
- Guidance
- Evaluate TTPs and equivalency requests
- State Safety Oversight (SSO) reviews

Transit Agency Role

- Ensure participation of designated personnel
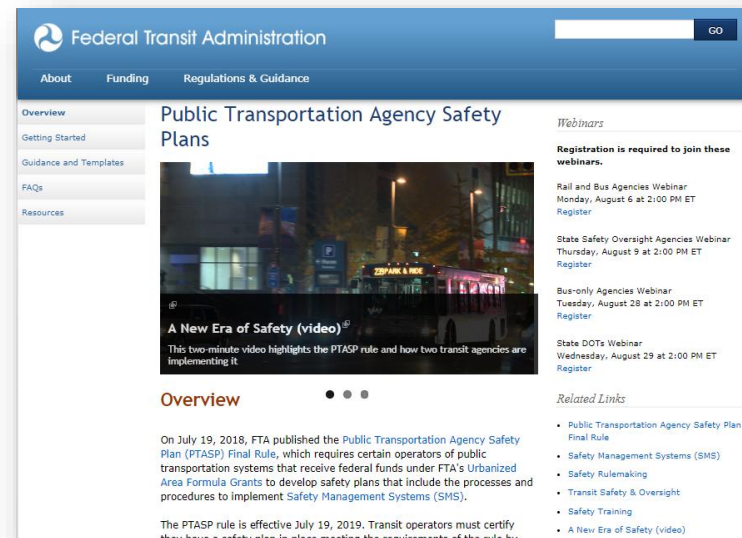- Annual self-certification

SSO Agency Role

- Develop, implement, and update TTP
- Ensure participation of designated personnel
- Annual self-certification
- Oversee RTA's compliance

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FTA Technical Assistance

PTASP

To assist States and transit agencies with the development of safety plans, and to reduce administrative and financial burdens, FTA is publishing templates, guidance and technical assistance, including:

- Rail
  - SSPP to PTASP Roadmap
  - Rail Guidance
- Bus
  - PTASP Template
  - Bus Guidance

https://www.transit.dot.gov/PTASP

Upcoming Webinars

Webinars	Dates
Overview of Final Rules	Tuesday, July 31 at 2:00 PM ET	Register
Public Transportation Agency Safety Plan Final Rule	Multimodal Agencies	Register Monday, August 6 at 2:00 PM ET SSO Agencies	Register Thursday, August 9 at 2:00 PM ET Bus-only Agencies	Register Tuesday, August 28 at 2:00 PM ET State DOTs	Register Wednesday, August 29 at 2:00 PM ET Multimodal Agencies	Register Thursday, August 30 at 2:00 PM ET SSO Agencies	Register Wednesday, September 5 at 2:00 PM ET Rail-Only Agencies	Register Thursday, September 6 at 2:00 PM ET State DOTs	Register Wednesday, September 12 at 2:00 PM ET
Public Transportation Safety Certification Training Program Final Rule	Thursday, August 2 at 2:00 PM ET	Register Thursday, August 16 at 2:00 PM ET	Register

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More Information and Follow-up Questions

- Webinars
  - FTA Events: https://www.transit.dot.gov/about/events
  - PTASP Website: https://www.transit.dot.gov/PTASP
  - PTSCTP Website: https://www.transit.dot.gov/regulations-and-guidance/safety/safety-training
- PTASP
  - Questions: PTASP_QA@dot.gov
- PTSCTP
  - Questions: FTASafetyPromotion@dot.gov
- Other questions?
  - Call the TSO Main Number at 202-366-1783

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