



Sample Agency Safety Plan Development Timeline for State Departments of Transportation (DOTs)

November 2019

Version 1



This document provides a sample set of tasks and a timeline to support State Departments of Transportation (DOTs) in drafting and certifying Agency Safety Plans (ASPs) on behalf of small public transportation providers as required under the Public Transportation Agency Safety Plan (PTASP) regulation. (49 C.F.R. § 673.11(d)). The identified tasks and milestones are provided for illustrative purposes only.¹

In the preamble to Part 673, FTA stated its intent to align the PTASP definition of small provider with the Transit Asset Management (TAM) regulation definition for Tier II provider. Accordingly, under the PTASP rule, a small provider is a recipient or subrecipient of Section 5307 grant funds that operates 100 or fewer vehicles in revenue service during peak regular service across all fixed route modes and operates 100 or fewer vehicles in revenue service during peak regular service in each non-fixed route mode. Small providers, by definition, do not operate rail transit service.

Small providers may opt out of a State-developed plan (§ 673.11(d)). To opt-out, a small provider must notify the State DOT that it will draft its own plan. **Whether a small provider develops its own plan or a State DOT drafts the plan for the agency, the small provider must carry out and update the plan.** Table 1 provides an overview of ASP required contents.

To provide maximum flexibility for States and transit providers, FTA is deferring to the DOTs and small providers within those States to determine whether each State DOT will draft and certify a **single state-wide ASP** for all small providers or whether it will draft and certify **multiple individualized safety plans** for each small provider. In the preamble to Part 673, FTA recommended as a best practice that each State DOT draft individualized ASPs on behalf of each small provider given the unique safety concerns, operating characteristics and

ASP Requirements

The ASP must:

- Designate an Accountable Executive and Chief Safety Officer (§ 673.23(d))
- Document processes and activities related to Safety Management System (SMS) implementation (§ 673.11(a)(2))
- Include or reference a safety management policy statement with safety objectives, an employee safety reporting program, and authorities, responsibilities, and accountabilities for safety management (§ 673.23)
- Include performance targets based on the performance measures in the National Public Transportation Safety Plan (§ 673.11(a)(3))
- Address applicable requirements in FTA’s Public Transportation Safety Program and the National Public Transportation Safety Plan (§ 673.11(a)(4))
- Establish a process and timeline for conducting an annual review and update of the ASP (§ 673.11(a)(5))

Table 1: ASP Required Contents

¹ The guidance in this document is not legally binding in its own right and will not be relied upon by the Federal Transit Administration as a separate basis for affirmative enforcement action or other administrative penalty. Compliance with the guidance in this document (as distinct from existing statutes and regulations) is voluntary only, and noncompliance will not affect rights and obligations under existing statutes and regulations.



service area of each transit operator. If a State DOT drafts a single state-wide ASP, then the State DOT must ensure that the plan clearly identifies each small provider that the plan will cover, the names of the Accountable Executives and Chief Safety Officers, the safety performance targets for each transit operator, and the SMS processes for each transit operator.

State DOTs may use their own personnel, contractors or a combination of approaches to draft the ASP(s) for the small providers in the State.

Roles and Responsibilities

The State DOT:

- Is responsible for drafting and certifying ASPs for small providers by July 20, 2020, unless a small provider notifies the State that it wants to opt out,
- Can develop a single or separate plan for each small provider,
- Is not responsible for carrying out or updating ASPs, and
- Is not responsible for overseeing or enforcing PTASP requirements.

If a small provider opts out of the State DOT's ASP, then the State DOT should maintain documentation from the small provider regarding the decision to opt out. If a State DOT initially drafts and certifies an ASP on behalf of a small provider, and the small provider later opts to draft and certify its own plan, then the small provider must notify the State. The small provider has one year from the date of the notification to draft and certify an ASP that complies with Part 673. The ASP drafted by the State will remain in effect until the small provider drafts and certifies its own ASP (§ 673.11(d)).

States cannot use Section 5329 State Safety Oversight grant funding intended for rail transit safety oversight to support ASP development for bus or rail transit. The State DOT can use FTA funds from other grant programs to cover the costs of bus transit ASP development, including:

- § 5303 / § 5304 – Metropolitan Planning Grants / Statewide Planning Grants,
- § 5307 / § 5309 – Urbanized Area Formula Grants / Capital Investment Grants, and
- § 5337 / § 5339 – State of Good Repair Grants/ Bus and Bus Facilities Grants.

Illustrative Timeline with Milestones

To support State DOTs and their small providers in complying with the PTASP regulation by the July 20, 2020, deadline, **this document provides an illustrative timeline with activities and milestones for consideration.** Use of this document is not required; it is provided as one possible approach to ensuring State DOT and small provider readiness to meet the Part 673 ASP certification deadline.



This sample timeline begins in November 2019, and concludes on to July 20, 2020. The sample timeline includes the following types of activities:

- Phone calls, emails, teleconference and videoconference calls, webinars and online surveys to support communication and information exchange between State DOTs and small providers;
- Use of FTA’s PTASP Technical Assistance Center;
- Development of initial and final draft ASP versions with comments and review; and
- Onsite visits to small providers, as needed.



**Table 2: Sample Task List and Timeline for State DOTs to Comply with FTA’s PTASP Regulation
(End of Calendar Year 2019 through July 20, 2020)**

Sample Tasks for State DOT	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
1. Identify small providers in the State that must meet requirements under the PTASP regulation	➡								
2. Establish Approach for Drafting ASP(s) for small providers in State: <ul style="list-style-type: none"> • Draft a single plan with specific information for each small provider? • Draft individualized ASPs for each small provider in State? 	➡								
3. Identify personnel and/or contractor to lead ASP development at State DOT	➡								
4. Identify how the State DOT will fund ASP development: <ul style="list-style-type: none"> • § 5303 – Metropolitan Planning • § 5304 – Statewide Planning • § 5307 – Urbanized Area Formula Grants • § 5309 – Capital Investment Grants • § 5337 – State of Good Repair • § 5339 – Bus and Bus Facilities 	➡								
5. Review FTA resources, templates, tools and training on ASP development	➡								
6. Schedule a technical assistance session with FTA’s PTASP Technical Assistance Center	➡	➡							



Sample Tasks for State DOT	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
<p>7. Conduct email or phone call outreach to small providers to:</p> <ul style="list-style-type: none"> • Confirm relevant PTASP requirements • Ask if the small provider plans to opt out of the State DOT ASP • Ask if the small provider has identified an Accountable Executive and Chief Safety Officer 		➡							
<p>8. Conduct conference call or webinar with small providers</p> <ul style="list-style-type: none"> • Provide high level overview of PTASP regulation • Discuss process for developing ASP(s) to cover small providers in the State • Review and distribute FTA template, checklist and other resources to guide ASP development 			➡						
<p>9. Provide training on FTA’s template and Safety Management System (SMS) requirements in coordination with FTA’s PTASP Technical Assistance Center</p>			➡	➡					



Sample Tasks for State DOT	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
<p>10. Collect Information from small providers necessary for ASP development – using phone, email request, online survey, teleconference or webinar:</p> <ul style="list-style-type: none"> Names of the Accountable Executives and Chief Safety Officers Safety performance targets for each small provider, by mode (and set targets in conjunction with each small provider) Safety Management Policy statement and related materials for each small provider Safety Risk Management, Safety Assurance and Safety Promotion processes (developed in conjunction with each small provider) 			➔	➔	➔				
11. Meet with small providers (as necessary)			➔	➔	➔				
12. Develop Initial draft of Statewide ASP or initial draft of individualized ASPs for each small provider				➔	➔	➔			
13. Review draft Statewide ASP or draft individualized ASPs with each small provider							➔		
14. Respond to comments							➔	➔	
15. Draft final ASP or final individualized ASPs with small providers								➔	
16. Obtain required signatures and approvals of each small provider’s Accountable Executive, Board of Directors or Equivalent Authority, and within the State DOT									➔
17. Certify to FTA (directions forthcoming)									➔