



FTA Completes Public Transportation Safety Program with Final PTASP Rule Here is a Preliminary Summary/Analysis

By David Harris, MTAP Chair; New Mexico DOT

On Thursday, July 19th, the Federal Transit Administration (FTA) released the [Public Transportation Agency Safety Plan \(PTASP\) final rule](#), along with the final Safety Certification Training Program rule, completing the agency's congressionally-mandated effort to develop a Public Transportation Safety Program. The final rule, initially anticipated in January 2017, according to FTA, had been pulled back by the agency after the 2016 election. It was dramatically scaled down in terms of scope and cost since it was originally developed as part of the Advanced Notice of Proposed Rulemaking issued in October 2013 and Notice of Proposed Rulemaking (NPRM) issued in February 2016.

According to FTA, the PTASP final rule “requires transit agencies to incorporate Safety Management System (SMS) policies and procedures as they develop safety plans” and “sets scalable and flexible requirements for safety plans by imposing the appropriate regulatory burden in achieving safety goals.”

I think the scalability of this final rule (and with the changes from the NPRM) acknowledges the incredible safety records of our rural transportation systems, and the determined efforts of the Council on Public Transportation and MTAP, in concert with our industry partners, to ensure that the final rule coincided with our goals for transit safety. In fact, we know that our rural transit systems (those operated by our sub-recipients) are the safest modes of transportation and the stats prove that.

In 2016, the National Transit Database (NTD) documents that rural transit provided 27.5 million vehicle revenue hours of service, 128.7 million passenger trips, and 487.1 million vehicle revenue miles. From 2013-2016, according to NTD, an annual average of two fatalities were connected to transit driver or agency cause. By comparison, in 2016, all vehicles traveled about 3.2 trillion miles with 37,461 fatal crashes (about 1.18 fatalities per 100 million miles traveled) while rural transit averaged nearly 247 million miles before a single fatality.

After quick review of the final rule, I trust we can stand ready to be supportive of FTA's direction and efforts to improve transit's excellent safety record. For the benefit of state DOT transit offices, here is a preliminary summary of the important components of the final rule:

1. The final rule applies to all public transportation system operators that receive Federal financial assistance under 49 U.S.C. Chapter 53. The final rule becomes **effective on July 19, 2019.**
2. Under Chapter 53, each State, local governmental authority and any other operator of a public transportation system must certify that it has established a comprehensive Public Transportation Agency Safety Plan. The plan must be **certified no later than July 20, 2020.**
3. At this time, this final rule does not apply to public transportation providers/operators that only receive Federal financial assistance under 49 U.S.C. 5310 (Section 5310), 49 U.S.C. 5311 (Section 5311), or both 49 U.S.C. 5310 and 49 U.S.C. 5311.
 - *FTA is deferring action for agencies that operate only programs using Section 5310 or Section 5311 or both while the agency gathers information and safety data. Please note that FTA could revisit this issue and determine the appropriate level of regulatory burden necessary to address safety risks presented by these systems.*
4. Large transit agencies, however, are not exempted and must develop their own safety plans. These agencies must have the plans approved by their Boards (or an equivalent authority) and certify to FTA that the plans comply with the final rule.
5. Small public transportation providers that receive Urbanized Area Formula grants (49 U.S.C. 5307) can have the State (the State DOT) draft or certify its safety plans. Or they can opt to draft or certify the plans themselves.
 - *FTA clarified the definition of small public transportation providers to mean those recipients or sub-recipients that receive funding from the Urbanized Area Formula Program (49 U.S.C. 5307) and have “100 or fewer vehicles in ‘peak’ revenue service, as opposed to revenue service generally.”*
 - *“A State that drafts a plan on behalf of another recipient or sub-recipient is not the Accountable Executive for those transit operators.”*
6. Each of the plans must include:
 - *A documented process and procedures in moving toward adopted SMS policies and procedures. The four main elements of SMS are: Safety Management Policy; Safety Risk Management; Safety Assurance; and Safety Promotion.*
 - *Performance targets based on the safety performance criteria.*
 - *Establish a process and timeline for conducting annual reviews and updates.*
7. Rail agencies must include an emergency preparedness and response plan while transit agencies can develop one emergency preparedness and response plan for all modes or one plan for each mode.
 - *Transit agencies operating passenger ferry service regulated by the Coast Guard or rail service regulated by Federal Railroad Administration are not required to develop a plans for these modes.*
8. Safety performance targets must be coordinated with and made available to States and MPOs to aid in the planning process.

9. FTA changed the language of safety plan documentation, requiring transit agencies to maintain safety plan documents for three years “after they are created,” as opposed to maintaining documents for “a minimum of three years.”

Again, this article is designed to provide members of the Council on Public Transportation and MTAP with a preliminary summary/analysis of the main components of Public Transportation Agency Safety Plan final rule and the major changes made from the NPRM. Obviously, the final rule will elicit more questions from members than this preliminary summary/analysis can provide and MTAP will help provide answers to those questions.

According to FTA, the agency will be providing templates, guidance and technical assistance to help state DOTs, transit agencies and operators to help with the development of a Public Transportation Agency Safety Plan. Currently, [FTA has posted a template \(and a reference guide\) for bus transit](#). The template’s use is completely voluntary and it is intended for use by states, transit agencies and operators that are required to draft safety plans in accordance with 49 C.F.R. Part 673 (Part 673).

To get started, [the Federal Transit Administration is planning to host a series of webinars about the final rule](#), including two webinars focused on the role of state DOTs. The Council on Public Transportation and MTAP are partnering with FTA to host these state DOT-focused webinars.

In the meantime, members should begin reading the final rule, consult the FTA templates and reference guide, sign up for a webinar and develop insightful questions. The Council on Public Transportation and MTAP will continue its analysis of the final rule and can assist in answering member questions or work with FTA to address a question or concern about the final rule. Or feel free to direct all questions to [FTA’s dedicated e-mail address](#) for the PTASP rule and SMS.

In addition, I would expect the Public Transportation Agency Safety Plan final rule to be a hot topic during the Public Transportation Partnership Conference in Minneapolis (August 15 – 17), the Council on Public Transportation/MTAP’s Winter Meeting in Chicago (November 7 - 8) and other transit conferences, including APTA’s upcoming Annual Meeting and the National Conference on Rural Public and Intercity Bus Transportation. Stay tuned for more details.

Lastly, I would like to acknowledge and express my appreciation to FTA and its leaders for listening to and thoughtfully deliberating on the comments from the State DOT Transit Offices, AASHTO, and our industry partners. We are grateful for the ongoing partnership and look forward to working with FTA in a similar capacity on future regulations.