



FTA Releases Public Transportation Agency Safety Plan Final Rule, Reduces Regulatory Burden on Smaller Transit Operators

Rural (Section 5311-funded) and specialized (Section 5310-funded) transit operators will not — for the time being — have to develop public transportation safety plans, per today’s [Federal Transit Administration Public Transportation Agency Safety Plan Final Rule announcement](#). Smaller urban transit providers — Section 5307-funded agencies operating 100 or fewer vehicles in peak revenue service and not operating rail fixed guideway service — have two years to develop safety plans and may have their state draft and certify their plan or do so on their own.

“On behalf of our members, affiliates and Board, we’d like to thank the FTA and its leadership for the common-sense approach to 2,000 smaller transit operators who already provide safe transit service and for whom the proposed safety plan rule represented a significant regulatory burden,” said CTAA Executive Director Scott Bogren. “Safety is the priority of all public transit providers, regardless of size, service area or scope and CTAA members will continue to emphasize safety.”

Today’s final rule arrives more than six years after MAP-21, which authorized safety oversight for FTA, was signed into law. An Advanced Notice of Proposed Rulemaking for Public Transportation Agency Safety Plans was issued by FTA on October 3, 2013, while a Notice of Proposed Rulemaking on the subject was issued on February 5, 2016.

For Rural and Specialized Transit Operators

The Public Transportation Agency Safety Plan rule does not apply to transit operators that only receive Section 5310 and/or Section 5311 funding. According to the FTA, this deferral is *pending further evaluation of the information and safety data related to these operations which is needed to determine the appropriate level of regulatory burden necessary to address the safety risk presented by these operators*.

CTAA will seek additional details on this further evaluation from the FTA and directly involve its members in key issues like data collection, safety training and more. Yesterday, in direct

communication with FTA leadership, the Association's leadership expressed interest in working cooperatively with FTA on this process.

For Smaller Urban Transit Operators

Smaller urban transit providers — Section 5307-funded agencies operating 100 or fewer vehicles in peak revenue service and not operating rail fixed guideway service — have until July 19, 2020 to develop safety plans and may have their state draft and certify their plan or do so on their own. FTA clarifies that “every operator of a public transportation system must comply with each of the requirements outlined in today's final rule unless the operator only receives Section 5310 and/or Section 5311 funding.”

Further, the final rule summarizes: “To provide the maximum flexibility for states and smaller urban transit providers, FTA is deferring to the states and those operators to determine whether each state will draft and certify a single state-wide safety plan for all smaller urban operators or whether it draft and certify multiple individualized safety plans for each of these transit agencies.” States are not required to do this, and individual smaller urban transit systems can choose to do their own plans. States are not required to provide oversight of safety plans — only to draft and certify plans on behalf of smaller transit operators (unless the agency decides to draft and certify its own).

FTA notes that it will conduct additional oversight and enforcement of the safety plan final rule outside of the Triennial Review and State Management Review processes as necessary and appropriate. Further, FTA will not reject a transit agency's safety performance targets. It will make oversight and enforcement determinations on a case-by-case basis.

To assist in the development of safety plans (and in response to numerous comments), FTA intends to provide templates, guidance and technical assistance. It will issue a template for safety plans concurrent with the issuance of the final rule. The template will be, according to FTA, “generic, minimalistic and it will address each of the rule's requirements.”

Here's what needs to be included in these public transportation safety plans, regardless of whether the smaller urban transit agency or state develops it:

- The documented processes and procedures for the agency's Safety Management System (SMS), which consists of safety management policy, safety risk management, safety assurance and safety promotion.
- Performance targets based on established safety performance criteria.
- All applicable standards and requirements as put forth in FTA's Public Transportation Safety Program and National Public Transportation Safety Plan.

- An established process and timeline for conducting an annual review and update of the agency's safety plan (on an annual basis, states and transit agencies must certify compliance with the rule).

Yesterday's rule includes a number of definitional clarifications that are vital to a smaller urban transit agency's safety plan implementation. They include:

- Each transit agency covered by the rule must identify an accountable executive within the organization who ultimately is responsible for carrying out and implementing the safety plan. According to FTA, this accountable executive should be a transit operator's chief executive; often the president, CEO or general manager.
- FTA is deferring to each covered transit agency to determine the level of training that is adequate for their Chief Safety Office.
- In terms of establishing safety performance targets, FTA will address this issue in its National Public Transportation Safety Plan.
- Six years after the compliance date, FTA plans to prepare a report evaluating the benefits and effectiveness of the public transportation safety plan regulatory framework which will utilize the results of the pilot program and information gathered from oversight reviews.