Proposed National Public Transportation Safety Plan and Public Transportation Agency Safety Plans NPRM

Candace Key/Brian Alberts
Office of Transit Safety and Oversight

Michael Culotta
Office of Chief Counsel
Today’s Presentation

• Overview
• Proposed National Public Transportation Safety Plan (NSP)
• Public Transportation Agency Safety Plans (PTASP) Notice of Proposed Rulemaking (NPRM)
• Submitting Public Comments
• Learn More
• Questions
About this Webinar

This is:

- A forum for FTA to explain what is covered in the proposed documents
- A recorded presentation that will be made publicly available in the dockets and on FTA’s website

This is not:

- A public hearing for providing comments or posing questions about implementation
- A forum to discuss issues not included in the proposed documents
About the Questions

**We can discuss:**
- Clarifying questions

**We cannot discuss:**
- Questions about implementation
- Comments about implementation
- Suggestions related to proposals
Public Transportation Safety Program
- Establishes FTA’s Safety Oversight Authority and program of requirements for most recipients of FTA funding
- Establishes FTA’s commitment to a Safety Management System (SMS) approach
- Requires FTA to create National Public Transportation Safety Plan to communicate with public transit industry
- Formalizes a comprehensive framework for safe public transportation through 4 program components:

National Public Transportation Safety Plan
- Safety vision, mission, goals
- Performance management criteria and guidance
- Safety Risk Management practices and procedures
- SMS implementation guidance
- Best practices and safety plan templates
- Top Safety Priorities
- Safety Standards

National Public Transportation Safety Certification Training Program
- Federal/State employees (or their designees) who conduct audits and examinations of public transportation systems
- Personnel of public transportation systems who have direct responsibility for safety oversight at their system

Public Transportation Agency Safety Plans
Identifies:
- Methods for identifying and evaluating safety risk
- Framework for agencies to identify strategies for minimizing public exposure to unsafe conditions
- Performance targets and criteria based on criteria established in the National Safety Plan
- Requires training for personnel responsible for safety

State Safety Oversight (SSO) Program
- Oversees the agency safety plan for the rail transit systems
- Investigates and enforces plan
- Audits rail transit systems
- Reports on safety status of each transit rail agency
Overview: MAP-21 Performance Management Framework

FTA
- National Public Transportation Safety Plan
- Public Transportation Agency Safety Plans
- Transit Asset Management

FHWA
- Safety Performance
- Pavement and Bridge Condition
- System Performance & CMAQ
- Highway Safety Improvement Program
- Highway Asset Management Plan

Statewide and Metropolitan Planning
Overview: Where Are We In the Process

Comment Deadline is April 5, 2016

- MAP-21 Passed (7/2012)
- ANPRM Open for Comment (10/2013)
- NPRM/Proposed Plan Open For Comment (2/5/16)
- Final Rule/Plan Issued
- Final Rule/Plan Effective
Proposed National Public Transportation Safety Plan (NSP)
NSP: Table of Contents

- EXECUTIVE SUMMARY
- Chapter I - INTRODUCTION
- Chapter II - SMS FRAMEWORK
- Chapter III - SAFETY PERFORMANCE MANAGEMENT
- Chapter IV - MANAGING RISKS AND ASSURING SAFETY PERFORMANCE
- Appendix A: Glossary
- Appendix B: Sample SMS Policy Statement
- Appendix C: Sample Safety Risk Register for Safety Risk Management and Safety Assurance
NSP: In General

Through MAP-21 and the FAST Act, Congress has required FTA to create and implement a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. chapter 53. (49 U.S.C. 5329(b)(1)).
NSP: Statutory Requirements

- Safety performance criteria for all modes of public transportation
- The definition of the term “state of good repair”
- Minimum safety performance standards for public transportation vehicles used in revenue operations that are not regulated by another Federal agency
- Minimum safety standards to ensure the safe operation of public transportation systems
- A safety certification training program
NSP: Objectives

1. Meet the statutory requirement to develop and implement a plan to improve the safety of public transportation systems that receive Federal transit funds

2. Communicate FTA’s approach to improving safety to the public transportation industry
NSP: SMS Framework

The SMS Framework is a foundational implementation guide for the transit industry that:

• Provides a brief overview of key SMS concepts
• Describes attributes of an effective SMS
• Presents FTA’s adopted SMS components and sub-components
• Presents SMS development phases and sample tasks
Proposed Performance Criteria:

1. **FATALITIES** (total number of reportable fatalities and rate per total unlinked passenger trips by mode)
2. **INJURIES** (total number of reportable injuries and rate per total unlinked passenger trips by mode)
3. **SAFETY EVENTS** (total number of reportable events and rate per total vehicle miles, by mode)
4. **SYSTEM RELIABILITY** (mean distance between failures by mode)
NSP: Managing Risks and Assuring Safety Performance

- SMS
- Standards
- Advisories
- Guidance
- Technical Assistance
- Pilots
- Best Practices
- Templates
- Tools
Public Transportation Agency Safety Plans (PTASP) NPRM
PTASP: Table of Contents

Title 49—Transportation
PART 673—PUBLIC TRANSPORTATION AGENCY SAFETY PLANS
Subpart A—General
Sec.
673.1 Applicability
673.3 Policy
673.5 Definitions
Subpart B—Safety Plans
673.11 General requirements
673.13 Certification of compliance
673.15 Coordination with metropolitan, statewide, and non-metropolitan planning processes
Subpart C—Safety Management Systems
673.21 General requirements
673.23 Safety management policy
673.25 Safety Risk Management
673.27 Safety assurance
673.29 Safety promotion
Subpart D—Safety Plan Documentation and Recordkeeping
673.31 Safety plan documentation
673.33 Safety plan records
PTASP: In General

Through MAP-21 and the FAST Act, Congress has required each “operator of a public transportation system” that receives FTA funds to develop and implement a Public Transportation Agency Safety Plan. (49 U.S.C. 5329(d)).
PTASP: The NPRM

In the PTASP NPRM:

– FTA proposes to implement 49 U.S.C. 5329(d) by adding a new Part 673 to Title 49 of the Code of Federal Regulations

– FTA summarizes and responds to public comments that it received on its October 3, 2013 ANPRM (78 Fed. Reg. 61,251)
PTASP: Applicability

Would Apply to...
- Each “operator of a public transportation system” that receives Federal financial assistance under 49 U.S.C. Chapter 53, including recipients and sub-recipients

Would Not Apply to...
- A transportation operator that only provides service closed to the general public and only available for a particular clientele
- Commuter rail service regulated by the Federal Railroad Administration
- Passenger ferry service regulated by the U.S. Coast Guard
PTASP: Role of the State

- Each State would be required to draft and certify a Public Transportation Agency Safety Plan on behalf of any recipient/sub-recipient under 49 U.S.C. 5310 and 5311, and any “small public transportation provider” located in that State.
  - A “small public transportation provider” would include a recipient/sub-recipient of funds under FTA’s Urbanized Area Formula Program at 49 U.S.C. 5307 that has 100 or fewer vehicles in revenue service and does not operate a rail fixed-guideway system.
- Any of these transit agencies may opt to draft and certify their own plans.
- If State drafts and certifies a plan on behalf of a transit agency, then that transit agency would be required to carry out and implement the plan.
- A State Safety Oversight Agency would be required to review and approve each plan of a rail fixed guideway system under its jurisdiction.
PTASP: State Drafting and Certification of Safety Plans

State Would Draft and Certify Safety Plans for:

- Section 5310 Recipients/Sub-Recipients
- Section 5311 Recipients/Sub-Recipients
- Small Section 5307 Recipients/Sub-Recipients
PTASP: FTA Templates and Guidance

To assist States and transit agencies with the drafting and development of safety plans, and to reduce administrative and financial burdens, FTA intends to provide templates, checklists, guidance, and technical assistance to the industry.
PTASP: Certification and Enforcement

- Each transit agency, or State, would be required to annually certify that it has a plan compliant with the rule.
- FTA proposes to use its existing Certifications and Assurances process to satisfy this requirement.
- FTA would ensure compliance with the rule through its existing Triennial Review and State Management Review processes.
PTASP: Effective Date

- Each transit agency, or State, would have one year after the effective date of a final rule to draft and certify a safety plan.
- A rail transit agency with an existing System Safety Program Plan under 49 C.F.R. Part 659 may keep that plan in effect until one year after the effective date of a final rule.
PTASP: Coordination with the Planning Process

Each transit agency would be required to make its safety performance targets available to States and Metropolitan Planning Organizations (MPO) to assist with the selection of safety performance targets at the State and MPO levels.
PTASP: General Requirements

Public Transportation Agency Safety Plan

Rail Transit Agencies Only:
Emergency Preparedness and Response Plan

- Signed by Accountable Executive; Approved by Board of Directors/Equivalent Authority
- Safety Management System (SMS)
- Safety Performance Targets
- Compliance with Public Transportation Safety Program/National Public Transportation Safety Plan
- Process and Timeline for Annual Review/Update
PTASP: Safety Management Systems (SMS)

1. Safety Management Policy
2. Safety Risk Management
3. Safety Assurance
4. Safety Promotion
Establishes a Written Statement of Safety Policy, Communicated Throughout the Agency, that Includes:

- Safety objectives and performance targets
- A confidential employee reporting program
- Organizational accountabilities and safety responsibilities for:
  1. Accountable Executive
  2. Chief Safety Officer
  3. Agency Leadership
  4. Key Staff Responsible for Safety
PTASP: Safety Risk Management

Establishes a Process for:

Identifying safety hazards
Evaluating the safety risks associated with safety hazards
Prioritizing safety risks
Implementing safety risk mitigations
Establishes a Process for:

- Monitoring compliance with, and sufficiency of, internal operations and maintenance procedures
- Monitoring operations to identify hazards not identified through the Safety Risk Management process
- Identifying risk mitigations that were ineffective, inappropriate, or not implemented as intended
- Investigating safety events
- Monitoring safety-related information
- Identifying and assessing changes that may introduce new hazards or impact safety performance
- Assessing safety performance and correcting safety deficiencies
PTASP: Safety Promotion

Elements:

Establish a comprehensive safety training program, including refresher training, for all agency employees and contractors directly responsible for the management of safety

Communicates an agency’s safety performance throughout the organization
PTASP: Safety’s Relationship with Asset Management/ State of Good Repair

Accountable Executive

**Safety Plan:**
- Safety Risk Management & Safety Assurance

**Transit Asset Management Plan:**
- Condition Assessments
PTASP: Recordkeeping

A transit agency would be required to keep records related to the implementation of its safety plan for three years.
Submitting Public Comments:

- The public comment period closes on April 5, 2016.
- Public comments must identify the following information:

  Proposed NSP
  Docket Number: FTA-2015-0017
  Regulatory Identification Number (RIN): 2132-ZA04

  PTASP NPRM
  Docket Number: FTA-2015-0021
  Regulatory Identification Number (RIN): 2132-AB23
Submitting Public Comments:

- **Electronically:** [http://www.regulations.gov](http://www.regulations.gov)
- **U.S. Mail:**
  Docket Operations
  USDOT
  1200 New Jersey Avenue SE,
  West Building
  Room W12-140
  Washington, DC 20590-0001
- **Hand Deliver:** Docket Operations in Room W12-140 of the West Building, Ground Floor, at 1200 New Jersey Avenue SE, Washington, DC (M-F, 9:00 am – 5:00 pm)
- **Fax:** 202-493-2251
Learn More

• Public Listening Session
  – 3/16 – APTA Legislative Conference
• Website
Questions?

Candace Key
Candace.Key@dot.gov
202.366.9178

Brian Alberts
Brian.Alberts@dot.gov
202.366.3600

Michael Culotta
Michael.Culotta@dot.gov
212.668.2178
About the Questions

We can discuss:
• Clarifying questions

We cannot discuss:
• Questions about implementation
• Comments about implementation
• Suggestions related to proposals
Federal Transit Administration

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