

PTASP Workshops Q&A – San Francisco, CA (August 20-21, 2019)

This document summarizes and provides answers to the questions asked at the Federal Transit Administration (FTA) Public Transit Agency Safety Plan (PTASP) Bus Workshops in San Francisco, CA, on August 20 and 21, 2019.

PTASP Overview Q&A

1. Can a rail Chief Safety Officer (CSO) have any other responsibilities besides safety?

The CSO for a rail agency may not have additional operational or maintenance responsibilities (49 C.F.R. § 673.5). However, they may hold other responsibilities that have a nexus to safety such as security, asset management, and training. For more information on the role of the CSO, please refer to the CSO SMS Executive Fact Sheet on the [PTASP Resources webpage](#).

2. What do you mean by “adequately trained” in the definition of the CSO?

It is up to each agency to determine the training that is appropriate for their CSO. FTA does not have specific required training for this role. Given the different sizes of transit operators, and the varying operating environments of transit systems across the nation, FTA is deferring to each transit operator to determine the level of training that is adequate for their CSO. FTA does sponsor [training](#) that agencies may determine is appropriate.

3. For small agencies, can the CSO and Accountable Executive (AE) be the same person?

Yes, small public transportation providers and large bus transit providers may either identify a separate CSO or designate the AE to serve as the CSO.

4. For the 100 vehicles in peak revenue service, does that include modes like vanpool?

The definition of a small provider is a recipient or subrecipient of Federal financial assistance under 49 U.S.C. § 5307 that has one hundred (100) or fewer vehicles in revenue service during peak regular service across all non-rail fixed route modes or in any one non-fixed route mode. Vanpool would be considered a non-fixed route mode (49 C.F.R. § 673.5). If your agency has fewer than 100 buses in peak revenue service but 101 or more vanpool vehicles, then it would be considered a large agency.

5. If you have 98 fixed route buses and 32 paratransit vehicles, are you a large or small transit agency according to the PTASP rule?

You would be a small public transportation provider.

6. What is the definition of injury?

The definition of a serious injury is the same as the definition used for National Transit Database (NTD) reporting requirements, which is any injury that:

- (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;
- (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
- (3) Causes severe hemorrhages, nerve, muscle, or tendon damage;

- (4) Involves any internal organ; or
- (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface (49 C.F.R. § 673.5).

The PTASP rule differentiates between a serious and non-serious injury. If an event causes a serious injury, the event is considered an accident under the PTASP rule. Incidents and occurrences under the PTASP rule can involve non-serious injuries (49 C.F.R. § 673.5).

7. When it comes to injuries and fatalities, does the total number include non-preventable incidents?

Yes. The total number of injuries and fatalities is the total number of reportable injuries and fatalities per total vehicle revenue miles by mode. The thresholds for "reportable" fatalities, injuries, and events are defined in the NTD Safety and Security Reporting Manual.

8. What's the definition of "event"?

The PTASP rule defines an event as "any Accident, Incident, or Occurrence" (49 C.F.R. § 673.5).

Accident means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Incident means an Event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Occurrence means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

9. How do you determine a target?

Determining a target is up to each agency and should be informed by agency leadership. FTA has not established requirements for how a target is set by the agency, what the target is based on, or what it is used for.

10. Is FTA collecting the Agency Safety Plan (ASP)?

FTA is not collecting ASPs. However, to receive grant funds, agencies must certify that they have a compliant plan in place. Fiscal Year 2021 will be the first year that the PTASP requirements are included in the Triennial Review Process. Agencies will need to have their ASPs available for possible review as part of the Triennial Review.

11. Who must approve the ASP?

An agency's plan must be signed by the AE, approved by the Board of Directors or Equivalent Authority, and, for rail transit agencies, it must be approved by the State Safety Oversight Agency (SSOA) (49 C.F.R. § 673.13 and 49 C.F.R. § 673.5).

12. What do you need to do to certify?

FTA recipients to whom the PTASP rule applies will certify that they have met the requirements of the rule.

13. If additional resources are required and necessary to mitigate risks, is it the responsibility of the AE to make sure the resources are available?

Yes, it is the responsibility of the AE to implement the Safety Management System (SMS) processes. The purpose of the safety plan is to make sure agencies are prioritizing resources for safety based on safety risk.

14. Are the agencies limited to the four safety performance measures in the National Public Transportation Safety Plan or can an agency adopt additional measures?

The PTASP rule requires that the agencies develop targets for the four measures in the National Public Transportation Safety Plan. FTA encourages agencies to establish and track additional performance measures, based on a review of the hazards and safety risk relevant to each agency.

15. You talked about showing documentation as part of a Triennial Review. Is there a checklist?

There is not a checklist for triennial audits, but there is a [checklist](#) for developing an ASP. FTA recommends that agencies use the template and guide available on the [PTASP Resources webpage](#) to help meet requirements, and review and update their ASPs annually to evaluate whether the processes in place are working.

16. In regards to safety performance targets, what if the reporting requirements for our agency are stricter than the NTD requirements? For example, what we consider a major incident is anything more than \$5000, whereas for NTD it is \$20,000.

Agencies must establish targets for the measures described in the National Public Transportation Safety Plan. Agencies may develop additional targets based on an agency's own thresholds.

17. You used the term "relevant contract employees." Could you clarify the difference between relevant and nonrelevant contract employees?

Contract employees who are relevant to safety include those who have a direct impact on the agency's safety performance, such as operations and maintenance staff. For example, the information you need to capture for your ASP will likely come from people in these positions as opposed to administrative staff responsible for scheduling meetings.

18. Why do we have to report to senior management? Why not a direct supervisor?

Senior management is not a term that is defined in the rule. Employee safety reporting could be to a direct supervisor. The purpose of the requirement of reporting safety conditions to senior management is to ensure that the safety condition is brought to the attention of a member of the agency staff with responsibility and accountability for ensuring that the condition is assessed and appropriate actions are taken to address the condition, if necessary.

19. If you as a small operator decide to draft your own plan, does the same liability fall on the State Department of Transportation (DOT) as if they wrote your plan?

Agencies are responsible for carrying out their ASP, regardless of whether they wrote their own ASP or if it was written by a State DOT.

20. If you're a small agency, does it need to be in writing that you're opting out of your state plan?

While FTA does not dictate a process for opting out of having the State DOT draft your plan, your agency must inform the State DOT and should maintain documentation of the decision to opt out.

21. We contract out more than 100 buses in peak revenue service. Would our contractor be considered an agency?

If the contractor is providing services on behalf of your agency, you can include them in your plan or have them draft their own plan. Either way, the recipient or subrecipient of FTA funds is responsible for the plan, not the contractor.

22. If a subcontractor has its own plan, does its Board have to approve their plan?

The Board of Directors (or an Equivalent Authority) of the recipient or subrecipient of Section 5307 funds would need to approve the ASP. The recipient or subrecipient is responsible for drafting, approval, and implementation of the ASP under the rule, not the contractor or subcontractor.

23. If we have in-house rail and bus and contract services with bus and paratransit, and bus and paratransit are separate contractors, should we have one AE for everything or separate AEs for each mode? Same question for CSO as well.

There can only be one AE for each agency. There could be separate CSOs for each type of service.

24. If contractors work for the agency, how can they have their own plan? Most of these contractors are operating with agency assets. Should the agency include them as a subcomponent of the ASP?

Even if a recipient of FTA funds allows a contractor to create a plan, it is still the recipient's plan. The recipient must still approve the plan. It is important to remember that the recipient is still ultimately responsible for carrying out the ASP, not the contractor.

25. I've had extensive experience with the rail side and now, at a bus-only agency, I don't see active state safety oversight. Can you clarify what state safety oversight is for bus-only agencies?

There is no Federal requirement for bus safety oversight by the State. However, some States conduct safety oversight of bus agencies if required by State law.

26. Our agency has identified one person who is responsible for the Transit Asset Management (TAM) plan, but we have another person who would need to be the AE for the ASP. Can we have our AE for the ASP be different than the person responsible for the TAM plan?

Both the PTASP and TAM rules specify that the AE must be "a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326." (49 C.F.R. § 673.5)

27. Regarding the four performance measures, did you say there were going to be subcategories?

There are no requirements to include subcategories for the four performance measures, but for the first three performance measures agencies will need to identify two targets: the rate and the total number.

28. Are the targets going to be aligned with the NTD reporting?

The measures in the National Public Transportation Safety Plan refer to NTD definitions, but not all agencies that must develop targets are currently required to report information related to the measures to NTD. Note that there are no new NTD reporting requirements associated with the PTASP rule; and targets will not be reported to NTD.

29. When FTA does the Triennial Review, will it want to see the targets?

Yes, FTA will want to see that agencies have set targets when it conducts a Triennial Review.

30. Where is the template for small providers to use in creating an ASP?

You may access and download the template on the [PTASP resources page](#).

31. Is there a template for merging your System Safety Performance Plan (SSPP) and ASP?

The template FTA has developed is for bus agencies. While there is no template for a rail plan, there is a roadmap document available on the [PTASP resources page to help transition from SSPP to ASP](#).

32. How far up should our AE be? I've found that operations managers are not as safety-conscious as some.

The AE is responsible for carrying out the Agency Safety Plan and has control or direction over the human and capital resources needed to develop and maintain the plan (49 C.F.R. § 673.5). It is unlikely that the operations manager would meet these criteria. If the person an agency is considering for AE does not fulfill the position requirements as defined in the PTASP rule, they cannot serve in that position of AE.

33. If an agency is in the middle of introducing a new mode and we don't know if it will continue beyond the pilot, should we include that as its own mode? It's in revenue service but it's not part of our long-range plan.

An agency's safety plan must apply to its entire transit operation. You should include the pilot mode in the ASP and then remove it if it does not continue.

Safety Management Policy & Safety Promotion

34. Just to clarify, with regards to the AE, our TAM plan requires that our AE be identified individually, not by title. Can we name a position for the CSO, or does it have to be the person by name?

You may name a position for the CSO; the person does not need to be specified by name.

35. The AE has to approve the plan, the Board has to sign the plan, correct?

The AE and Board have to approve the plan. The AE has to sign the plan to demonstrate their approval.

36. Is it left up to the agency when refresher training is required and what it consists of?

Yes. The PTASP rule requires that the agency's comprehensive safety training program include refresher training, but it does not specify the frequency or type of training (49 C.F.R. §673.29(b)). The purpose of refresher training is to ensure personnel stay current with the agency's safety practices and procedures.

37. Do bus contractors need to have a safety person oversee them?

It is up to you to structure your relationship with contractors. As the FTA grant recipient, you are required to ensure that the requirements of the rule are met. Under the rule, personnel, including contractors, who are directly responsible for safety must receive the training you have identified as required.

38. Is there a checklist for compliance with training requirements for bus-only agencies?

FTA has developed voluntary training for bus-only agencies; there is no FTA required training for bus transit. You may access the list of relevant bus safety courses at [Safety Training | Federal Transit Administration](#). Bus transit agency personnel and contractors are encouraged, but not required, to participate in the training program.

39. If you do choose to do voluntary training as a bus agency, are you supposed to email PTASP QA and get a customized training?

Under the PTASP rule, an ASP for both rail and bus agencies must describe a comprehensive safety training program for employees and contractors who are directly responsible for safety. Through the Public Transportation Safety Certification Training Program regulation (49 C.F.R. Part 672), FTA offers a [voluntary training curriculum](#) for employees and contractors who are directly responsible for safety oversight. A bus agency may incorporate this voluntary curriculum into its training program. FTA asks that bus agency personnel who choose to take advantage of the voluntary program, email FTASafetyPromotion@dot.gov to request an Individual Training Plan. For more information, please visit [Safety Training | Federal Transit Administration](#).

40. What if you have taken some of the courses in the FTA curriculum already? Will you get credit?

Under the Public Transportation Agency Safety Certification Training Program regulation, your credit will be transferred and counted toward completing the training curriculum.

41. Are you providing a certificate separate from TSI's certificate?

Yes, under the Public Transportation Agency Safety Certification Training Program regulation, FTA is providing a certificate that is different from TSI's Transit Safety and Security Program (TSSP) Certificate.

42. If we've already taken the courses, do we email you the proof?

All voluntary program courses are offered through the Transportation Safety Institute (TSI). Once you submit your request for an Individual Training Plan, FTA provides credit for any Certification Program courses you have previously completed through the TSI.

43. How long ago can you have taken the training courses for them to still count toward this required training?

All coursework completed in compliance with the Interim Safety Certification Training Provisions will be counted toward the requirements in the Training Program Rule.

44. This number of courses seems substantial. Do you see it being a requirement in the future to take these trainings?

In the future, FTA might make the bus training curriculum outlined in 49 C.F.R. Part 672 mandatory for bus agency personnel or require additional training for these personnel. At this time, however, this training is voluntary.

45. On the Public Transportation Safety Certification Training Program, do you have to go back and recertify every three years?

You will have to demonstrate your refresher training every two years. Your agency will determine what refresher training you will need. For rail personnel, at least one hour of refresher training must be dedicated to safety oversight (49 C.F.R § 672.11).

46. Is there a suspense date on the courses from TSI in order to qualify for the certificate?

At this time, no.

For rail transit, you have three years from your enrollment in the program to complete the requirement, if you are designated as responsible for safety oversight (49 C.F.R § 672.11).

47. If an agency is providing similar training to the required training courses, can those be substituted for the courses in the training?

The training requirements outlined in the Training Rule (49 C.F.R. Part 672) are completely voluntary for bus agencies. Under the PTASP rule, an ASP must describe a comprehensive safety training program for agency staff that are directly responsible for safety (49 C.F.R. § 673.29). The agency can choose the courses it requires for the comprehensive training program. The courses in the voluntary curriculum offered through the Training Rule must be met to receive certification. However, FTA does provide a process for evaluating courses completed that are not offered by the FTA-TSI for equivalency credit. To learn more about how to request credit for an equivalent course, please visit [Safety Training | Federal Transit Administration](#).

48. If the employee reporting program is informal, how will it be assessed in the Triennial Review?

A transit agency's employee safety reporting program must meet the requirements of the rule, which are designed to fit the specific needs of individual transit agencies. During the Triennial Review, FTA will be looking for documentation of how the employee reporting program works.

Safety Risk Management & Safety Assurance

49. Should agencies do a walk around their agency to identify obvious risks?

Yes, that would be a good way to begin identifying safety hazards.

50. Does FTA have requirements about railroad crossing safety?

No, but if that is a safety concern in your system, you should address it in your Safety Risk Management process.

51. When we report on safety, is there a difference between safety issues that are public facing and safety issues that are internal?

Usually, agencies should look at injuries and fatalities relating to service they provide, so this would include injuries and fatalities that occur in both employee and public populations.

52. We contract out operations and maintenance. Do we need to have the contractors do risk analysis?

The recipient of FTA funds is ultimately responsible for complying with the PTASP rule. It is up to the recipient agency to determine how to meet the requirements of the rule, including Safety Risk Management. An agency could have the contractor develop and carry out the process and documentation to its standards, or the agency could develop them and ensure that the contractor follows them. If an agency delegates responsibility to the contractor to develop the plan, the recipient is still responsible for ensuring that the plan meets the requirements of the rule.

53. 49 C.F.R. Part 673 doesn't include anything on security. How is security addressed in FTA statute?

The Department of Homeland Security (DHS), and specifically the Transportation Security Administration (TSA), have primary jurisdiction over transit security. In the Moving Ahead for Progress in the 21st Century Act (MAP 21), FTA transitioned out of matters relating to security, with the exception of emergency plans for rail transit agencies, operator assault, and human trafficking. Consequently, FTA no longer requires System Security Plans and the responsibility for the oversight of transit security resides with the DHS and TSA. Transit agencies may incorporate their security plan into their Agency Safety Plan, but FTA will not review it.

54. Are there industry standards that we can use when analyzing risk as a starting point?

Industry information can be helpful if you do not have a starting point, but there is a lot of variation between agencies. FTA recommends analyzing and rating safety risk based on your transit agency's risk tolerance, then testing it to see if it matched leadership expectations. If you test your risk analysis and rating system and everything comes up as a high risk, you may need to adjust. Reach out to anyone who can give you helpful data, including partner agencies, similar peers, etc. Risk matrices and rating systems are tools for decision-making; they do not replace decision-making. Risk analysis helps to identify the areas of higher risk and to identify where resources should be allocated.

55. Could the Chair of the Board of a small bus agency be the AE?

Yes, if they meet the requirements under the rule.

56. When we write our first version of this plan, should we provide data on where we are now on each of the required indicators, plus targets for where we want to be?

You are not required to provide data on current status, though you may. Either way, your ASP must include documentation of your agency's SMS processes and activities, including a process to assess your agency's safety performance (49 C.F.R § 673.27) and (49 C.F.R § 673.11). Although this is not a requirement, you should provide information on how you developed your targets and monitor the impact of interventions. You could set targets to maintain current levels.

57. When it comes to determining the causes of fatalities and injuries, what if the root cause is unclear? Do we need to have a specific procedure for investigating indeterminate things?

FTA does not require root cause analysis. It can be difficult to fully identify the specifics of an event. You could still identify the hazards associated with an event that occurred, which you can use to address associated safety risk through Safety Risk Management.

58. We contract out service. Could we include in our plan that the contractor will conduct the investigation?

Yes. For example, you could have a supervisor fill out a form at the scene of an investigation.

59. Is 49 C.F.R. 673.27 applicable to small agencies?

49 C.F.R. 673.27(a) is applicable to all agencies, but 673.27(b) and 673.27(c) apply only to rail transit.

60. Is 49 C.F.R. 673.27(d) applicable to all agencies?

Yes, subpart D is applicable to all transit agencies.

61. Are there seven performance targets per mode?

Yes. FTA may revise the performance measures in the future (though there are no immediate plans to update them), so make sure you have the latest version of the [National Public Transportation Safety Plan](#). There are seven targets instead of four because you need to track total and rate for the first three measures.

62. When you talk about risks, are they probable or possible?

Usually, probable. Generally, safety risk is assessed based on what an agency would reasonably expect to happen. However, agencies may choose a different standard for conducting a risk assessment.

63. Does the rule require agencies to implement mitigations that are identified?

The Safety Assurance component of SMS requires agencies to identify safety risk mitigations that are not implemented as intended. If an agency chooses not to implement a safety risk mitigation identified through Safety Risk Management, and the agency determined the mitigation is necessary to reduce safety risk to an acceptable level, the agency should be able to provide a reasonable justification for that decision. The Accountable Executive is ultimately accountable for the implementation of the rule and the agency's safety performance.

64. What are simple and quantitative risk matrices?

There are different ways to develop a safety risk matrix. Matrices can be based on qualitative and/or quantitative criteria. Please review the Sample Safety Risk Matrices for Bus Transit document in the provided Participant Guide.

65. Will there be an electronic matrix made available?

The Sample Safety Risk Matrices for Bus Transit document provided during the workshop will be available online soon. The risk register will be available as an Excel spreadsheet.

66. Can we add "or designee" of the Accountable Executive, or do we need to name titles for the agency safety plan?

You will need to specify the one person who is the Accountable Executive. This person can be named, or the Agency Safety Plan can state a specific title (e.g., General Manager). The Accountable Executive may delegate certain roles and responsibilities, but not accountability.

67. There is a tendency for managers to shift blame down but take credit. Is there a method to counteract this tendency?

To counteract this, agencies should have clear procedures and documentation. Compliance with the procedures can be tied to annual performance reviews, for example, "did you accept safety risk that should not be considered acceptable?" A goal of SMS is transparency. FTA may review documentation of an SMS process and how an agency implements it.

68. Can you define "sufficiency of the agency's procedures for operations and maintenance," as related to safety performance monitoring and measurement?

FTA does not define what is considered "sufficient" in the PTASP regulation, so your agency should determine what it means. You may ask, "is the procedure sufficient for the purpose for which it was designed?"

69. Do you need to document that your procedures are sufficient (in reference to safety performance monitoring and measurement)?

Consider what sufficiency means for your agency, and how you will be able to measure it. It can be up to management's judgment, but it should be based on your monitoring approach. FTA will focus on the agency's process for monitoring whether procedures are sufficient, not whether a procedure is objectively sufficient.

70. Have you developed the protocols for compliance with PTASP? There are a lot of things that are not specified.

FTA does not have compliance protocols established at this time. FTA recommends that you review and follow the guidelines and other resources it has provided. The PTASP regulation is performance-based,

providing agencies with flexibility regarding specific processes. It is up to your AE to make decisions regarding safety and SMS processes, since they are ultimately accountable. At this point, FTA is looking to see that all agencies meet the minimum regulatory requirements and that they have required processes in place.

71. For agencies creating a single PTASP for both rail and bus modes, is there an expectation that there are equivalent processes between bus and rail?

Whether one plan covers multiple modes or each mode has a dedicated plan, the processes applicable to each mode may be different. This may be due, in part, to varying levels of safety risk between the modes.

72. By calling things “hazards” and increasing documentation, are we opening ourselves up to legal challenges?

This is a common concern for agencies. FTA has heard from transit agencies and other modes of transportation that have implemented SMS that carrying out a clearly-defined Safety Risk Management process helps to identify hazards so that the agency can determine and carry out the appropriate response. Keep in mind that these safety management processes cannot prevent every event. They help you apply your limited resources to prioritize and address the highest-risk safety concerns. Documentation helps to ensure these processes are carried out as intended.

73. Safety performance targets are required in the regulation, right?

Yes. The PTASP rule requires that agencies establish seven targets for the four safety performance measures identified in the [National Public Transportation Safety Plan](#). Agencies may choose to establish additional targets for the purpose of safety performance monitoring and measurement.

Closing QA

74. If you replace the CSO or the AE, does this change have to be reflected in the Agency Safety Plan immediately or can the change occur during the annual update?

The rule requires that the agency name a single identifiable person as the AE and for the AE to assign a CSO. The AE and CSO need not be named; they can be identified by title. The Agency Safety Plan can be updated through modification between annual updates.

75. Has FTA identified the State role for oversight for bus?

There is no Federal requirement for state safety oversight of bus agencies. States may have bus safety oversight roles established under State law.

76. Is the “Roadmap to Drafting an Agency Safety Plan for Bus Agencies” course self-paced?

Yes. This is a 5-hour self-paced course, designed for transit agency staff, State departments of transportation and contractors who are involved in drafting or assisting in the development of a bus transit Agency Safety Plan.

77. When will the Fiscal Year (FY) 2020 calendar be released for upcoming TSI courses?

The FY 2020 TSI transit training schedule is available [here](#).