



U.S. Department of Transportation
Federal Transit Administration

**Summary:
Federal Transit Administration (FTA)
Public Transportation Safety Program
Final Rule**

FTSN Quarterly Meeting
September 12, 2016




CUTR


OFFICE OF FREIGHT, LOGISTICS & PASSENGER OPERATIONS

Public Transportation Safety Program

- Applicability
- FTA Policy Statement
- Definitions – including “Accountable Executive”
- Inspections, Investigations, Audits, Examinations and Testing



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Applicability

- *Carries out the mandate of 49 U.S.C. 5329 to improve the safety of public transportation systems*
- *Establishes substantive and procedural rules for FTA's administration of the Public Transportation Safety Program*
- *Applies to recipients of Federal financial assistance under 49 U.S.C. Chapter 53*



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FTA Policy Statement

FTA has adopted the principles and methods of Safety Management Systems (SMS) as the basis for enhancing the SMS is the basis – the standard for enhancing the safety of public transportation in the US safety of public transportation in the United States. FTA will follow the principles and methods of SMS in its development of rules, regulations, policies, guidance, best practices and technical assistance administered under the authority of 49 U.S.C. 5329.



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Definitions

- Provides definitions of terms utilized in the final rule. Includes definition for Accountable Executive:
 - *A single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of the agency*
 - *Responsibility for carrying out the agency's Transit Asset Management Plan*
 - *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*



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Inspections, Investigations, Audits, Examinations and Testing

- Authorizes the conduct of investigations, inspections, audits, and examinations and testing of equipment, facilities, rolling stock, and operations of the system
- Allows for requests for confidential treatment of records, within established processes, and allows for limitations.



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Authorities of the FTA Administrator

- May require more frequent oversight of a recipient by a State Safety Oversight Agency with jurisdiction over the recipient
- Impose requirements for more frequent reporting by a recipient
- Order a recipient to develop and carry out a corrective action plan
- Issue restrictions and prohibitions if the Administrator determines that an unsafe condition or practices (or combination) exists with substantial risk of death or injury



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Authorities of the FTA Administrator – Use/Withholding of Funds

- May require a recipient to use Chapter 53 funds to correct safety violations before used for any other purpose
- May withhold not more than 25% of funds apportioned under 49 USC 5307 if determined there is a pattern or practice of serious safety violations or refusal to comply with the Public Transportation Safety Program
- Provides process for notice of violation, response by the recipient, and final decision



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Provides for the Issuance of General Directives – to all or subset

- Unsafe condition/practice with risk of death, personal injury, or damage to property or equipment
- Any other purpose in the public interest to avoid or mitigate a hazard or area of risk
- Establishes that directives will be issued in Federal Register notices
- Allows for comments and issuance of final notice



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Provides for the Issuance of Special Directives - 1 or more named recipients

- Engaging in conduct or evidence of pattern or practice of conduct in violation with the Public Transportation Safety Program or any regulation or directive issued by FTA
- Unsafe condition/practice with risk of death, personal injury, or damage to property or equipment
- Any other purpose in the public interest to avoid or mitigate a hazard or area of risk
- Notices are provided directly to the recipient
- Establishes process for petition for reconsideration, extensions, and judicial review (requested by the recipient)



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Establishes Content of National Public Transportation Safety Plan to Include:

- Safety performance criteria for all modes of public transportation
- Definition of State of Good Repair (SGR)
- Minimum safety performance standards – vehicles in revenue operations
- Minimum performance standards for public transportation operations
- Public Transportation Safety Certification Training Program
- Safety advisories, directives, and reports
- Best practices, technical assistance, templates and other tools
- Research, reports, data and information on hazard identification and risk management and guidance on the prevention of accidents and incidents
- Any other content as determined by FTA



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Final Rule for Public Transportation Agency Safety Plans (PTASPs)

- Will be issued within the coming months
- Once issued, agencies will have one year to develop their PTASPs
- After adoption – will be evaluated during FTA Triennial Reviews



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