

## **22. PUBLIC TRANSPORTATION AGENCY SAFETY PLAN (PTASP)**

### **PURPOSE OF THIS REVIEW AREA**

Recipients must comply with the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP). The PTASP Final Rule published in the Federal Register April 11, 2024, became effective May 13, 2024. FTA expects transit agencies to address the regulatory changes in the new PTASP Final Rule in their next Agency Safety Plan (ASP) annual update.

FTA requires applicable recipients to certify that they have established an ASP that meets the requirements of the PTASP regulation and 49 U.S.C. 5329(d) as part of the annual Certifications and Assurances for FTA grants and cooperative agreements. FTA notes that per 49 U.S.C. 5307(c)(1)(L), this certification is a required condition of receiving section 5307 funding and other grant funding to which Section 5307 requirements apply. FTA monitors these certifications in its Transit Award Management System (TrAMS).

FTA assesses compliance with the PTASP regulation through its existing triennial review process, as well as through other oversight mechanisms, using the criteria in this manual when FTA receives a report from an industry stakeholder of alleged noncompliance. If FTA determines the agency is out of compliance with the PTASP regulation and/or 49 U.S.C. 5329(d), FTA will inform the transit agency in writing of the finding(s) of noncompliance. The transit agency has 14 days to develop a plan for remedying the finding(s) and 90 days from the date of notification by FTA to remedy the finding(s). If the recipient is in non-compliance after 90 days, then FTA may restrict all 5307 grants and all other grant funding where 5307 requirements apply.

### **QUESTIONS TO BE EXAMINED**

PTASP1. Does the recipient have an ASP?

PTASP2. Has the recipient established required roles and responsibilities?

PTASP3. Does the ASP include the required elements?

PTASP4. Does the recipient maintain its PTASP documents for a minimum of three years?

PTASP5. Does the recipient monitor subrecipients for compliance with PTASP requirements?

PTASP6. Did the State recipient develop and certify ASPs on behalf of small public transportation provider?

### **INFORMATION NEEDED FROM RECIPIENT**

#### **Recipient Information Request**

##### *Recipients with ASPs*

- ASP(s) and all referenced documents, including policies and/or procedures
- Documentation of the recipient's Board of Directors' or equivalent entity's approval of the ASP
- Documentation of the Safety Committee's approval of the ASP (large urbanized area providers) or of development or update of the ASP in cooperation with frontline transit worker representatives (non-large urbanized area providers)
- Documentation of the ASP approval by the State Safety Oversight Agency (SSOA) (rail transit modes only)
- Organizational chart or other documentation of the CSO/SMS Executive's uninterrupted line of reporting to the Accountable Executive, if not included in the ASP
- Emergency Preparedness and Response Plan, if not included in the ASP (rail transit modes only)

- List of small public transportation providers for which the State developed ASPs, if applicable
  - Small public transportation provider State ASP opt out letter, if applicable
- 
- 

PTASP1. Does the recipient have an ASP?

#### **BASIC REQUIREMENT**

The Public Transportation Agency Safety Plans (PTASP) regulation requires operators of public transportation systems that are recipients of FTA Section 5307 awards and operators of rail transit systems subject to the State Safety Oversight Program (SSOP) to have an ASP.

The PTASP regulation at § 673.11(a)(5) requires each transit agency to establish a process and timeline for conducting an annual review and update of its ASP.

Per § 673.17(b), each transit agency that is not a large urbanized area provider must develop its ASP and subsequent updates in cooperation with frontline transit worker representatives.

Per § 673.11(a)(1) the ASP and any updates to the ASP must be signed by the Accountable Executive and approved by

- For a transit agency that is a large urbanized area provider, the Safety Committee established pursuant to § 673.19, followed by the transit agency's Board of Directors or an equivalent entity.
- For all other transit agencies, the transit agency's Board of Directors or an equivalent entity.

For a rail transit agency (RTA), the ASP also must be approved by the State Safety Oversight Agency (SSOA) (Please note that an SSOA has the authority to establish more specific requirements for the rail transit agencies in its State by defining these in the SSOA's Program Standard. A Triennial Review will not be assessing compliance with requirements set by an SSOA.)

If an agency makes no updates to the ASP, it does not need to be signed and approved again. The agency should record and retain information about the annual review, noting that the review did not result in any changes to the ASP.

#### **APPLICABILITY**

Section 5307 recipients and rail transit agencies subject to the State Safety Oversight Program (SSOP) who operate a public transportation system.

#### **DETAILED EXPLANATION FOR REVIEWER**

Recipients of financial assistance under 49 U.S.C. Section 5307 who operate public transportation and operators of rail transit systems subject to the SSOP must implement an ASP. Section 5307 recipients who operate transit modes under the safety oversight of the United States Coast Guard (USCG), such as passenger ferry service, or the Federal Railroad Administration (FRA), such as commuter rail service, do not need to have an ASP for those modes. Recipients that *do not* operate public transportation are not required to have an ASP. States are required to develop ASPs for small public transportation providers in their jurisdiction, unless the small public transportation provider opts to develop its own plan and notifies the State.

Recipients subject to the PTASP regulation that receive Section 5307 funding and serve an urbanized area with a population of 200,000 or more (large urbanized area providers) must establish a Safety Committee compliant with 49 CFR § 673.19. This Safety Committee must approve the transit agency's ASP and any updates to the ASP before approval by the agency's Board of Directors or equivalent entity.

Recipients subject to the PTASP regulation that serve a small urbanized area (an urbanized area with a population of fewer than 200,000) must develop an ASP and subsequent updates in cooperation with

frontline transit worker representatives. The ASP must include or incorporate by reference a description of how frontline transit worker representatives cooperate in the development and update of the ASP.

A recipient who is subject to the PTASP regulation is required to have its ASP, and subsequent updates to its ASP, signed by its Accountable Executive approved by its Safety Committee (if such Committee is required based on the size of the urbanized area served and receipt of Section 5307 funding), and approved by its Board of Directors or equivalent entity. Rail transit agency plans also must be approved by the designated State Safety Oversight Agency (SSOA).

NOTE: A small public transportation 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 peak revenue service across all non-rail fixed route transit modes or in any one non-fixed route transit mode and does not operate rail transit.

## **INDICATORS OF COMPLIANCE**

- a. *Is the recipient required to have an ASP?*
  - 1) *If no, what exception to ASP requirement is applicable?*
  - b. *If the recipient is required to have an ASP, does it have one?*
  - c. *On what date was the ASP adopted?*
  - d. *On what date was the ASP last updated?*
  - e. *For recipients serving a small urbanized area (an urbanized area with a population of less than 200,000), was the ASP developed and/or updated in cooperation with frontline transit worker representatives?*
    - 1) *How did the recipient cooperate with frontline transit worker representatives and what documentation describes and substantiates this cooperation?*
  - f. *Are the ASP, and subsequent updates to the ASP, signed by the Accountable Executive?*
    - 1) *What is the name, title, and role of the Accountable Executive who signed the ASP?*
    - 2) *Who appointed this person as the Accountable Executive for the ASP?*
    - 3) *If the Accountable Executive who signed the TAM plan is different from the Accountable Executive who signed the ASP, explain why:*
  - g. *For large urbanized area providers, are the ASP, and subsequent updates to the ASP, approved by the recipient's Safety Committee?*
    - 1) *On what date was the ASP, and subsequent updates to the ASP, approved by the Safety Committee?*
    - 2) *How was approval provided and what documentation substantiates approval by the Safety Committee?*
  - h. *Are the ASP, and subsequent updates to the ASP, approved by the recipient's Board of Directors or equivalent entity?*
    - 1) *If approved by an equivalent entity, what is the entity and what is that entity's relationship to the recipient?*

- 2) *On what date was the ASP, and subsequent updates to the ASP, approved by the Board of Directors or equivalent entity?*
- 3) *How was approval provided and what documentation substantiates approval by the Board of Directors or equivalent entity?*

i. *Does the recipient operate a rail transit mode that is subject to the SSOP?*

- 1) *If yes, what entity is the designated State Safety Oversight Agency (SSOA)?*
- 2) *On what date was the ASP approved by the SSOA?*
- 3) *How was approval provided and what documentation substantiates approval by the SSOA?*

#### **INSTRUCTIONS FOR REVIEWER**

Request and review the recipient's ASP(s). A recipient may have multiple ASPs to address different transit modes. Review evidence that:

- For recipients serving a small urbanized area (an urbanized area with a population of less than 200,000), the ASP was developed and/or updated in cooperation with frontline transit worker representatives. Obtain and review the description and evidence of such cooperation as referenced in the ASP.
- The ASP contains the signature of the Accountable Executive. Cross reference the Accountable Executive in the ASP to confirm it is the same individual in the TAM plan.
- For large urbanized area providers, the ASP and subsequent updates were approved by the Safety Committee. Obtain update and review evidence of such approval as referenced in the ASP.
- The ASP addresses approval of the Board of Directors or equivalent entity. Obtain and review evidence of such approval as referenced in the ASP.
- The ASP for a rail transit mode subject to the SSOP addresses approval of the SSOA. Obtain and review evidence of such approval as referenced in the ASP.

#### **POTENTIAL DEFICIENCY INFORMATION**

The recipient is deficient if it is required to, but does not have, an ASP in place.

DEFICIENCY CODE PTASP1-1: ASP not in place.

SUGGESTED CORRECTIVE ACTION 1: The recipient must develop a plan for submitting its ASP.

SUGGESTED CORRECTIVE ACTION 2: The recipient must submit its ASP.

NOTE: If the recipient has an ASP in place, no deficiency is needed. Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if its ASP, or subsequent updates to the ASP, are not signed by the Accountable Executive.

DEFICIENCY CODE PTASP1-2: ASP not signed by the Accountable Executive.

**SUGGESTED CORRECTIVE ACTION 1:** The recipient must develop a plan for submitting a copy of the ASP signed by the Accountable Executive.

**SUGGESTED CORRECTIVE ACTION 2:** The recipient must submit a copy of the ASP signed by the Accountable Executive.

**NOTE TO REVIEWER:** Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if its ASP, or subsequent updates to the ASP, are not approved by its Board of Directors or equivalent entity.

**DEFICIENCY CODE PTASP1-3:** ASP not approved by Board of Directors or equivalent entity.

**SUGGESTED CORRECTIVE ACTION 1:** The recipient must develop a plan for submitting evidence that the Board of Directors or equivalent entity approved its ASP.

**SUGGESTED CORRECTIVE ACTION 2:** The recipient must submit evidence that the Board of Directors or equivalent entity approved its ASP.

**NOTE TO REVIEWER:** Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if it operates rail service subject to the SSOP and its ASP is not approved by the SSOA.

**DEFICIENCY CODE PTASP1-4:** ASP not approved by SSOA

**SUGGESTED CORRECTIVE ACTION 1:** The recipient must develop a plan for submitting evidence that the SSOA approved its ASP.

**SUGGESTED CORRECTIVE ACTION 2:** The recipient must submit evidence that the SSOA approved its ASP.

**NOTE TO REVIEWER:** Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if it is required to have a Safety Committee and its ASP, or subsequent updates to the ASP, are not approved by its Safety Committee.

**DEFICIENCY CODE PTASP1-5:** ASP not approved by Safety Committee.

**SUGGESTED CORRECTIVE ACTION 1:** The recipient must develop a plan for submitting evidence that the SSOA approved its ASP.

**SUGGESTED CORRECTIVE ACTION 2:** The recipient must submit evidence that the Safety Committee approved its ASP.

**NOTE TO REVIEWER:** Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if it is required to develop or update its ASP in cooperation with frontline transit worker representatives and its ASP has not been developed or updated in cooperation with frontline transit worker representatives.

**DEFICIENCY CODE PTASP1-6:** ASP not developed/updated in cooperation with frontline transit worker employee representatives.

**SUGGESTED CORRECTIVE ACTION 1:** The recipient must develop a plan for submitting evidence that the recipient developed or updated its ASP in cooperation with frontline transit worker representatives.

**SUGGESTED CORRECTIVE ACTION 2:** The recipient must submit evidence that the recipient developed or updated its ASP in cooperation with frontline transit worker representatives.

**NOTE TO REVIEWER:** Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

## **GOVERNING DIRECTIVE**

### 49 CFR § 673.1 Applicability

(a) This part applies to any State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53.

(b) This part does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311 unless it operates a rail fixed guideway public transportation system.

### 49 CFR § 673.5 Definitions

**Accountable Executive** means 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.

**Equivalent entity** means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

**Large urbanized area provider** means a recipient or subrecipient of financial assistance under 49 U.S.C. 5307 that serves an urban area with a population of 200,000 or more as determined by the most recent decennial Census.

**Rail fixed guideway public transportation system** means any fixed guideway system, or any such system in engineering or construction, that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration. These include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

**Rail transit agency** means any entity that provides services on a rail fixed guideway public transportation system.

*Safety Committee* means the formal joint labor-management committee on issues related to safety that is required by 49 U.S.C. 5329 and [49 CFR part 673].

*Small public transportation provider* means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service across all non-rail fixed route modes or in any one non-fixed route mode and does not operate a rail fixed guideway public transportation system.

*Transit agency* means an operator of a public transportation system that is a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 or a rail transit agency.

#### **49 CFR § 673.11 General Requirements**

(a) A transit agency or State must, establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by

- (i) For a large urbanized area provider, the Safety Committee established pursuant to § 673.19, followed by the transit agency's Board of Directors or an equivalent entity; or
- (ii) For all other transit agencies, the transit agency's Board of Directors or an equivalent entity

(5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

(e) Agencies that operate passenger ferries regulated by the United States Coast Guard (USCG) or rail fixed guideway public transportation service regulated by the Federal Railroad Administration (FRA) are not required to develop Public Transportation Agency Safety Plans for those modes of service

#### **49 CFR § 673.13 Certification of Compliance**

(a) Each direct recipient, or State as authorized in §673.11(d), must certify that it has established a Public Transportation Agency Safety Plan meeting the requirements of this part by the start of operations. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by a rail fixed guideway public transportation system, as authorized in 49 U.S.C. 5329(e) and its implementing regulations at 49 CFR part 674.

(b) On an annual basis, a direct recipient or State must certify its compliance with this part. A direct recipient must certify that it and all applicable subrecipients are in compliance with the requirements of this part.

#### **49 CFR § 673.17 Cooperation with frontline transit worker representatives.**

(b) Each transit agency that is not a large urbanized area provider must:

(1) Develop its Public Transportation Agency Safety Plan, and subsequent updates, in cooperation with frontline transit worker representatives; and

(2) Include or incorporate by reference in its Public Transportation Agency Safety Plan a description of how frontline transit worker representatives cooperate in the development and update of the Public Transportation Agency Safety Plan

#### **49 U.S.C. § 5329(d) Public Transportation Agency Safety Plan**

(1). In general.-- Each recipient or State, as described in paragraph (3), shall certify that the recipient or State has established a comprehensive agency safety plan that includes, at a minimum—

- (A) a requirement that the board of directors (or equivalent entity) of the recipient approve, or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under paragraph (5), followed by the board of directors (or equivalent entity) of the recipient approve, the agency safety plan and any updates to the agency safety plan;
  - (B) for each recipient serving an urbanized area with a population of fewer than 200,000, a requirement that the agency safety plan be developed in cooperation with frontline employee representatives.
- 
- 

## **PTASP2. Has the recipient established required roles and responsibilities?**

### **BASIC REQUIREMENT**

A recipient's Accountable Executive must designate a CSO or Safety Management System (SMS) Executive. A large urbanized area provider must establish a Safety Committee. The Safety Committee must consist of an equal number of frontline transit worker representatives and management representatives. Frontline transit worker representatives must be selected by a labor organization that represents the plurality (greatest number) of frontline transit workers employed by the agency or a contractor, to the extent labor organizations represent the frontline workforce. If the transit agency's frontline transit workers are not represented by a labor organization, the transit agency must adopt a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee.

### **APPLICABILITY**

Section 5307 recipients and rail transit agencies subject to the SSOP who operate a public transportation system.

### **DETAILED EXPLANATION FOR REVIEWER**

Transit agencies that are required to develop an ASP must ensure that the Accountable Executive designates a CSO/SMS Executive. The CSO/SMS Executive is an adequately trained individual who has the authority and responsibility for day-to-day implementation and operation of the recipient's SMS. Recipients may either identify a CSO/SMS Executive, or the Accountable Executive may also serve in that role.

If the CSO/SMS Executive is not the Accountable Executive, the individual must meet the following criteria:

- Be designated as the CSO/SMS Executive by the Accountable Executive.
- Direct line of reporting to the Accountable Executive.
- For rail transit modes, may not serve in other operational and maintenance capacities, unless those functions have a nexus to safety.

The CSO/SMS Executive is responsible for the following two oversight roles:

- Oversight of the safety function. Responsibilities may include:

- Overseeing safety risk management practices.
  - Overseeing safety event investigations.
  - Communicating with executive leadership and the Board of Directors or Equivalent entity.
  - Managing internal safety audit programs.
  - Overseeing safety certification.
  - Coordinating with the State Safety Oversight Agency, if applicable.
- Management of the SMS function. Responsibilities may include:
  - Serving as the agency's SMS subject matter expert.
  - Coordinating Key Staff.
  - Facilitating the development, implementation, and continuous improvement of SMS processes and activities.
  - Procuring technical resources for SMS implementation and operation.
  - Socializing SMS activities with agency executives and staff as necessary.
  - Communicating SMS implementation progress and challenges.

Large urbanized area provider must establish a Safety Committee compliant with 49 CFR § 673.19.

A recipient's Safety Committee must have an equal number of frontline transit worker representatives and management representatives. To the extent practicable, the Safety Committee must include frontline transit worker representatives from major transit service functions, such as operations and maintenance, across the transit system.

Frontline transit worker representatives must be selected by a labor organization that represents the plurality of the frontline workforce employed by the recipient or a contractor, to the extent labor organizations represent the frontline workforce. For recipients with multiple labor organizations whose membership includes frontline transit workers, the labor organization that represents the plurality, or the greatest number of frontline transit workers employed by the recipient or contractor selects frontline transit worker representatives to serve on the Safety Committee. This labor organization may select frontline transit worker representatives for the Safety Committee throughout the organization, not just from their membership. If a labor organization does not represent the frontline workforce, the transit agency must adopt a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee.

Each large urbanized area provider must include or incorporate by reference in its Public Transportation Agency Safety Plan procedures regarding the composition, responsibilities, and operations of the Safety Committee which, at a minimum, must address:

- (1) The organizational structure, size, and composition of the Safety Committee and how it will be chaired;
- (2) How meeting agendas and notices will be developed and shared, and how meeting minutes will be recorded and maintained;

- (3) Any required training for Safety Committee members related to the transit agency's Public Transportation Agency Safety Plan and the processes, activities, and tools used to support the transit agency's SMS;
- (4) The compensation policy established by the agency for participation in Safety Committee meetings;
- (5) How the Safety Committee will access technical experts, including other transit workers, to serve in an advisory capacity as needed; transit agency information, resources, and tools; and submissions to the transit worker safety reporting program to support its deliberations;
- (6) How the Safety Committee will reach and record decisions;
- (7) How the Safety Committee will coordinate and communicate with the transit agency's Board of Directors, or equivalent entity, and the Accountable Executive;
- (8) How the Safety Committee will manage disputes to ensure it carries out its operations. The Safety Committee may use the dispute resolution or arbitration process from the transit agency's Collective Bargaining Agreement, or a different process that the Safety Committee develops and agrees upon, but the Accountable Executive may not be designated to resolve any disputes within the Safety Committee; and
- (9) How the Safety Committee will carry out its responsibilities.

The Safety Committee must conduct the following activities to oversee the transit agency's safety performance:

- (1) Review and approve the transit agency's Public Transportation Agency Safety Plan and any updates
- (2) Set annual safety performance targets for the safety risk reduction program; and
- (3) Support operation of the transit agency's SMS by:
  - (i) Identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the transit agency's safety risk assessment, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program;
  - (ii) Identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program; and
  - (iii) Identifying safety deficiencies for purposes of continuous improvement, including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.

## **INDICATORS OF COMPLIANCE**

- a. *Which does the agency have: a Chief Safety Officer (CSO) or a Safety Management System (SMS) Executive. What is the name of the person designated for this role?*

- b. Was CSO or SMS Executive designated by the Accountable Executive? What evidence was reviewed to substantiate this designation?
  - c. Does the CSO/SMS Executive hold a direct line of reporting to the Accountable Executive? What evidence was reviewed to substantiate this?
  - d. If a large urbanized area provider,
    - 1) Has the recipient established a Safety Committee? Identify evidence used to substantiate this.
    - 2) Does the Safety Committee have an equal number of frontline transit worker representatives and management representatives? Identify evidence used to substantiate this.
    - 3) To the extent labor organizations represent the frontline workforce, did the labor organization that represents the plurality of the recipient's workforce employed by the recipient or a contractor select the frontline transit worker representatives? Identify evidence used to substantiate this.
    - 4) If the transit agency's frontline transit workers are not represented by a labor organization, has the agency adopted a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee? Identify evidence used to substantiate this.
  - e. Have all required procedures regarding the composition, responsibilities, and operations of the Safety Committee been established? Identify evidence used to substantiate this.
    - a. The Safety Committee's dispute resolution process must not identify the Accountable Executive as responsible for resolving disputes. Identify evidence used to substantiate this.
  - f. Is the Safety Committee responsible for:
    - a. Reviewing and approving the transit agency's ASP?
    - b. Setting annual safety performance targets for the safety risk reduction program?
    - c. Supporting operation of the transit agency's SMS by:
      - i. Identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the transit agency's safety risk assessment, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program;
      - ii. Identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program; and
      - iii. Identifying safety deficiencies for purposes of continuous improvement, including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.
- Identify evidence used to substantiate this.*

#### **INSTRUCTIONS FOR REVIEWER**

Review the recipient's ASP to determine if the Accountable Executive is also functioning as the CSO/SMS Executive or to determine if the Accountable Executive designated a CSO/SMS Executive.

Verify that the CSO/SMS Executive job description aligns with responsibilities for the CSO/SMS Executive described in the regulation. Discuss any differences between the job description and the CSO/SMS Executive responsibilities in the regulation.

If the CSO/SMS Executive is not the Accountable Executive, obtain documentation, such as the organization chart, correspondence, meeting minutes, etc. that demonstrates there is a direct reporting line between the two positions.

NOTE: The CSO/SMS can be a contractor, provided they meet all requirements specified for the role.

For large urbanized area providers, review the recipient's ASP to determine whether the recipient has established a Safety Committee and whether the committee is responsible for, at a minimum: (1) reviewing and approving the agency's ASP and any updates to the ASP; (2) setting annual safety performance targets for the safety risk reduction program; (3) identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the recipient's safety risk assessment; (4) identifying safety risk mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and (5) identifying safety deficiencies for purposes of continuous improvement.

Obtain documentation of the membership of the Safety Committee to determine if the committee is comprised of an equal number of frontline transit worker representatives and management representatives. Obtain documentation of the process used to select frontline employee membership to determine if frontline transit worker representatives were selected by a labor organization representing the plurality of the recipient's frontline workforce employed by the recipient or a contractor (the largest number of frontline workers), to the extent labor organizations represent the frontline workforce. If frontline transit workers are not represented by a labor organization, obtain documentation that the transit agency has adopted a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee.

Obtain documentation to determine that all required procedures regarding the composition, responsibilities, and operations of the Safety Committee have been established. Obtain documentation demonstrating that the Accountable Executive has not been designated to resolve any disputes within the Safety Committee.

#### **POTENTIAL DEFICIENCY INFORMATION**

The recipient is deficient if it did not identify a CSO/SMS Executive or designate the Accountable Executive to serve as the CSO/SMS Executive.

DEFICIENCY CODE PTASP2-1: No designated CSO/SMS Executive.

SUGGESTED CORRECTIVE ACTION 1: The recipient must develop a plan for submitting evidence that its Accountable Executive designated a CSO/SMS Executive or that the Accountable Executive serves as the CSO/SMS Executive.

SUGGESTED CORRECTIVE ACTION 2: The recipient must submit evidence that its Accountable Executive designated a CSO/SMS Executive or that the Accountable Executive serves as the CSO/SMS Executive.

NOTE TO REVIEWER: Suggested Corrective Action 1 must be dated within 14 days after the final report issuance date. Suggested Corrective Action 2 must be dated within 90 days after the final report issuance date.

The recipient is deficient if its CSO/SMS Executive does not have a direct line of reporting to the Accountable Executive.