



**May 4, 2020**

**To:** Executive Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Adoption of the Orange County Transportation Authority's Public Transportation Agency Safety Plan

### **Overview**

The Federal Transit Administration published the Public Transportation Agency Safety Plan regulation, 49 CFR Part 673, on July 19, 2018, which took effect the following year, on July 19, 2019. Within this regulation, it is required that every agency receiving funds under the Urbanized Area Formula Program (49 USC Section 5307) must develop, and have adopted by the Board of Directors, a Public Transportation Agency Safety Plan for its transit system. The original due date for adoption was July 20, 2020 but has since been extended by the Federal Transit Administration to December 31, 2020. As part of the regulation, agencies are to implement a Safety Management System risk-based approach.

### **Recommendation**

Adopt the Public Transportation Agency Safety Plan as required under 49 CFR Part 673.

### **Background**

The Health, Safety, and Environmental Compliance Department oversees safety compliance programs and has assessed the new Public Transportation Agency Safety Plan (PTASP) regulation for adoption into the Orange County Transportation Authority's (OCTA) compliance activities. Many efforts have been made to date in order to prepare for the compliance deadline and ensure that a Safety Management System (SMS) approach is outlined and implemented under OCTA's PTASP.

On February 5, 2016, the Federal Transit Administration (FTA) released a Notice of Proposed Rulemaking that outlined the future requirements for a written PTASP for transit systems and the incorporation of a SMS approach. The rule was finalized on July 19, 2018, with an effective date of July 19, 2019. The final rule outlined the requirements of the PTASP and included details on what the

FTA would expect as part of an agency's written program and risk-based SMS approach. Understanding the complexity of the new rule and the timeline of events that an agency would need to adhere to, the FTA gave each agency one year to develop and incorporate their safety oversight strategy. The original due date for Board of Directors (Board) adoption of the PTASP was July 20, 2020 but has since been extended by the FTA to December 31, 2020.

During the drafting and release of the new rule, oversight responsibilities were also established to clarify the duties of the FTA and local regulatory bodies classified as State Safety Oversight (SSO) agencies (49 CFR Part 674). The FTA is responsible for the written rule, oversight and certification of the SSO, technical assistance, and auditing an agency's PTASP through the Triennial Audit process.

### ***Discussion***

The final PTASP rule provides an outline of the expected SMS requirements that includes four primary components and 16 subcomponents. The four primary components include Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion.

#### **Component 1: Safety Management Policy**

##### **Subcomponents:**

- Written Statement of Policy
- Process for reporting unsafe conditions/near-miss incidents
- Safety management policy communication
- Authorities, accountabilities, and responsibilities

The Safety Management Policy components consist of, and require, a written statement of policy committing the agency to the plan and the value of safety, a process of reporting unsafe condition, acts, and near misses, a description of the Safety Management Policy communication plan that addresses the means by which the plan and the program will be communicated throughout all levels of the organization, and a section that clearly documents staff's roles, responsibilities, authorities, and accountabilities.

#### **Component 2: Safety Risk Management**

##### **Subcomponents:**

- Safety risk management process
- Safety hazard/near-miss incident identification and reporting
- Safety risk assessment
- Safety risk mitigation

The second component identified under the rule is Safety Risk Management. This component focuses on an agency's process of identifying and reporting hazards, and formally assessing each individual hazard through a formal risk assessment process. The risk assessment process must be uniformly applied to all known hazards and assess risk towards the agency, employees, the public, and the communities served. Once a hazard is assessed and risk is determined, it is required that the agency then identifies appropriate mitigation strategies to eliminate or lower each risk to an acceptable level as determined by the risk assessment process. Mitigation strategies can include the elimination of the hazard, engineering controls and administrative controls to lower the overall risk, and personal protective equipment, if such risk cannot be lowered enough to control the employee/personal exposure.

**Component 3: Safety Assurance**

**Subcomponents:**

- Safety performance monitoring and measurement
- Hazard mitigation monitoring process
- Accident notification, investigation, and reporting
- Internal safety reporting program monitoring
- Management of change
- Continuous improvement

The third component identified as part of the PTASP requirements is Safety Assurance. The purpose of this component is to monitor an agency's safety performance and establish measurable data to track safety performance goals and objectives. The data captured is analyzed to ensure that compliance, proper allocation of resources, and mitigation strategies are effective in risk and incident reduction. Through actions such as risk mitigation, safety incident reporting, and incident investigation, an agency's safety trends should reduce as a result. In addition to the performance measurement, this component also requires the agency to establish methods of change control. Overall, Safety Assurance requires OCTA to establish safety performance goals, measure data against those goals, and strive for continuous improvement.

**Component 4: Safety Promotion**

**Subcomponents:**

- Safety training program
- Safety communication

The final component of the PTASP is Safety Promotion. This establishes the requirement to have a robust safety training program, including means and methods to communicate safety-related information throughout all levels of the organization. Safety communication should include, but is not limited to, roles

and responsibilities, agency expectations, hazard/risk communication, and safety metric performance updates.

OCTA has taken several steps to initiate its efforts to prepare and comply with the new PTASP and SMS requirements. In September 2018, OCTA, in contract with Boyd Caton Group, Inc., completed a PTASP/SMS Gap Analysis to review existing practices and procedures against the new rule. These efforts included a document review of existing policies and procedures, organizational review of its current safety management practices, and in-person interviews of staff. The product of this effort was a comprehensive report that includes action items and process improvements necessary for compliance.

Following that effort, OCTA initiated a contract with STV Incorporated (STV) in April 2019 and has worked in partnership with them to draft the PTASP. In addition to the partnership with STV, OCTA submitted the draft document to the FTA's PTASP Technical Assistance Center (TAC) on March 3, 2020, requesting a comprehensive compliance review and ensure the document met the expected requirements. On March 10, 2020, OCTA received a response back from the TAC with very few minor recommendations. All recommendations from the TAC have been incorporated in the final PTASP for adoption.

***Summary***

Staff is requesting the Board to adopt OCTA's PTASP and thereby confirming compliance with the 49 CFR Part 673 mandate. This adoption is being requested prior to the regulatory required date since OCTA has been proactive in the planning process and is ready to adopt such measures. Adoption of the PTASP will allow staff to incorporate this plan into business as additional means to ensure the safety of OCTA's employees, customers, and communities.

***Attachment***

- A. Orange County Transportation Authority Public Transportation Agency Safety Plan – May 2020

**Prepared by:**



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Matthew DesRosier  
Department Manager, Health, Safety,  
and Environmental Compliance  
714-560-5854

**Approved by:**



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Maggie McJilton  
Executive Director, Human Resources  
and Organizational Development  
714-560-5824