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Title: ***RESOLUTION - Approval and implementation of the Public Transit Agency Safety Plan as required by the Federal Transit Administration (Subject to Mayor's Veto)

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Attachments: 1. Resolution.pdf, 2. FAX ASP 2020 .pdf, 3. 49 CFR Part 673.pdf

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5/21/2020	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

May 21, 2020

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SUBJECT

***RESOLUTION - Approval and implementation of the Public Transit Agency Safety Plan as required by the Federal Transit Administration (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends Council approve the Department of Transportation/FAX Public Transit Agency Safety Plan (PTASP), as required by the Federal Transit Administration (FTA), and authorize the Director of Transportation or designee to execute and file all necessary documents on behalf of the City.

EXECUTIVE SUMMARY

The FTA has published a final rule for PTASP, as authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21). This final rule requires operators of public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53 to develop PTASPs based on the

Safety Management System (SMS) approach. Operators of public transportation systems will be required to implement the safety plans. The development and implementation of safety plans will help ensure that public transportation systems are safe nationwide.

BACKGROUND

The public transportation industry remains among the safest surface transportation modes in terms of total reported safety events, fatalities, and injuries. Nonetheless, given public transportation service complexities, the condition of transit equipment and facilities, turnover in the transit workforce, and the quality of policies, procedures, and training, the public transportation industry remains vulnerable to catastrophic accidents.

This rule outlines requirements for that would carry out explicit statutory mandates in MAP- 21, which was reauthorized by the Fixing America's Surface Transportation Act (FAST Act) and codified at 49 U.S.C. section 5329 (see attached), to strengthen the safety of public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

This rule requires the adoption of SMS principles and methods; the development, certification, implementation, and update of PTASPs; and the coordination of PTASP elements with other FTA programs and rules, as specified in 49 U.S.C. sections 5303, 5304, and 5329.

The FAX PTASP is made up of the elements required by the FTA that includes:

- Safety Performance Targets
- Safety Management Policy
- Safety Risk Management Strategies
- Safety Assurance
- Safety Promotion

The FAX PTASP was developed under guidance of the FTA in collaboration with the City's department leadership and safety staff. The FAX PTASP meets all FTA requirements for the size of the City's transit system. The benefits of a PTASP include:

- Improved transparency and accountability for safety management compliance
- Data-driven safety performance monitoring
- Transit system safety performance outcomes
- Maintaining eligibility for FTA funds and complying with the FAST Act.

The consequences of not having a FTA-compliant PTASP include, but are not limited to:

- Loss or reduction of FTA funding
- Higher safety risk liability (determined by accidents per 100,000 miles)
- Decreased transit system operational safety
- Higher vulnerability for a catastrophic event

On July 19, 2018, the FTA published the PTASP Final Rule (49 C.F.R. Part 673), which requires certain operators of public transportation systems that receive federal funds under the FTA Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement SMS.

Operators of public transportation systems are required to implement the safety plans by July 20, 2020. The development and implementation of safety plans will help ensure public transportation systems are safe, nationwide.

ENVIRONMENTAL FINDING

This authorization to submit an approved safety plan to the FTA is not a project for the purposes of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378.

LOCAL PREFERENCE

Local preference was not considered because this resolution does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this request. Approval and implementation of the PTASP will help mitigate the loss of physical and human assets through injuries, accidents or other serious accidents.

Attachments:

Resolution

FAX ASP 2020

49 CFR Part 673