Bipartisan Infrastructure Law Technical Support

Webinar #2: PTASP and BIL Requirements Review

September 8, 2022

DRPT
VIRGINIA DEPARTMENT OF RAIL
AND PUBLIC TRANSPORTATION

Introductions and Opening Remarks

- DRPT

- AECOM

- TRA

- Webinar protocols

Objective and Reminders

✓ Review Public Transportation Agency Safety Plan (PTASP) and the Bipartisan Infrastructure Law (BIL) requirements

✓ Reminders

- All covered agencies already have a PTASP
- This webinar is intended for technical assistance purposes
- Each agency must review and update its own PTASP
  - DRPT will not be modifying PTASPs on behalf of agencies

Agenda

- Introductions: DRPT, AECOM, and TRA

- PTASP Refresher

- BIL Introduction

    - BIL Requirement Applicability

- PTASP & BIL Requirements

- Next Steps

- Questions

Public Transportation Agency Safety Plan (PTASP)

- PTASP is a safety plan that outlines the processes and procedures to implement Safety Management Systems (SMS)

- Code of Federal Regulations (CFR) 49 Part 673
  - Applies to operators of public transportation systems that are recipients and sub-recipients of FTA grant funds

SMS Refresher

- FTA: *A Safety Management System (SMS) is a comprehensive, collaborative approach to managing safety. It brings management and labor together to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more precisely.*

SMS Refresher

- Four (4) main components of SMS
  - Safety Policy
  - Safety Risk Management
  - Safety Assurance
  - Safety Promotion

- Five (5) Questions
  - What are our biggest safety concerns?
  - How do we know this?
  - What are we doing about them?
  - Is what we are doing working?
  - How do we know this?

The Bipartisan Infrastructure Law (BIL)

- BIL signed into law on November 15, 2021

- Added new PTASP requirements for transit agencies

- Applies to transit agencies that must have an agency safety plan in place under the PTASP regulation (CFR 49 part 673)

- July 2022 webinar slides on BIL requirements available on DRPT website

BIL Applicability

- Most of the BIL requirements are based on the size of the Urbanized Areas (UZAs) that transit agencies serve:

  1. Transit agencies serving a UZAs with a population of <u>200,000 or fewer</u>

  2. Transit agencies that receive Section 5307 funding and serve UZAs with a population of <u>200,000 or more</u>

BIL Applicability

Agencies serving UZA < 200,000 people

1. WinTran
2. Harrisonburg Transit
3. BRITE
4. Blacksburg Transit
5. Greater Lynchburg Transit Company
6. District 3 / Mountain Lynx
7. CAT
8. JAUNT
9. Radford
10. Bristol

Agencies serving UZA > 200,000 people

1. FRED Transit (Washington)
2. Williamsburg Area Transit Authority (Virginia Beach)
3. Valley Metro/Greater Roanoke Transit Company (Roanoke)
4. Petersburg Area Transit (Richmond)
5. Suffolk Transit (Virginia Beach)

PTASP: General Requirements

✓ Transit agency general information

✓ Accountable Executive signature and Board of Director approval

✓ Certification of compliance with Part 673

✓ List of definitions and acronyms used in PTASP

✓ Safety performance targets

PTASP: General Requirements

✓ Safety performance targets

- Fatalities

  - **Total number** of reportable fatalities and **rate per total vehicle revenue miles**

PTASP: General Requirements

✓ Safety performance targets

- Injuries
  - **Total number** of reportable injuries and **rate per total vehicle revenue miles**

PTASP: General Requirements

✓ Safety performance targets
- Safety Events
  - **Total number** of reportable safety events and **rate per total vehicle revenue miles**

PTASP: General Requirements

✓ Safety performance targets

- <u>System Reliability</u>
  - o **Mean (or average) distance** between major, minor mechanical failures

PTASP: General Requirements

✓ **<u>BIL Requirement</u> for Agencies Serving UZA with Population of 200,000 or Fewer:**

- Development of the PTASP in cooperation with **frontline employee** representatives
- No formal committee approval is needed for these agencies

PTASP: Safety Management Policy

✓ Written statement of the safety management policy, communicated throughout the whole agency

✓ SMS related authorities, accountabilities, and responsibilities for:

- The Accountable Executive
- Chief Safety Officer
- Agency leadership
- Key staff

✓ Employee safety reporting program

PTASP: Safety Management Policy

✓ Employee safety reporting program

- A process that allows employees to report safety conditions to senior management;

- Protections for employees who report safety conditions to senior management; and

- A description of employee behaviors that may result in disciplinary action, and therefore are excluded from protection

PTASP: Safety Risk Management

✓ Safety Risk Management (SRM) Process

1. Safety Risk Identification

2. Safety Risk Assessment

3. Safety Risk Mitigation

PTASP: Safety Risk Management

✓ Safety Risk Identification

- Methods or processes to identify hazards and consequences of hazards

- Consideration, as a source for hazard identification, data and information provided by state and federal agencies

PTASP: Safety Risk Management

✓ Safety Risk Assessment

- Methods or processes to assess safety risks
  - ○ Assessment of the likelihood and severity of the consequences of the hazards

PTASP: Safety Risk Management

✓ Safety Risk Assessment Example: MIL STD-882E

SEVERITY CATEGORIES

Description	Severity Category	Mishap Result Criteria
Catastrophic	1	Could result in one or more of the following: death, permanent total disability, irreversiblesignificant environmental impact, or monetary loss equal to or exceeding $10M.
Critical	2	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversiblesignificant environmental impact, or monetary loss equal to or exceeding $1M but less than $10M.
Marginal	3	Could result in one or more of the following: injury or occupational illness resulting in one or more lost workday(s), reversible moderate environmental impact, or monetary loss equal to orexceeding $100K but less than $1M.
Negligible	4	Could result in one or more of the following: injury or occupational illness not resulting in a lostworkday, minimal environmental impact, or monetary loss less than $100K.

PROBABILITY LEVELS

Description	Level	Specific Individual Items	Fleet or Inventory
Frequent	A	Likely to occur often in the life of an item	Continuously experienced.
Probable	B	Will occur several times in the life of an item.	Will occur frequently.
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times.
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably beexpected to occur.
Improbable	E	So unlikely, it can be assumed occurrence may not beexperienced in the life of an item.	Unlikely to occur, but possible.
Eliminated	F	Incapable of occurrence. This level is used when potentialhazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards areidentified and later eliminated.

	A. Catastrophic (1)	B. Critical (2)	C. Marginal (3)	D. Negligible (4)
Frequent (A)	Unacceptable	Unacceptable	Unacceptable	Acceptable with Review
Probable (B)	Unacceptable	Unacceptable	Undesirable	Acceptable with Review
Occasional (C)	Unacceptable	Undesirable	Undesirable	Acceptable
Remote (D)	Undesirable	Undesirable	Acceptable with Review	Acceptable
Improbable (E)	Acceptable with Review	Acceptable with Review	Acceptable with Review	Acceptable
Eliminated (F)	Acceptable	Acceptable	Acceptable	Acceptable

PTASP: Safety Risk Management

✓ **Safety Risk Mitigation**
- Methods or processes to identify mitigations/strategies as a result of the safety risk assessment to reduce the likelihood and severity of the consequences of hazards

PTASP: Safety Risk Management

✓ **<u>BIL Requirement</u> for All Agencies:**

- Establishment of strategies to minimize the exposure of the public, personnel, and property that are consistent with **Centers for Disease Control (CDC) and Virginia Department of Health guidelines to minimize exposure to infectious diseases**

PTASP: Safety Assurance

✓ Activities to monitor:

- Compliance with operations and maintenance procedures
  - Observing drivers performing pre-trip inspections
  - Observing mechanics performing maintenance or repair work
  - Observing drivers on along their routes

PTASP: Safety Assurance

✓ Activities to monitor:

- Safety risk mitigations that are ineffective or inappropriate

  o Describe processes used to determine if safety mitigations are **<u>not</u>** working

PTASP: Safety Assurance

✓ Activities to monitor:

- Information reported through safety reporting programs
  - Processes to collect information from internal reporting programs
    - Suggestion boxes, formal reports, hotlines, verbal reports

PTASP: Safety Assurance

✓ Activities to conduct investigations of safety events
- Internal and external notification requirements
- Standard operating procedures (SOPs)
  - Accident notification, response
  - Event investigation
- Coordination with local law enforcement and emergency responders

✓ **<u>BIL Requirement</u> for Agencies Serving UZA with Population of 200,000 or More:**

- Development of Safety Committee that <u>must</u>:

1. Have an equal number of **<u>frontline employee representatives</u>** and management representatives
2. Be convened using a joint labor-management process

PTASP: Safety Assurance

✓ **<u>BIL Requirement</u> for Agencies Serving UZA with Population of 200,000 or More:**

- The Safety Committee will be responsible for:
  1. Identifying and recommending risk-based mitigations and/or strategies Identifying mitigations and/or strategies that may be inappropriate or ineffective
  2. Identifying safety deficiencies for continuous improvement
  3. Approving the agency safety plan and future updates

PTASP: Safety Assurance

✓ **<u>BIL Requirement</u> for Agencies Serving UZA with Population of 200,000 or More:**

- Development of Safety Committee

<u>December 31, 2022</u>

Safety Committee approves transit agency PTASP that is compliant with new BIL requirements

July 31, 2022

Transit agency established Safety Committee

PTASP: Safety Promotion

✓ A comprehensive training program for all transit agency employees and contactors

- Operations and maintenance subject to training
- Training materials
- Individual(s) responsible for training
- Measurement of completed training
- Refresher training
- Recordkeeping

PTASP: Safety Promotion

✓ Communication of safety throughout the agency that must convey:

- Information about hazards and safety risks relevant to employee roles and responsibilities
- Safety actions taken in response to the employee safety reporting program
  - Meetings, briefings, toolbox talks, posters, bulletins, etc.

PTASP: Safety Promotion

✓ **<u>BIL Requirement</u> for Agencies Serving UZA with Population of 200,000 or More:**

- Development of a comprehensive training program for **operations** and **maintenance** personnel that includes:
  1. The completion of a safety training program
  2. Continuing safety education and training
  3. **De-escalation training**

PTASP: Safety Promotion

✓ <u>**BIL Requirement**</u> **for Agencies Serving UZA of 200,000 with Population of 200,000 or More:**

- Establishment of a risk reduction program for operators to reduce the number of accidents, injuries, and assaults on transit workers

Next Steps

✓ Agencies should review this webinar and FTA guidance
- **FTA PTASP Webinars**
  1. [Safety Risk Assessment in Practice](#)
  2. [SMS Techniques for Monitoring Operations and Maintenance Procedures](#)
  3. [Implementing Safety Risk Assessment Approaches](#)
  4. [Using the National Transit Database (NTD) to Support Safety Analysis in an SMS](#)

Next Steps

- Technical assistance
  - DRPT PTASP & BIL requirements checklist will be distributed for agency use
  - Reminder: DRPT will not be modifying PTASPs on behalf of agencies
- **12/31/2022** Safety Committee Deadline
  - Agencies serving large UZAs must have formal approval from their Safety Committee

Questions?

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION