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April 2, 2020

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FTA Docket Clerk
DOT Docket Management Facility
Room W12-140
1200 New Jersey Ave S.E.
Washington, D.C. 20590

Subject: Emergency Relief Docket (FTA-2020-0001-0001)

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to request that the Federal Transit Administration (FTA) delay the implementation of the final rule for FTA's Public Transportation Agency Safety Plan (PTASP) (49 CFR Part 673) and FTA's Public Transportation Safety Certification Training Program (PTSCTP) (49 CFR Part 672) final rules for at least six months.

Public Transportation Agency Safety Plan (PTASP) (49 CFR Part 673)

Safety is and always will be the number priority for the American Public Transportation Association and its members. APTA and its members are in strong support of the FTA's PTASP and PTSCTP rules and to improving and maintaining the safety of public transportation throughout the United States. In fact, many agencies have already started to implement the FTA's adopted policy of Safety Management Systems (SMS). However, the novel coronavirus (COVID-19) pandemic has created a very tenuous atmosphere for transit agencies throughout the U.S. While APTA applauds FTA and this administration's efforts reaching a bipartisan agreement on the Coronavirus Aid, Relief, and Economic Security (CARES) Act that includes \$25 billion in desperately needed funds for essential public transportation services, APTA believes FTA should extend the deadline for these rules, so that agencies can fully respond to the crisis at hand.

On March 11, 2020, the World Health Organization declared coronavirus a pandemic. Shortly thereafter on March 13, 2020, the President of the United States declared a national emergency because of coronavirus. Because this global emergency continues to affect many citizens, we are expecting more employees as well as customers of public transportation to be affected.

Cities and regions across the United States have seen a large decrease in ridership on their transit systems since the pandemic was declared. In addition, the transit workforce has also been hit hard by the coronavirus with some transit systems reporting close to 50 percent of their staff are unable to report for work.

Due to the sharp and sudden decrease in service levels, many staff have been re-assigned to other areas in response to the coronavirus pandemic, shifting their focus to implementing emergency response measures. Further, some transit agencies have had to lay off staff due to the decline in ridership. On top of ensuring a safe system, safety departments are working around the clock to ensure that their colleagues and customers are protected from the spread of COVID-19. In sum, transit agency resources have been depleted and this crisis has become the major focus for all large, mid-size and small transit agencies nationwide, both bus and rail.

Transit organizations are putting all of their efforts toward responding to the coronavirus and ensuring that trains and buses are operating so that there's an appropriate "social distance" between customers and essential workers can get to their jobs, as put forth by the Centers for Disease Control and Prevention (CDC). Transit systems have shared with APTA that the current deadline to be in full compliance with PTASP by July 20, 2020 could possibly jeopardize safety because it could defer resources from COVID-19 response measures.

Although many transit agencies are currently implementing safety measures that would be included in their PTASPs, 49 CFR 673.11(2) requires a transit agency's Board of Directors (BOD) or equivalent authority to approve the PTASP by the final rule deadline of July 20, 2020. Since this is one of the final steps, many agencies were planning on utilizing the spring of 2020 to meet with their BOD. However, due to the federal government's request to not meet in groups of 10 or more people, most transit agencies will find it difficult to brief and meet with their BOD prior to the deadline.

Transit Boards of Directors are also extremely focused right now on the financial viability of their systems and ensuring that they can remain viable in the future. Although safety remains the primary focus for all transit agencies, the issue of being able to continue to operate due to a severe decrease in ridership will most likely be the major focus for many BODs in the near term. Therefore, it will be hard to ask Boards to read through and focus on the entire PTASP prior to the July 20th deadline.

While some agencies are close to finishing the drafting of their PTASPs, the BOD sign off and meeting requirements in the final rule are problematic given the impacts of the coronavirus and the social distancing requirements. Most agencies have canceled all of their BOD meetings for the spring, and many are considering cancelling summer meetings as well. Further, even if some agencies have the capacity to conduct online or virtual BOD meetings in the spring/summer of 2020, transit systems have shared with APTA that they may not be able to brief their Board members prior to the BOD meetings, and these board members will not sign off on the safety plan prior to a personal briefing of what is in the document.

Another major concern raised by APTA members, including State Safety Oversight Agencies (SSOAs) and rail transit agencies, is that SSOAs need to review the PTASP document, and many will not do so until after the transit agency's Board reviews and approves the plan. Some agencies have mentioned that SSOA's themselves are also overwhelmed with responding to the COVID-19 crisis, and the PTASP compliance should be delayed while they are responding to those challenges.

Public Transportation Safety Certification Training Program (PTSCTP) (49 CFR Part 672)

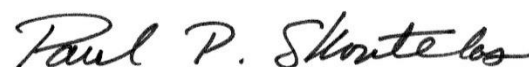
Compliance with the three-year deadline for FTA's Part 672 PTSCTP is also a concern to many transit agencies and SSOAs. Many courses needed to comply with this rule have been canceled or postponed by the Transportation Safety Institute for the spring and summer of 2020. Public transit agencies are concerned that their staff members (who have been diligently taking the courses in order to comply) may not have all of the necessary courses in place by the three-year deadline of this rule. Given the cancellation of the courses due to COVID-19, ongoing concerns regarding community spread, and oversubscription of fall classes, we are also asking for relief from the PTSCTP requirement.

Request for Relief

APTA requests a delay of the final rules on PTASP and PTSCTP. The initial request is a six-month delay, which should allow sufficient time for both Boards and SSOAs to review the PTASP and allow time for the continued response to the coronavirus crisis. APTA will survey its members to determine whether an additional six months is needed to comply with the regulations. The additional time would also allow transit agency and SSOA professionals responsible for the oversight of safety the necessary time to take the courses needed to comply with the Part 672 PTSCTP rule. This delay request for both rules is contingent on a decrease in the spread of the coronavirus and resumption to normal operations. If the virus continues to spread and/or service continues to be impacted, then an extension of any delay granted may be requested.

If you have any questions regarding this letter, please contact APTA's Director of Safety, Mr. Brian Alberts, at balberts@apta.com or (202) 496-4885.

Sincerely,



Paul P. Skoutelas
President and Chief Executive Officer