



December 26, 2023

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Paul P. Skoutelas

Department of Transportation
Docket Operations
M-30, West Building Ground Floor, Room W12-140
1200 New Jersey Avenue S.E.
Washington, DC 20590

Subject: Docket No. FTA-2023-0025

Dear Docket Clerk:

The American Public Transportation Association (APTA) represents a \$79 billion industry that directly employs 430,000 people and supports millions of private-sector jobs. Safety is the number one core value of the public transportation industry, including bus, rail, commuter and intercity rail and ferry operators. The employees responsible for managing and operating public transportation systems are fully committed to the safety of their systems, passengers, fellow employees, and the public. As a result of this commitment to safety, traveling by public transportation is ten times safer per mile than traveling by car.

We greatly appreciate the ongoing dialogue between the Federal Transit Administration (FTA) and APTA regarding safety. We also appreciate the opportunity to respond to the FTA's Public Transportation Safety Certification Training Program Notice of Proposed Rulemaking (PTSCTP NPRM) published in the *Federal Register* at 88 FR 73573 on October 26, 2023.

After speaking with APTA's diverse membership of small, medium and large size operators and bus, transit rail, commuter rail and ferry members, we submit the following comments focused on four key areas: (1) ensuring that bus agency participation in the PTSCTP remains voluntary; (2) providing flexibility for the point of contact (POC) at each agency; (3) continued issuance of renewal certificates for voluntary participants; and (4) merging the PTSCTP requirements with the Transit Safety and Security Program (TSSP) to streamline these very similar trainings offered by the Transportation Safety Institute (TSI).

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I. Bus Agency Participation in the PTSCTP Program

In the preamble to the proposed rule, FTA seeks input on whether “mandatory PTSCTP participation should extend to bus transit agencies and personnel.”¹ APTA strongly recommends that bus agency participation in the PTSCTP program remain “voluntary” or highly encouraged, as opposed to mandatory.

APTA members identified several areas of concern if the PTSCTP program were mandatory for bus agencies. Chief among those concerns is enforcement, as State Safety Oversight Agencies (SSOAs) do not oversee bus operations. As such, FTA would be tasked with enforcing the training requirements for all bus transit agencies throughout the United States, stretching its already limited oversight resources.

Moreover, APTA is concerned about the FTA’s limited capacity to conduct the training if bus agencies were required to participate in the program. Currently, PTSCTP training classes conducted by FTA and TSI do not have the capacity needed to ensure all the training necessary for rail transit agencies, let alone to include bus agencies. PTSCTP classes through TSI fill up quickly, and adding several hundred bus agencies would limit the opportunity to participate for those rail transit agencies that are required to have this training. FTA would have to commit additional resources to ensure it has the capacity to offer a greater number of PTSCTP-required courses throughout the United States.

Bus agencies also expressed concern that if the PTSCTP requirement were to become mandatory, compliance with the requirement would become part of the triennial review. Agency budgets are already stretched thin and if PTSCTP training is added to the triennial review, then bus agencies with limited budgets and staff will be required to take these courses and spend funding that may not be readily available. In addition, several of the courses would require travel to attend in person. For an agency with a limited budget, the additional travel represents a considerable increase in costs. If FTA were to require PTSCTP for bus agencies, then APTA strongly encourages FTA to provide substantial assistance and less burdensome measures to enable bus operators to participate.

II. Single Point of Contact for PTSCTP Program Information

In the NPRM, FTA proposes that rail transit agencies appoint a single POC to serve as a liaison with FTA regarding PTSCTP records.² APTA agrees with this proposal as many medium to large rail transit agencies already have a POC in place to serve as a liaison to FTA for the PTSCTP program.

¹ FTA, Public Transportation Safety Certification Training Program Notice of Proposed Rulemaking (PTSCTP NPRM), 88 Fed. Reg. 73573 (October 26, 2023). In the preamble, FTA did not specify which bus transit agencies (size, operation, etc.) a mandatory requirement would apply to, and thus, APTA’s comments assume FTA’s request for information includes participation by all bus transit agencies.

² *Id.* at 73575.

APTA recommends that FTA provide flexibility for the POC in communicating and/or reporting the required information to FTA, especially for smaller agencies, where the designated POC may have multiple duties and responsibilities, including safety.

APTA further recommends that FTA create templates for this liaison position, including a spreadsheet that the POC can utilize to list those agency personnel who are certified or still need to complete courses in the PTSCTP program. In addition, APTA member agencies suggest that FTA provide reciprocal and timely information as agency personnel are certified, as well as any other information necessary to ensure successful participation in the PTSCTP program.

III. Voluntary Participant Renewal Certification

In the PTSCTP NPRM, FTA proposes to eliminate renewal certificates for those personnel voluntarily participating in the current program.³ APTA strongly disagrees with the removal of these certificates and urges FTA to continue to provide voluntary participant renewal certification.

One concern expressed by APTA members is the movement of personnel between public transit agencies (as certified participant) and private firms (as voluntary participant), and the impact on their PTSCTP certification. For example, someone could work for a rail transit agency for 10 years, then a consulting firm for five years and then back to another transit agency for 10 years. In such a case, if renewal certificates were not issued, it is unclear if FTA would require that person to restart the PTSCTP certification courses when returning to work directly for a transit agency, even if they kept current voluntarily with a private transit safety firm. APTA requests that FTA clarify in any final rule how movement between agency and private sector or other non-mandatory refresher training safety positions would be handled.

As to refresher training, APTA has heard concerns from at least one member agency where a course that was completed was subsequently denied refresher course status by the FTA. Therefore, APTA requests that FTA specify which courses are acceptable as refresher training under the PTSCTP program.

IV. Other Training-Related Items in the PTSCTP Proposal

In the PTSCTP NPRM, FTA notes that it is proposing “adding refresher training developed by FTA as a second required refresher training.”⁴ APTA members are concerned FTA has not provided any detail as to the type of training that would be required and the potential time and cost burden that would be placed on agencies for personnel to have to complete this training. APTA strongly recommends that FTA provide additional details about this second refresher training in any final rule.

³ *Id.* at 73575.

⁴ *Id.*

APTA members also request that FTA provide a timeframe for issuing the list of required classes for the PTSCTP so that rail transit agencies can plan accordingly.

Finally, APTA strongly suggests that FTA merge the PTSCTP requirements with the Transit Safety and Security Program (TSSP) offered in conjunction by TSI. Both programs are interrelated and overlapping in many areas and merging the programs would allow for seamless participation and completion, with reduced cost burdens to rail transit agencies.

V. Summary

In summary, APTA appreciates this opportunity to provide comments on the PTSCTP NPRM. The working group that composed these comments is comprised of numerous transit agencies across the spectrum in the United States, from large to medium to small and all modes including bus, commuter rail, rail transit and ferries. Many of these transit agencies also plan to submit similar comments on the PTSCTP NPRM, from their individual agencies.

Safety is the number one core value of APTA, and our member agencies and APTA wants to ensure that FTA is fully focused on safety of the transit industry moving forward. To that end, APTA strongly encourages FTA to ensure that: (1) bus agency participation in the PTSCTP remains voluntary; (2) there is flexibility for the POC at each agency; (3) it continues issuing renewal certificates for voluntary participants; and (4) it merges the PTSCTP requirements with the TSSP to streamline these very similar trainings offered by TSI.

If you have any questions regarding this letter, please contact Brian Alberts, APTA's Senior Director of Safety and Advisory Services, at balberts@apta.com or 202.496.4885. Thank you for your consideration and we look forward to continuing to work with FTA to improve safety throughout the transit industry.

Sincerely,



Paul P. Skoutelas
President and CEO