



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

July 11, 2022

Mr. Paul Skoutelas
President and Chief Executive Officer
American Public Transportation Association
1300 I Street NW, Suite 1200 East
Washington, DC 20005

Dear Mr. Skoutelas:

Thank you for your letter dated June 7, 2022 regarding Bipartisan Infrastructure Law changes to Public Transportation Agency Safety Plan (PTASP) requirements and for meeting with us to further discuss your suggestions on June 21, 2022. The Federal Transit Administration (FTA) appreciates your suggestions regarding the focus of the Safety Committees, gathering comments from stakeholders through the Federal rulemaking process, and concerns regarding the deadlines identified in the Dear Colleague letter published on February 17, 2022.

The Bipartisan Infrastructure Law specifies a set of safety-focused responsibilities for an applicable agency's Safety Committee. The Safety Committee is required to approve the Agency Safety Plan (ASP) and any updates to the ASP, before the agency's Board of Directors approves the ASP or update. The Safety Committee also is responsible for, at a minimum: (1) identifying and recommending risk-based mitigations or strategies necessary to reduce the likelihood and severity of consequences identified through the agency's safety risk assessment; (2) identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and (3) identifying safety deficiencies for purposes of continuous improvement. Transit agencies may choose to address the Safety Committee's role in any additional matters through guidelines or a charter for their Safety Committee.

Some of the Bipartisan Infrastructure Law statutory requirements at 49 U.S.C. § 5329(d) became effective immediately when signed into law and are self-effectuating. FTA's February 17, 2022 [Dear Colleague Letter](#) informs the transit industry about Bipartisan Infrastructure Law changes to the PTASP requirements at 49 U.S.C. § 5329(d) and identifies deferred compliance dates for the statutory requirements. The deadlines established by the Dear Colleague Letter allow transit agencies additional time to comply with the changes to the PTASP requirements, which were immediately enforceable when the law was enacted.

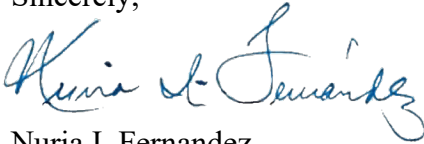
FTA does not plan to extend the compliance deadlines specified in the Dear Colleague Letter for applicable agencies to establish a Safety Committee or approve ASP updates. Please note that if

Page 2
Mr. Paul Skoutelas

a transit agency has questions or concerns about the requirements, or finds it may not be able to meet these deadlines, we ask them to contact us at FTA-IIJA@dot.gov for technical assistance. FTA is working diligently to implement all requirements of the Bipartisan Infrastructure Law as quickly as possible. To support these efforts, FTA may in the future issue guidance and/or amend the PTASP regulation at 49 CFR part 673.

We appreciate the open dialogue between APTA, its members, and FTA as we continue to implement Bipartisan Infrastructure Law requirements. I hope this additional information is helpful to better understand FTA's decisions. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Nuria I. Fernandez". The signature is written in a cursive style with a large, stylized "N" and "F".

Nuria I. Fernandez