



U.S. Department
of Transportation
**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

2022-737

February 17, 2022

Dear Colleague:

On November 15, 2021, President Biden signed into law the Bipartisan Infrastructure Law, which authorizes \$108 billion over the next five years for public transportation – the most significant federal investment in transit in the nation’s history. The Bipartisan Infrastructure Law amends FTA’s safety program at 49 U.S.C. § 5329(d) (Section 5329(d)) by adding to the public transportation agency safety plan (PTASP) requirements. These changes include the requirement that certain transit agencies establish a Safety Committee. I am writing to inform you of these changes to Section 5329(d), which are included [here](#). These new requirements apply to those transit agencies that must have an Agency Safety Plan (ASP) in place under the PTASP regulation (49 CFR part 673). Transit agencies should review their ASP to determine if it meets these requirements.

The Bipartisan Infrastructure Law requires transit agencies to address strategies to minimize exposure to infectious diseases, consistent with Centers for Disease Control and Prevention or State health authority guidelines. Each transit agency should consider identifying mitigations or strategies related to exposure to infectious diseases through the safety risk management process described in the agency’s ASP.

Changes to PTASP requirements for agencies serving an urbanized area with a population of fewer than 200,000 (small urbanized area)

A transit agency serving a small urbanized area must develop its ASP in cooperation with frontline employee representatives. If the agency’s ASP was not developed in cooperation with frontline employee representatives, FTA expects the transit agency to update its ASP in cooperation with frontline employee representatives by December 31, 2022.

Changes to PTASP requirements for Urbanized Area Formula Funding (49 U.S.C. § 5307) recipients serving an urbanized area with a population of 200,000 or more (large urbanized area)

A transit agency that receives Section 5307 funding and serves a large urbanized area must establish a Safety Committee compliant with 49 U.S.C. § 5329(d)(5) by July 31, 2022. Once established, the Safety Committee should begin work to meet its responsibilities as soon as practicable. If a transit agency is not yet compliant with the new PTASP requirements, FTA expects the Safety Committee to approve an update to the agency’s ASP, incorporating applicable PTASP requirements in 49 U.S.C. § 5329(d), by December 31, 2022.

Transit agencies may choose to follow an existing collective bargaining process to establish and operate the required Safety Committee, provided requirements of Section 5329(d)(5) are met. Similarly, if a transit agency has an existing Safety Committee, that committee will be sufficient if it meets the statutory requirements. Performance targets for a risk reduction program are not required to be in place until FTA has updated the National Public Transportation Safety Plan to include these performance measures required by the Bipartisan Infrastructure Law.

Safety is the number one priority of the U.S. Department of Transportation and FTA, and we are working expeditiously to implement the changes called for in the Bipartisan Infrastructure Law to enhance transit safety. To support these efforts, in the future FTA may issue guidance and/or amend the PTASP regulation at 49 CFR part 673. All FTA updates related to the Bipartisan Infrastructure Law are available on www.transit.dot.gov/BIL. For any further questions related to Bipartisan Infrastructure Law requirements, please contact us at FTA-IIJA@dot.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nuria I. Fernandez". The signature is written in a cursive style with a large initial "N".

Nuria I. Fernandez

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and subgrantees should refer to FTA's statutes and regulations for applicable requirements.