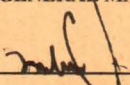
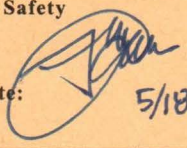
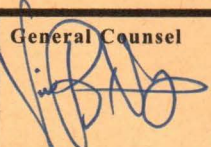
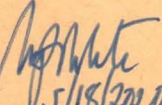





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/20/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 5/1/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey Lau Dept: System Safety Signature/Date:  5/18/2020	General Counsel  5/19/20 []	Controller/Treasurer  5/18/2020 []	District Secretary []	BARC  5.20.2020 []

Approval of BART's Public Transportation Agency Safety Plan (PTASP)

PURPOSE:

Approve the BART Public Transportation Agency Safety Plan (PTASP) which documents BART's processes and activities related to Safety Management System (SMS) implementation in compliance with Federal and State regulations.

DISCUSSION:

BART's PTASP has been developed in accordance with Federal and State mandates that require BART to establish and implement such a plan. The regulations require the PTASP to be approved by the Board of Directors. The Federal Transit Administration (FTA) published the PTASP Regulation, 49 C.F.R. Part 673, on July 19, 2018. The regulation implements a risk-based SMS approach and requires BART to have a PTASP in place no later than July 20, 2020. The PTASP is one element of FTA's comprehensive Public Transportation Safety Program. Our State Safety Oversight Agency, the California Public Utilities Commission (CPUC), adopted the requirements of FTA's regulation in its General Order 164-E, and is charged under the regulations with the review and approval of agency PTASPs.

BART initiated the development of its PTASP in 2019. The PTASP, which is applicable to all of BART's three modes - BART, eBART, and OAC, essentially is a document that describes the various safety programs and processes that the agency has in place to manage hazards and safety risks. The PTASP has been developed to be a top-down, data driven plan that incorporates the following four critical elements of a SMS-based approach - Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. For each of the four key components, the plan describes or references BART's processes and

procedures that have been in place at the agency that comply with the particular requirements. The plan also includes authorities, accountabilities, and responsibilities of all staff who play a key role in managing safety, as well as performance measures and targets to support the data-driven approach. As required by the regulation, staff provided the draft PTASP to the Metropolitan Transportation Commission (MTC), the region's Metropolitan Planning Organization (MPO), to coordinate BART's performance measures and targets and will continue to work collaboratively with them in the future as they set their regional performance targets. Staff also distributed the PTASP to all internal stakeholders, including labor unions, for review and comment.

Staff worked with the Rail Transit Safety Branch Staff of the CPUC during the development of the PTASP and submitted the final draft PTASP for preliminary approval. Subsequent to making minor revisions and clarifications based on CPUC's feedback, BART received CPUC's preliminary approval of the plan on May 12, 2020. The only remaining step will be Board approval of the PTASP to comply with the regulations. Once the plan is in effect, staff will audit the plan to verify that processes and programs are being followed and based on trends, implement strategies for continuous safety improvement. In addition to internal audits, the PTASP will also be audited by the FTA and the CPUC at least triennially.

Upon Board approval, staff will conduct training to implement the PTASP for all affected stakeholders and institute the plan effective July 1, 2020 to coincide with the beginning of Fiscal Year FY21. BART will also certify to the FTA on an annual basis that it has established and implemented its PTASP as required by FTA regulations. Staff will provide the Board-approved plan to the CPUC, as required by the regulations, for its final written approval.

FISCAL IMPACT:

Since all the programs and processes described in the PTASP are currently in place, there is no financial impact as a result of Board approval of this plan. This action is not anticipated to have any Fiscal Impact on the annual operating budget.

ALTERNATIVES:

The Board may elect not to approve the PTASP. However, this action is not recommended because such action will subject BART to regulatory enforcement action by the FTA and/or CPUC which could include withholding of federal funds for non-compliance with the FTA's Public Transportation Safety Program.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The Board approves and adopts the BART Public Transportation Agency Safety Plan dated May 8, 2020.