



**Massachusetts Bay
Transportation Authority**

Bipartisan Infrastructure Law Changes

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Bipartisan Infrastructure Law Applicability

Applies to:

- Transit agencies that have an Agency Safety Plan under the PTASP Regulation (49 CFR 673)
- Initially outlined in FTA Dear Colleague Letter on February 17



New Requirements

Exposure to Infectious Diseases:

- Certify that the transit agency has established a safety plan that includes
 - strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions, and
 - Is consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority to minimize exposure to infectious diseases



New Requirements

Safety Committee

- Establish a Safety Committee by **July 31, 2022** that must:
 - Be convened by a joint labor-management process; and
 - Consist of an equal number of frontline employee representatives and management representatives
 - Representatives of frontline transit workers employed by the agency or agency's contractor must be selected by a labor organization representing the plurality of the agency's frontline workforce (the largest number of the agency's frontline workers) to the extent the frontline workforce is represented by labor organizations



New Requirements

Safety Committee

- The committee, at a minimum must be responsible for:
 - 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;
 - identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended
 - identifying safety deficiencies for purposes of continuous improvement.
 - followed by the board of directors the Safety Committee must approve the agency safety plan and any updates to the agency safety plan **by December 31, 2022**



New Requirements

Risk Reduction Program

- Safety Plan must include:
 - A risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the National Transit Database

Risk Reduction Targets

- Must establish:
 - Performance targets for the risk reduction program using a 3-year rolling average of the data submitted by the recipient to the National Transit Database
 - Safety set aside: Authorities receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more shall allocate not less than 0.75 percent of those funds to safety-related projects eligible under section 5307.
 - Failure to meet performance targets—If performance targets are not met the authority shall allocate the Safety set aside in the following fiscal year to projects reasonably likely to assist the recipient in meeting the performance targets



New Requirements

Safety Training

- Certify that the transit agency has established a comprehensive agency safety plan that includes:
 - comprehensive staff training program for the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes:
 - the completion of a safety training program
 - continuing safety education and training; and
 - de-escalation training

