

Bipartisan Infrastructure Law changes to 49 U.S.C § 5329(d)

(d) Public transportation agency safety plan.—

(1) In general.—~~Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection,~~ Each recipient or State, as described in paragraph (3), shall certify that the recipient or State has established a comprehensive agency safety plan that includes, at a minimum—

(A) a requirement that the board of directors (or equivalent entity) of the recipient approve, or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under paragraph (5), followed by the board of directors (or equivalent entity) of the recipient approve, the agency safety plan and any updates to the agency safety plan;

(B) for each recipient serving an urbanized area with a population of fewer than 200,000, a requirement that the agency safety plan be developed in cooperation with frontline employee representatives;

~~(C)~~ (B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient;

~~(D)~~ (E) strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions, and consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority, minimize exposure to infectious diseases;

~~(E)~~ a process and timeline for conducting an annual review and update of the safety plan of the recipient;

~~(F)~~ (E) performance targets based on—

(i) the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2); or

(ii) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, safety performance measures established under the national public transportation safety plan, as described in subsection (b)(2)(A);

~~(GF)~~ assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; ~~and~~

~~(HG)~~ a comprehensive staff training program for—

~~(i)~~ the operations personnel and personnel directly responsible for safety of the recipient that includes—

~~(Ii)~~ the completion of a safety training program; and

~~(IIii)~~ continuing safety education and training; ~~or~~

~~(ii)~~ in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

~~(I)~~ the completion of a safety training program;

~~(II)~~ continuing safety education and training; and

~~(III)~~ de-escalation training; and

~~(I)~~ in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, 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 under section 5335, including—

~~(i)~~ a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

~~(ii)~~ the mitigation of assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators when a risk analysis performed by the safety committee of the recipient established under paragraph (5) determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.

(2) Interim agency safety plan.—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal

Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.

(3) Public transportation agency safety plan drafting and certification.—

(A) Section 5311.—For a recipient receiving assistance under section 5311, a State safety plan may be drafted and certified by the recipient or a State.

(B) Section 5307.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule designating recipients of assistance under section 5307 that are small public transportation providers or systems that may have their State safety plans drafted or certified by a State. _____

(4) Risk reduction performance targets.—

(A) In general.—The safety committee of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more established under paragraph (5) shall establish performance targets for the risk reduction program required under paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the national transit database under section 5335.

(B) Safety set aside.—A recipient 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.

(C) Failure to meet performance targets.—A recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more that does not meet the performance targets established under subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

(D) Eligible projects.—Funds set aside under subparagraph (C) shall be used for projects that are reasonably likely to assist the recipient in meeting the performance targets established in subparagraph (A), including modifications to rolling stock and de-escalation training.

(5) Safety committee.—

(A) In general.—For purposes of this subsection, the safety committee of a recipient shall—

(i) be convened by a joint labor-management process;

(ii) consist of an equal number of—

(I) frontline employee representatives, selected by a labor organization

representing the plurality of the frontline workforce employed by the recipient or, if applicable, a contractor to the recipient, to the extent frontline employees are represented by labor organizations; and

(II) management representatives; and

(iii) have, at a minimum, responsibility for—

(I) 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;

(II) identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and

(III) identifying safety deficiencies for purposes of continuous improvement.

(B) Applicability.—This paragraph applies only to a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more.