

Date: December 13, 2023

To: Board of Directors

From: Sam Desue, Jr.

Subject: **RESOLUTION NO. 23-12-61 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING THE UPDATED AGENCY SAFETY PLAN**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) approve TriMet’s updated 2023 Public Transportation Agency Safety Plan (Agency Safety Plan or ASP).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Approval of updated Agency Safety Plan

3. Reason for Board Action

Board review and approval of TriMet’s updated Agency Safety Plan is required by Federal Transit Administration (FTA) regulations.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

Pursuant to 49 CFR Part 673, a public transportation agency recipient of FTA funds like TriMet must develop an Agency Safety Plan that includes the processes and procedures needed to implement its Safety Management System (SMS), and must update the ASP annually. The FTA also requires that the Board of each public transit system annually approve its updated ASP, and each transit agency’s accountable executive must further certify that the agency has formally adopted the updated ASP on or before December 31 of each year.

Each Agency Safety Plan must demonstrate that the transit agency’s Safety Management System contains the following elements:

- 1) a Safety Management Policy, which must contain safety objectives, a confidential employee reporting program, organizational safety accountabilities and responsibilities, plus designate a Chief Safety Officer;
- 2) a Safety Risk Management process, including processes for hazard identification, risk

assessment, and mitigation of risk;

3) a Safety Assurance process, including safety performance monitoring and measurement, change management and continuous improvement; and

4) a Safety Promotion program, including comprehensive safety training and safety communication.

In September of 2022, the FTA released an updated version of the Public Transportation Agency Safety Plan checklist for Rail Transit Agencies like TriMet, and State Safety Oversight Agencies (SSOA) like the Oregon Department of Transportation (ODOT), to utilize during the review process for the 2023 ASP. During the review period for the 2023 ASP, TriMet's Safety department and its Infrastructure and Investment Jobs Act Safety Committee worked with internal stakeholders and the ODOT SSOA to update the ASP and incorporate all items required by the checklist.

These items include, but are not limited to:

- Clarifying the Chief Operating Officer's role as TriMet's accountable executive;
- Updating language regarding recent surface transportation legislation and revisions to 49 CFR Part 673, including language addressing prevention of assaults;
- Clarifying language within the ASP to align with the SSOA Program Standard, including the review cycle timeline and items required in safety event reports by OAR 741-060-0010;
- Updating the ASP's Hazard Risk Index (HRI) and severity and frequency matrices regarding risk thresholds and escalation levels, so that the updated HRI categorizes risk into 5 levels:
 - Level 1 must be addressed immediately and work should cease until the hazard can be mitigated to a Level 2 or lower. Executive Management Leadership Team approval required before continuing the activity with new mitigations in place.
 - Level 2 required guidance by the Executive Management Leadership Team to approve mitigation put into place, and assign final HRI.
 - Level 3 must be referred to TriMet's Transit Change Review Committee (TCRC) for approval of final mitigation and to assign final HRI.
 - Level 4 must be mitigated in partnership with the Safety Team, with input from a Safety SME (subject matter expert).
 - Level 5 may be addressed at the local functional or project level.
- Clarifying risk thresholds to include items on the corporate hazard log.

Before submitting its updated Agency Safety Plan (dated July 1, 2023) to the Board for final approval, TriMet circulated it to the General Manager, the Chief Safety Officer and other Executive Directors for their review and approval. As shown on page 2 of the updated ASP, it has been reviewed, endorsed and executed by TriMet's General Manager, Sam Desue, Jr.; the Chief Operating Officer and Accountable Executive, Bonnie Todd; the Executive Director for Transportation, Inessa Vitko; the interim Executive Director for Maintenance, Dan Blair; the Executive Director for Engineering and Construction, Mark Dorn; and the Executive Director for Safety and Security and Chief Safety Officer, Andrew Wilson.

Following full execution by the above executives, the updated Agency Safety Plan was published on Trimet.org in October 2023, and provided to TriMet's Board of Directors on

October 25, 2023. The Board previously approved TriMet's 2021 ASP via Resolution No. 21-12-51, and approved the 2022 ASP via Resolution No. 22-12-67. This Resolution requests Board approval of the 2023 ASP.

6. Financial/Budget Impact

The safety activities described in the 2023 ASP are integrated into TriMet's day-to-day operations and incorporated into its annual budgetary decisions.

7. Impact if Not Approved

If the Board does not approve the 2023 ASP on or before December 31, 2023, it will jeopardize or result in the elimination of funding from the FTA and the U.S. Department of Transportation.

RESOLUTION NO. 23-12-61

**RESOLUTION NO. 23-12-61 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING
THE UPDATED AGENCY SAFETY PLAN**

WHEREAS, TriMet has authority under ORS 267.200 to develop, approve and implement safety plans applicable to all of its operations; and

WHEREAS, TriMet has a policy of providing safe public transportation services and safe workplaces for its employees, and is committed to ongoing identification of hazards, mitigation of safety risks, assurance that steps taken in mitigation are successful, and promotion of safe operations among all its employees and members of the public; and

WHEREAS, pursuant to 49 CFR Part 673, the Federal Transit Administration (FTA) requires public transportation agencies like TriMet to develop, implement, annually update and approve a Public Transportation Agency Safety Plan; and

WHEREAS, TriMet's General Manager, Chief Operating Officer, Chief Safety Officer, Executive Director for Transportation, Executive Director for Maintenance, and Executive Director for Construction and Engineering each reviewed, endorsed and executed TriMet's updated Agency Safety Plan prior to its presentation to the TriMet Board of Directors (Board); and

WHEREAS, the Board has reviewed and has had an opportunity to inquire into TriMet's updated 2023 Agency Safety Plan, which was published to the Board and the public in October of 2023;

NOW, THEREFORE, BE IT RESOLVED:

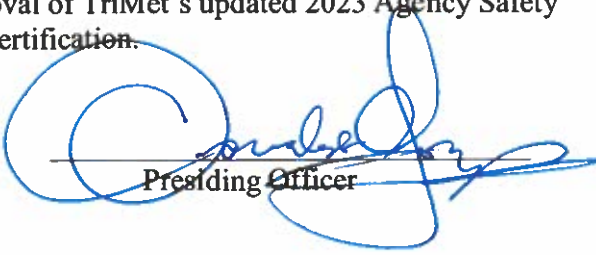
1. That the Board hereby approves the updated TriMet Agency Safety Plan, dated July 1, 2023, previously published to the Board and the public in October of 2023.
2. That the General Manager, the Accountable Executive (COO) or a designee is authorized to confirm and convey the Board's approval of TriMet's updated 2023 Agency Safety Plan when submitting it to the FTA for certification.

Dated: December 13, 2023

Attest:



Recording Secretary



Presiding Officer

Approved as to Legal Sufficiency:



Legal Department