



Transit Safety and Oversight Spotlight

Federal Transit Administration
Office of Transit Safety and Oversight

August 2016
Vol. 1, No. 4

INSIDE THIS ISSUE:

Reminders: TRACS Nominations and Online Dialogue	2
Deputy's Corner: State Safety Oversight Letter to the Governors	2
Rulemaking Update: Public Transportation Safety Program, Bus Testing, Transit Asset Management	3-4
TSO Profile: Maria Wright	5
APTA Annual Meeting Preview	6
Training	7

Note from the Associate Administrator

Dear Transit Colleagues,

On August 11, the Federal Transit Administration (FTA) published a [final rule](#) for the Public Transportation Safety Program (Safety Program Rule) which provides the overall framework for the FTA to monitor, oversee, and enforce safety in the public transportation industry, as authorized by Federal public transportation law (49 USC 5329 et seq.).

The Safety Program Rule establishes rules of practice for many of the FTA's safety monitoring and oversight activities, and it details enforcement actions that the FTA can take against transit agencies for noncompliance with Federal transit safety law. The rule also reflects the FTA's commitment to developing and implementing a 21st Century transit Safety Program that is both scalable and flexible through the application of Safety Management System (SMS) principles. SMS builds on existing transit safety practices by using data to proactively identify, avoid, and mitigate risks to safety.

This is an important rule for public transportation because it serves as the “umbrella” document for other FTA safety rules, regulations and guidance—see page 5 for a summary. I'm pleased with our rulemaking progress so far, and the Safety Program Rule's publication keeps us moving in the right direction.

I encourage you to spend time reading about the content of the Safety Program Rule, and to register for an [upcoming webinar](#) to learn more about the rule and ask questions. More information can be found on page 4.

Public transportation remains one of the safest modes of transportation, and the Safety Program Rule will help the FTA and the industry continue to build upon our strong record of safety. Thank you for your continued commitment to this safety record.

Sincerely,

Thomas Littleton, PhD



FTA staff conduct an inspection of rail vehicle maintenance

Last Call: Nominate TRACS Members, Participate in Transit Worker Assault Online Dialogue by August 31



March 2016 TRACS meeting

TRACS Seeks New Member Nominations

The FTA is seeking new members to join the [Transit Advisory Committee for Safety \(TRACS\)](#). Nominations will be accepted through August 31. TRACS members use their subject matter expertise from across the transit industry—including transit agencies, unions, State Safety Oversight Agencies, and academia—to advise the FTA on matters of public transportation safety. Members meet approximately twice annually and contribute to working groups and other activities related to FTA-assigned safety tasks throughout the year. Interested applicants should review the [Federal Register Notice](#) and direct questions to [Adrienne Malasky](#).

Participate in National Online Dialogue on Transit Worker Assaults

If you've put off participation in the [National Online Dialogue on Transit Worker Assaults](#), delay no longer—the forum will close to additional comments on August 31.

The National Online Dialogue presents stakeholders with an opportunity to help the FTA identify risk control strategies, impediments to a safe workplace, and possible solutions to these assaults. Recently added discussion topics include passenger education; coordinated efforts with law enforcement; and fare policy, evasion, and enforcement.

Using the information gathered from this publicly-accessible dialogue, the FTA will develop a proposed safety rule to address assaults on bus and rail transit operators as required by the Fixing America's Surface Transportation (FAST) Act. TRACS issued a [report](#) on this subject in 2015.

For more information on how to participate in the transit worker assault dialogue, please watch the FTA's informational [webinar](#).

Deputy's Corner

State Safety Oversight Letter to the Governors

It was a pleasure to meet many of our State Safety Oversight (SSO) Program Managers and staff at last month's SSO Training Workshop and hear about the work they do to keep the rail transit systems in their States safe while simultaneously progressing toward compliance with the new SSO Program Rule. At the workshop, we noted that a letter was forthcoming from the U.S. Secretary of Transportation Anthony Foxx to each of the States' Governors, describing the critical nature of the rule as well as compliance requirements and deadlines. The letter was sent on August 4, 2016.



SSO Training Workshop, July 2016



Angela Dluger, Deputy Associate Administrator

Rulemaking Update: FTA Issues Final Rules for Public Transportation Safety Program, Bus Testing, and Transit Asset Management

Public Transportation Safety Program Final Rule

On August 11, 2016, the FTA issued the [Public Transportation Safety Program Final Rule](#) that establishes procedural rules for the FTA to administer a comprehensive safety program to improve the safety of federally-funded public transportation systems. This final rule is the umbrella rule for future FTA safety rulemakings and guidance, and formally adopts the [Safety Management System \(SMS\)](#) approach to safety as the basis of the FTA Safety Program. FTA Acting Administrator Carolyn Flowers noted that with the passing of this rule, “The FTA continues its steady progress in establishing the regulatory framework needed to implement and strengthen our new and existing safety oversight and enforcement authorities.”

This final rule sets procedural rules for the FTA to issue directives and advisories to the public transportation industry as well as promulgate future safety regulations. It lays out the rules of practice for the FTA to inspect, investigate, audit, examine and test transit agencies’ facilities, rolling stock, and operations.

The final rule details the FTA’s enforcement actions against transit agencies for noncompliance with Federal transit safety law, including requiring more frequent oversight or reporting requirements, mandating that Federal funds be spent to correct safety deficiencies before funds are spent on other projects, withholding up to 25 percent of a grantee’s funding under the Urbanized Area Formula Program, and imposing restrictions or prohibitions on a transit agency’s operations if the FTA determines that an unsafe practice or condition creates a substantial risk of death or personal injury.

The Public Transportation Safety Program final rule will become effective September 10, 2016, and is one of several components of a comprehensive safety program that Congress required the FTA to establish when it amended Federal public transportation law in the Moving Ahead for Progress in the 21st Century (MAP-21) Act in 2012 and the Fixing America’s Surface Transportation (FAST) Act in 2015 for federally-funded public transportation systems.

The FTA will host webinars on [Tuesday, August 30 from 2:00 – 3:00pm ET](#) and [Thursday, September 1 from 3:00—4:00pm](#) ET for the transit industry to learn about the rule’s provisions and ask questions related to its implementation. Click on the above dates to register. Additional resources are also available on the [FTA’s website](#), including a fact sheet and FAQs.

Transit Asset Management Final Rule

On July 26, 2016, FTA issued a final rule requiring FTA grantees to develop management plans for their public transportation assets, including vehicles, facilities, equipment, and other infrastructure. The [Transit Asset Management \(TAM\) Final Rule](#) requires transit agencies to develop a strategic approach to maintain and improve capital assets. Every FTA-supported transit provider will be required to inventory and assess the conditions of their assets, develop priorities for investment based on the inventory, and establish performance targets. The rule, established under MAP-21 legislation, is intended to close the gap on aging and poorly maintained transit assets. Along with the final rule, the FTA released two proposed [Transit Asset Management guidebooks](#) that detail the methods for transit agencies to use to measure and report conditions of guideways and administrative, maintenance, and passenger facilities to the National Transit Database. The guidebooks have a 60-day public comment period (*cont. on pg. 4*)



Photo courtesy of the New York Metropolitan Transit Authority

(cont. from pg. 3) which ends September 26, 2016. The FTA hosted a webinar series that wrapped up August 18 and provided technical assistance to the transit industry on how to implement the rule. Please visit the [FTA's website](#) for more information.

Bus Testing Final Rule

The [Bus Testing Final Rule](#), published August 1, 2016, will improve the process for ensuring the safety and reliability of new transit buses funded with FTA dollars. The new rule establishes a set of minimum performance standards, a standardized scoring system, and a pass-fail threshold that will better inform local transit agencies as they evaluate and purchase buses for use in their communities.

The rule requires newly procured buses to meet minimum thresholds in key areas such as safety, reliability, and performance. Existing procedures used by the FTA Bus Testing Facility will largely remain intact, but data generated will be used to apply a new 100-point scoring system to tested buses, making it easier to compare similarly-sized bus models from different manufacturers. Also, for the first time, bus models that fail to meet one or more minimum performance standards will “fail” their test and thus be ineligible for purchase with FTA funds until the failures are resolved. This will ensure that defects are fixed before vehicles are allowed to go into service.

Safety Rulemaking Summary

The table below summarizes the Office of Transit Safety and Oversight's (TSO's) current rulemaking activity. For more information, [visit TSO's rulemaking website](#).

Federal Public Transportation Law	Regulation	Regulation Timeline	Status
§5329 State Safety Oversight	State Safety Oversight 49 CFR Part 674	Notice of Proposed Rulemaking (NPRM) Published: 2/27/2015 Comments Closed: 4/28/2015	Final Rule Published: 3/26/2016 Effective: 4/15/2016
§5329 Public Transportation Safety Program	Public Transportation Safety Program 49 CFR Part 670	NPRM Published: 8/14/2015 Comments Closed: 10/13/2015	Final Rule Published: 8/11/2016 Effective: 9/10/2016
§5329 Public Transportation Safety Certification Training Program	Public Transportation Safety Certification Training Program 49 CFR Part 672	NPRM Published: 12/3/2015 Comments Closed: 2/1/2016	Interim Provisions Effective: 5/2015 Final Rule in development
§5329(b) Proposed National Public Transportation Safety Plan	Proposed National Public Transportation Safety Plan 49 CFR Part 673	NPRM Published: 2/5/2016 Comments Closed: 4/5/2016	Final Plan in development
§5329(d) Public Transportation Agency Safety Plan	Proposed National Public Transportation Safety Plan 49 CFR Part 673	NPRM Published: 2/5/2016 Comments Closed: 4/5/2016	Final Rule in development
§3022 (FAST Act) Improved Public Transportation Safety Measures	Protecting Public Transportation Operators from Assault	NPRM Expected: March 2017	Gathering information through online dialogue until 8/31/2016

TSO Profile

Q&A with Maria Wright, State Safety Oversight Lead Program Manager



Maria Wright

How would you explain your job to someone you've never met before?

The FTA administers a State Safety Oversight (SSO) Program whose mission is to enhance the effectiveness of transit safety management through oversight and outreach to SSO Agencies (SSOAs). I lead a team of FTA Program Managers who interact with SSOAs to provide technical guidance in obtaining compliance with Federal rules and regulations, and track SSOA progress toward closing audit findings. I provide direction to the Program Managers and help identify industry-level trends that may be useful to SSOAs across the country.

Each State has its own Department of Transportation, Department of Public Utilities or Public Utilities Commission that oversees rail within their States, including light rail, heavy rail, trolleys, and other systems. Each State with a rail transit system also has a SSOA that oversees the safety of those systems.

What were you doing prior to this role? I worked as a Motor Carrier Safety Investigator for the US Department of Transportation at the Federal Motor Carrier Safety Administration (FMCSA). I was responsible for doing compliance reviews of motor coaches and trucking companies that travelled in interstate commerce. When I came to the FTA, I brought with me the same commitment to ensuring safety that was part of my work at FMCSA. When I was at FMCSA, we called passengers our “most precious commodity.” It doesn't matter if it's rail or bus—when you're transporting people, you put safety first.

What are some current projects or initiatives you or your team are working on? We're assisting the SSOAs in becoming compliant with the new SSO Rule, 49 CFR Part 674. We're working on technical guidance to help them understand the new regulations, and helping them interpret the regulations so they can apply them in their States. We're focusing on more hands-on involvement with the SSOAs, including frequent, open communication.

How do you work with people outside of the FTA? How would you like to be working with them in the future? Our FTA SSO Program Managers hold monthly, one-on-one calls with their SSOAs, and our entire TSO team has a quarterly call with all the SSOAs. The purpose of these meetings is to identify and address concerns encountered by the SSOAs and keep them up to date on news from the FTA, Federal regulations, and industry trends.

Going forward, we're transitioning toward a more in-depth, one-on-one communication model with the SSOAs to better understand their concerns and assist them in providing effective safety oversight for their rail programs. It's important for the SSOAs to know that they have someone in TSO and the FTA that hears their questions and concerns about compliance with the new SSO rule or any other issue, and that we will work to identify solutions.

What is something you wish people knew about the FTA or TSO? The people who work for the FTA and TSO really care about safety, and they work hard to meet the needs of our SSOs and transit stakeholders.

APTA Annual Meeting: FTA Preview

The FTA's Office of Transit Safety and Oversight (TSO) will present two sessions at the [2016 American Public Transportation Association \(APTA\) Annual Meeting](#), scheduled for September 11-14, 2016, in Los Angeles, California. Additionally, FTA staff will present safety updates at several committee meetings on Sunday, September 11.

FTA's Enhanced Compliance Training and Technical Assistance Program

Tuesday, September 13, 3:00 pm to 4:30 pm

This session will provide a prime opportunity for transit industry stakeholders to provide feedback on FTA's Office of Program Oversight's compliance-focused grantee training and technical assistance offerings. This information-sharing session will cover the types of technical assistance currently available through FTA program oversight and provide an initial preview of how FTA intends to restructure this program. Session participants will be invited to recommend program oversight compliance training priorities and ways to make technical assistance more accessible and more valuable for grantees, as well as brainstorm with FTA presenters on the opportunities and benefits more robust compliance training and technical assistance can offer the transit industry.

Speakers:

- Selene Dalton-Kumins, Director, Office of Program Oversight, Office of Transit Safety and Oversight, Federal Transit Administration, Washington, DC
- Scott Giering, Division Chief for Compliance Programs, Office of Program Oversight, Office of Transit Safety and Oversight, Federal Transit Administration, Washington, DC
- John Bodnar, Division Chief, Performance and Quality Assurance, Office of Program Oversight, Office of Transit Safety and Oversight, Federal Transit Administration, Washington, DC

FTA's Federal Safety Update

Wednesday, September 14, 9:30 am to 11:30 am

This briefing is intended for audiences interested in learning more about FTA's progress implementing its 21st Century Public Transit Safety Program. The session will cover the role of employee safety reporting in an effective safety management system; how State Safety Oversight Agencies are transitioning to a new safety rule and what that means for rail transit agencies; how the FTA Bus Safety Program Review process assists agencies with their safety, security, and emergency preparedness infrastructure and provides targeted technical assistance to support safety program improvement, and safety actions FTA is pursuing as required by the Fixing America's Surface Transportation (FAST) Act.

Speakers:

- Thomas Littleton, Associate Administrator, Office of Transit Safety and Oversight, Federal Transit Administration, Washington, DC
- Brian Alberts, Policy Lead and Analyst, Office of System Safety, Office of Transit Safety and Oversight, Federal Transit Administration, Washington, DC

Training

The FTA sponsors several safety-related training courses. Follow the links below for descriptions, prerequisites, fees, and registration information. You may also search the [course catalog](#) by agency role (e.g., bus staff, SSO Agency Program Manager), or visit the [training calendar](#) to find courses by date and location.

Instructors Course for Transit Trainers	Charleston, SC	August 29 - September 2
Transit Rail System Safety	Kansas City, MO	August 29 - September 2
SMS Principles For Transit	Newark, NJ	August 31 - September 2
Effectively Managing Transit Emergencies	Boston, MA	September 12 -15
Fundamentals of Bus Collision Investigation	Newark, NJ	September 12 - 16
Transit Bus System Safety	Denver, CO	September 12 - 16
Transit Industrial Safety Management	Houston, TX	September 19 - 23
Transit Safety and Security Audit Course	San Diego, CA	September 21 - 23



Federal Transit Administration

Federal Transit Administration
Office of Transit Safety and Oversight
1200 New Jersey Avenue SE
Washington, DC 20590

<https://www.fta.dot.gov/regulations-and-guidance/safety/transit-safety-oversight-tso>