

- ◉ Who we are
- ◉ What we do
- ◉ FTA safety regulatory authority
- ◉ Obama Administration's legislative proposal on safety

# FEDERAL TRANSIT ADMINISTRATION



# FTA Organization

- Approximately 520 staff
- HQ in Washington DC + 10 Regional Offices





# Legislative Authority

- FTA is part of U.S. DOT
- U.S. DOT is part of the Executive Branch
- Congress delegates to executive agencies authority to carry out programs
- FTA's programs are authorized in the Federal Transit Act, as amended most recently by SAFETEA-LU (49 USC Ch 53)
- Limited safety regulatory authority

# FTA Programs

- ⦿ Financial Assistance (grants)
  - Planning
  - Capital
  - Some operations
- ⦿ Technical Assistance
- ⦿ Training Programs
- ⦿ Oversight and Compliance Programs
- ⦿ Research and Demonstration Programs

# Grant Programs

- ◎ Formula Grant Program
  - How much money a grantee receives is determined by a formula established in law
- ◎ Discretionary Grant Programs
  - Congress or FTA determines how much money an individual grantee receives, based on competition

# FTA Grant Programs

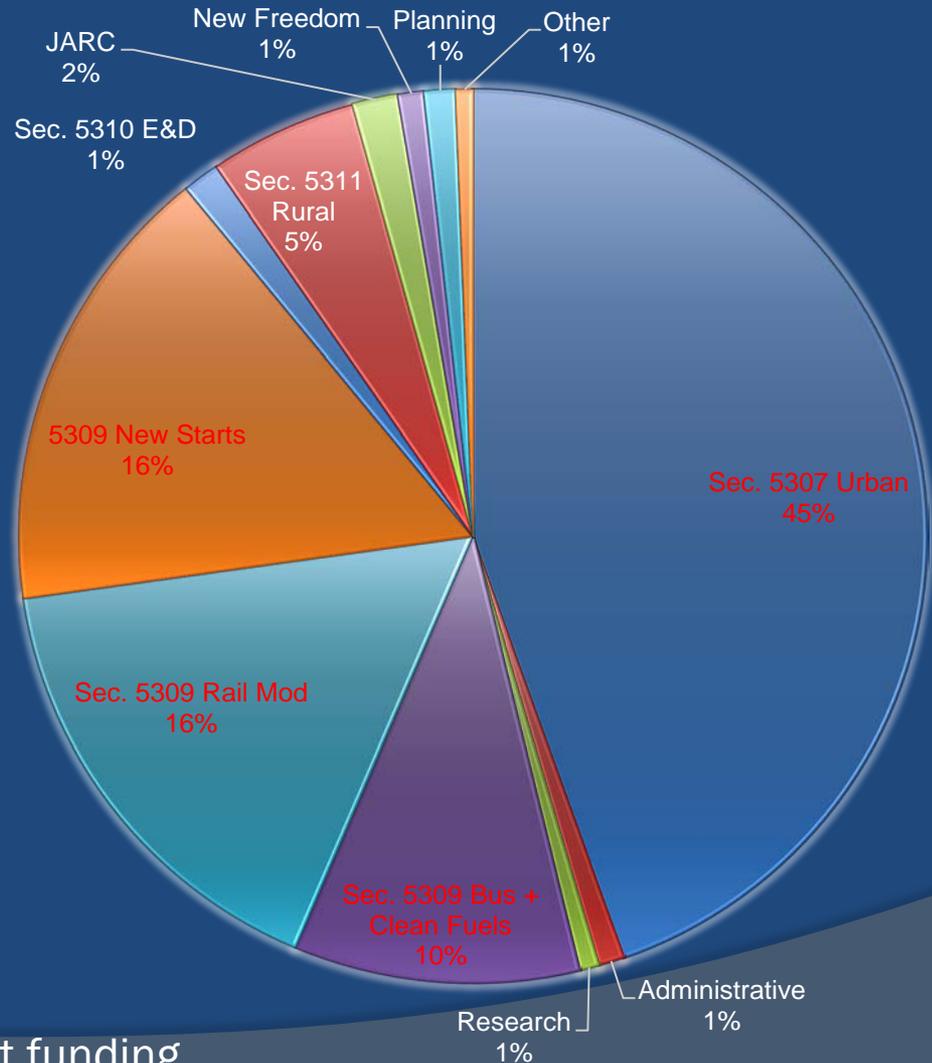
## Formula Programs

- 5305 Planning
- **5307 UZA Funds**
- 5310 Elderly & Individuals with Disabilities
- 5311 Non-UZA Funds
- **5309 Fixed Guideway Mod**
- 5316 JARC
- 5317 New Freedom

## Discretionary Programs

- **5309 Bus and Bus Facilities**
- **5309 New Starts/Small Starts**
- 5311 Tribal Transit
- 5314 Research
- 5320 Alternative Transportation in the Parks
- 5339 Alternatives Analysis
- Over the Road Bus

# Relative Size of Grant Programs – FY 2005 - FY 2010



Excludes Recovery Act funding



# Current Safety Programs

- Drug and Alcohol prevention (49 CFR Part 655)
- Rail Transit State Safety Oversight (49 CFR Part 549)
- Voluntary bus safety and security program
- Safety and security training programs (TSI, JHU, NTI, vendors)
- Other technical assistance

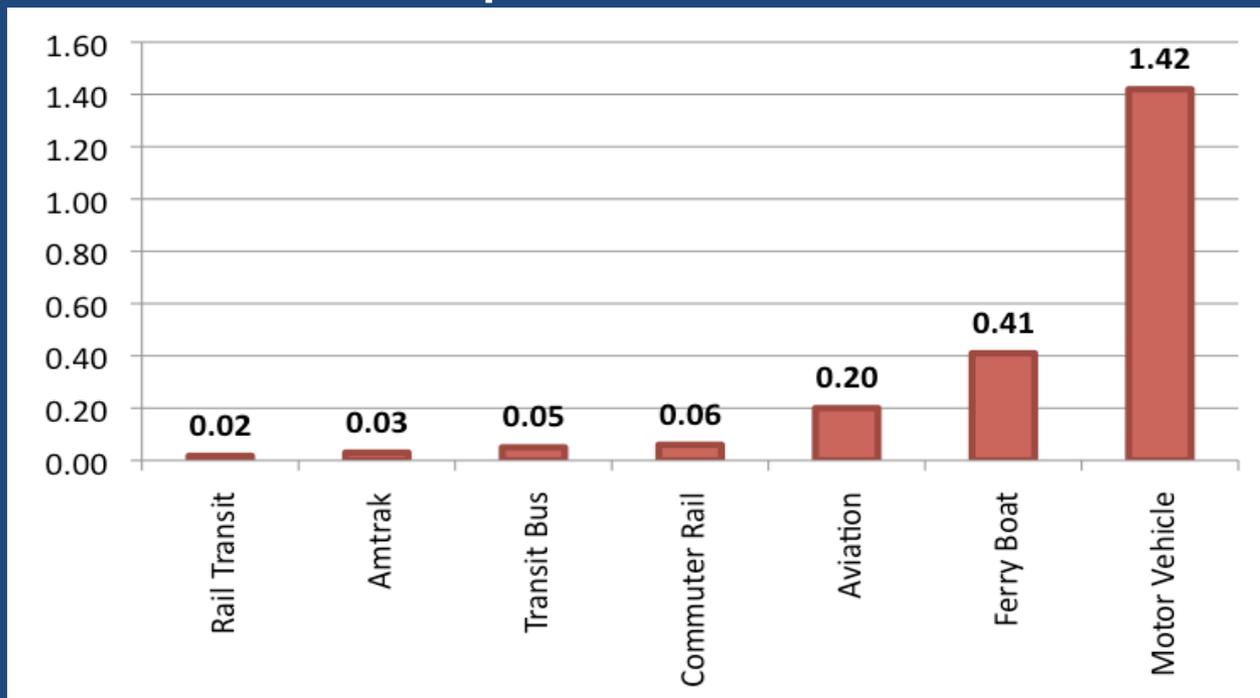
# Rail Transit Industry Snapshot

- Almost 4 billion unlinked passenger trips
- 3,876 miles of track
- 1,877 stations
- 10,290 vehicles operated in maximum service
- 2,350 rail grade crossings
- 63,000 employees
- \$6.4 billion annual operating budget



# Transit Safety

- Transit has a safe record when compared to other modes of transportation



Average Rate of Fatality per 100 Million Miles Traveled,

# June 22, 2009

- Catastrophic accident:
  - 9 fatalities
  - 80 injuries
  - Wide-spread concern regarding adequacy of safety oversight
  - Recommendations issued July 27, 2010



# Not Just a WMATA Issue

- Other serious accidents:
  - Boston, San Francisco, Chicago
  - Derailment rates up
  - Collision rates up
  - Overall accident rates up





# Rail Transit Safety Work Group

- **A multi-modal working group (WG) was convened Under the Deputy Secretary's leadership to evaluate the federal role in transit safety after the WMATA Red Line collision on 6-22-09**
- **Been meeting since July 2009 to consider rail transit safety regulatory reform – now a permanent safety council**
- **Early on, the WG determined; status quo -- not acceptable**
- **The WG solicited the input of DOT safety professionals within the FAA, RITA, FRA and other modes.**
- **Secretary LaHood convened a stakeholder outreach session in August 2009 of unions, industry, and states and addressed the current limitations of rail transit safety and sought feedback**
- **WG members initiated other listening sessions with stakeholders**

# Major Challenges Ahead...



- More maintenance means more workers on the tracks – often during revenue hours

- Aging systems and equipment require more maintenance
  - Projected \$60 billion required to restore 7 largest rail transit systems to state of good repair, including \$11 billion for WMATA
  - 24 ROW worker fatalities in past 10 years...

# Safety: A Major Focus

- Major accidents have captured public and media attention—not just WMATA
- 2003-2008 derailment and collision rates up
  - Rail transit agencies are under the magnifying glass
    - Transit cannot fulfill its mission if the public does not perceive it as safe
    - Transit employees cannot carry out their mission if they are not safe on the job



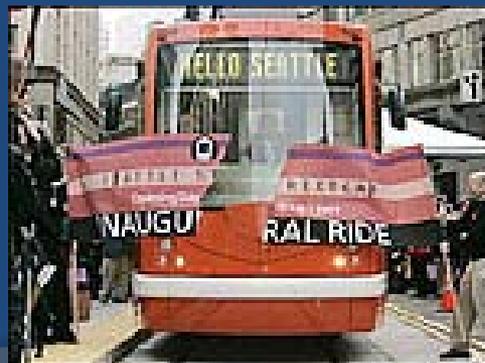


# SSO Program Background

- **FTA is precluded, as a matter of law, from directly regulating rail transit system operations (USC 5334)**
- **1991: Congress directs FTA to create the SSO program**
- **49 CFR Part 659 requires each state governor to designate a state agency to oversee rail transit systems receiving FTA funding and not regulated by the FRA**
- **Each SSO must require the rail transit agency to develop and implement a system safety program plan with 21 elements**
- **FTA audits the states to confirm that they have addressed program requirements**

# SSO Program Growth

- Since 1997
  - 27 SSO agencies (up from 19)
    - Recent addition: Arizona DOT
  - 47 rail transit agencies (up from 36)
    - Recent additions: Valley Metro, Sound Transit Central Link, and South Lake Union



# SSO Agencies – Snapshot

- ◎ **27 designated agencies**
  - **18 state departments of transportation**
  - **3 public utilities agencies**
  - **2 public safety agencies**
  - **1 public board**
  - **1 regional transportation agency**
  - **1 multi-state committee**
  - **1 transit district**



# Problems with Status Quo

- ⦿ Each state determines safe practices – no meaningful minimum thresholds
- ⦿ 27 separate state programs - inconsistent practices and effectiveness
- ⦿ Enforcement authority of state agencies vary
- ⦿ States view program as unfunded mandate
- ⦿ State staffing currently average less than 2.0 FTE per agency (1.2 without CA) and FTA dedicated staffing is currently 2.5 FTE



# Problems with the Status Quo

- ⦿ **Vast majority of states implement only minimum requirement**
- ⦿ **With few exceptions, SSOs have very limited authority or ability to influence safety practices**
- ⦿ **High risk for safety issues to go unidentified and uncorrected**
- ⦿ **State agencies do not always have necessary independence from transit agencies they oversee**

# Moving Forward

- Where has this left us?



# Congressional Interest

- ◎ Congressional Hearings
  - July 14, 2009 – House Oversight Committee
  - August 4, 2009 – Senate Banking Committee
  - December 8, 2009 – House T&I Committee
  - December 10, 2009 – Senate Banking Committee
  - March 4, 2010 – National Capitol Delegation
  - April 21, 2010 – House Oversight Committee

# Proposed Legislation

- **Mikulski/Edwards proposed legislation S1506/HR3338 soon after June 22**
  - **Provides the U.S. DOT Secretary with the authority to address NTSB recs on H.R.**
- **Secretary LaHood submitted Obama Administration's Public Transportation Safety Program Act of 2009 last December**
- **Introduced in both Committees**
  - **Public Transportation Safety Program Act of 2010 (H.R. 4643 and S. 3015)**
- **Senate Banking bill S. 3638 to full Senate June 2010 (Hold in place)**

# What's in the Proposal?

- First ever DOT stand alone legislative proposal on transit
- Rail transit focus – bus option later
- Will provide SSO funding at 100%
- Will allow states to opt out
- Will provide for Federal personnel in opt out states
- Will provide for enforcement authority

# What's in the Proposal?

- Will provide for training and certification
- Will allow FTA to set uniform national safety regulations
- Will not preempt states
- Will not try to replicate FRA detailed technical regs
- We envision requiring a risk based SMS approach
- FY 11 proposed budget funds start up costs of program

# Key Differences in SB 3638

- ⦿ National PT safety plan (all modes)
- ⦿ Transit agency safety plans (all modes)
- ⦿ Safety training & certification for oversight staff (includes agency)
- ⦿ No state opt outs
- ⦿ 80% Funding for SSO
- ⦿ Asset management element
- ⦿ Transit agency asset condition assessments

# What Can Stronger Regulation Achieve?

- ⦿ Regulation can define a program structure that supports integrating safety into organizational culture
- ⦿ Regulation can set meaningful minimum standards
- ⦿ Can support safety policies that define organization's commitment to safety
- ⦿ Federal Leadership in establishing program
  - Raising the awareness of the effects of organizational and managerial factors on safety
  - Providing training and disseminating best practices
  - Trust but verify (with knowledgeable personnel)
  - Effective enforcement mechanisms

# Desired Outcomes of Regulation

- **Public confidence that rail transit is safe and that an appropriate level of independent regulatory safety oversight is in place**
- **Increased confidence in Congress that the federal investment is maintained and results in safe operations**
- **Effective management of safety risks as systems age and ridership increases**
- **Appropriate national minimum safety standards are in place**
- **Safety critical infrastructure is properly maintained**
- **Rail transit organizational culture embraces safety**
- **Rail transit's low accident rate is maintained and improved**

# TRACS Supports the Regulatory Approach

- Federal Register Notice
- Dear Colleague Letter
- Administrator will select members
- Stakeholder representation
- Public process
- FTA wants to make informed decisions



**Kick off meeting Sep 9th**



# Some Resources

- [fta.gov](http://fta.gov) (click safety and security)
- [bussafety.fta.dot.gov](http://bussafety.fta.dot.gov)
- [distraction.gov](http://distraction.gov)
- [ntsb.gov](http://ntsb.gov)