



U.S. Department of Transportation
Federal Transit Administration

2022 FTA JOINT STATE SAFETY OVERSIGHT AND RAIL TRANSIT AGENCY HYBRID WORKSHOP

OCTOBER 25-27, 2022

WASHINGTON, D.C



FTA Special Directives – Shared Practices on Successful Implementation

Ruth Lyons

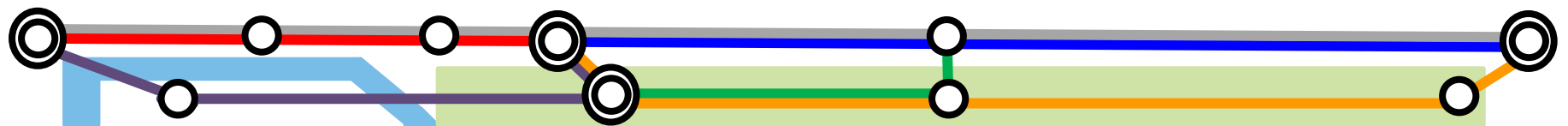
Senior Program Manager, Office of Safety Review
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Dr. Clement Solomon

Director, Division Offices of Aviation, Rail, Transit, Waterways and System Safety Oversight
Georgia Department of Transportation

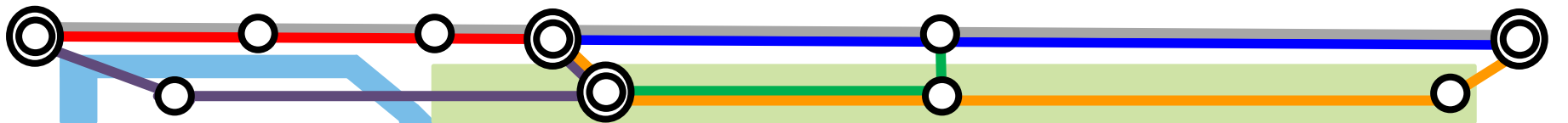
Ralph McKinney

Chief of Safety and Quality Assurance/Chief Safety Officer
Metropolitan Atlanta Rapid Transit Authority



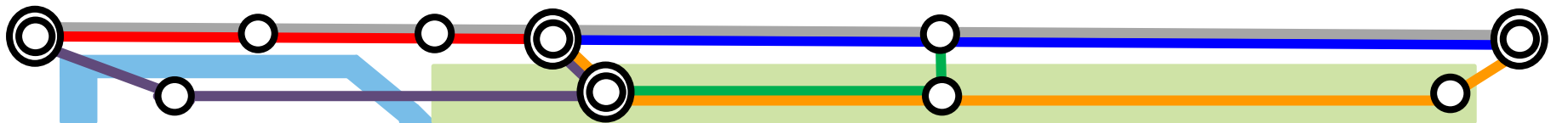
FTA Special Directives – Agenda

- Overview
- Rule Requirements
- List of Special Directives
- Georgia DOT Special Directive & Shared Practices
- Questions



Special Directive Overview

- As a result of 49 CFR Part 670, the FTA Public Transportation Safety Program Final Rule (September 2016), the term 'Special Directive' replaces the term 'Safety Directive' with no change in its purpose.
- In addition, a Special Directive may be issued to a combination of RTAs and/or SSOAs.



FTA Issuance of Special Directives - 49 CFR Part 670.27

- (a) General. The Deputy Administrator may issue a special directive under this part to one or more named recipients for the following reasons—

SAMPLE OUTLINE
UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Special Directive No. XX-X Notice No. X]

Special Directive Under 49 U.S.C. § 5329 and 49 CFR Part 670
Required Actions to.....

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

SUMMARY: The FTA issues Special Directive XX-X, Notice No. X, to require....

FOR FURTHER INFORMATION, CONTACT: For program matters, Contact....

SUPPLEMENTARY INFORMATION:

Background

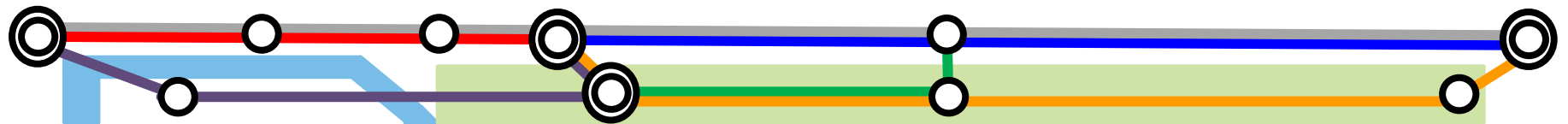
Safety is a top priority in DOT and at FTA. The safety of public transportation passengers and workers is central to FTA's mission. Since 2019.....

DIRECTIVE AND REQUIRED ACTIONS:

In accordance with 49 U.S.C. § 5329, 49 CFR § 670.27, and the authority delegated to the FTA Administrator by the Secretary of Transportation, 49 CFR § 1.91, FTA directs.....SSOA/RTA Agency to:

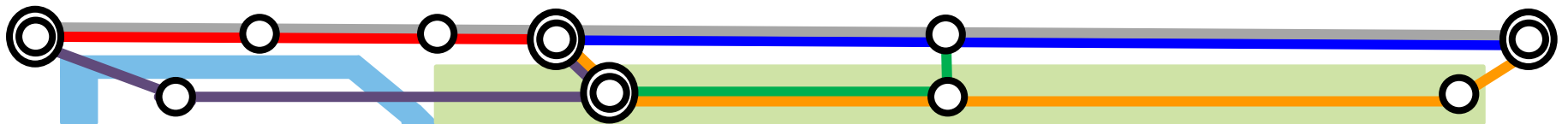
- (1) Ensure.....

- (1) The Deputy Administrator has reason to believe that a recipient is engaging in conduct, or there is evidence of a pattern or practice of a recipient's conduct, in violation of the Public Transportation Safety Program or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety;
- (2) The Deputy Administrator determines that an unsafe condition or practice, or a combination of unsafe conditions and practices exists such that there is a substantial risk of death or personal injury, or damage to property or equipment; or
- (3) For any other purpose where the Deputy Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.



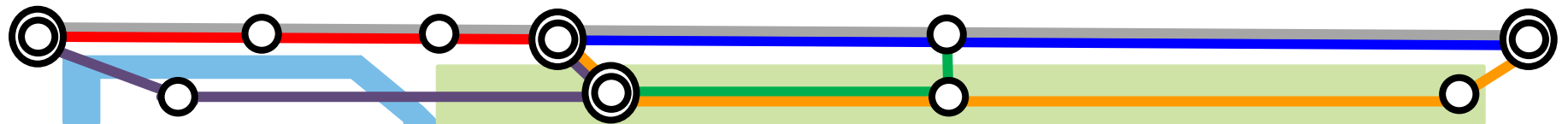
FTA Issuance of Special Directives - 49 CFR Part 670.27

- (b) Effective date. A special directive is effective upon notice provided by the Deputy Administrator under paragraph (c) of this section.
- (c) Notice. The Deputy Administrator will provide notice to a recipient that is subject to a special directive. The Deputy Administrator may initially provide notice through telephonic or electronic communication; however, written notice will be served by personal service or by U.S. mail following telephonic or electronic communication. Notice will include the following information, at minimum
 - (1) The name of the recipient or recipients to which the directive applies;
 - (2) A reference to the authority under which the directive is being issued; and
 - (3) A statement of the purpose of the issuance of the directive, including a description of the subjects or issues involved, a statement of facts upon which the notice is being issued, a statement of the remedial actions being sought, and the date by which such remedial actions must be taken.



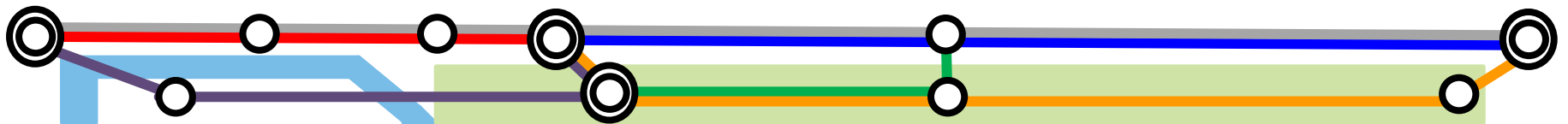
FTA Issuance of Special Directives - 49 CFR Part 670.27

- (d) Petition for reconsideration. Within thirty (30) days of service of a notice issued under paragraph (c) of this section, a recipient may file a petition for reconsideration with the Administrator. Unless explicitly stayed or modified by the Administrator, a special directive will remain in effect and must be observed pending review of a petition for reconsideration. Any such petition:
 - (1) Must be in writing and signed by a recipient's Accountable Executive or equivalent entity;
 - (2) Must include a brief explanation of why the recipient believes the special directive should not apply to it or why compliance with the special directive is not possible, is not practicable, is unreasonable, or is not in the public interest; and
 - (3) May include relevant information regarding the factual basis upon which the special directive was issued, information in response to any alleged violation or in mitigation thereof, recommend alternative means of compliance for consideration, and any other information deemed appropriate by the recipient.
- (e) Request for extension. Upon written request, the Administrator may extend the time for filing a request for reconsideration for good cause shown.



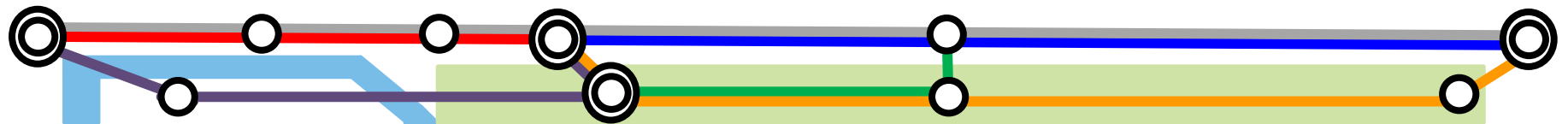
FTA Issuance of Special Directives - 49 CFR Part 670.27

- (f) Filing a petition for reconsideration. A petition must be submitted to the Office of the Administrator, Federal Transit Administration, using one of the following methods—
 - (1) Email to FTA, sent to an email address provided in the notice of special directive;
 - (2) Facsimile to FTA at 202-366-9854; or
 - (3) Mail to FTA at: FTA, Office of the Administrator, 1200 New Jersey Ave. SE., Washington, DC 20590



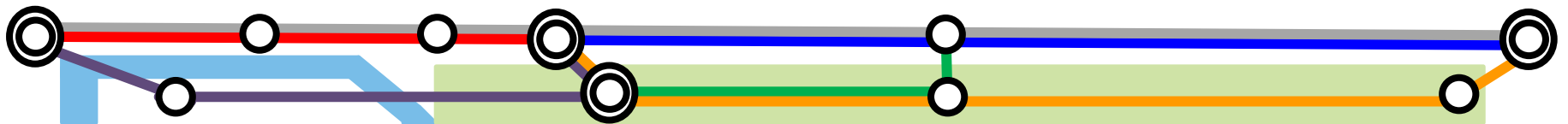
FTA Issuance of Special Directives - 49 CFR Part 670.27

- (g) Processing of petitions for reconsideration—
 - (1) General. Each petition received under this section will be reviewed and disposed of by the Administrator no later than ninety days (90) after receipt of the petition. No hearing, argument or other proceeding will be held directly on a petition before its disposition under this section.
 - (2) Grants. If the Administrator determines the petition contains adequate justification, he or she may grant the petition, in whole or in part.
 - (3) Denials. If the Administrator determines the petition does not justify modifying, rescinding or revoking the directive, in whole or in part, he or she may deny the petition.
 - (4) Notification. The Administrator will issue notification to a recipient of his or her decision.
- (h) Judicial review. A recipient may seek judicial review in an appropriate United States District Court after a final action of FTA under this section, as provided in 5 U.S.C. 701-706.



FTA Issuance of Special Directives

- FTA may issue special directives to one or more named recipients of FTA funding when it:
 - believes that a recipient is engaging in conduct, or there is evidence of a pattern or practice of a recipient's conduct, in violation of the Public Transportation Safety Program or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety;
 - determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exists such that there is a substantial risk of death or personal injury, or damage to property or equipment; or
 - determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.



FTA Special Directives

Federal Transit Administration

Search

About Funding Regulations & Programs

Home / Regulations and Programs / Safety

Transit Safety & Oversight >

COVID-19 Info >

PTASP Technical Assistance Center

Safety Rulemaking >

Safety Guidance >

General Directives

Special Directives

Safety Advisories

Safety Bulletins

State Safety Oversight Program >

Drug & Alcohol Program

TRACS

FTA Special Directives

FTA may issue special directives to one or more named recipients of FTA funding when it:

- believes that a recipient is engaging in conduct, or there is evidence of a pattern or practice of a recipient's conduct, in violation of the Public Transportation Safety Program or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety;
- determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exists such that there is a substantial risk of death or personal injury, or damage to property or equipment; or
- determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.

Special Directives to Rail Transit Agencies*

- Special Directive 22-12:** Required Actions to Address Findings from the Federal Transit Administration Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority Related to Operating Conditions and Policies, Procedures, and Training. (August 31, 2022)
- Special Directive 22-11:** Required Actions to Address Findings from the Federal Transit Administration Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority Related to the Effectiveness of Safety Communication. (August 31, 2022)
- Special Directive 22-10:** Required Actions to Address Findings from the Federal Transit Administration Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority Related to Prioritization of Safety Management Information. (August 31, 2022)

Federal Transit Administration

Search

About Funding Regulations & Programs

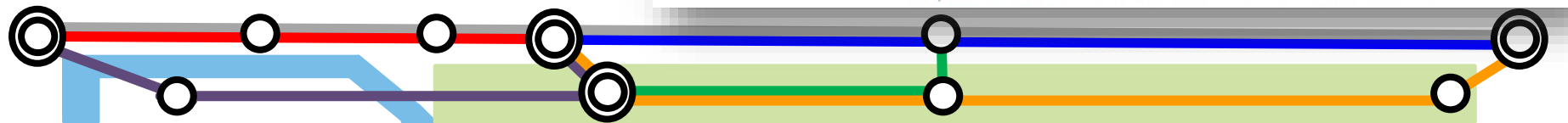
telecommunications relay services.

Special Directives to State Safety Oversight Agencies

- Special Directive 22-13:** To the Massachusetts Department of Public Utilities: Required Actions to Address Findings from the Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority. (August 31, 2022)
- Special Directive 22-8:** To the Massachusetts Department of Public Utilities: Required Actions to Address Findings from the Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority. (June 15, 2022)
- Special Directive 22-1:** Required Actions to Close Corrective Actions from the Georgia Department of Transportation Allegations of Noncompliance Investigation of the Metropolitan Atlanta Rapid Transit Authority and Allegations of Conflict of Interest Claim with the Georgia Department of Transportation Commissioner. (April 5, 2022)
- Special Directive 18-3:** Special Directive to Chicago Transit Authority and the Illinois Department of Transportation to Address Risks Associated with the Proximity of Third Rail to Highway-Railroad Grade Crossings. (March 30, 2018)
- Special Directive 18-1:** Required Actions to Address Findings from the Federal Transit Administration State Safety Oversight Audit at the New York State Department of Transportation, Public Transportation Safety Board. (November 2, 2017)

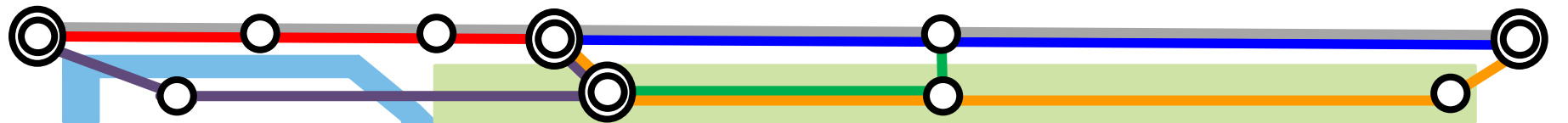
Special Directives on Required Actions Regarding Transit Worker Assault

- Special Directive 22-14:** Requires the Metropolitan Transportation Authority (MTA) to submit documentation regarding how the transit agency has assessed and is mitigating and monitoring transit worker assault safety risk in their transit system. (October 4, 2022)
- Special Directive 22-15:** Requires the Chicago Transit Authority (CTA) to submit documentation regarding how the transit agency has assessed and is mitigating and monitoring transit worker assault safety risk in their transit system. (October 4, 2022)
- Special Directive 22-16:** Requires the Massachusetts Bay Transportation Authority (MBTA) to submit documentation regarding how the transit agency has assessed and is mitigating and monitoring transit worker assault safety risk in their transit system. (October 4, 2022)
- Special Directive 22-17:** Requires the Southeastern Pennsylvania Transportation Authority (SEPTA) to submit documentation regarding how the transit agency has assessed and is mitigating and monitoring transit worker assault safety risk in their transit system. (October 4, 2022)
- Special Directive 22-18:** Requires the Washington Metropolitan Area Transit Authority (WMATA) to submit documentation regarding how the transit agency has assessed and is mitigating and monitoring transit worker assault safety risk in their transit system. (October 4, 2022)



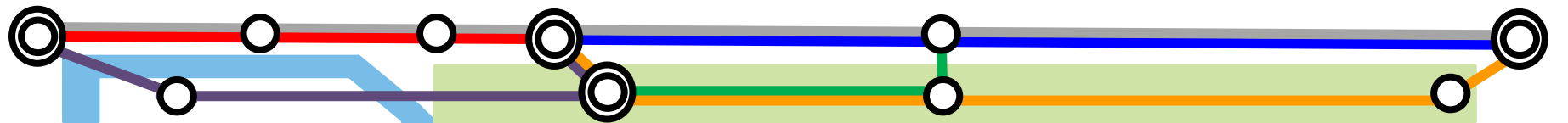
Special Directives to Rail Transit Agencies

Special Directive #	SSOA	Special Directive
22-1	GDOT	Required Actions to Close Corrective Actions from the Georgia Department of Transportation Allegations of Noncompliance Investigation of the Metropolitan Atlanta Rapid Transit Authority and Allegations of Conflict-of-Interest Claim with the Georgia Department of Transportation Commissioner



Georgia DOT Special Directive Resolution

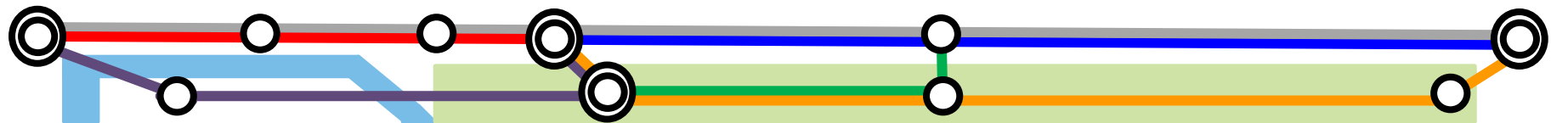
- GDOT Investigations into the complaints
- GDOT coordination with MARTA to resolve safety issues
- CAPs identified as a result of Safety Directive
- GDOT coordination with FTA



Additional Information

For more information on FTA's Special Directives, visit FTA's website:

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



Contact Information

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