



U.S. Department of Transportation
Federal Transit Administration

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

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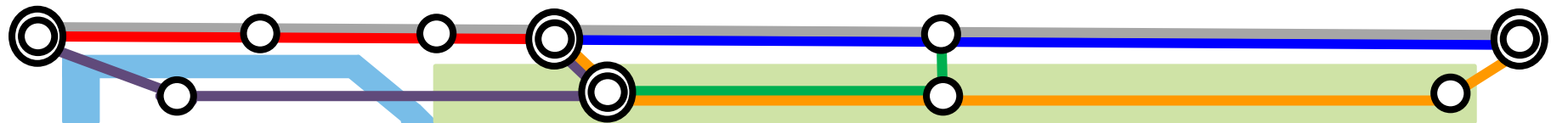
Risk-Based Inspections

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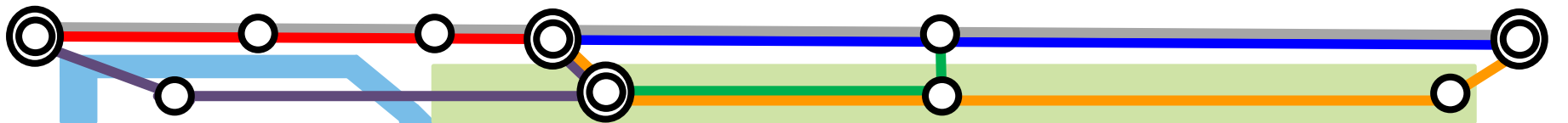
Office of Transit Safety and Oversight

Federal Transit Administration



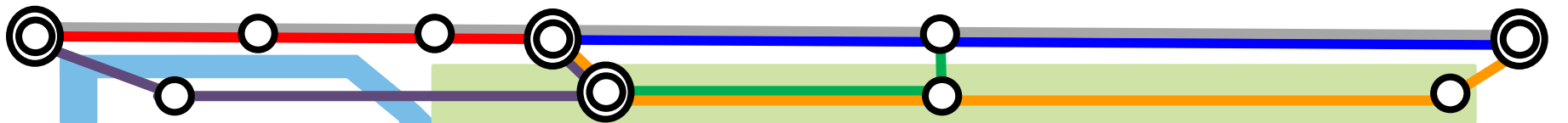
Agenda

- Background
- Risk Based Inspection (RBI) Definition
- Impacted Agencies
- Major Provisions
- Special Directive and Toolkit
- Special Directive Timeline
- Questions



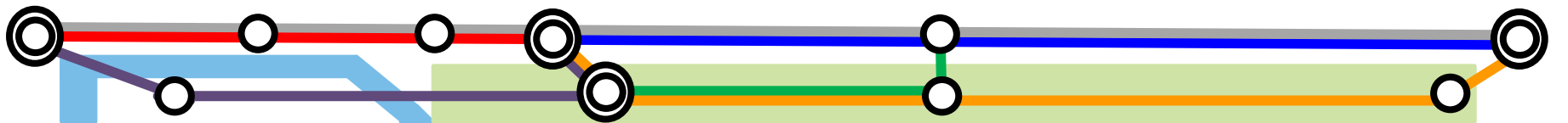
Background

- In 2021, Congress passed the Bipartisan Infrastructure Law, which amended FTA's Public Safety Transportation Program to require SSOAs to develop and implement risk-based inspections as part of SSOA oversight.
- The Bipartisan Infrastructure Law directs FTA to assess the capability of an SSOA to conduct risk-based inspections of the transit agencies they oversee.
- Congress has directed FTA to issue Special Directives to each SSOA requiring them to develop and implement a risk-based inspection program of the Rail Fixed Guideway Public Transportation Systems (RFGPTS) they oversee.



Risk Based Inspection Definition

- A Risk-based inspection (RBI) program uses an analysis methodology and process of qualitative and quantitative data to inform continuous inspection activities.
- Risk-based inspection programs are designed to identify the highest risk elements and prioritize inspections to address the highest risk safety conditions.



Bipartisan Infrastructure Law Requirements

FTA

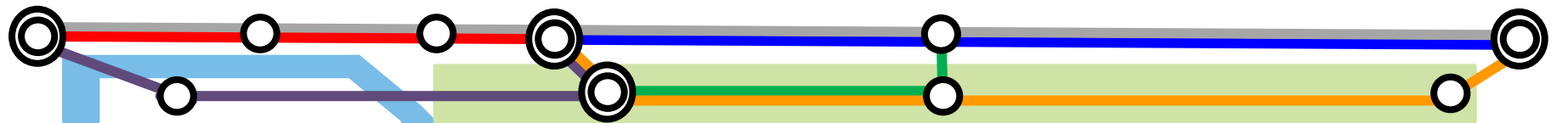
- Must Issue a Special Directive to each SSOA requiring the Development and Implementation of Risk-Based Inspection programs by November 15, 2022
- Must assess the capability of each SSOA's to conduct risk-based inspections compliant with 49 U.S.C. §5329

SSOAs

- Must develop and implement a risk-based inspection program in accordance with 49 U.S.C. §5329 (k) and the Special Directive
- The risk-based inspection program must be effective not later than 2 years after receiving the Special Directive

RTAs

- Must coordinate with the SSOA on policies and procedures for inspection access and data collection and incorporate the policies into their ASP.
- Must share with SSOAs the data the RTA collects when identifying and evaluating safety risks.



Major Provisions 49 U.S.C. § 5329(k)

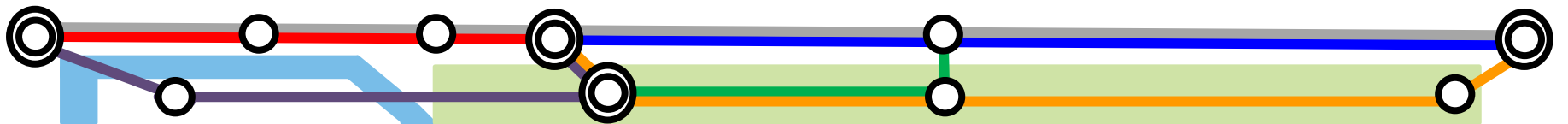
Requirements Applicable to FTA:

- Must issue a Special Directive to each SSOA on the development and implementation of risk-based inspection programs



FTA has issued identical Special Directives to each agency

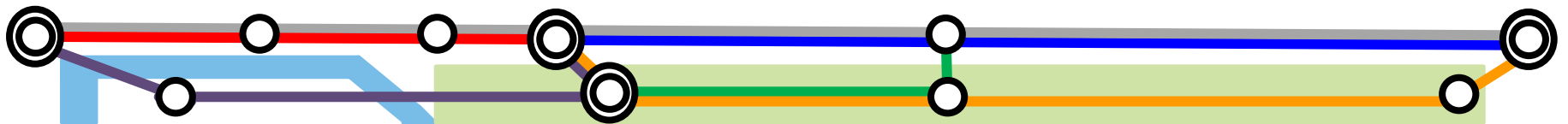
- Must ensure that inspection practices of each SSOA are commensurate with the number, size and complexity of the RFGPTS the SSOA oversees.
- Must ensure the inspection program of each SSOA is risk-based
- Must ensure the SSOAs have sufficient resources to conduct inspections
- Must ensure the risk-based inspection programs of SSOAs comply with 49 U.S.C. § 5329(k)



Major Provisions 49 U.S.C. § 5329(k)

Requirements Applicable to SSOAs:

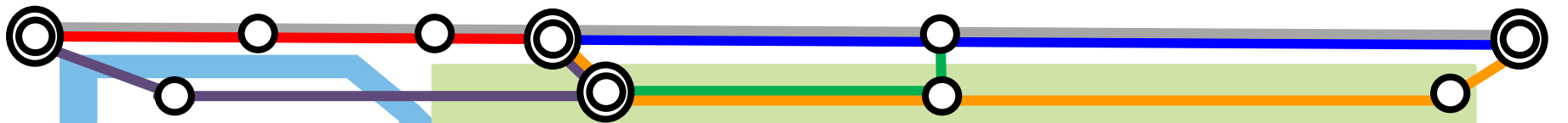
- Has authority to enter the facilities of each RTA that the SSOA oversees to inspect infrastructure, equipment, records, personnel, and data
- Has policies and procedures created in consultation with each RTA to conduct risk-based inspections, including access for inspections that occur without advance notice
- Has policies and procedures created in consultation with each RTA for data collection
- Incorporates policies and procedures for inspection access and data collection into Program Standard
- Has inspection practices that are risk-based and commensurate with the number, size and complexity of the RFGPTS



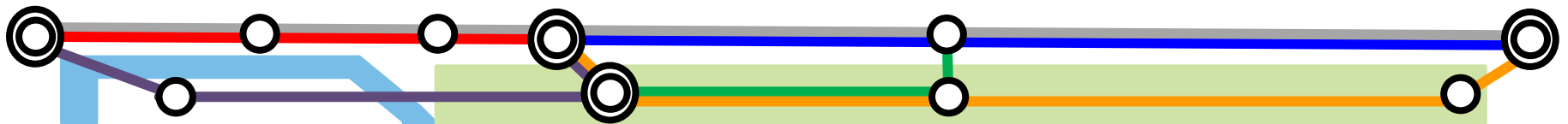
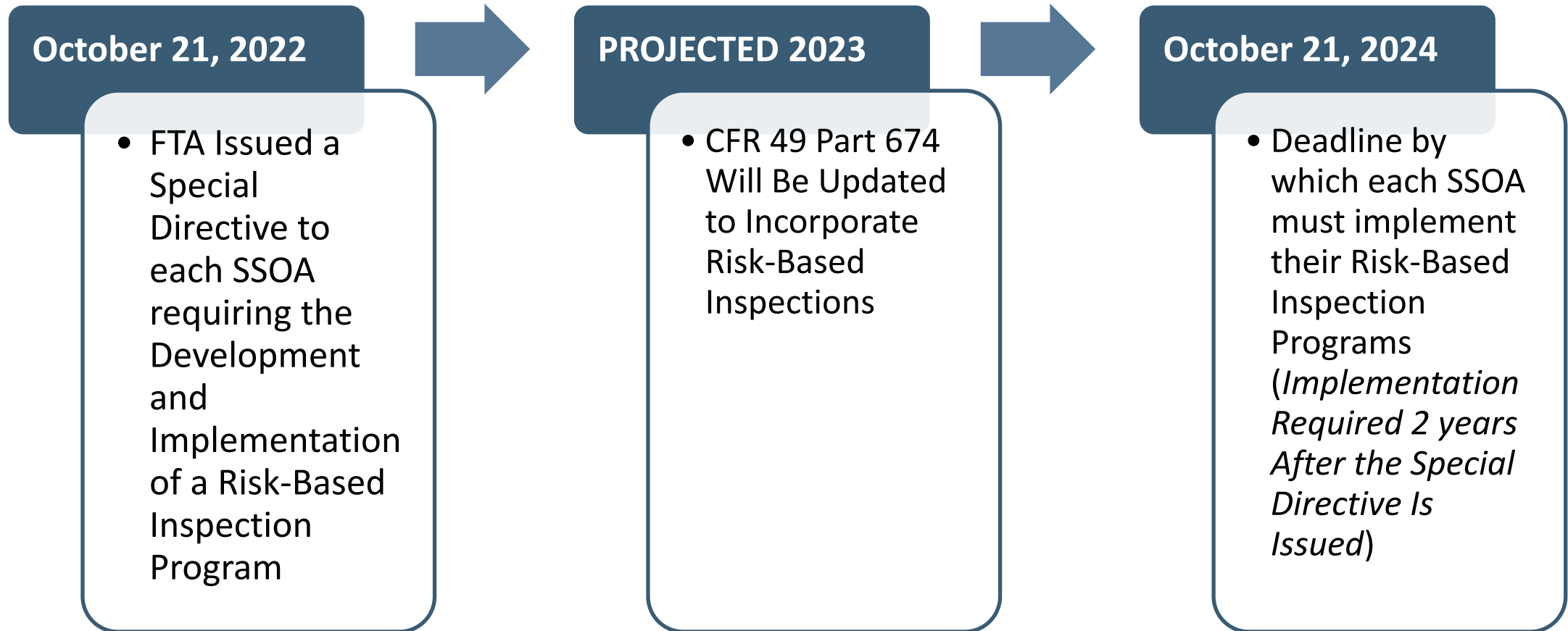
Major Provisions 49 U.S.C. § 5329(k)

Requirements Applicable to RTAs:

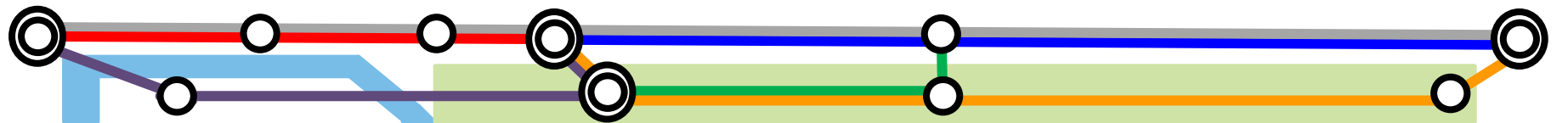
- Has policies and procedures created in consultation with the SSOA regarding access to the RFGPTS to conduct risk-based inspections, including access with and without advance notice
- Has policies and procedures created in consultation with the SSOA for collecting and sharing data the RTA collects when identifying and evaluating safety risks.
- Incorporates policies and procedures for inspection access and data collection and sharing into the Agency Safety Plans (ASP)



Risk-Based Inspections Implementation Timeline



Risk-Based Inspections Special Directive and Toolkit



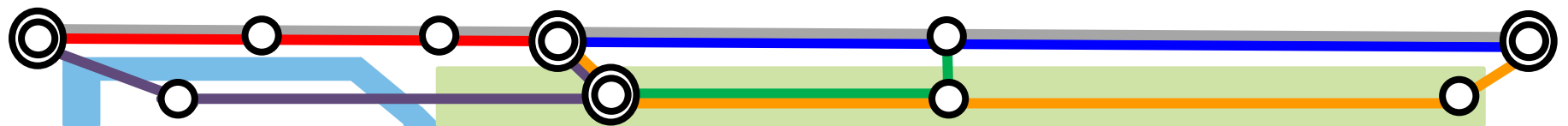
Special Directives

FTA has authority to issue directives with respect to the safety of the public transportation system of a recipient. Special Directives are:

- Issued for a few prescribed reasons, including if the public interest requires the avoidance or mitigation a hazard or risk
- Include a statement of purpose of the directive, including a description of the subjects or issues involved
- Include a statement of the actions being sought
- Include effective and compliance dates

49 U.S.C. §5329(f)(2)

49 CFR 670.27



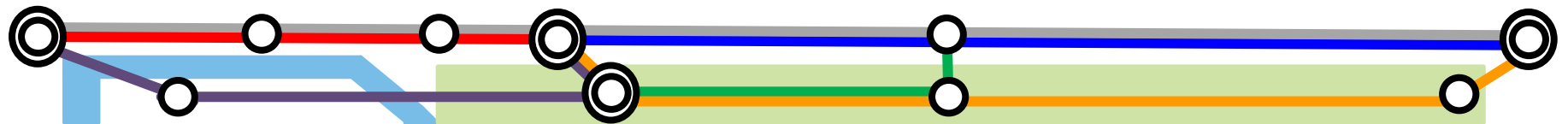
Special Directives (cont.)

Special Directive for Risk-Based Inspections:

- FTA was directed by Congress to issue Special Directives to SSOAs on the development and implementation of risk-based inspections
- The Special Directive must:
 - Be issued not later than November 15, 2022
 - Will Require that SSOAs submit documentation to demonstrate their inspection programs address the requirements
 - Will be “closed” by FTA.
 - The SSOA will be notified of closure once all requirements are satisfied.

49 U.S.C. § 5329(k)(5)

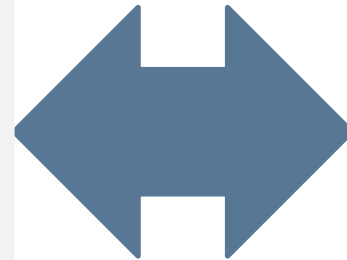
Section 30012(b) of the Bipartisan Infrastructure Law



RBI Special Directive and Toolkit

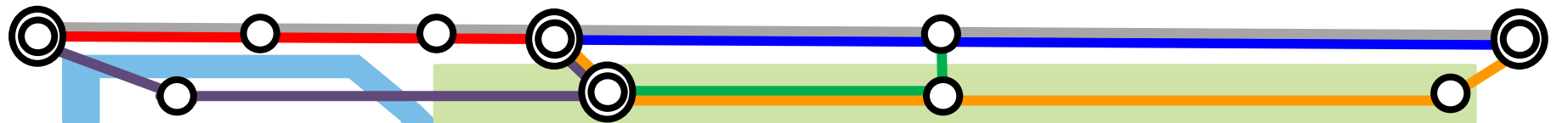
Risk-Based Inspection Program Special Directive

- Legally Binding Document that requires SSOAs to develop and implement an RBI

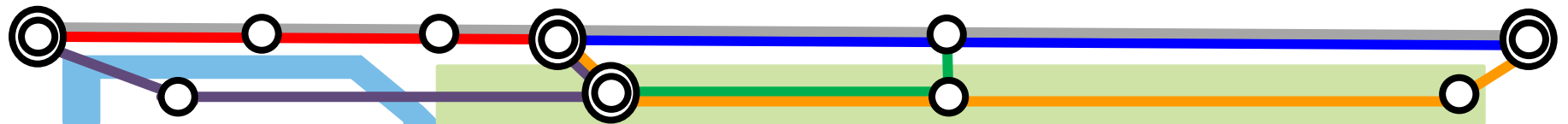
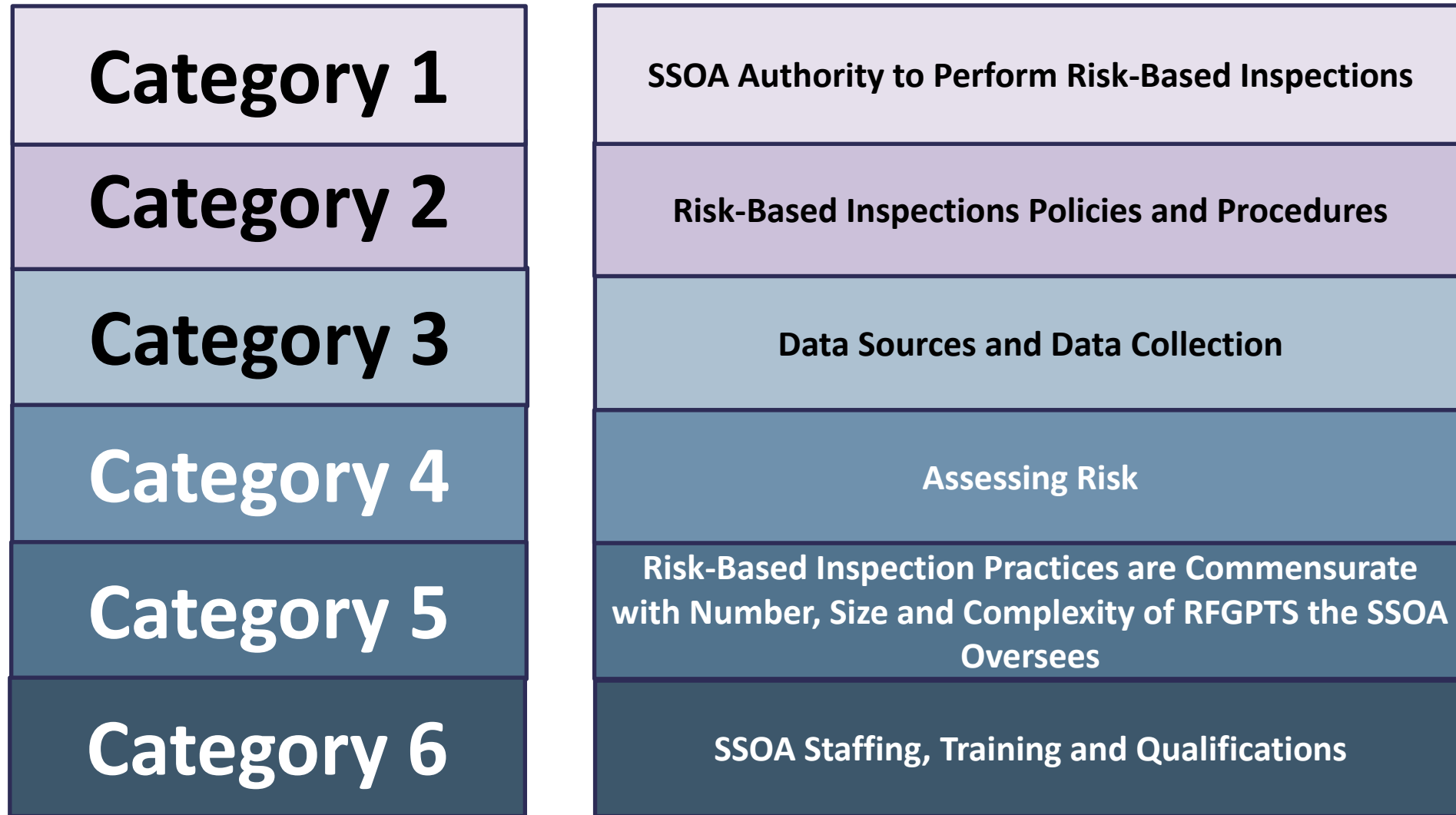


Risk-Based Inspection Program Toolkit

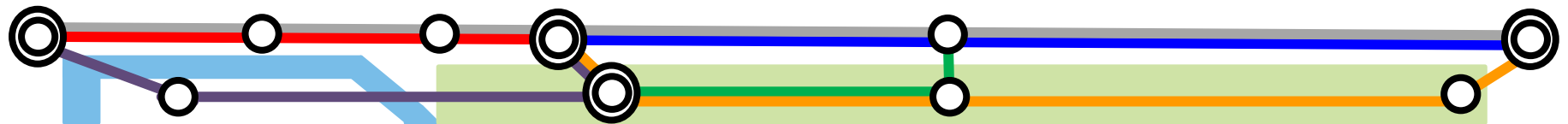
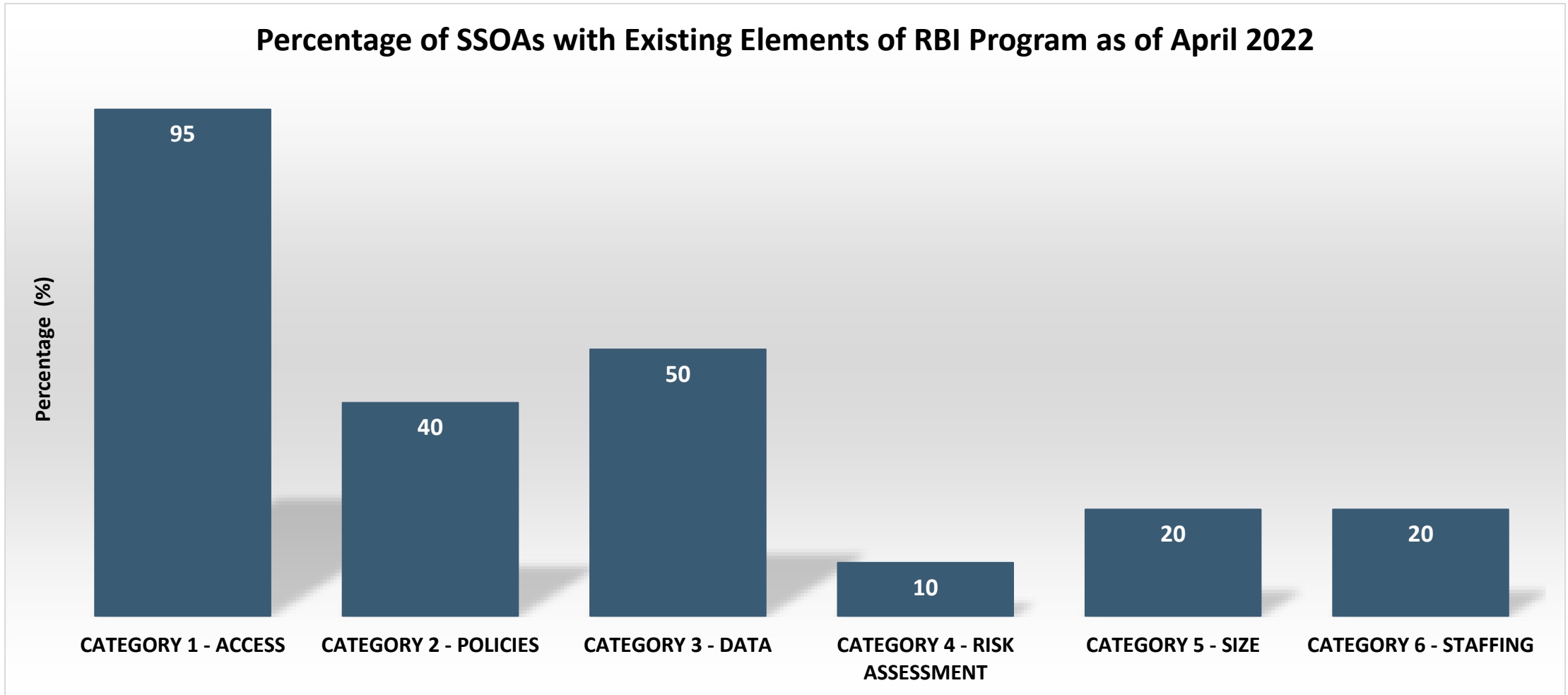
- Non-Binding Document that further explains the requirements of 49 U.S.C. § 5329(k) & Special Directive
- Intended to assist SSOAs in complying with the Special Directive



Components of Risk-Based Inspection Program

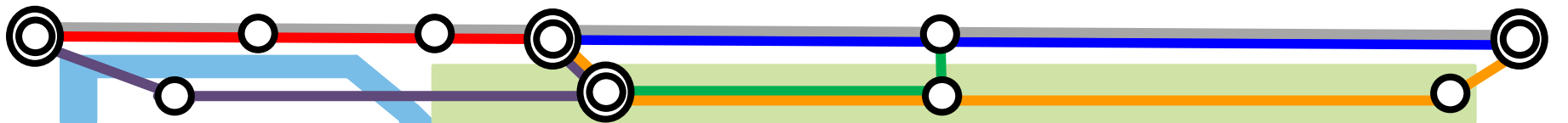


FTA Assessment of Existing Risk-Based Inspection Programs



Risk-Based Inspections Industry Status

- FTA is aware that on-site inspections of transit agencies may have paused during COVID-19 and are only now resuming.
- FTA is aware that some SSOAs may need to hire additional staff to develop and/or implement its risk-based inspection program.
- FTA recommends that SSOAs examine their enabling legislation and program standard to ensure the authority to conduct inspections, including access for inspections that occur without advance notice to the rail transit agency.



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