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U.S. Department of Transportation
Federal Transit Administration



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**Associate Administrator for
Transit Safety and Oversight
and Chief Safety Officer**

Federal Transit Administration



Agenda

- Program Update
- Category 1
- Questions
- Wrap Up



Presenters



Cyrell R. McLemore

Senior Inspection Specialist

Office of Safety Review

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Emily Jessup

Attorney Advisor

Office of Chief Counsel

Legislation and Regulations Division



Program Update



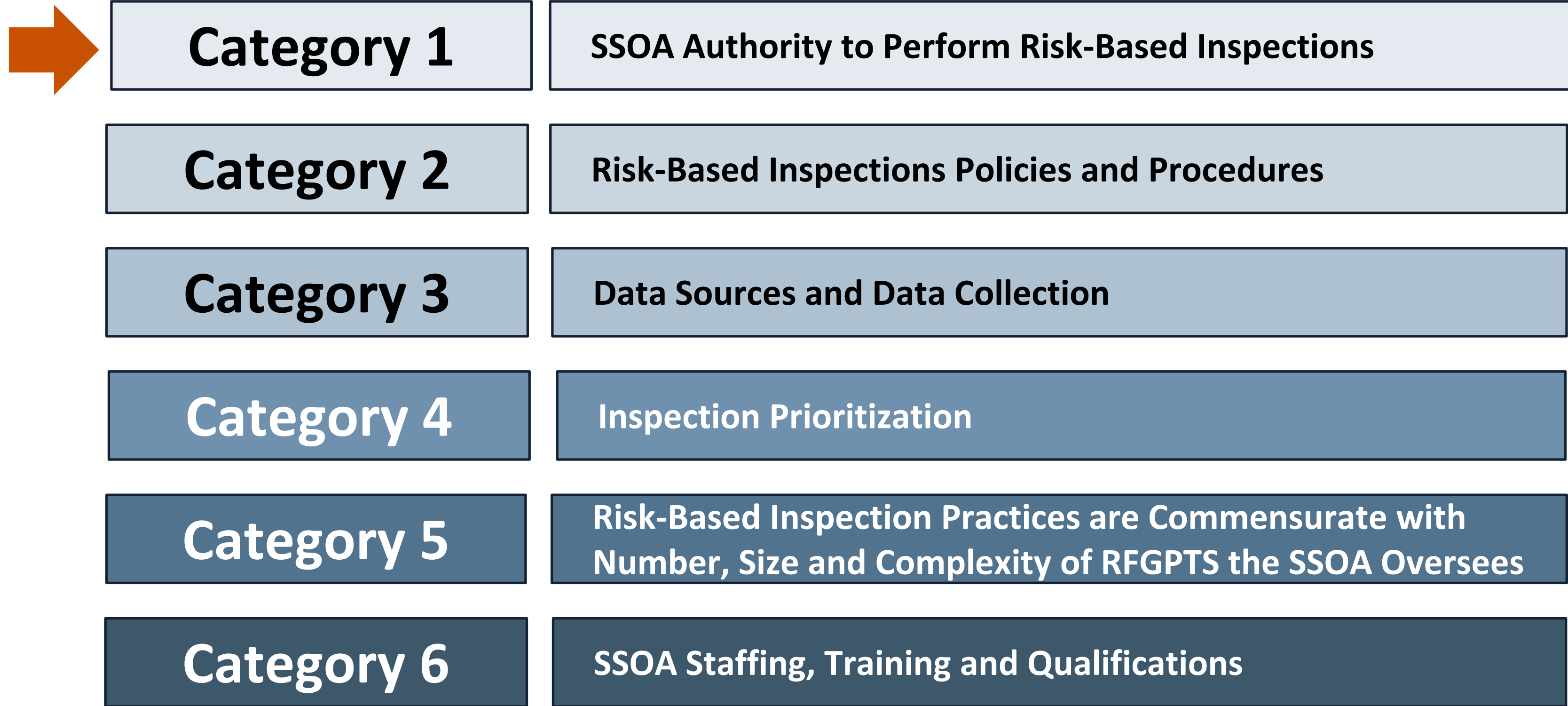
Risk-Based Inspection (RBI) Timeline

Milestone	Date/Time Frame
1 FTA issued Special Directives and Toolkit to SSOAs	October 21, 2022
2 SSOA submits to FTA risk-based inspection program development requirements	Fall 2023–Summer 2024
3 FTA reviews and approves risk-based inspection program development requirements	No later than October 21, 2024
4 SSOA implements the approved program	Begin on FTA approval, but no later than October 21, 2024
5 SSOA submits to FTA evidence that it has implemented the approved program for at least 6 months	Due within 1 year of date FTA approves the risk-based inspection program development requirements
6 FTA reviews and verifies that SSOA has implemented the approved program	Will vary by SSOA
7 FTA closes Special Directives	Will vary by SSOA

RBI Timeline: Example

Milestone	Date/Time Frame
1 FTA issued Special Directives and Toolkit to SSOAs	October 21, 2022
2 SSOA submits to FTA risk-based inspection program development requirements	February 2024
3 FTA reviews and approves risk-based inspection program development requirements	May 2024
4 SSOA implements the approved program	June 2024 – December 2024
5 SSOA submits to FTA evidence that it has implemented the approved program for at least 6 months	January 2025
6 FTA reviews and verifies that SSOA has implemented the approved program	-
7 FTA closes Special Directives	On or before October 2025

Components of Risk-Based Inspection Program



Category 1



Category 1: Authority to Perform Risk-Based Inspections

Risk-Based Inspection Requirements

49 U.S.C. §5329(k)(1)(A)

A State safety oversight program shall provide the State safety oversight agency established by the program with the **authority and capability to enter the facilities** of each rail fixed guideway public transportation system that the State safety oversight agency oversees **to inspect infrastructure, equipment, records, personnel, and data**, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks.

49 U.S.C. §5329(k)(1)(B)

A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish **policies and procedures regarding the access of the State safety oversight agency to conduct inspections** of the rail fixed guideway public transportation system, **including access for inspections that occur without advance notice** to the rail fixed guideway public transportation agency.



Category 1: Authority to Perform Risk-Based Inspections (cont.)

SSOA Required Actions	Considerations
<p>Submit Program Standard and relevant documentation that demonstrate the SSOA has the authority and capability to enter the facilities of each RTA that the SSOA oversees.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Does your Program Standard explicitly state that your SSOA has the authority to access each RTA you oversee? <input type="checkbox"/> Does your Program Standard demonstrate that your SSOA has the capability to access each RTA you oversee? <input type="checkbox"/> Did you submit required documentation that grants your SSOA this authority and capability? <ul style="list-style-type: none"> ▪ Program Standard containing the details required by the Special Directive ▪ Governing documents that confirm overarching SSOA authority <ul style="list-style-type: none"> ▪ Examples may include but are not limited to: <ul style="list-style-type: none"> - Memo of interpretation from SSOA counsel - Letter from SSOA counsel describing authority - Narrative explanation of SSOA authority citing applicable legislation

Category 1: Authority to Perform Risk-Based Inspections (cont.)

SSOA Required Actions	Considerations
<p>Submit Program Standard and relevant documentation that demonstrate the SSOA has the authority and capability to inspect RTA activities, including infrastructure, equipment, records, personnel, and data.</p>	<ul style="list-style-type: none"><input type="checkbox"/> Does your Program Standard clearly define the scope of SSOA access to each RTA?<ul style="list-style-type: none">▪ Does your SSOA have the authority to inspect all RTA activities, including infrastructure, equipment, records, personnel, and data?▪ Does your SSOA have the capability to inspect all RTA activities, including infrastructure, equipment, records, personnel, and data? <input type="checkbox"/> Does your required documentation confirm that your SSOA has the authority and capability described above?



Category 1: Authority to Perform Risk-Based Inspections (cont.)

SSOA Required Actions	Considerations
<p>Submit Program Standard and relevant documentation that demonstrate the SSOA has the authority to conduct inspections with and without advance notice.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Does your Program Standard demonstrate that your SSOA has the authority to: <ul style="list-style-type: none"> ▪ Conduct inspections with advanced notice? ▪ Conduct inspections without advanced notice? <input type="checkbox"/> Does your required documentation demonstrate that your SSOA has the authority to: <ul style="list-style-type: none"> ▪ Conduct inspections with advanced notice? ▪ Conduct inspections without advanced notice?

Questions



Submitted Questions

What does FTA mean by the term “incident verification”?

FTA will amend the RBI Toolkit to replace references to “incident verification” with “event verification.” Any reference or guidance related to “incident verification” should be ignored. The RBI Toolkit will be updated to reflect this change.



Submitted Questions (cont.)

Are there checklists or guidance issued to ensure compliance?

The Risk-Based Inspection Program Special Directive and the Toolkit are the best resources for guidance on the requirements and what is needed to ensure compliance.

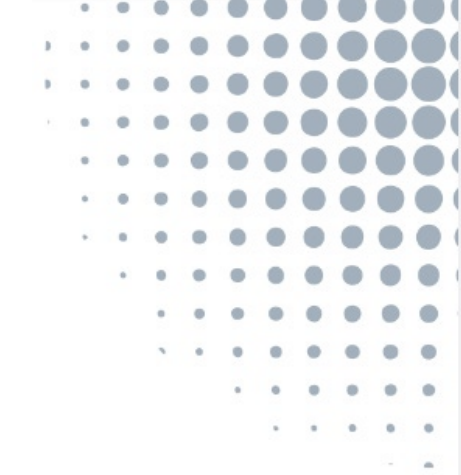


Q&A

- Please enter your questions in the Q&A section



Wrap Up



RBI Webpage

- **New RBI webpage**

<https://www.transit.dot.gov/RBI>

- **Future additions**

- FAQs
- Supporting resources

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Risk-Based Inspection Programs

On October 21, 2022, FTA issued [special directives](#) to all [State Safety Oversight Agencies](#) (SSOAs), the agencies that oversee safety at rail transit systems, to develop and implement risk-based inspection programs in accordance with changes to FTA's Public Transportation Safety Program as required by the Bipartisan Infrastructure Law. While some SSOAs are already using risk-based inspections, the [Bipartisan Infrastructure Law](#) made this a requirement for all.

Risk-Based Inspections and Rail Transit Safety

A risk-based inspection program uses qualitative and quantitative data analysis to identify safety concerns and hazards associated with the highest levels of risk. Inspectors can then use data to inform their inspection practices, with the goal of prioritizing and addressing hazards with the highest risk to improve safety.

The Bipartisan Infrastructure Law identified actions that FTA, SSOAs, and rail transit agencies (RTAs) must take to implement effective risk-based inspection programs. The requirements for each entity are identified below.

	<ul style="list-style-type: none">• Issue a special directive to each SSOA requiring the development and implementation of a risk-based inspection program.• Assess the capability of each SSOA to conduct risk-based inspections compliant with 49 U.S.C. § 5329, which details the requirements for public transportation safety programs.
	<ul style="list-style-type: none">• Develop and implement a risk-based inspection program in accordance with 49 U.S.C. § 5329 (k) and the special directive.• Develop and begin to implement the risk-based inspection program no later than two years after receiving the special directive (by October 21, 2024).

Related Links

- [State Safety Oversight \(SSO\) Program](#)

Most Requested Pages

- [Risk-Based Inspection Special Directives](#)
- [Risk-Based Inspection Program Toolkit](#)

What can you do now?

- **SSOAs**

- Send any Category 1 language you want reviewed to FTA-RBI@dot.gov

- **SSOAs and RTAs**

- Collaborate on the following Special Directive categories
- They require coordinated updates to the SSOA's Program Standard and the RTA's Agency Safety Plan

Category 2

Risk-Based Inspections Policies and Procedures

Category 3

Data Sources and Data Collection



Contact Us



Submit Questions

- Email: FTA-RBI@dot.gov



Access Resources

- RBI webpage:
<https://www.transit.dot.gov/RBI>

