



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

November 17, 2023

Mr. Jason Osborn
Director
Office of Intermodal Project Implementation
69 West Washington Street, Suite 2100
Chicago, IL 60602-3134

Subject: Clarification to Illinois Department of Transportation (IDOT) on Requirements of Special Directive (SD) 23-1

Dear Mr. Osborn,

This letter responds to the Illinois Department of Transportation's (IDOT) request for clarification regarding the requirements of Special Directive (SD) 23-1. FTA issued SD 23-1 on October 23, 2023, to direct IDOT to address a pattern of insufficient staffing in the State Safety Oversight (SSO) Program in violation of 49 CFR Part 674.

Background

On August 29, 2018, FTA certified IDOT's SSO Program as compliant with FTA's SSO Program rule (49 CFR Part 674). 49 CFR Part 674 requires that each SSO must have sufficient authority, resources, and qualified personnel to oversee the number, size, and complexity of rail fixed guideway public transportation systems that operate within its State. FTA provides grant funding to support IDOT in carrying out its SSO program activities, including hiring and training adequate staff.

SSO agencies are responsible for monitoring and meeting staffing needs based on program requirements. Regulatory changes, such as the mandate for SSO agencies to approve, oversee, and enforce implementation of agency safety plans, highlight the importance of evaluating and hiring staff according to these needs. Workload assessments, which analyze personnel, activities, and hours, guide SSOs in determining staffing requirements. FTA's records indicate that IDOT has not performed a workload assessment since 2018, nor maintained staffing levels commensurate with the staffing levels required during certification.

In addition, technical competency of SSO staff is crucial for effective oversight. Certification and training requirements, including the Technical Training Plan (TTP) and Individual Training Plan (ITP), play a key role in guaranteeing staff's knowledge and skills. As noted in SD 23-1,

FTA has determined that IDOT has not met the requirements of the TTP and ITP as required by CFR 49 CFR Part 672.

Scope of Special Directive 23-1 is distinct from SD 22-31

FTA has been in frequent communication with IDOT regarding SD 22-31, which requires IDOT to develop and begin to implement a risk-based inspection program no later than October 21, 2024. Please note, however, that the requirements in SD 23-1 do not address risk-based inspections or the requirements of SD 22-31. Instead, Special Directive 23-1 focuses on the current staffing needs and competencies required to implement the existing IDOT SSO program.

Special Directive 23-1 Clarifications

As requested by IDOT, FTA is providing the following clarifications to the actions required by SD 23-1. In addition, FTA is providing new dates for the submission of the required Corrective Action Plans (CAPs) to FTA that demonstrate the specific actions IDOT will take to address the required actions specified in this Special Directive and propose a schedule for completing each activity; identify the responsible parties for each action and their contact information; and detail the verification strategy for ensuring the completion of required work.

IDOT SSO Program Findings			
Findings		Tracking #	Required Actions
Finding 1	IDOT fails to develop a staffing plan appropriate to meet the needs of the SSO Program.	FTA-23-IDOT-1	<p>IDOT must submit an updated staffing plan and schedule detailing immediate actions for addressing SSO Program vacancies and training deficiencies within 30 days of issuance of the Special Directive.</p> <p>Clarification: IDOT must submit an updated staffing plan using the updated workload assessment required by Finding 2. A CAP that demonstrates specific activities and timeframes IDOT will take to address this required action must be submitted no later than 15 days following FTA’s approval of IDOT’s workload assessment.</p> <p>Note: On November 1, IDOT submitted to FTA a staffing matrix that represented additional members of the staff not discussed during meetings. If IDOT wishes FTA to consider these members part of the SSO program, IDOT must provide written evidence that all members represented as part of the SSO program based on the November 1, 2023, email are contributing members of the SSO program. This evidence includes documentation of the actual number of hours worked on the SSO program, and an explanation of the projects completed by these members over the past 24 months. IDOT also must provide documentation that demonstrates the full participation of these staff on the TTP by showing staffing and training records consistent with the TTP and ITP. This documentation must be provided to FTA by November 27, 2023.</p>

<p>Finding 2</p>	<p>IDOT fails to demonstrate and maintain a staffing level appropriate to the needs of the SSO Program.</p>	<p>FTA-23-IDOT-2</p>	<p>IDOT must match its resources to those identified in its updated workload assessment.</p> <p>Clarification: IDOT must complete an updated workload assessment that evaluates the necessary full-time equivalents (FTEs) to execute the requirements of IDOT’s program standard and responsibilities. Following FTA’s approval of the workload assessment, IDOT must ensure it has a commensurate resource to match the workload assessment.</p> <p>The workload assessment must clearly:</p> <ul style="list-style-type: none"> • Identify the regulatory and programmatic requirements of the IDOT program. • Clearly identify the estimated resources and hours required to conduct all necessary activities including meetings, oversight of rail the transit Agency Safety Plans; conduct necessary audits, inspections, examinations, accident investigations; ensure the timely implementation of corrective actions; as well as account for administrative tasks and time associated with program activities, including training. • Demonstrate an analysis of job tasks and staff, broken out by hours and competencies that will facilitate an accurate representation of the required work, FTEs and job positions that will help guide a staff that has both the capacity and competencies to perform the requirements of the SSO role. <p>A CAP that demonstrates the specific activities and timeframes IDOT will take to address this required action must be provided to FTA by December 15, 2023.</p>
<p>Finding 3</p>	<p>IDOT’s SSO Program designated personnel are not adequately trained and included on the TTP.</p>	<p>FTA-23-IDOT-3</p>	<p>IDOT must update its TTP and must include a plan for training existing and new personnel and/or contractor resources upon hiring within 30 days of issuance of the Special Directive.</p> <p>Clarification: A CAP that demonstrates the specific activities and timeframes IDOT will take to address this activity must be provided to FTA 15 Days after FTA’s acceptance of FTA 23-IDOT-4.</p>

<p>Finding 4</p>	<p>IDOT fails to ensure that its SSO Program designated personnel have the required skills and competencies to effectively support SSO activities.</p>	<p>FTA-23-IDOT-4</p>	<p>IDOT must conduct an assessment to identify the skills and competencies required for the SSO Program and develop a process for evaluating prospective personnel.</p> <p>IDOT must ensure that new and existing staff have the required skills and competencies to effectively support SSO activities.</p> <p>Clarification: A CAP that demonstrates the specific activities and timeframes IDOT will take to address this required action must be provided to FTA by November 27, 2023.</p> <p>The CAP must:</p> <ol style="list-style-type: none"> 1. Include a review of the TTP that: <ol style="list-style-type: none"> a. Identifies all competency areas appropriate for the RTAs IDOT oversees. b. Clearly demonstrates the current status of knowledge within the SSO program for active SSO program members. c. Identifies any deficiencies or training and knowledge gaps. d. Provides a training plan for the agency that fills these knowledge gaps. e. Identifies a plan and timeline for training potential members of the SSO staff as required by SD 23-1. 2. Include plans for each staff member to be enrolled and complete their Public Transportation Safety Certification Training Program (PTSCPT) training within three years as required in 49 CFR Part 672.
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Additional Streamlining of Oversight

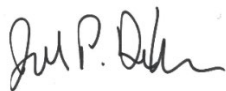
In September 2022, FTA conducted a triennial audit of IDOT's SSO program and identified nine findings of non-compliance, of which two remain open.¹ These open findings are Finding 3, which addresses the disbursement of obligated federal grants under FTA Circular 5010, and Finding 4, which addresses an insufficient staffing level. Currently, Finding 3 has an approved CAP being monitored by FTA while Finding 4 lacks an FTA-approved CAP.

Due to the overlap of SD 23-1 and Finding 4 described above, FTA is formally consolidating Finding 4 from the 2022 Audit with the requirements of Special Directive 23-1. As a result, Finding 4 from the 2022 FTA audit is closed and the topic will be tracked and addressed through the outlined requirements of SD 23-1. The remaining 2022 audit findings will continue to be managed under the triennial audit process.

FTA appreciates IDOT's continued coordination on this matter and shares its goals of ensuring that IDOT is fully utilizing its resources to fulfill its oversight mission of the rail transit agencies under its jurisdiction.

Should you have any questions or require additional clarification, please do not hesitate to contact the Senior Regional Safety Officer and Safety Management Inspection Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at Erin.Powell@dot.gov.

Sincerely,



Joe DeLorenzo
Associate Administrator and
Chief Safety Officer
Office of Transit Safety and Oversight

cc: Jonathan Stevanovich, SSO Program Manager, Illinois Department of Transportation
Kelly Brookins, Regional Administrator, FTA Region 5

¹ FTA published this audit report in May 2023.