

Session 8

Federal Transit Administration and State Safety Oversight Agency Enforcement

2023 FTA Joint SSO and RTA Workshop

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FTA Role in Safety Oversight

- Per 49 U.S.C. § 5329, FTA has established a Safety Program to **oversee** and improve the safety of **public transportation systems** that **receive Federal financial assistance under 49 U.S.C. Chapter 53**
- FTA adopted the methods and principles of **Safety Management Systems (SMS)** as the foundation of the Safety Program
- FTA provides guidance, training, and regulation to support SMS implementation and improve transit industry safety performance

Achieving Safety from a Federal and State Perspective

FTA's Safety Regulatory Authorities

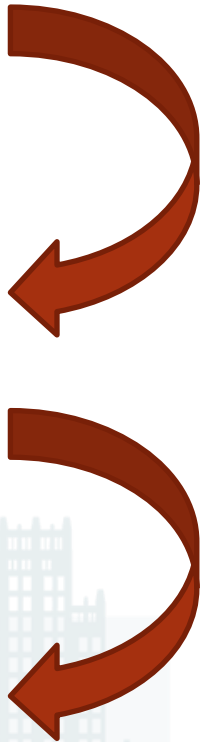
Key FTA authorities in overseeing and supporting transit safety:

- **Inspections**, audits, examinations and testing
- **Requiring corrective action plans (CAPs), increased oversight or reporting**, and restrictions and prohibitions to address safety concerns
- **Directing the use of, or the withholding of, Federal funds**
- General Directives
- **Special Directives**
- Safety Advisories
- **Training and technical assistance**

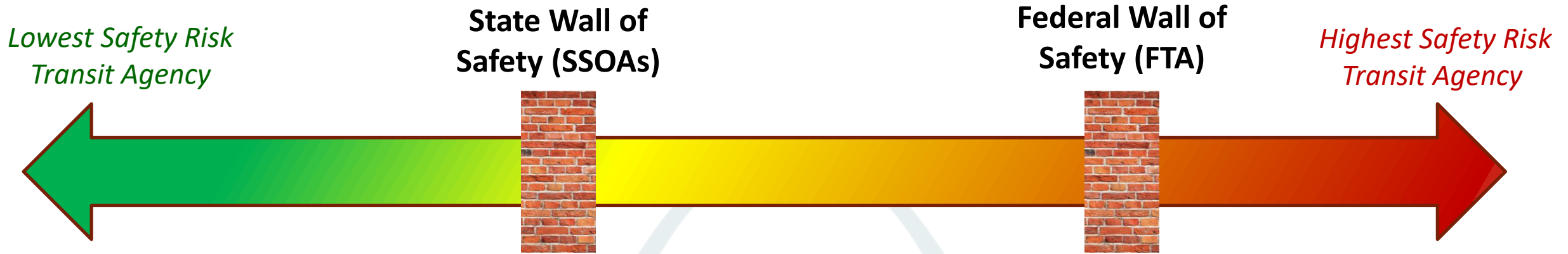
FTA also may direct a State Safety Oversight Agency (SSOA) to provide more frequent oversight

“Typical” Safety Oversight Framework

FTA	<ul style="list-style-type: none">• Performs <i>triennial audit</i> of each SSOA• Conducts quarterly calls with each SSOA• Requires annual reporting from SSOA• <i>Does not</i> perform direct safety oversight of transit agencies on a routine basis
SSOAs	<ul style="list-style-type: none">• Operate per State Program Standard Requirements• Certified under Part 674• Approve and enforce the ASP for each RTA they oversee• Perform <i>triennial audit</i> of each RTA it oversees• Conduct or cause to be conducted accident investigations and approve investigation reports
RTAs	<ul style="list-style-type: none">• Develop and implement SMS through approved ASP



Continuum of Safety Oversight and Safety Risk



1. **Your community will get the Transit Agency that your SSOA accepts**
2. **You are the **wall** between an unsafe pattern/practice and a safe pattern/practice**
3. **SSOA holding an RTA accountable is a gift to the RTA and your riders – Oversight and Enforcement sheds light on issues and opens avenues for **funding/attention** when the RTA cannot do it alone**

Pillars of Effective Oversight



Pillars of Effective Oversight

Consistency

RTA knows what to expect

Engagement

SSOA is integrated into the RTA

Knows the system and the people

Is aware of challenges

Enforcement

RTA understands SSOA's expectations and areas of concern

RTA understands the consequences of not meeting expectations

Consistency

Implementation of Safety Oversight is Boring

Key Ideas:

- SSOAs set steady and reliable expectations for RTAs and take steady and reliable action
 - RTAs know what is important to the SSOA
- Clear “**Focus Areas**” communicated by SSOA leadership and staff
- Consistency requires both strategy and planning (No, No to Whack-A-Mole)



Consistency

Implementation of Safety Oversight is Boring

What Consistency Might Look Like:

- **Recurring meetings** – scheduled in advance and rarely change
- **Recurring inspections** – leverages similar processes and can highlight consistent focal areas
- **Established expectations and consequences** – RTA knows if a line is crossed, it will ALWAYS get the same response from the SSOA (CAP delays, event report delays, inspection results not up to standards, transit agency needs to understand)

Meeting and inspection topics align at staff and leadership level – consistent talking points

Does the RTA know what areas you are focusing on?

Does the RTA know the next time they will see you?

Consistency promotes efficiency, giving the SSOA and RTA more “space” to do the work

Engagement

Key Ideas:

- Engagement requires strategy and planning
 - SSOA Staff DESIGN activities that promote engagement (What should we do or talk about?)
- Engagement occurs at leadership and staff levels
 - SSOAs spend meaningful time at RTA to understand the system, people, and culture of the agency
 - SSOA staff develop relationships with members of the RTA

Engagement

What Engagement Looks Like:

- SSOA staff knows who works in major departments/divisions (ex.: Vehicle Maintenance, MOW, Engineering, OCC, Safety) and knows the RTA's leadership
- SSOA staff knows how the RTA's processes, people, and systems work (or don't)
- SSOA staff participate in multiple on-site inspections and interviews
- SSOA staff has access to RTA systems so that they can get the data they need

Do I know who to call when?

Do I know where to go when?

Enforcement

Key Ideas:

- SSOAs convey consistent expectations and actions to the RTA – the RTA knows what is important to the SSOA
- Enforcement requires both strategy and planning (Focus Areas + Documentation)
- SSOAs know and communicate the “red lines” to the RTA
- SSOAs act when a red line is crossed



Enforcement

What Enforcement Can Look Like:

Escalating Enforcement:

- SSOA has documented evidence of a rule violation, or pattern or practice of unsafe practices
- Call to Safety Department, Operations Chief, GM/CEO with Evidence
- Require CAP
- Formal letter to RTA with evidence and expectations
(Power of Pen)
- Your State's formal enforcement mechanisms

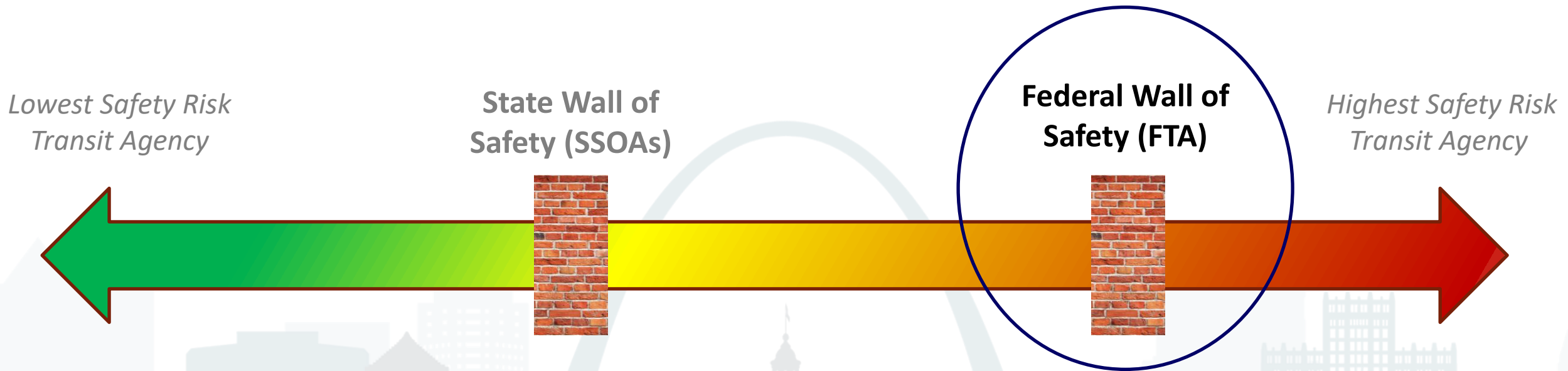


Do people in the RTA “Stand Tall” and “Look” when the SSOA shows up?

FTA Enhanced Oversight Posture



Continuum of Safety Oversight and Safety Risk



FTA will take action when evidence shows the need for increased oversight

FTA Safety Oversight Posture

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FTA Use of Oversight Activity – Likely Triggers

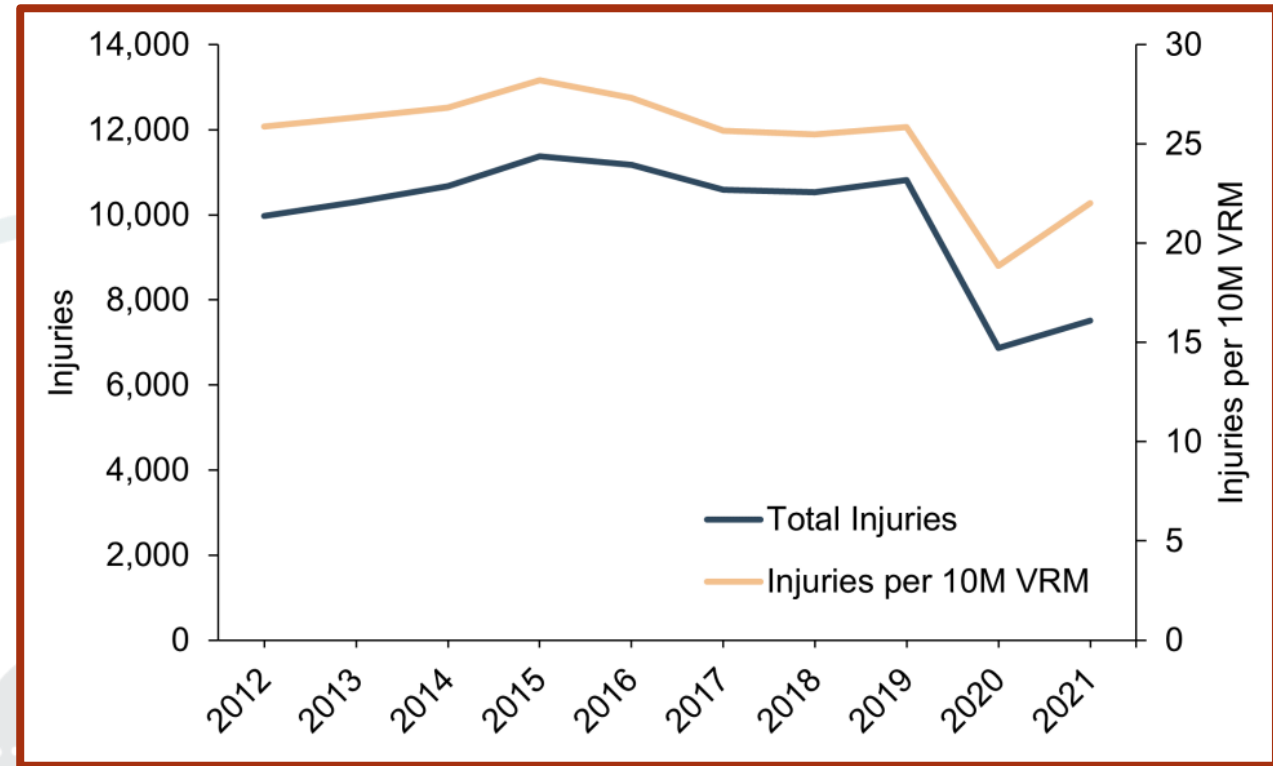
Example SSOA Flags

- Staffing numbers consistently do not match workload assessment
- Audit findings remain open or re-occurring findings
- Inability to foster change at RTA
 - Outstanding RTA CAPs
 - Evidence that enforcement is not used or not effective
- RTA demonstrating Red Flags FTA is tracking

FTA Use of Oversight Activity – Likely Triggers

Example Transit Agency Flags

- NTD trends consistently above national average
 - Derailments, fatalities, injuries
- Open or active NTSB investigations
- Multiple re-occurring FTA reportable events



FTA Tools

FTA's Safety Regulatory Authorities

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FTA Use of Safety Authorities (examples)

- **Safety Management Inspection (SMI)** – Conducted on RTA and/or SSOA
 - Intended to obtain information to assess risk profile and identify any necessary actions
 - SMI *may* lead to Special Directive (SD) or Immediate Action Letter (IAL)
 - SD and IAL maybe issued without SMI
- **Special Directive (SD)** – Issued to RTA or SSOA, or both
 - Directs action based on violations of law or identified safety concerns
 - Can include CAPs
 - Noncompliance with SD can lead to withholding of funds
- **Immediate Action Letter (IAL)** – *Issued to RTAs (usually)*
 - Directs actions that must be taken immediately to address safety concerns
 - Can include restriction or prohibition

Inspections (Safety Management Inspection)

Determine the Root Cause of the Issues

- Assess how agency processes, procedures, and tools are functioning
- Gather data to establish a safety risk profile and a path to building a robust safety culture
- Identify areas of improvement in integrating SMS tools, processes, and activities into critical operations and maintenance activities as part of a roadmap to improve safety performance
- Assess SSO oversight effectiveness and areas contributing to inability to correct safety risks or conditions

FTA *may* choose to conduct an SMI if:

- There is evidence of widespread and systemic safety concerns
- Further analysis is needed to address root causes
- FTA believes that both transit agency and SSO require federal oversight

Special Directives as Corrective Action

Long-Term Correction of Systematic Safety Issues

- Can be issued as a result of an SMI or as a separate action to a transit agency, SSOA, or both
- Usually require the recipient to submit a CAP, which FTA will approve, and closely monitor progress
- Can require immediate increased reporting and/or process changes
- FTA can withhold or direct funds if receiving agencies are non-compliant
- Can tie Transit Agency Special Directives to SSO Special Directives because FTA views the relationship and oversight between Transit Agency and SSO as interrelated

FTA *may* choose to issue a Special Directive where there is evidence of widespread and systemic safety conditions with known deficiencies that FTA assesses must be addressed and overseen by the federal government

Immediate Action Letter

Address Immediate Concern

- Usually issued to a transit agency upon FTA's awareness of a concern that is immediate in nature and presents a substantial risk of death or injury
- Can require:
 - Immediate change to process
 - Immediate and frequent reporting
 - *Might also require a CAP or something similar*

FTA **may** choose to issue an Immediate Action Letter when there is an immediate concern related to unsafe conditions and/or practices with a substantial risk of death or injury

Questions?



Contact Information

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