

# 2017 Joint State Safety Oversight (SSO) and Rail Transit Agency Workshop

October 24-27, 2017  
Westin Arlington Gateway  
Arlington, VA

TUESDAY, October 24

## FTA Office of Transit Safety and Oversight Welcome Remarks

Moderator: Dr. Alfonz Ruth, Director and Chief Learning Officer, Office of Administration, FTA

Presenters: Dr. Thomas Littleton, Associate Administrator, Office of Transit Safety and Oversight, FTA  
Jane Williams, Deputy FTA Administrator

**Dr. Littleton** welcomed participants to the workshop and announced that Ohio became the first of 30 States to become certified under FTA's State Safety Oversight (SSO) program—followed by Minnesota.

FTA's SSO Program Final Rule, issued April 15, 2016, provides SSO Agencies (SSOAs) greater authority to oversee their transit agencies. Under the rule, SSOAs must be certified by April 15, 2019. Dr. Littleton encouraged participants to share their experiences as they go through the certification process.

Dr. Littleton urged other SSOAs to follow in the footsteps of Ohio and Minnesota and submit their certification applications as soon as possible.

**Jane Williams**, FTA Acting Administrator at the time the workshop was held, explained that safety is an important focus of this Administration. She pointed out that five States still lack legislation or adequate authority to create federally-compliant SSOAs and that FTA is sending letters to state leaders urging them to take action or risk losing federal funding. The deadline, she said, is in the statute and can't be changed without an act of Congress.

She said she was encouraged by the turnout at the workshop and that FTA wants to partner with States to help them through the certification process.

## Regulatory Updates

Presenters: Aloha Ley, Division Chief, Office of Systems Safety, Office of Transit Safety and Oversight, FTA  
Candace Key, Attorney Advisor, Office of Chief Counsel, FTA

**Ms. Ley** explained that her division is responsible for safety rulemaking. Her office conducts safety research and plays a role in developing standards and training programs.

**Ms. Key** provided a status of FTA's safety-related rulemakings.

- \* The Public Transportation Agency Safety Plan Rule, about to be published in the Federal Register, was pulled back with the change of Administrations. The final rule is under review and will be issued in 2018. The rule requires operators of public transportation systems to develop and implement an Agency Safety Plan based on the principles of Safety Management Systems (SMS) within a year after the effective date of the final rule.
- \* The National Public Transit Safety Certification Training Program Final Rule, also pulled back from the Federal Register, will be issued in 2018. The rule incorporates the curriculum promulgated recently for the interim provisions for safety certification training.
- \* FTA is developing an NPRM to address protection of transit operators from the risk of assault.
- \* The National Public Transit Safety Plan, published January 2017, is FTA's strategic plan for improving transit safety performance.

- \* The Public Transportation Safety Program Final Rule, issued August 2016, establishes FTA procedures for carrying out enforcement authority under the Public Transportation Safety Program. This rule also codified policy for SMS, promoting a risk-based proactive approach to develop and implement the safety program.
- \* Bus Testing Final Rule was published August 2016. It required federally funded buses to go through the bus testing process at FTA's facility in Altoona.

## Discussion

### *How does FTA's rulemaking process work?*

Ms. Key said MAP 21 was passed in 2012 and it takes 3 to 5 years to issue a final rule. The research process is lengthy: FTA first determines the need for the rule, then develops appropriate mitigation to address the need. The proposal is reviewed at the departmental level and then submitted to OMB for review. An NPRM is issued and posted for public comment. The same review process is followed for the final rule.

### *Will FTA review the Transit Asset Management (TAM) plans?*

Ms. Key said transit agencies don't have to submit TAM plans to FTA because FTA will oversee and monitor compliance with TAM plans through the Triennial Review Process. The TAM rule requires transit agencies to share their plan and specific components (such as performance targets and investment prioritization) with their States and MPO planning partners.

### *Who prepares Tier II plans?*

Ms. Key explained that two categories of operators exist under the TAM rule. Tier I operators—transit systems which operate 100 or more vehicles at peak revenue service or operate rail transit—must develop their own individual TAM plan. TIER II operators may participate in a group TAM plan developed by a sponsor—either the state or a direct recipient.

### *Can SSOAs proceed with certification even though the Public Transportation Agency Safety Plan rule is still pending?*

The fact that the Public Transportation Agency Safety Plan rule has not been finalized should not be a barrier to certification, Ms. Key pointed out.

Once the rule is final, SSOAs can update their program standard to reflect the changes required under the new rule. In the meantime, SSOAs should continue overseeing the SSPP as required under Part 659.

*Will SSOAs be required to oversee bus operations?*

Ms. Key explained that FTA never required SSOAs to oversee bus operations, although she is aware that some state DOTs also oversee bus safety.

*When will National Transit Data (NTD) reporting be updated to reflect new safety performance measures included in the National Safety Plan?*

Ms. Ley said FTA is working with other organizations to incorporate the changes.

Ms. Key added that agencies will be required to submit their Public Transportation Agency Safety Plans a year after the effective day of the final rule.

### Certified: Getting Across the Finish Line

Presenters: Brian Kummerer, SSO Program Manager, Ohio Department of Transportation  
Timothy "TJ" Thorn, Vice-President, Safety and Security, Southwest Ohio Regional Transit Authority  
Richard Czeck, Director of Safety, Greater Cleveland Regional Transit Authority  
Patrick Nemons, Acting Director, Office of Safety Review, Office of Transit Safety and Oversight, FTA

**Mr. Nemons** explained that the federal government has overall oversight of rail transit safety, but each State is directly responsible for its own State safety oversight. States must be certified by April 15, 2019. The submission deadline for certification applications is September 30, 2018, but FTA urges SSOAs to submit their applications by April 15, 2018. FTA is helping SSOAs develop their certification application through technical assistance workshops, monthly one-on-one calls, quarterly conferences

and site visits. Six States have yet to enact legislation or issue administrative authority to establish federally compliant SSOAs.

**Mr. Kummerer** announced that his agency became the first state to receive SSO certification from FTA on August 29, 2017. He pointed out that the certification process exposed the weakness in his agency's safety program, but also created an opportunity to receive additional resources to improve the program. The certification process works, he said, because it holds SSOA staff accountable for safety.

FTA was onsite for three days meeting with employees—from front line to executive-level managers.

**Mr. Thorn** pointed out that the certification process helped SSOAs understand the inner-workings of transit systems and helped transit staff understand and appreciate SSOAs oversight mission. The transit agency now views SSOA as its partner.

**Mr. Czeck** explained that the SSOA and transit agency senior leadership met quarterly to review projects, outstanding corrective actions and other safety plans. Transit agencies should consider the certification process as an information sharing exchange—not a “gotcha” situation. The SSOA continuously informed the transit agency's staff of training opportunities and exercises for system awareness.

## Discussion

One participant commented that his transit agency's SSOA conducted training sessions to help staff develop Corrective Action Plans (CAPS).

*Is the objective of the certification process to reduce accidents or claims?*  
Mr. Czeck mentioned that his agency experienced a decrease in rail reportable events since the start of the certification process because it was able to identify problems and address them. He believed that building a safety culture will ultimately lead to reduced injuries.

*How long did it take to get certified?*

Mr. Kummerer said the certification application was submitted about four months ago. He spoke regularly with his FTA program manager to go over the checklist ensuring all documents were updated and turned in.

Mr. Nemons added that FTA has received four applications—all of which appear to be ready for review because the SSOAs participated in pre-application technical assistance and document sufficiency reviews. FTA has been able to review applications quickly so far but may slow down when submissions from different States increase.

### Executive Roundtable: Supporting FTA's Safety Mission

Presenters: Dr. Thomas Littleton, Associate Administrator, Office of Transit Safety and Oversight, FTA

Dana Nifosi, Acting Chief Counsel, Office of Chief Counsel, FTA

Henrika Buchanan, Associate Administrator, Office of Program Management, FTA

Robert Tuccillo, Associate Administrator, Office of Budget and Policy, FTA

Vincent Valdes, Associate Administrator, Office of Research, Demonstration and Innovation, FTA

David Longo, Acting Associate Administrator, Office of Communications and Congressional Affairs, FTA

**Ms. Nifosi** said her office drafts regulations and provides assistance to implement safety programs.

**Ms. Buchanan** explained her office is involved in three areas: Grant management, program management and project management—all of which interact with the Office of Safety and Oversight.

**Mr. Valdes** explained his office looks into future transportation needs and researches new ways to provide transportation services.

**Mr. Tuccillo** pointed out his office formulates the President's budget every year and ensures programs get funded. DOT's 2018 to 2020 Strategic Plan has been issued for public comment, he said. He encouraged participants to comment on the safety aspect of the plan.

**Mr. Longo** said his office handles media inquiries and provides technical assistance to Congressional offices.

**Ms. Garcia Crews** said her office recently hired a safety liaison who works with Dr. Littleton and his team on safety issues.

## Discussion

*Does FTA partner with other agencies to conduct research?*

Mr. Valdez said that FTA conducts research projects with VOLPE as well with the Federal Railroad Administration (FRA)—but research is needed on the transit side. There is a tendency to apply FRA regulations to transit even though the two systems operate in different work environments.

*How can industry help FTA get more funding to do research in, for instance, Positive Train Control (PTC)?*

Mr. Valdes said that some funding is available under Technical Assistance & Standards Development (Section 5314a) for activities that improve management and delivery of public transportation. But his office does not have a say concerning research on structural topics.

*What is the role of safety liaisons? Do they have experience in the safety and oversight function?*

Ms. Garcia Crews said the liaison position was created because the region did not have a formal regional safety officer and needed to respond to safety inquires. Region 3 is the first to place a regional safety officer.

Dr. Littleton added that FTA is in the process of placing safety officers with expertise in the SMS approach in Region 5 and in the west coast. These officers, he said, can help build effective safety programs and assist staff in finding appropriate training programs. The agency will evaluate the benefits of such placements by soliciting feedback from participants. In the meantime, he envisions regional safety officers playing a role during the construction phase to ensure safety is considered throughout the entire project development process.

Ms. Garcia Crews said the safety liaison in her region was certified to work on the tracks and participated in the SEPTA tunnel inspections. She said she looked into the type of training the liaison needed to quickly get her up to speed.

Dr. Littleton added that FTA is not a resource-rich organization and must examine ways to maximize the expertise of its staff. An engineer in Ms. Buchanan's office, for instance, is also involved with standards development.

*How will FTA transition from the current safety approach to the SMS approach?*

A participant commented that FTA requires transit agencies to report traffic failures, thefts and collisions, but the SMS approach and safety culture is more geared towards learning how to prevent accidents.

Dr. Littleton replied that FTA and the industry must shift its thinking about safety and look more towards leading indicators. The Data Working Group, he said, is developing a taxonomy to support an internal safety management system for the FTA so it can provide guidance to industry on trends.

A presenter commented there was resistance at the local level to provide data related to leading indicators because of fear of possible litigation. The FAST Act directed the National Academy of Science to conduct a study on what kind of data protections are necessary, but the report is six months out. In the interim, FTA is working to standardize the definition of what gets reported to NTD because there is no common terminology within the industry. Several years ago, FTA examined issues related to Stop Signal Overruns and found transit agencies differed in how they defined such occurrences.

*Is there a plan to involve the insurance industry in transit safety?*

Mr. Valdes said that FTA is reviewing automation and mobility applications and starting discussions with industry about these technologies.

Dr. Littleton added that safety assurance—a component of the SMS approach that FTA is promulgating as a model in the transit industry—is all about ensuring an effect is achieved. An effective safety assurance program allows transit agencies to put in place mitigations—and if the

mitigations don't achieve the desired impact transit agencies must go back to the drawing board.

## Enhanced Federal Oversight

Presenters: Patrick Nemons, Acting Director, Office of Safety Review  
Office of Transit Safety and Oversight, FTA

**Mr. Nemons** explained that FTA has the authority to assume SSO responsibilities for States receiving Section 5329 grants which are not in compliance with 49 USC 5329e. The recently developed Enhanced Federal Oversight (EFO) framework will enable FTA to routinely monitor SSOAs and provide the agency with tools necessary to address SSOAs which are noncompliant or ineffective.

The EFO framework standardizes the way that FTA collects information regarding SSOAs and provides a standardized approach to developing tailored oversight solutions to each state agency as needed.

He emphasized that FTA did not take over WMATA Metro Rail—FTA just assumed oversight from the SSOA. FTA would rather help SSOAs and rail transit agencies resolve their challenges so there is no need for them to go through the EFO process.

## Discussion

*Has FTA assumed oversight for an SSOA?*

Mr. Nemons said that FTA has assumed responsibility for the Tristate Oversight Committee, which is the SSOA for WMATA Metrorail.

*How many actions has FTA taken under the EFO framework?*

Mr. Nemons said FTA has intervened in half a dozen cases to ensure proper transition from one component to another or to provide assistance in obtaining some type of legislation or authority.

*When FTA assumes the responsibilities of an SSOA, does it also assume its funding?*

Mr. Nemons said that decisions about how FTA will finance its oversight takeover is made during the EFO planning process.

## Featured Guest Speaker

Presenter: The Honorable Robert Sumwalt, Chairman, National Transportation Safety Board

**Chairman Sumwalt**, described SMS as a business approach to managing safety. He pointed out that companies that adopt SMS systematically attend to matters they believe are important and manage and value safety just as they manage other vital business functions.

He pointed out that the SMS process is broken down into four components: State Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. He said companies must do the following: have in place written policies, procedures, and guidelines; collect data and conduct analysis; conduct risk assessments and promote a safety culture.

His main takeaway: Safety should be a core value, not a top priority.

## Discussion

*Does NTSB mandate that changes be made based on its recommendations?*

Chairman Sumwalt said that NTSB has no enforcement power, but it does puts pressure on organizations to adopt recommended changes. Eighty-percent of NTSB's recommendations ultimately get accepted, he added. NTSB has made recommendations on Positive Train Control.

WEDNESDAY, October 25, 2017

## Rail Security: What You Need to Know

Presenters: Candace Key, Attorney Advisor, Office of Chief Counsel, FTA

Christopher McKay, Industry Engagement Manager, Mass Transit and Passenger Rail Transportation Security Administration

**Mr. McKay** explained that the transportation industry continues to be an attractive target for terrorists and criminals overseas, with risks including sabotage of infrastructure causing derailment, armed assault, cyber-attack, and other scenarios. TSA works with security leaders in the industry to identify risks and develop plans to enhance security.

The agency promotes frontline employee awareness of potential security threats, conducts exercises, shares intelligence and security related information within the industry and develops modal threat assessments. TSA also works with critical infrastructure owners and operators to determine vulnerabilities and help find operational and technological solutions.

Ms. Key clarified that SSOAs developing Section 674 programs may want to incorporate security because of the nexus between safety and security. Although FTA is no longer in the security business, security is still an important aspect of safety oversight.

She added that SSO formula funds may be used to implement and oversee the security component of Part 674 programs.

Ms. Key also responded to questions regarding public disclosure of sensitive tunnel ventilation information collected by FTA in response to an agency Advisory. She said that the tunnel ventilation information is protected from disclosure under FOIA, adding that statutes and regulations related to Sensitive Security Information (SSI) also exist.

## Discussion

*How many SSOAs mark their tunnel ventilation information as SSI?*

Ms. Key said she couldn't recall any submissions marked as SSI. She urged SSOAs to designate their documents as SSI if their agencies determined their dissemination should be controlled and protected for security reasons.

*The 9/11 Commission Act required TSA to promulgate several rulemakings impacting rail transit agencies. What is the status of the security plans rulemaking?*

Mr. McKay explained that DHS recently designated two higher priority rulemakings, including the NPRM rule regarding security training for front line employees and agencies, expected to become final by the end of 2018. The rulemaking on security plans and assessments were not given priority.

*What role does TSA play in emergency response planning drills?*

Mr. McKay said TSA no longer requires transit agencies to conduct drills.

*Does TSA have a security risk assessment process similar to FTA's process?*

Mr. McKay said there is no guiding principle that TSA issued regarding security risk assessments, although most large agencies conduct them. Through its standards program, however, TSA and APTA are working on a risk assessment guidance for mid-size agencies interested in conducting such reviews.

*When will TSA issue the counterpart to FTA's Part 674?*

Mr. McKay explained that the security plans and assessments rule—the counterpart of Part 674—is still a work in progress. But at this stage the agency has not issued rules on security plans and assessments, security training or vetting.

Mr. Nemons clarified that, under Part 659, security components are covered for draw down against grant funds. But under Part 674, security is not covered. Until the Public Transportation Agency Safety Plan is finalized, SSOAs can still use security components to draw down on.

If there is an emergency management component within Part 674, SSOAs may be able to tie security to that based on FTA's evaluations.

The DOT Secretary and TSA Secretary will meet shortly to discuss how security plans should be handled.

Mr. Nemons repeated that until the Agency Safety Plans final rule is issued, SSOAs must continue to oversee the System Safety Program Plan (SSPP) based on Part 659.

*Larger systems are using technology—such as close circuit TV, video analytics—for security purposes. Is information about that technology available?*

Mr. McKay said that TSA has a research and development arm related to science and technology and has been sharing information with local jurisdictions. The agency provides briefings on new technologies, and discusses technology at annual roundtables and conferences. Transit agencies interested in learning more on this topic should contact TSA.

## Shared Use Waivers

Moderator: Joseph Powell, Program Manager, Office of Safety Review,  
Office of Transit Safety and Oversight, FTA

Presenter: John Mardente, Program Manager, Office of Safety Assurance  
and Compliance, FRA

**Mr. Mardente**, pointed out that connections triggering FRA oversight include railroad/transit shared use, common corridor, limited connections and shared track. FRA jurisdiction exists only at the portions of the limited connection.

Mr. Mardente said that a memorandum of understanding must exist between the railroad and transit agency in any shared track arrangements. The memorandum must state that a Temporal Separation Plan is in place, and that train operators were tested to ensure they knew the SOP's for transitioning between passenger and freight periods.

FRA, he said, grants temporary separation waivers to petitioners who can prove that their system safety program and SSO program adequately address safety. Petitioners should include maps, detailed description of service and other pertinent information as part of their documentation. The FRA Safety Board will issue a decision. Fifteen active waivers are currently in effect. The Port of Los Angeles is seeking a waiver for shared track with Pacific Harbor Lines.

## Discussion

*Does FRA examine the type of freight carried when sharing the corridor with light rail?*

Mr. Mardente explained that FRA uses a systems approach when making decisions on petitions. The board asks questions about the commodities freight railway cars are carrying and how fast they are moving. The board also asks whether mitigations have been put in place to protect people on station platforms. Years ago, he said, the policy dictated that shared use could be arranged as long as the two modes can guarantee safe separation.

*How can FTA cancel its agreement with FRA if a freight rail stops using tracks?*

Mr. Mardente said that FRA must have proof from the Surface Transportation Board (STB) that the line was abandoned and would no longer be used to carry freight.

*Does FRA also inspect tracks and signals?*

Mr. Mardente pointed out that FRA conducts a sample inspection and its findings should correlate with the findings of the transit agency's inspections. Violations occur when FRA identifies conditions that the transit agency did not report.

## What to Expect if the NTSB Arrives

Presenter: Georgetta Gregory, Chief, Railroad Division, National Transportation Safety Board

**Ms. Gregory** declared the agency's mission is to independently advance transportation safety. NTSB performs fact-based investigations to determine probable cause and then makes safety recommendation. NTSB's single focus is safety and its investigations are not designed to determine liability or blame.

NTSB's primary tool for developing recommendations is the "accident investigation." The agency investigates accidents involving railroads, pipelines and transportation of hazardous materials. The Office of Highway

Safety takes the lead—railroad investigators may support the investigation or also take the lead. Parties to an NTSB investigation may include representatives from railroad and rail transit agency, FRA, FTA, emergency responders and others.

NTSB also holds investigative hearings and public forums to gather more facts about an accident. An accident report is published within 12 to 24 months after the accident.

## Discussion

*Can NTSB findings be challenged?*

Ms. Gregory said that parties can file a Petition for Reconsideration with the NTSB board. The board examines various areas, including compliance with OSHA requirements and security. If a criminal investigation takes place, the FBI is brought in. NTSB, she pointed out, has a good relationship with the FBI.

## The Next Generation of Rail Transit Safety, Research and Technology

Presenter: Vincent Valdes, Associate Administrator, Office of Research Demonstration and Innovation, FTA

**Mr. Valdes** explained that the focus of his office's research is operational safety, safety-related infrastructure and safety standards. Specifically, his office conducts research on collision avoidance and mitigation, transit worker safety protection, track management improvements and deployment of transit operation automations.

## Discussion

*Looking into the future, how will SSOAs work with transit agencies to prevent accidents resulting from driverless cars and other technological advanced transit means?*

Mr. Valdes said transit agencies around the country are funding innovation offices and hiring innovation officers familiar with cutting-edge technologies

who can think about, for instance, how to link rail transit and rail facilities to the new eco system.

## US DOT Safety Stakeholder Forum

Moderator: Dr. Thomas Littleton, Associate Administrator, FTA  
Presenters: Jack Van Steenburg, Chief Safety Officer and Assistant Administrator, Federal Motor Carrier Safety Administration  
William Rush, Director of Field Operations, Pipeline and Hazardous Materials Safety Administration  
Otto Matheke, Senior Attorney, National Highway Traffic Safety Administration  
Renee Sigel, Director of Safety Programs, Federal Highway Administration  
Kevin Kohlmann, Director, Office of Safety, Maritime Administration  
Michael J. O'Donnell, Executive Director, Accident Investigation and Prevention Federal Aviation Administration  
Robert Lauby, Associate Administrator for Railroad Safety and Chief Safety Officer, Federal Railroad Administration

**Mr. Van Steenburg** said his agency investigates carriers it deems high risk and conducts motor coach safety ratings every three years. Trucks and buses are overrepresented in fatalities—making up 5 percent of registered vehicles in the US and 13 percent of the fatalities. The agency works with other federal agencies in promoting the “Road to Zero” initiative, aimed at eliminating traffic fatalities.

**Mr. Lauby** said his agency exercises jurisdiction over the general railroad system of operations—including transit, Amtrak and other commuter railroads nationwide. The agency inspects equipment and issues initial warnings if defects are found. If problems found are serious—potentially causing derailments—the agency can impose financial penalties. The 500 agency inspectors—including federal and state inspectors—are divided into different technical areas such as operations and signal train control.

**Mr. Rush** said his agency promotes the safe transportation of energy and other hazardous materials. The agency is considering adopting the SMS approach to address current hazards, conduct analysis and predict where future incidents may occur. The agency regulates 2.7 million miles of pipelines, 200,000 miles of which carry hazardous liquids. The number of spills have steadily declined—and the ultimate goal is “zero spills.” The agency uses algorithms to determine which companies will be inspected.

**Mr. Matheke** said there were nearly 40,000 deaths a year in the nation’s highways. The agency’s mission is to reduce deaths, injuries and economic losses from motor vehicle crashes. The Car Assessment Program, for instance, provides a safety rating system to give consumers information about the crash protection and rollover safety of new vehicles beyond what is required by statute. The agency is also moving towards the SMS approach to become less reactive and more proactive and predictive, he said.

**Ms. Sigel** reported that 37,461 people died on roadways last year. Ninety-three percent of crashes are caused by human errors. The agency tackles its mission through engineering, education, enforcement and emergency services. The agency also designs safety standards and oversee States which build, maintain and operate highways and roadways.

**Mr. Kohlmann**, said the agency’s programs promote the viability of the U.S. merchant marine. The agency does not develop standards—but it promotes efficiency through its participation with a nonprofit organization of maritime industry professionals. When a US Flag Ship ran into Hurricane Joaquin on October 2015, the organization developed a practices guide for extreme weather to help other ships avoid similar tragedies.

**Mr. O’Donnell** pointed out that since the high-profile plane accidents in the mid-1990s the fatality accident rate has dropped by 80%. The aviation industry has embraced the SMS approach to be more proactive. He emphasized the importance of collaborating with other transportation modes to seek solutions to safety challenges.

## Discussion

*What is the status of Part 270-- the final rule requiring commuter and intercity passenger railroads to develop and implement a System Safety Program?*

Mr. Lauby said there was pushback on some of the requirements. FRA is assembling a railroad safety advisory committee to explore this issue. States will share their concerns with the agency and based on these discussions the agency will review the petition for reconsideration.

*One participant asked why FRA issues safety advisories.*

Mr. Lauby said FRA should issue safety advisory notices more often to alert industry to specific problems and disseminate information. Example: If FRA discovers that sleep apnea is a problem, the agency may encourage industry to put programs in place to address this issue.

*Will the Electronic Logging Device (ELD) result in a reduction of crashes and fatalities?*

Mr. Van Steenburg said safety proponents hope that eliminating driver fatigue will save more lives. The ELD, which synchronizes with a vehicle engine to automatically record driving time, will improve the accuracy of hours-of-service tracking so that truck drivers will not be able to falsify their log books.

*How can agencies motivate transit agencies to continuously improve their level of performance?*

A participant said his agency must go through the rulemaking process to change or ratchet up standards. Industry professionals may be more motivated to go the extra mile if they understand the benefits of continuous improvements.

*What can rail operators do to prevent trespassing fatalities?*

Dr. Littleton said that it is unacceptable to have preventable accident. He said he recently spoke about safety precautions to an operator who ran over a man who had jumped into the tracks in front of the train in a suicide attempt. The operator explained that now, right before he pulls into a station, he stops and then proceeds at about 10 miles an hour along the length of the platform. That procedure, Littleton said, was not a requirement.

THURSDAY, October 26

## Program Oversight

Presenter: Scott Giering, Acting Director, Office of Program Oversight,  
Office of Transit Safety and Oversight, FTA

**Mr. Giering** said that FTA conducts oversight activities through comprehensive reviews (Triennial and State Management) and Specialized Reviews (Financial, Procurement & Civil Rights). FTA is taking a more proactive approach to helping grantees improve compliance with grant funding requirements by offering grantees online training, workshops and other forms of technical assistance. The 100 percent increase in technical assistance requests between FY 15 and FY 17, testified to the shift toward more proactive assistance.

FTA launched its first Triennial Review webinar in 2015, and plans to conduct a total of 22 Triennial Review Workshop in 2017 (11 in non-FTA cities). FTA's new review guide provides a detailed explanation of what FTA expects from grantees and how FTA will go about determining grantees' compliance. The purpose of contractor summits, he said, is to bring review contractors together to foster greater consistency in the review process.

## Discussion

*Do the Triennial Reviews involve SSOAs or transit agencies?*

Mr. Giering said he was referring to the Triennial Review of Section 5307 funding recipients. FTA conducted a Triennial Review of New Jersey Transit in 2015, for instance, which resulted in no findings. The reviews do not include the safety component.

*One participant commented that each contractor approaches auditing differently. Is FTA training contractors to be more consistent in their reviews?*

Mr. Giering said FTA is bringing review contractors together to promote more consistency in the review process. FTA will soon be holding its second contractor summit. To take individual discretion out of the review process, the new review guide addresses different approaches to reviews and specifies exactly what FTA wants contractors to do.

*Can transit agencies provide feedback to FTA on the reviews?*

Mr. Giering said FTA can't survey recipients directly because of the Paper Reduction Act. But FTA is working with American Public Transit Association (APTA) and the Community Transportation Association of America (CTAA) to identify mechanism through which FTA can receive feedback directly after a review.

## Safety Training Requirements

Presenters: Ruth Lyons, Safety Promotion Lead, Office of System Safety  
Office of Transit Safety and Oversight, FTA  
Steve Dallman, Course Manager and Instructor, Transportation  
Safety Institute

**Ms. Lyons** pointed out that SSOAs must comply with the interim provisions of FTA's Public Transportation Safety Certification Training Program. The required training program must include promoting the adoption of SMS. She added that the interim provisions will have a positive impact as industry prepares for FTA's final rule by increasing its ability to identify and control hazards before accidents happen.

**Mr. Dallman**, Course Manager and Instructor, Transportation Safety Institute, said that last year nearly all SSOs were able to enroll in the courses they wanted to attend. He reminded participants that they have until April 30 to request to host classes for the next fiscal year. Their Certificates of Completion are in their transcripts and can be reprinted by them at any time.

## Discussion

*Are the curriculum courses listed in the interim provisions the only ones qualified participants have to take during the course of three years?*

Ms. Lyons said that participants will also be required to take the TSSP Gap Course, but it hasn't been developed yet. SSOs must also participate in the curriculum and include a technical training program component.

*Do SSOA consultants need to be certified as well?*

Contractors or consultants must achieve certification if they are providing assistance to SSOAs in meeting competencies within the technical training plan. She added that every individual designated to conduct audits or examinations must participate in the certification program.

*How is equivalency established?*

Ms. Lyons explained that participants may be able to skip taking, for instance, the accident investigation course if they already took a similar class elsewhere. Individuals requesting equivalences must submit records of previously taken courses to FTA for review.

An FTA program manager added that work experience may be used to establish equivalency as well. Someone who worked as a transit accident investigator for 30 years, for instance, may be able to get the class requirement waved. Transit employees must submit proof that they've taken a similar class in the past or have enough work experience to render the class unnecessary. FTA will determine equivalency on a case-by-case basis.

## Operation Lifesaver: Best Practices for Rail Transit Safety

Presenters: Bonnie Murphy, President and CEO, Operation Lifesaver  
Sheldon Shaw, Safety Manager, Utah Transit Authority  
Mike Conlon, Director of Rail and Bus Safety, Metro Transit  
Harry Saporta, Executive Director, Safety and Security, TriMet

**Ms. Murphy** said her organization's goal is to teach consumers about transit safety at railroad tracks, grade crossings and transit platforms through national public awareness campaigns, such as the successful "See

Tracks? Think Train!” ads. The campaign is crucial to public safety because every three hours someone is hit by a train in the U.S.

**Mr. Shaw** explained that his agency seeks to eliminate hazards on its system by putting up “Look Both Ways” signs, pedestrian sidewalk crossing treatments and blinking blank out signs. Pedestrian crossing treatments include fencing, markings and LBW Flashing. He said students learning to drive must take an hour of rail safety training to get their license.

**Mr. Conlon** said that Metro Transit received funding for grade crossing awareness from Operation Lifesaver and developed its own safety approach by blending engineering, education and enforcement. Engineering improvements, for instance, were applied to make light rail more visible in its operating environment. The campaign underscored that safety around trains is a shared responsibility.

**Mr. Saporta** said his agency gathered a group of stakeholders to brainstorm ideas for promoting safety around buses and trains. Its most popular campaign, “Be Seen Be Safe,” promotes wearing light-colored, fluorescent clothing to be seen. The “Pause and Play” campaign encourages people to pause their distractions and take in their surroundings before crossing streets and tracks.

## Discussion

*Is Utah Transit Authority doing safety presentations?*

Mr. Shaw said that an elementary school principal concerned about student safety on track crossings contacted him to give a talk to students. Utah transit made two presentations at the school to alleviate concern of parents and faculty, Mr. Shaw added.

*Did Tri-Met get a grant to support its safety campaign?*

Mr. Saporta said that the transit agency received support from Operation Lifesaver to launch “Pause and Play,” a campaign aimed at distracted walkers. The goal of the campaign is to get pedestrians to set their music to pause, take out their earbuds and look both ways before crossing. The campaign—advertised on Tri-Met’s website and picked up by the media—was well received.

Mr. Conlon added that Operation Lifesaver funds help his agency refresh its programs. The Metro Transit budget is tight, he said, and many departments are competing for the same dollars.

Mr. Saporta added that his agency doesn't get much funding so it is seeking external partners such as AAA.

Ms. Murphy pointed out that Operation Lifesaver provides \$15,000 in grants to transit agencies—but transit agencies must come up with a 25 percent match. Most of the time, she said, transit agencies receive sufficient in-kind assistance.

### Recent National Transit Database (NTD) Safety Trends

Margaret Schilling, Program Manager, National Transit Database,  
Office of Budget and Policy, FTA

**Ms. Schilling** explained that NTD data is used to provide input for FTA Annual Apportionment Formulas and develop the conditions and performance reports to Congress. Data is also used for industry benchmarking and peer comparisons. The database has been expanded to include information on track and guideway, new inventory of each facility/building and SGR performance targets set by each system.

Event reports transit agencies submit should include a short narrative, the number of people killed and injured and the number of vehicles involved.

FTA wants to streamline the process by integrating NTD events reporting with SSO reporting, forming one master event record that both transit agencies and SSOAs can reference.

### Discussion

*Is there any discussion about distinguishing preventable accident and nonpreventable accident in the database?*

Ms. Schilling said that FTA is looking into changing what data should be collected and how it should be collected. Any changes to NTD will be published in the Federal Register and participants should submit comments.

*Why does FTA require agencies to notify NTD?*

Ms. Schilling explained that transit agencies receiving funds under Section 5307 and Section 5311 are required to report directly to the NTD. She said that any injury, fatality or property damage in excess of \$25,000 must be reported regardless of where they take place (in-service or in the yard).

*Is NTD data being collected at the right thresholds?*

The landscape of safety and transit is changing, Ms. Schilling said. FTA and industry are working together to determine what data NTD should be collecting.

*Does the public have access to NTD data?*

Ms. Schilling said NTD data is publically available. FTA, however, does not publish detailed event data in its website because of confidentiality considerations. The reports, for instance, sometimes include the names of transit operators. FTA, however, can provide detailed safety data to participants and redact certain sections.

*Is FTA concerned about not defining “significant damage?”*

Ms. Schilling said FTA is concerned about that issue and will issue guidance on that topic.

*Should FTA place more emphasis on looking at reducing bus incidents?*

Ms. Schilling said that Congress decided to focus on rail and required FTA to oversee rail authorities.

*Is FTA thinking about increasing the \$25,000 property damage threshold?*

Ms. Schilling said no decisions have been made on this subject yet. Most proposed changes to NTD are published in a Federal Register notice.

## [American Public Transportation Association \(APTA\) Safety and Security Programs, Projects and Activities](#)

Presenter: Brian Alberts, Director of Safety, American Public Transportation Association

**Mr. Alberts** said APTA’s Safety Management Audit Program is aligned with the SMS approach, as well as FTA and FRA requirements. APTA received

\$1 million from FTA to develop standards for bus and rail safety, security and technology. APTA updates members on safety and security developments through webinars and gathers feedback from industry on rulemakings.

## Discussion

*Is it premature to conduct audits based on the SMS?*

Mr. Alberts said the audit program is still operating under Part 659 criteria but FTA wants agencies to think about adopting the SMS approach so when the Agency Safety Plan final rule is issued they will already have a robust plan in place.

He added that FTA formed a Transit Safety Standards Working Group with the Center for Urban Transportation Research to inform the development of FTA's Safety Standards Strategic Plan and tasks associated with the standards developing program. The group represents a cross section of the public transportation industry.

## FTA Drug and Alcohol Update

Presenter: Lyon Rosario, Drug and Alcohol Compliance Program  
Manager, Office of Safety Review, Office of Transit Safety and Oversight, FTA

**Ms. Rosario** said that drug testing impacts over 300,000 transit employees. The agency conducts 45-50 grantee compliance audits a year, and about 120 clandestine collection site inspections in all States. Since January 2014, 21 States were audited as were 152 sub-recipients and contractors.

Common Findings: Policies out of date or not appropriate to Part 655, double-reporting of shared contractors, failure to refer applicants to Substance Abuse Professionals (SAP) after pre-employment positive/refusal, and lack of access to Evidential Breadth Testing (EBT).

Proposed Part 40 changes including the addition of four synthetic opioids and removal of blind specimen testing requirements. Whether the Oral

Fluid Testing becomes DOT's collection method is still up in the air, she said.

MAP-21 allows FTA to bar all or a portion of a recipient's federal financial assistance for failure to comply with Part 655 requirements.

## Discussion

*What's the reasoning behind the 2-hour window for alcohol testing?*

Ms. Rosario explained that the best time to get an accurate reading of alcohol levels is within two hours after the event because alcohol dissipates in the system.

*Transit reports often show that agencies fail to meet the 2-hour threshold for testing. How should SSOAs address this issue with transit agencies?*

Ms. Rosario pointed out that sometimes employers fail to meet the 2-hour window because they are trying to get medical help for an injured party. Transit agencies should document in their report why they missed the 2-hour window.

*Who is responsible for ensuring employers comply with drug and alcohol rules?*

Ms. Rosario explained that States receiving federal funds are considered recipients by FTA, even if they are passing the funding through to other entities. If sub-recipients are doing the work, States must monitor them to ensure compliance with drug and alcohol rules. FTA wants minimal involvement in overseeing and monitoring sub-recipients.

*Has FTA thought about changing the process for post-accident testing? Operators who don't play a part in accidents do not have to be tested now.*

Ms. Rosario said some States grant transit agencies authority to do their own testing—and that authority should be documented in the agencies' policy.

## Transit Asset Management (TAM)

Presenters: Dr. Mshadoni Smith, Transportation Data Analyst, Office of Budget and Policy, FTA

**Dr. Smith** said the TAM final rule, published July 2016, provided a foundation for addressing the estimated \$90 million in State of Good Repair (SGR) backlog. The rule focuses on measuring and monitoring performance and condition of transit assets.

All providers (Tier I & Tier II) must develop a TAM Plan and include elements such as inventory of capital assets, condition assessments, decision support tools, and investment prioritization. Tier I only providers must also develop a TAM and SGR policy, an implementation strategy, an evaluation plan and other elements.

Transit agencies must share TAM plans, performance targets, investment strategies and annual condition assessments with their state and Metropolitan Planning Organizations (MPOs). Properties must report TAM plan data to NTD.

## Discussion

*What is the connection between safety and TAM?*

Dr. Smith explained that the definition of SGR characterizes safety as one of the objective measures for determining the condition of a transit agency's assets. Transit agencies should view SGR to be an internal estimation, she said, not something that must be reported to FTA. But FTA provided a definition to ensure a common understanding of what constitutes SGR.

*Do TAM plans need to be submitted to SSOAs?*

Dr. Smith said that TAM regulations don't require transit agencies to submit TAM plan to SSOAs—but it's probably a good practice. TAM plans, however, must be submitted to MPOs and state planning agencies.

*Is there an effort to identify which assets are safety critical and make them a priority in the SGR list?*

Dr. Smith said there is no safety critical assets category. But FTA does identify unacceptable safety risks as one of the criteria for prioritizing investments. TAM, she added, is not a risk-based plan, but many properties intend to do a risk analysis to develop their investments.

*Will transit rail structural bridge assets be included in the TAM Plan? Will these asset conditions be publically available?*

Dr. Smith said that all the information in the NTD is public. However, she did not think NTD is set up to collect information on transit rail structural bridge assets. The TAM plan could include those assets. She clarified that the TAM plan is not submitted to FTA or NTD—FTA reviews them in the traditional oversight process.

*Who should conduct a sub-recipient's condition assessments?*

The agency sponsoring the group plan either requires their sub-recipients to do their own condition assessments or conducts the assessments on their behalf, Dr. Smith pointed out. That decision is made by the group plan sponsor.

*Do SSOAs have any responsibilities regarding the TAM plan?*

An FTA program manager said she did not believe SSOAs have any responsibilities regarding the TAM plan.

*Can SSOAs participate in groups setting performance targets?*

Dr. Smith explained two different agencies set performance targets. Transit operators set targets through TAM plans, and MPOs set regional targets. She said SSOAs are not precluded from participating in working groups at these planning organizations.

*Is FTA's effort to "right size" the bus TAM process with the Tier system enough?*

Dr. Smith explained that the Conditions & Performance Report estimated a \$90 billion dollar in SGR backlog—nearly 40 percent of which involve rail transit assets. She agreed there was a difference between a 5-car operation and a 500-car operation. But the system and complexity is still more than a bus-only operation.

## FRIDAY, October 27

### Workshop Recap

Presenter: Patrick Nemons, Acting Director, Office of Safety Review,  
Office of Transit Safety and Oversight, FTA

**Mr. Nemons** echoed comments of other speakers who agreed that safety in the transit industry should be a core value. He encouraged rail transit agencies to review their program standards and determine whether they are designed to meet their agency's safety mission. The goal of the conference, he said, was to walk away with information transit operators need to improve their operations. He fielded questions from participants. Below are highlights of that discussion.

\*FTA encourages SSOAs to get involved in transit development projects during the design phase to address safety concerns early on—and avoid problems that may surface during revenue service.

\*Accident Notification guidance will be issued soon.

\*Rail professionals should sign up for NTSB's Accident Investigation Orientation for Rail professionals course, to be held May 30-31.

\*CAPS should be viewed positively, because they indicate continuous improvement cycles. FTA will develop Best Practices guidance on CAPS for transit agencies and SSOAs.

\*Most SSOAs now have a clear idea of the path forward for obtaining Part 674 certification. The next focus area will be how Part 674 will be implemented with the collaboration of transit agencies and SSOAs.

\*FTA wants to avoid being too prescriptive on what SSOAs should include in their Program Standards. But FTA also wants SSOAs to know what should be covered.

\*The Public Transportation Agency Safety Plan rule should be issued soon—hopefully by early next year. OMB needs to review the rule and

FTA must address any concerns OMB may have. Until the rule is issued, however, SSOAs must review SSPPs based on Part 659 standards.

\*FTA, APTA and other industry partners will disseminate information related to safety plans through webinars and other means.

\*The SSO workshop will take place next spring.

## Closing Remarks

Presenter: Kimberly Burtch, Acting Deputy Associate Administrator, Office of Transit Safety and Oversight, FTA

**Ms. Burtch** said the agency's goal is to make sure the 30 State safety oversight programs will be certified before the deadline. FTA is working closely with SSO agencies, transit agencies and other Federal and State agencies to improve safety in the nation's transit systems.

She thanked participants for attending the workshop.

The workshop was adjourned.