

2019 FTA Joint State Safety Oversight and Rail Transit
Agency Workshop
September 23-26, 2019
Washington, D.C.

Tuesday, September 24, 2019

Welcome/The Office of Transit Safety and Oversight

Presenters: Patrick D. Nemons, Special Assistant to the Associate
Administrator/Chief Safety Officer
Office of Transit Safety and Oversight, FTA

Angela Dluger, Deputy Associate Administrator
Office of Transit Safety and Oversight, FTA

Candace Key, Director of Office of System Safety
Office of Transit Safety and Oversight, FTA

Kimberly Burtch, Director, Office of Safety Review
Office of Transit Safety and Oversight, FTA

Mr. Nemons welcomed participants to the workshop and kicked off the event congratulating the State Safety Oversight Agencies (SSOAs) for getting certified under Part 674 so they can provide more rigorous oversight of federally-funded rail transit systems.

He reminded participants that the Public Transportation Agency Safety Plan (PTASP), which implements a risk-based Safety Management System approach, requires transit agencies to have a safety plan in place no later than July 20, 2020.

Ms. Dluger added that FTA has scheduled panels to provide information to states and transit agencies on federal and state safety programs. She also asked participants to fill out the online survey FTA sent out requesting feedback from industry on additional types of technical assistance the agency should provide to

help states and transit agencies comply with PTASP and other regulatory requirements.

Ms. Key explained that FTA is already providing technical assistance to participants through webinars and other resources on the agency's website. FTA is about to launch a PTASP Technical Assistance Center to create a forum for participants to share best practices in developing agency safety plans and ask FTA questions. FTA will also provide limited on-site technical support to agencies struggling to meet the PTASP certification deadline.

Ms. Burtch announced that FTA began its first series of audits in June and is now scheduling audits for the rest of 2019 and beginning of 2020. She looked forward to helping transit agencies and SSOAs implement the PTASP rule and other safety-related programs.

Human Trafficking Panel

Presenters: Dakisha Spratling, Senior Program Manager
Office of System Safety
Office of Transit and Oversight, FTA

Kristen Morse, Global Reach Director
The A21 Campaign

Kristen Joyner, Executive Director
South West Transit Association

Polly Hanson, Senior Director of Security
Risk and Emergency Management
American Public Transportation Association

Ms. Spratling said human traffickers use public transportation because of its low-cost and anonymity. DOT launched the Transportation Leaders Against Human Trafficking (TLAHT) initiative to maximize the impact of industry stakeholders in combating human trafficking.

FTA's Human Trafficking Awareness and Public Safety Initiative, launched in 2018, supports TLAHT and FTA's operator assault and crime prevention efforts. In Fall 2019, FTA awarded \$4 million in funding for human trafficking awareness

and prevention activities. Grants were also awarded toward operator and rider safety enhancement efforts. ([Click here to see Power Point presentation.](#))

Ms. Morse described the mission of A21 (Abolish Slavery Everywhere, Forever) and pointed out that the human trafficking industry generates about \$150 billion per year. About 45,000 cases were reported last year in the U.S. alone. A21 created “Can You See Me” and other posters featuring common indicators of human trafficking, ([Click here to see Power Point presentation.](#))

Ms. Joyner announced the release of DOT’s Advisory Committee on Human Trafficking Final Report on Combating Human Trafficking in the Transportation Sector. The 182-page report includes tips to help bus, rail and other transportation mode operators identify and report human trafficking. The report also includes samples of free training materials with links to resources as well as state and federal legislation.

Ms. Joyner added that to combat human trafficking, agencies should involve local resources and individuals who can help in this effort, identify first responders in their communities and consider reporting methods. ([Click here to see Power Point presentation.](#))

Ms. Hansen provided examples of transit agency activities toward ending human trafficking. As part of National Human Trafficking Month, SEPTA directed customers to signs that explained how to report suspected incidents. Dallas Area Rapid Transit (DART) works closely with Safe Place, a national outreach and prevention program that protects young trafficking victims. L.A. Metro launched the “Don’t Be Silent” campaign. Santa Clara Valley partnered with its county to train over 700 bus drivers on recognizing warning signs. ([Click here to see Power Point presentation.](#))

Occupational Safety and Health Administration (OSHA): Whistle Blower Protection

Presenters: Richard Wong, Attorney, Office of the Chief Counsel, FTA

Meghan Smith, Program Analyst
Directorate of Whistleblower Protection Programs
Occupational Safety and Health Administration

Ms. Smith said that the National Transit System Security Act prohibits public transit agencies or contractors from retaliating against employees for engaging in activities related to public transportation safety or security.

Protected activities include providing information about alleged violations of law, fraud, waste and abuse, and refusing to work when confronted with an imminent hazardous safety or security condition. Timeframe for filing complaints with OSHA is 180 days. ([Click here to see Power Point presentation.](#))

Discussion

Ms. Smith explained that OSHA works hand-in-hand with state partners. Employees can file whistleblowing complaints with their states or through www.whistleblowers.gov. She recommended all complaints be filed online at whistleblowers.gov to ensure quick routing to proper state agencies.

Wednesday, September 25, 2019

Morning Report

Presenter: Patrick D. Nemons
Special Assistant to the Associate Administrator/Chief Safety Officer
Office of Transit Safety and Oversight, FTA

Pamela Fischhaber, Deputy Director for Public Safety, Chief of the
Rail/Transit Safety Section for the Colorado Public Utilities
Commission

Ms. Fischhaber explained that the Transit Advisory Committee for Safety (TRACS) provides information, advice and recommendations on transit safety and other issues deemed pertinent by the Secretary of Transportation and FTA Acting Administrator.

Fischhaber said the committee met several weeks ago to review emerging technologies and recommend public transportation safety innovations FTA can implement in the transit sector. TRACS has formed subcommittees to examine trespass and suicide prevention, roadway worker protection and employee safety reporting.

Employee Safety Reporting Programs

Presenters: Aloha Ley, Division Chief, Safety Assurance and Risk Management
Office of Transit Safety and Oversight, FTA

Ms. Ley outlined the safety management policy requirements of the Employee Safety Reporting Program (ESRP). To develop ESRP requirements agencies must choose what incidents to report and how to report different types of information. Agencies must also protect employees who want to report. Information can be used to identify, analyze and assess hazards.

Ms. Ley explained that a safety action doesn't always require implementing new safety solutions. Actions taken in response to reports may, for instance, primarily involve recordkeeping for later trend analysis. Each transit agency should customize its ESRP. A successful ESRP is built upon trust. ([Click here to see Power Point presentation.](#))

Accident Notification Guidance

Presenter: George Good, Accident Investigator
Office of Safety Oversight, FTA

Mr. Good said that FTA published a Two-Hour Accident Notification Guide and Checklist and explained that SSOAs have authority to exceed the two-hour limit. Severe burns, broken bones or severe bleeding are considered serious injuries. Transit agencies should notify FTA if someone involved in an accident is immediately transported for medical treatment—even if the extent of the injury is unknown. Notification is also required for any rail transit vehicle collision, evacuation for life safety reasons, and derailments.

Key takeaways: Transit agencies should examine the SSO rule and FTA guidance for Two-Hour Accident Notification to determine if accidents need to be reported; Updates are required for SSO/RTA notification forms or templates to reflect current rule requirements; Collisions other than an RTV to RTV must have fatality, serious injury or substantial property damage to trigger an FTA notification. ([Click here to see Power Point presentation.](#))

Performance Management: Transit Asset Management (TAM) and PTASP

Presenter: Paulina Orchard, Acting Division Chief, Safety Policy and Promotion
Office of Safety Oversight, FTA

Mshadoni Smith, Ph.D., TAM Program Manager
Office of Budget and Policy, FTA

Panelists explained that Transit Asset Management (TAM) is a business model that uses the condition of assets to help transit agencies prioritize their funding to keep transit systems in a State of Good Repair (SGR). The safety and performance of the transit system depends in part on the condition of its assets.

The speakers pointed out that information learned through a TAM analysis could direct and inform a transit agency's SMS—and the transit agency's SMS could direct and inform its TAM Plan priorities. ([Click here to see Power Point presentation.](#))

Discussion

Ms. Smith said that building a safety culture is key to increasing employee reporting. Low reporting rates are due to organizational barriers, lack of professional development and lack of good information technology. Transit agencies should emphasize to employees that the overarching concern is safety and that they won't be punished for reporting violations they've committed. Individual barriers to reporting are attributed to mindset—lack of confidence, lack of trust in authority and not knowing what to report.

FTA Office of Transit Safety and Oversight Welcome Remarks

Presenter: Henrika Buchanan, Associate Administrator/Chief Safety Officer
Office of Transit Safety and Oversight, FTA

Ms. Buchanan thanked participants for their dedication in making transit systems even safer and congratulated SSOAs for complying with Part 674. Since 2013, she said, FTA has apportioned \$160 million to states to develop and carry out SSO responsibilities. She encouraged SSOAs to maximize the use of federal

funds to oversee rail transit systems. She said that a new round of audits are underway—FTA just completed audits of the states of Colorado and Washington.

During these audits, FTA is asking SSOAs whether they have allocated sufficient resources to establish and implement a safety program as specified in their Program Plan. FTA must ensure SSOAs are using federal dollars effectively for the purposes intended.

Ms. Buchanan said her office administers the national transit safety program and program compliance oversight to ensure the safety and reliability of transit services nationwide. FTA's Office of Transit Safety & Oversight helps improve transportation safety through data collection, risk analysis, oversight programs and information sharing.

The Office has recently been realigned to better support its safety oversight mission and create efficiencies, said Ms. Buchanan. The Office of Safety Review will largely oversee compliance with the SSO program rule and prevention of alcohol misuse through audits. The Program Operations division will focus on FTA's involvement with transit agencies. Regional Safety Officers may be involved in project management oversight of Major Capital Projects.

FTA Administrator Remarks

Presenter: K. Jane Williams, Acting Administrator, FTA

Ms. Williams congratulated states for getting certified under the SSO Program rule and assured participants FTA will continue to partner with them as they work through PTASP implementation. She said that TRACS will provide information, advice and recommendations on transit safety. FTA is also awarding grants to help combat human trafficking in transit.

Ms. Williams said she wants to ensure states and transit agencies understand how to integrate SMS principals and processes into the safety plans so they can deliver a more holistic, better-managed system. PTASP allows for flexibility so agencies can customize their safety program.

FTA is now holding a series of well-attended webinars and workshops on PTASP and will offer additional resources through the up-and-coming technical

assistance center. She thanked participants for keeping transit systems safe for their fellow Americans who depend on transportation as an efficient way to travel.

Discussion

What are the consequences to transit agencies which can't certify they have a safety plan in place by the implementation deadline?

Ms. Buchanan said FTA has not made a policy decision on noncompliance consequences, but discussions are underway.

Ms. Williams said that FTA expects transit agencies to make good, steady progress toward safety plan compliance. FTA wants to partner with transit agencies to ensure their safety plans are completed and will work with those transit agencies that have challenges.

What is FTA's "Next Big Thing" After PTASP Implementation?

Ms. Williams underlined the importance of innovation, especially on the bus side. The public's expectation of transit is high, she said. People want to press a button on their smart phone and have a screen pop up outlining a complete trip, using three different modes of transportation—scooter to bus to rail—with integrated fare payment. Transit must meet those expectations to remain relevant and some systems are making great progress towards such innovation.

Is FRA's Approach Toward Safety the Same as FTA's?

Ms. Buchanan said DOT created a department safety council for safety officials of each agency within the department. DOT has embraced the SMS concept—but each mode must implement the program based on its own regulatory framework.

Part 674 Audit Overview

Panelists: FTA SSO Program Managers, Office of Safety Review
Office of Transit Safety and Oversight, FTA

Panelists said the FTA must complete an audit of each state's SSO program at least every three years to assure compliance with Part 674. Each state's assigned program manager at FTA will conduct the audit. The SSO Audit Phases include: Scheduling, scoping, on-site activities, draft audit report, final audit report, monitor and close out, Corrective Action Plans. ([Click here to see Power Point presentation.](#))

During the audits, FTA's SSO program staff will ask for documents to verify, for instance, that states are financially and legal independent from the rail transit systems they oversee. Among review areas include program standards, staffing and qualifications of SSO personnel and contractors, RTA safety reviews, and corrective actions. FTA also audits SSO's reviews of transit providers' SSPP or PTASP.

Panelists discussed the terms of SSO Formula Grants. After grants are awarded, for instance, states must submit quarterly Federal Financial Reports and Milestone Progress Reports. Panelists offered the following grant management tips: Identify available funds in existing awards before applying for new funds; Spend oldest funds first for on-going expenses such as program administration; and regularly reconcile balances with those in the TRAMS.

Discussion

Ms. Wright clarified that FTA's responsibility is to oversee SSOAs. She also repeated that PTASPs become effective July 2020.

Joseph Powell also clarified that SSOAs have authority to review, approve and enforce a transit agency's safety plan. FTA, however, reviews the processes SSOAs have in place to conduct their oversight. To ensure SSOAs are performing oversight properly, FTA must review transit agency documents. But FTA is not directly overseeing transit agencies to make findings.

In response to another question, Ms. Wright said FTA is looking into whether additional grant funds can be provided to SSOAs to compensate for the additional resources spent on the new process, since the additional or new mileage and ridership has not yet been calculated in the National Transit Database to generate the funds.

A participant asked whether formula grant funds can be used for security matters. Ms. Wright said that security is not an eligible expense. But FTA will provide guidance on this issue, since the agency safety plan does address security and emergency preparedness.

Another participant asked whether FTA planned to offer training to SSOAs to prepare for Triennial Reviews. Ms. Lyons said that FTA is in the process of developing an audit manual to help SSOAs prepare for the Triennial Reviews.

Thursday, September 26, 2019

TSA Security Update

Presenters: Bridget Zamperini, Safety and Security Specialist, Office of System Safety
Office of Transit Safety and Oversight, FTA

Lee Allen, Cybersecurity Lead
Mass Transit and Passenger Rail, Transportation Security Administration

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

Mr. Allen said the TSA Cybersecurity Road map identifies four major priorities to help agencies achieve cybersecurity goals. They include: Identifying cyber security risks; Reducing vulnerabilities to the system and critical infrastructure across the transportation sector; Strengthening security; and ensuring the resilience of the system.

Transit systems should file reports when they suspect or confirm significant loss of data, and when they realize that critical infrastructure or core government functions have been impacted. Any indication of malicious software should also be reported. ([Click here to see Power Point presentation.](#))

Mr. McKay explained that TSA promulgated three rulemakings as a result of the 9/11 tragedy. **Security Training** requires certain agencies to provide security awareness training to frontline employees. The rule is at OMB for review. **The Vulnerability Assessments and Security Plan** requires some agencies to conduct vulnerability assessments and have security plans. **Security Vetting** requires certain agencies to vet frontline employees. The NPRM is now with DHS for review. ([Click here to see Power Point presentation.](#))

Discussion

What should transit agencies do on the security side to protect themselves from cyberattacks?

McKay said TSA helps transit agencies protect their systems through cyber hygiene on a voluntary basis. TSA and FTA also collaborate on developing

Baseline Assessment for Security Enhancements (BASE) to evaluate a transit system's emergency response program. Mr. McKay said BASE includes a cyber component.

Operator Assault

Panelists: Candace Key, Director, Office of System Safety
Office of Transit Safety and Oversight, FTA

Jamel El-Hamri, P.E. General Engineer
Office of Research, Demonstration and Innovation, FTA

Lisa Staes, Program Director, Transit Safety and Workforce
Development
Center for Urban Transportation Research

Ms. Key provided an overview of FTA activities regarding operator assault. Last spring FTA issued a Federal Register Notice alerting transit agencies to address transit operator assault risks through the PTASP process. Under PTASP, transit agencies are required to develop and implement SMS and associated processes for all public transit system elements.

Operator assault concerns can more quickly be addressed through the PTASP process than through a rulemaking process, Ms. Key said. (*Question for Candace: Did Congress mandate another rulemaking regarding operator assault issues or were you referring to the Federal Register notice mentioned in previous paragraph?*). TRACS also issued recommendations for FTA on transit operator assault prevention including de-escalation training and installation of physical barriers.

Ms. Key pointed out that funding is available through the Human Trafficking Awareness Public Safety Initiative to identify innovations and provide technical assistance to combat human trafficking and prevent operator assault. The National Training Institute (NTI) offers an operator assault prevention course and can provide on-site training to operators on how to deal with passengers and prevent assault.

In 2017, FTA asked industry for feedback on the prevalence of operator assault within their system and on steps properties are taking to combat this problem. FTA also asked industry for suggestions on how to combat operator

assault and many suggested encasing operators, farebox placement options and other solutions. Ms. Key concluded that FTA wants to partner with industry to continue to combat operator assault.

Mr. El-Hamri said TRACS published a report entitled *Reinventing and Mitigating Transit Worker Assaults in the Bus and Rail Transit Industry*. The report recommended that transit agencies install protective barriers in buses and educate their workforce in conflict resolution tactics. He added that FTA will soon announce the availability of \$2 million in grants to increase workplace safety for bus operators, reduce assaults and increase security and safety for travelers. ([Click here to see Power Point presentation.](#))

Ms. Staes said the SMS safety risk-management process helps transit agencies identify hazards, assess risks, prioritize hazards and implement risk mitigations. She said more agencies have in place video/audio surveillance, provided de-escalation training for transit workers and added transit or local police officers on the premises. Agencies are also working with local law enforcement officials to identify hotspots—areas of increased criminal activity. ([Click here to see Power Point presentation.](#))

Discussion

One participant said his agency installed barriers on 700 buses. Over the past seven years, the number of driver assaults have dropped. Transit agency regulations require drivers to keep their doors closed.

Some participants said they tell bus operators not to enforce fare payments when passengers refuse to pay. A transit representative from Baltimore said that in some cases barriers have created problems since operators may act more aggressively in demanding fare payment.

Many bus operators resent barriers because they feel too confined, said another transit agency participant. His suggestion: Transit agencies should get unions involved in discussions about the importance of operator protection. In fact, his agency invited the operators' union to participate in the redesign of the barriers.

The topic then turned to policies deterring operators from being assaulted. One transit provider said his agency has a formal policy suspending offenders from riding transit for at least six months. How is the policy enforced? A bulletin goes out to operators with an image of the offender—identified by video. Operators who

see the individual are instructed to contact the police. The rider can appeal the transit agency's decision.

APTA Safety Update

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

Mr. Alberts provided an update of APTA's safety and security programs and activities. APTA, for instance, supports innovative safety technology projects and Roadway Worker Protection projects through its Bus and Rail Safety & Security Excellence Awards program.

He added that APTA's Safety Management Audit Program is now aligned with SMS and FTA requirements. He also provided updates on APTA's Peer Review Program, cybersecurity and upcoming conferences. ([Click here to see Power Point presentation.](#))

Discussion

One participant asked whether SSOAs can benefit from APTA services. Mr. Alberts said that many SSOAs joined APTA since they don't have their own association. He added that APTA is receptive to including topics of interest to SSOAs in its programming and conference panels.

Conclusion

In closing, Ms. Dluger reminded participants to identify their property's needs in their assault risk management program. FTA looks forward to collecting data on PTASP implementation to examine the safety plans on a national scale.

Ms. Dluger encouraged participants to form peer-to-peer relationships with agencies facing similar challenges. FTA will continue sharing information with industry through various means, including its monthly newsletter, phone calls, email updates and annual workshops.

Participants will be able to visit FTA's PTASP Technical Assistance Center and browse through the resource library for materials on developing agency safety plans. Workshop presentations will be available through FTA's website as well.

Ms. Dluger then recapped session highlights and asked participants for feedback on the workshop. A state DOT representative, for instance, pointed out that he looked forward to engaging in ongoing conversations with people he met at the workshop as he works towards right-sizing his agency's oversight program.

FTA staff thanked participants for coming to the workshop and said notices will be sent out with dates for next year's conference.

The meeting was adjourned.