

**APTA**  
**Member telephone conference – FTA State Safety Oversight NPRM**  
**April 9, 2015**

- I. MAP-21 implementation
  - A. First entry of federal government into regulating safety of local and regional public transportation systems
  - B. Applies to rail fixed guideway public transportation systems EXCEPT those subject to Federal Railroad Administration jurisdiction
  - C. 49 CFR part 674
  - D. Will replace:
    - 1. 49 USC 5330 – statute will be repealed three years following effective date of final regulations
    - 2. 49 CFR part 659 – will be rescinded entirely on effective date of regulations
      - a) On paper, proposed regulations similar in structure and scope to part 659 requirements – main differences are in management structure around the monitoring and reporting regime
  - E. Within three years of date of final regulations, every state that has a fixed guideway public transportation system must have a State Safety Oversight Program that has been approved by FTA
  
- II. Safety Management System approach – not prescriptive, but process-intense
  - A. “A formal, top-down, organization-wide approach to managing safety risks and assuring the effectiveness of safety risk mitigations.”
    - 1. Supplements traditional engineering processes by integrating management systems and organizational culture into critical safety risk management and assurance functions
    - 2. Intended to be scalable
    - 3. Focus on collaboration and information sharing to allow management and labor work together to control risk and correct hazards earlier
    - 4. Specifically requires senior management to be part of safety accountability
  - B. Key components:
    - 1. Safety Management Policy – goals, accountability
      - a) Integration with Local Emergency Management – plans, procedures, protocols, training

2. Safety Risk Management – hazard identification, analysis and mitigation
3. Safety Assurance – ensures chosen mitigations are appropriate and effective, ongoing improvement, reporting
4. Safety Promotion – safety culture, communication and training
- C. For commenters: Need to achieve balance between thorough oversight and micromanagement

III. Key terms and concepts:

- A. Accountable executive – typically the transit agency head, CEO, President, GM, or Executive Director
  1. Degree of involvement in daily SMS activities will depend on individual and complexity of organization
- B. Event:
  1. Occurrence
  2. Incident
  3. Accident
- C. State Safety Oversight Agency – elimination of conflict of interest

IV. SSOA role – tiered oversight

- A. Triennial audits of Rail Transit Agency Safety Plans – may be periodic or ongoing – reporting on three-year cycle
- B. Primary responsibility for investigations:
  1. Any hazard or risk that threatens the safety of a rail fixed guideway public transportation system within its oversight.
  2. Allegations of noncompliance with Transit Agency Safety Plan
  3. Accidents

V. SSOA-Rail Transit Agency relationship

- A. SSOA must be financially and legally independent from any rail fixed guideway public transportation system it oversees
- B. Coordination required with state legislatures: State law must prohibit any public transportation agency in the state from providing funds to the SSOA
- C. SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system it oversees
- D. Waivers potentially available for requirements of 674.13(a), (b) and (c) if the rail fixed guideway public transportations in the state have fewer than 1 million combined actual and projected revenue miles per year or carry fewer than 10 million unlinked passenger trips per year

- E. Contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system the SSOA oversees
  - F. SSOA has investigative and enforcement authority
- VI. Rail Transit Agency Role
- A. Public Transportation Agency Safety Plan or Transit Agency Safety Plan
  - B. Training
  - C. Federal funding available to reimburse operational and administrative expenses of SSOPs – 80/20 Fed/State split
- VII. FTA role
- A. Oversees SSOAs
  - B. Reviews and certifies states' SSOPs
    - 1. Penalties for non-compliance
      - a) Withhold SSO grant funds
      - b) Withhold up to 5% of urbanized area formula funds
      - c) Require all of the rail fixed guideway systems governed by the SSOP to spend up to 100% of their FTA funding for safety related improvements
  - C. Audits triennially
  - D. SSOAs must report annually
- VIII. Confidentiality of information – essentially same as 659.11
- A. A state, SSOA or a Rail Transit Agency may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.
  - B. Regulations do not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operation
  - C. CAUTION: Much less detailed than protections for commuter and intercity passenger rail systems in RSIA, not mandated by statute. Larger systems subject to both these requirements and the SSPs for commuter rail must carefully evaluate protections for safety data, analysis, reports