

**Regulatory Parallax:
FTA MAP-21 – Transit System Safety Program
FRA RSIA – Rail System Safety Plans**

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FTA: MAP-21 – new authority for FTA to develop and enforce nationwide safety standards for transit systems

- Applies to all transit modes, **except** those regulated by FRA or other federal agency
- FTA authority to
 - Issue safety regulations
 - Inspect, monitor and enforce
- New FTA Office of Transit Safety and Oversight

FRA: RSIA – new requirements for system safety programs to be codified at 49 C.F.R. Part 270

- Applies to commuter and intercity passenger rail operators





FTA – MAP-21

Goals:

- Improve safety of nation's public transportation systems
- Ensure state of good repair
- Provide increased transparency into agencies' budgetary decision-making process

Safety programs apply to all modes EXCEPT those already subject to regulation by another federal agency – commuter rail, ferry

Transit asset management requirements will apply to all modes, including commuter rail and ferry





FTA – MAP-21

FTA framework

- All hazards approach
- Safety Management System (SMS)
 - Policy: Define management and employee responsibilities
 - **Risk management: Analyze risks, identify strategies to mitigate or eliminate**
 - Assurance: Inspection and data to ensure performance of risk controls
 - Promotion: Create safety culture through communication and employee training





FTA – MAP-21

National Public Transportation Safety Program (78 Fed. Reg. at 61,253)

- National Public Transportation Safety Plan
- Public Transportation Agency Plan
- Public Transportation Safety Certification Training Program
- State Safety Oversight Program – NOT addressed in ANPRM





National Public Transportation Safety Plan (78 Fed. Reg. at 61,253, 61,260)

- Develop safety performance criteria for all modes of transportation
- Definition of state of good repair
- Public transportation safety certification program
- Minimum safety performance standards for transit vehicles





Public Transportation Agency Safety Plan (78 Fed. Reg. at 61,253, 61,262)

- Each agency must develop agency safety plan and certify that plan meets FTA requirements:
 - Requirement that board of directors or equivalent entity approve the plan and any updates
 - Strategies for identifying risks and mitigating or eliminating exposure to hazards
 - Performance targets based on national safety performance criteria
 - Trained safety officer to report directly to general manager
 - Comprehensive staff training and certification program
 - Prioritization coordinated with statewide planning





FTA – MAP-21

Public Transportation Safety Certification Training Program (78 Fed. Reg. at 61,254, 61,264)

- FTA to establish minimum expertise requirements for federal, state, transit agency and other designated personnel who are directly responsible for safety oversight
- FTA will publish Interim Provisions for public comment





FTA – MAP-21

Transit Asset Management (78 Fed. Reg. at 61,255, 61,265, 61,269)

FTA must establish a National Transit Asset Management System:

- Definition of state of good repair
 - FTA State of Good Repair White Paper at: www.fta.dot.gov/sgr
- Performance measures based on state of good repair standards
- Each recipient of FTA assistance to develop an asset management plan
- Reporting to FTA
- FTA to provide technical assistance to recipients





FTA – MAP-21

Future rulemaking proceedings:

State Safety Oversight (SSO) Program – for future notice

- FTA Dear Colleague Letter, Feb. 7, 2013:
http://www.fta.dot.gov/newsroom/12910_15057.html
- Applies to rail systems not already regulated by FRA

Bus safety pass/fail standards





FTA – MAP-21

Overarching considerations:

- Third-party contractors
- Safety/risk analysis data protection
 - FTA Safety Advisory 14-1 requires submission of “formal hazard analysis” by May 16, 2014
- Small recipients and operating agencies
- Connection between SOGR and system-wide safety
- Pooled insurance programs
- Nationwide standards





FRA – RSIA

Railroad Safety Risk Reduction Programs (RSIA Sec. 103, codified at 49 U.S.C. 20156) - FRA Notice of Proposed Rulemaking (77 Fed. Reg. 55,372, Sept. 7, 2012), 49 CFR Part 270

- Goal: to improve safety by reducing the number and rates of accidents, incidents, injuries, and fatalities
- Applies to commuter and intercity passenger rail operators
- System Safety Program (SSP):
 - **Risk-based hazard analysis and mitigation**
 - Technology implementation plan
 - Fatigue management plan





FRA – RSIA

49 U.S.C. 20156:

SSP must systematically evaluate and manage railroad safety risks on system

- Conduct risk analysis
- Mitigate aspects of system that increase risks to railroad safety
- Enhance aspects of system that decrease risks to railroad safety



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Protection of risk analysis information from discovery in litigation or disclosure under FOIA:

- RSIA Sec. 109 (codified at 49 U.S.C. 20118-20119)
- Protection would apply to:
 - Information generated by railroad in course of conducting risk analysis
 - Statement of mitigation measures identified to address those risks
- NPRM proposes to shield information compiled or collected solely for the purpose of developing, implementing or evaluating a SSP
- No parallel protections in MAP-21 for transit system safety risk analysis



Potential overlap/redundancy:

- Hazard analysis – reflection of FRA-mandated analysis in Transit System Safety Plan
- Transit Asset Management – FTA requirements will include commuter rail assets

Differing Standards:

- Degree of protection for safety data, analysis and mitigation plans

Full extent of interaction between FRA and FTA programs not yet clear





QUESTIONS?

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