

MAP-21

National Public Transportation Safety and Transit Asset Management Requirements

Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
Washington, DC
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FTA Advanced Notice of Proposed Rulemaking (ANPRM):

- National Public Transportation Safety Plan
- Public Transportation Agency Safety Plan
- Public Transportation Safety Certification Training Program
- Transit Asset Management

<http://www.apta.com/gap/fedreg/Pages/SafetySecurity.aspx>

OR

http://www.fta.dot.gov/newsroom/12286_15694.html



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 seeks comment from industry:

- Program requirements - interrelationships
- Requirements of National Transit Asset Management System
- How to define and measure state of good repair?
- Relationship between safety, transit asset management and state of good repair
- Safety Management System approach
- Relationship to statewide and MPO planning process



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



Programs

National Public Transportation Safety Program

- National Public Transportation Safety Plan
- Public Transportation Agency Plan – each agency must prepare its own
- Public Transportation Safety Certification Training Program
- State Safety Oversight Program





Programs

National Public Transportation Safety Plan

- 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





Programs

State of Good Repair

- Detailed discussion in FTA State of Good Repair White Paper at: www.fta.dot.gov/sgr
- Potential approaches for establishing objective standards:
 - Asset age
 - Asset condition
 - Asset performance or
 - Combined approach





Programs

State of Good Repair

Measuring state of good repair performance:

- Reduction of backlog – direct performance measure
- Replacement value of assets in backlog
- Percent of assets in backlog
- Average condition of all assets
- Other measures?





Programs

Coordination with Statewide Planning

- Investment priorities in transit asset management plan to become essential components of the long-range transportation plan and TIP or STIP
- Future notice: joint FTA/FHWA notice to address combined performance management framework





Programs

Public Transportation Agency Safety Plan

- 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





Programs

Public Transportation Safety Certification Training Program

- 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





Programs

Transit Asset Management

FTA must establish a National Transit Asset Management System:

- Definition of state of good repair
- 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





Not in ANPRM

State Safety Oversight (SSO) Program – for future notice

- Applies to states that have rail systems not already regulated by FRA
- SSO must encompass agency's capacity, organizational structure, financing, and activities
- State must establish State Safety Oversight agency
 - SSO agency may not derive any funds from any transit agency it oversees

Bus safety pass/fail standards





Related Questions

- How should programs addressed in ANPRM accommodate the use of contractors to provide assets and operate those assets in revenue service?
- To what extent can data assembled for the purposes of identifying and analyzing risk be protected from discovery in litigation or disclosure through FOIA?
- Should simplified or streamlined standards apply to small recipients?





For Comparison

Studies of safety management systems and related legal issues in the airport context – TRB publications:

- <http://www.trb.org/Publications/Blurbs/159030.aspx>
- <http://www.trb.org/Publications/Blurbs/162491.aspx>
- <http://www.trb.org/Publications/Blurbs/168405.aspx>

FRA Notice of Proposed Rulemaking for Commuter and Intercity Passenger Rail System Safety Programs:

- [https://www.federalregister.gov/articles/search?conditions\[term\]=77+fed+reg+55372](https://www.federalregister.gov/articles/search?conditions[term]=77+fed+reg+55372)





Additional Aspects

Enforcement

- FTA has authority to:
 - Inspect, audit and issue directives
 - Issue subpoenas and conduct discovery
 - Prescribe recordkeeping requirements
 - Investigate accidents in cooperation with NTSB
 - Require more frequent oversight
 - Require that formula grant funds be used to correct safety deficiencies before being allocated to other projects





QUESTIONS?

Allison I. Fultz

Kaplan Kirsch & Rockwell LLP

Washington, DC

(202) 955-5600

afultz@kaplankirsch.com

www.kaplankirsch.com



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