

# MAP-21

## National Public Transportation Safety and Transit Asset Management Requirements

Allison I. Fultz  
Kaplan Kirsch & Rockwell LLP  
Washington, DC  
2013 APTA MAP-21 Webinar  
October 24, 2013



KAPLAN KIRSCH ROCKWELL

## **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](http://www.fta.dot.gov/newsroom/12286_15694.html)





# Overview

## 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

## 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





# 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?





# QUESTIONS?

Allison I. Fultz

Kaplan Kirsch & Rockwell LLP

Washington, DC

(202) 955-5600

[afultz@kaplankirsch.com](mailto:afultz@kaplankirsch.com)

[www.kaplankirsch.com](http://www.kaplankirsch.com)



KAPLAN KIRSCH ROCKWELL