

## Draft responses from webinar number 1

17. While the SMS approach is scalable to any size or mode agency, the primary barrier to adopting SMS principles will clearly be gathering and applying the necessary training, technological support, and guidance to move the entire industry to an SMS mindset and terminology. It appears that many agencies employ what are essentially SMS principles but not in the verifiable, auditable form likely to be required. Templates, especially for smaller agencies, will be a key aspect of technical assistance necessary to ensure the success of the program. One specific training issue already apparent is the dearth of trained safety officers. Small agencies, in particular, are likely to continue to have difficulty attracting and retaining safety officers as the need for them balloons in a very short time span.

18. As noted above, templates, formats, and examples are extremely valuable and will be of particular importance in this program. Even agencies and states with substantial existing safety programs will find it helpful to have national models that they can base individualized programs on. Moreover, identifying the parameters of “adequately trained” safety officers early in the process, and providing widely available, cost efficient means of producing these assets will be a key aspect of technical assistance necessary.

With these requirements affecting agencies of all sizes, types, and missions, FTA should prepare and make available role and responsibilities checklists that look to states taking on very different roles in individual agency plans, contracted operations, and other aspects of plan implementation.

19. Agencies currently proactively seek out hazards and prioritize mitigation efforts but this process is carried out in vastly different ways among agencies. A number subscribe to APTA’s safety management audit programs and have relatively sophisticated methods of systematically analyzing hazards while others are far more informal.

20. FTA should consider centralized safety management. State or regional safety officers could reasonably serve for smaller providers. Also, some local governments centralize safety management across departments and include transit in that allocation. FTA should consider such alternatives as valid based on the same level of verifiable, auditable results found in more mainstream approaches.

21. Agencies currently apply some risk-based approaches to human factors, including requiring rail operators to maintain commercial drivers’ licenses to help ensure continuing fitness for duty. Screening for sleep disorders is sometimes problematical, since there are multiple reasons for fatigue and identifying sleep disorder candidates can easily conflict with negotiated work rules and other employee protections.

22. Where bus operations are included in rail safety plans, our members report the bus aspects are almost always less comprehensive but that, overall, there is value in combined programs under some circumstances. We do not believe this will always be the case, given the resources involved and the fact that some agencies are so large as to make separate plans more manageable.

23. “Equivalent entities” should generally be those making day-to-day policy decisions. This general rule must be tempered to account for practicality. While a city council may reasonably serve as an equivalent entity in one city, another may be so large as to make appointment of the city council both

impractical and ineffective. Moreover, state agencies present a number of unique situations that suggest different approaches. FTA should remain open to unique solutions within that general framework of day-to-day policy decision making.

24. We have asked our members to provide examples of integrating performance milestones, targeted safety risks, and costs in developing mitigation strategies.

25. There is no practical role for FTA in annual agency plan reviews. The sheer number would be certain to create a bottleneck, require reviews to devolve to regions (which would be likely to adopt differing de facto standards), and add little, if any, value to what is essentially an internal, continuous process. States should only be required to be involved in review of plans they control or audit in the normal course of business.

26. Safety plans under 49 CFR 659 tend to be measured internally on an annual basis to ensure annual goals are established and met. Some plans are reviewed under the APTA safety audit program to ensure continuing improvement.

27. We believe training requirements should be scaled and tailored for different roles. Training should be commensurate with the risk of different jobs as well as differences in agency size and the operating environment. For instance, bus operators in rural areas should be trained on a far different set of road hazards than those in a dense urban environment. Core competencies should include familiarity with the agency's safety emphasis and program. As with other aspects of the program, FTA can help alleviate what could otherwise be crushing costs by creating and packaging a series of tools and resources that agencies large and small can use as a basis for their individual programs. There is little value in hundreds of agencies or dozens of states spending duplicative sums to create similar products.

28. We have asked our members to provide specific information on current training regimes, curriculums, and costs.

29. Many agencies could not afford to dedicate a staff or individual solely to safety management, owing to the size of their operations and staffs. In those cases, we believe 'dual hatting' is appropriate, except no single individual should be both the chief safety officer and responsible for operations as that would create a conflict or at least an apparent conflict of interest which could undermine the safety program or the public trust in the program.

We also believe that the safety officer could come from outside of the agency staff, in situations where a state or local government are organized to collectively oversee safety either among several transit agencies or among several agencies or departments including transit.

30. Guidance, templates, training, examples, and technical assistance in the building process are all ways to both reduce the burden on agencies as well as to keep required local variation to the practical minimum.

31. FTA should allow states, regions, combinations of agencies, or other bodies to pool safety resources where it makes sense and alleviate the burdens on small providers. Sharing an effective safety team among a number of similarly situated providers could be far more beneficial than each acquiring individual resources that, through duplication of training and other expenses, would almost necessarily be less effective. As noted above, training requirements should be scaled and tailored. Not requiring

training for a position that doesn't – as a practical matter – need that training will immediately save money and allow those dollars to be spent on more effective safety and safety related training and materials.

32. Reporting requirements must be limited. While we appreciate that FTA seeks situational awareness, checking the box on a reporting requirement does not generally add a benefit to the system. The current reporting requirements are not effective and can easily serve to skew data. Extreme cases of NTD seeking data on accidents that do not involve transit vehicles or passengers simply because they happened in the vicinity of a bus stop already exist and should be eliminated in this rulemaking process. A simple requirement to expeditiously report serious incidents to FTA regional offices, without attempting to detail every variation of whether something was or was not serious and avoiding second guessing filed determinations would make the system much more responsive and practical.

33. We believe small operations should be a function of buses in peak service. It is a measure familiar throughout the industry and less subject to variation than passenger counts, budget, or other similar measures. That said, it is important that where requirements are scalable, those scales don't simply measure small operations and 'all others.' A mid-size operation is still subject to many of the same constraints on personnel and budget as a 100 bus property and FTA must allow any enhanced requirement to phase in rather than become effective once the 101<sup>st</sup> bus enters peak revenue service.

34. There does not appear to be a substantial majority of either states or small agencies that would seek consolidation of safety operations at the state or regional level. While we believe a state-wide plan that notes any unique situations of small providers covered by the plan would be a practical option, it should remain an option. FTA could facilitate this by drafting and circulating a template for a statewide plan. Drafting the document in cooperation with states in varying situations but interested in statewide safety planning could ensure the template was practical and useful.

35. Some states do lack the resources and expertise to draft statewide plans. Moreover, many state DOTs are already understaffed. This points to the need for comprehensive technical assistance to help the industry adjust to this substantial change in process and organization.

36. States could prepare a single plan, regional plans, or a number of plans that apply to areas based on density or other factors. The number should be a function of the state's own analysis.

37. Limiting states' roles to certification of individual plans may represent savings on one level, but prove costly on another. Allowing maximum variation among state approaches is key and vital to the success of the program.

38. It would reduce the overall burden if states created standardized plans. Centralizing template drafting at the national level would go even further to reduce the burden, as long as those national templates remained optional.

39. A national model is practicable and would prove extremely beneficial. Because of the non-binding nature of such a template or templates, FTA could work with APTA, CTAA, our members, and others to create such a model without benefit of a cumbersome advisory committee process.

40. Customizing state models for individual small properties or simply including those properties in the statewide plan need not be a burdensome approach. Many plan details would require no customization

and others could be categorized. We believe this could be reasonably accomplished without compromising safety factors and still avoid one-size-fits-all.

41. If states do not oversee their own plans, there is no one left to do it. Agencies already audit their own plans internally with great success. The safety process need not be reduced to a 'fox and henhouse' analogy when an agency, state, or organization is committed to continuing improvement of safety practices.

42. Again, if states do not do it, who is left?

43.

44. Without some idea of the general contours of the plan, calculating resource requirements is left to guessing. In any case, states will need technical assistance resources, templates, training, and pre-packaged products to the maximum extent possible to make this program successful.

45. Oversight of non-rail transit systems appears to be presumed throughout this ANPRM and we have answered under that assumption.

46. While combining oversight of rail and non-rail transit safety may be practical in some states, it may not in others where simply coordinating the programs would work better. This should be a state choice, based on each state's individual program and structure.

47. Again, this should be up to the individual states. Some would doubtlessly find it most efficient to create a safety office in a DOT, others a separate structure. Enforcing a standardized model on widely varying operations with widely varying resources and expertise would be unfortunate and unsuccessful.