Colorado Public Utilities Commission
State Safety Oversight Part 674
Certification Process

Pam Fischhaberer, PhD, PE,
WSO-CSS

Colorado PUC, Chief of
Rail/Transit Safety
Denver, Colorado
SSO Certification is A LOT of Work!

- Pre-Certification
- Finding a Sustainable Grant Match
- CWP’s and becoming an FTA Grantee
- Getting the Grant Award
- The Real Work Begins
- FTA Certification Requirements
Pre-Certification Process

• MAP-21 SSO program legislation required the Secretary to determine whether an SSO Program meets the requirements of the subsection by no later than October 1, 2013

• SSOs found out a previously optional Gap Analysis became mandatory during the summer of 2013 and was due by the end of August 2013
Pre-Certification Process

• CoPUC submits its Pre-Certification Submittal August 20, 2013

• CoPUC receives Pre-Certification Status letter October 1, 2013
Pre-Certification Process

- Certification Work Plan process developed to allow States to receive grant funding to help move programs forward to certification
- At that time, there was no certification program or rules yet in place
The Search for Sustainable Grant Match Funding

- Hardest part of certification for CoPUC

- A few 1-2 year “temporary” options

- Only one sustainable source identified – CoPUC Fixed Utility Fund 3% portion to General Fund
The Search for Sustainable Grant Match Funding

- This issue became 1 of 5 DORA bills for 2016 because of the importance of statewide transit funding

- HB 16-1186 approved a yearly grant match of up to $150,000 for the CoPUC SSO Grant
The Certification Work Plan and Becoming an FTA Grantee

- Certification Work Plan developed and submitted September 9, 2016
- Because CoPUC not an FTA Grantee, CoPUC had to:
  - Apply for various ID Nos. and authorizations
  - Create a Title VI Program
- Develop grant application and have it reviewed and approved by DORA prior to submission
Certification for Grant Award

- CoPUC applies for FTA SSO Grant on February 23, 2017
- FTA notified CoPUC of the award of grant monies on April 25, 2017
- PUC Director sent required letter to Revisor of Statutes to finish severing financial tie per requirement of HB 13-1103 on May 1, 2017
The Real Work Begins

• FTA issues Part 674 Final Rule March 16, 2016 effective April 15, 2016 – the 3 year countdown begins!

• Initial information for FTA review submitted May 3, 2017

• Hiring of new Staff – Summer 2017
The Real Work Begins

- Drafting of Program Standard – Fall 2017

- Draft Program Standard submitted to FTA for initial review, December 22, 2017

- Application for Certification submitted February 16, 2018 with additional info on page numbers submitted March 16, 2018
FTA Certification Requirements

• 1 - SSO Agency Independence
• 2 - General Program Requirements
• 3 - Enforcement Authorities
• 4 - Investigations and Audits
• 5 - SSO Staffing, Training and Qualifications
• 6 - Program Standard
SSO Agency Independence

• CoPUC has always been legally separate from transit agencies, does not provide transportation services, and has had no employment conflict of interest

• TLRC Bill Proposal September 14, 2012 to add additional authorities and sever SSO financial tie to Denver RTD accepted as 1 of 10 TLRC sponsored bills for 2013 legislative session
SSO Agency Independence

• HB 13-1103 granted PUC additional authorities and added language to sever SSO financial ties to Denver RTD (conditioned on receiving FTA grant)
• Governor Hickenlooper notified FTA Region 8 that the CoPUC had been named as the Colorado SSO in HB 13-1103 and would be the designated recipient for SSO program grant funds
General Program Requirements

• Many general program requirements codified in CoPUC Program Standard including:
  – Acknowledgement of Responsibility
  – Minimum Standards
  – Annual Reporting

• Funding prohibition codified in HB 13-1103
Enforcement Authorities and Investigations and Audits

• CoPUC already had many of the required authorities

• Additional authorities granted by HB 13-1103

• All authorities were codified in CoPUC Program Standard
SSO Staffing, Training and Qualification

- Performed Workload Assessment
- 2 additional Staff positions transferred from Telecom Section (no new FTE from legislature)
- Determine classifications, write PDs, DORA HR Audit of PDs
- Hired new Staff once grant was awarded
- Developed technical training program
CoPUC Program Standard contained in administrative code

CoPUC Program Standard created through the rulemaking process

With Commissioners permission, worked with RTD on Program Standard Development including Parts 674, 659, and NPRM Part 673
Program Standard and Procedures Manual

• Developed procedures manual outside of rule with Commissioners permission so procedures that may need to change over time do not affect the Program Standard

• Prevents unnecessary rulemakings in the future
CERTIFICATION!!

• CoPUC SSO Program was certified as compliant with sec. 5329 and Part 674 on April 6, 2018

• Certified 1 year and 9 days before deadline

• Certified less than 1 year after being awarded SSO Grant