Colorado Public Utilities Commission State Safety Oversight Part 674 Certification Process

Pam Fischhaber, 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

Program Standard and Procedures Manual

- 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