



June 30, 2014

U.S. Department of Transportation
1200 New Jersey Avenue S.E., West Building
Ground Floor, Room W12-140
Washington, DC 20590-0001

RE: Docket No. FTA-2014-0012

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Transit Administration (FTA) Notice of Proposed Rulemaking (NPRM) on its Interim Safety Certification Training Program Provisions, published April 30, 2014 at 79 FR 24363.

About APTA

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including public transit systems, high-speed intercity passenger rail agencies, planning, design, construction and finance firms, product and service providers, academic institutions, and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems.

APTA speaks for its members. Its Board of Directors reiterated that fact on March 9, 2013, when it adopted the following statement: “While APTA encourages its members to provide specific examples or impacts in support of the association's positions, APTA crafts its comments to represent those of all APTA members. The association goes to great lengths to ensure its regulatory comments represent the consensus views of our members. Every APTA member has the opportunity to review drafts, participate in discussions, and assist in crafting those consensus comments. In short, we speak with a single voice and, when the rare instance occurs that we cannot reach consensus, we do not speak at all. APTA's comments are those of our more than 1,500 members. This consensus-based method of crafting regulatory comments is a factor underlying APTA's selection as one of Washington's most trusted brands in a broad survey conducted by the *National Journal* and we encourage all federal agencies to recognize the representative nature of the association's regulatory comments.”

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APTA General Comments:

While we appreciate the fact that the FTA is statutorily obligated to put an interim program into place prior to finalizing the parameters of the permanent safety certification training program, and that by limiting application of the interim program to a small sub-set of the affected community, we believe it is vital to build the interim program with a clear vision of the potential final program. As such, we have provided substantial overarching comments, in addition to responding to the numbered questions in the NPRM.

Competencies

We believe the program must not ignore the substantial history of safety training and practice throughout the transit industry. The FTA recognizes the presence of over 700 personnel throughout the industry trained in the Transit Safety Security Program (TSSP) and, throughout its questions acknowledges additional personnel trained in safety, technical, and safety management system principles outside of the FTA system. This existing body of knowledge must be leveraged to create a successful program. The principles transfer well into an SMS program.

Capacity

The capacity of the system to create, deliver, and ensure personnel attend this training puts the program at significant risk. Developing the extensive training envisioned in this NPRM is a significant undertaking, requiring highly qualified technical and educational personnel. We believe the FTA should work in concert with the industry in course development to ensure the results support strong safety programs at every level. Moreover, SSOs will, in some cases, require assistance in developing the technical aspects of their programs.

We are also concerned about the existing system of course delivery. The FTA's own limited assets, the National Transit Institute, and other available outlets are insufficient to present high quality, consistent training to the industry in the available time period. As noted above, the FTA could reduce this risk by modifying its proposal to accept and incorporate existing safety knowledge and experience, accept external training in lieu of FTA sponsored training where appropriate, and utilizing virtual training platforms to the extent practical. There are existing national organizations that review experience, provide testing, and certify safety professionals. FTA should embrace and utilize this existing framework of proven training, testing, and certification. As the program is expanded, it is vital to incorporate in-house training to meet the anticipated needs of the industry.

Simply attending the courses, as proposed, will be a significant burden on employing agencies. While provisions are made for use of formula funds for mandatory attendees, there is no similar provision for voluntary participants. Moreover, the SSOs required to send their personnel to courses do not necessarily have access to the funding streams identified by FTA as available to defray training costs, leaving the SSOs to fully fund attendance. The time requirements proposed (completion in three years with the clock already started almost a year before the rulemaking itself) will not only tax the capacity of the system to deliver training, it will severely tax the ability of attendees and their agencies to fund and participate in the full program. The FTA should make appropriate provisions to provide federal assistance options for all personnel, mandatory and

volunteer, from reasonably available grant sources, and take the steps outlined above to minimize the burden.

Delivery Methods

In addition to accepting the existing safety knowledge and experience, accept external training in lieu of FTA sponsored training where appropriate, and utilizing virtual training platforms to the extent practical, the FTA should explore and encourage alternative delivery systems. Numerous colleges and universities offer (or could offer) appropriate training on a regular basis. Agencies and railroads not subject to FTA jurisdiction could partner with these educational institutions.

Oversight and Governance

We believe the FTA must devote significant internal assets to supervision of this program. Over reliance on contractors and differing interpretations of requirements among the regions, themselves just now being trained in some or many of these concepts, would detract from the effectiveness of the program and ultimately affect safety throughout the industry.

We note that the FTA has not proposed any role for organized labor in this NPRM. We believe the program would be severely hampered by a failure to explore and define a role in course development, requirements, and presentation.

The FTA should model this program after the highly successful, well established FAA program, which incorporates the federal agency, the regulated community, private entities, the trade association, and labor. The existing TRACS committee is too general and too large to effectively oversee this program.

Specified Questions

1. As noted, there are several external programs the FTA should consider: World Safety Organization, Transportation Safety Institute, National Safety Council, and Certified Safety Professional certifications all address SMS principles. The FTA should recognize this training and provide ‘transfer credit’ for such training. Moreover, FTA should consider years of service in directly applicable roles that training professional engineers and others have had in granting such credit.

2. The FTA should lean heavily on these programs, requiring only course work to account for deficiencies in previous training, experience, and certification. These safety professionals already operate at a high level of competency and many could – in fact – teach rather than attend FTA’s courses. Large scale changes, specialization, and other long-term goals should come only over time as FTA gains additional knowledge and experience in overseeing this very large program.

3. While we appreciate the FTA’s effort to limit impact of the interim program by making attendance voluntary for most industry practitioners, we believe this is short sighted. Agency personnel must have the knowledge base to operate highly effective safety programs in the first instance. Oversight personnel will be hard pressed to review an SMS program designed, potentially, by personnel without adequate SMS training – a situation likely to lead to failure.

4. Absolutely. The FTA must incorporate the existing TSSP training, overlaying requirements on those 700+ safety professionals only to address shortcomings in their training and experience rather than starting anew. It will be a significant amount of time before the FTA can train 700 new professionals in the system as proposed.

5. In addition to the suggestions for streamlining and efficiency throughout these comments, we believe the proposed annual recertification is overly ambitious. It is inconsistent with existing, successful programs and would further tax the training base once the requirements are applied throughout the industry.

6. The Technical training would also benefit from incorporation of existing training and experience. The FTA should not attempt to create a comprehensive, stand-alone program where the vast majority of its needs can be supplied externally. Limiting the program appropriately would allow the FTA to concentrate its resources on the most pressing needs of public transportation safety rather than replicating other programs.

We appreciate the opportunity to assist the FTA in this important endeavor. For additional information, please contact James LaRusch, APTA's Chief Counsel & Vice President Corporate Affairs, at (202) 496-4808 or jlarsch@apta.com.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Michael P. Melaniphy", is centered on the page. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Michael P. Melaniphy
President & CEO