

# FTA

FEDERAL TRANSIT ADMINISTRATION

## **The Statutes and Rulemakings— Asset Management and Safety in Public Transportation**

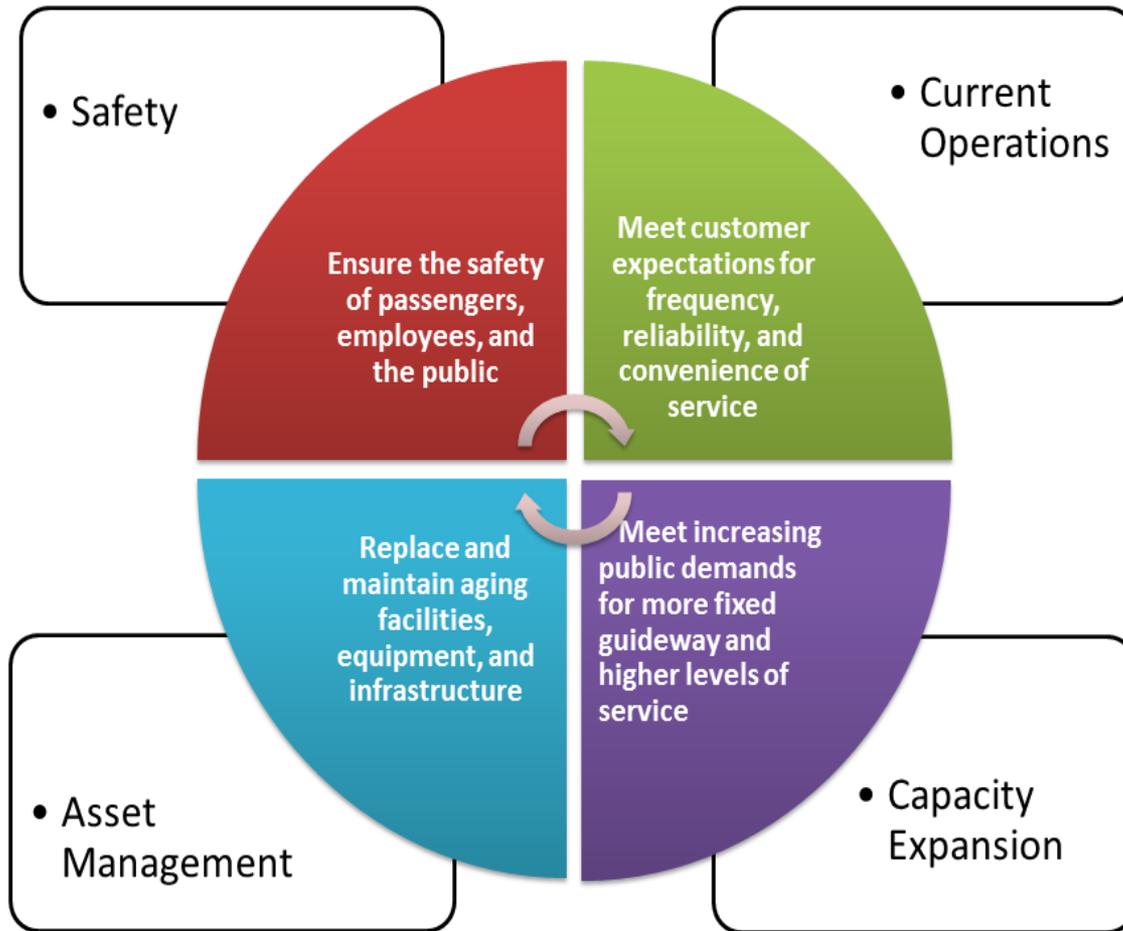
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U.S. Department of Transportation  
Federal Transit Administration

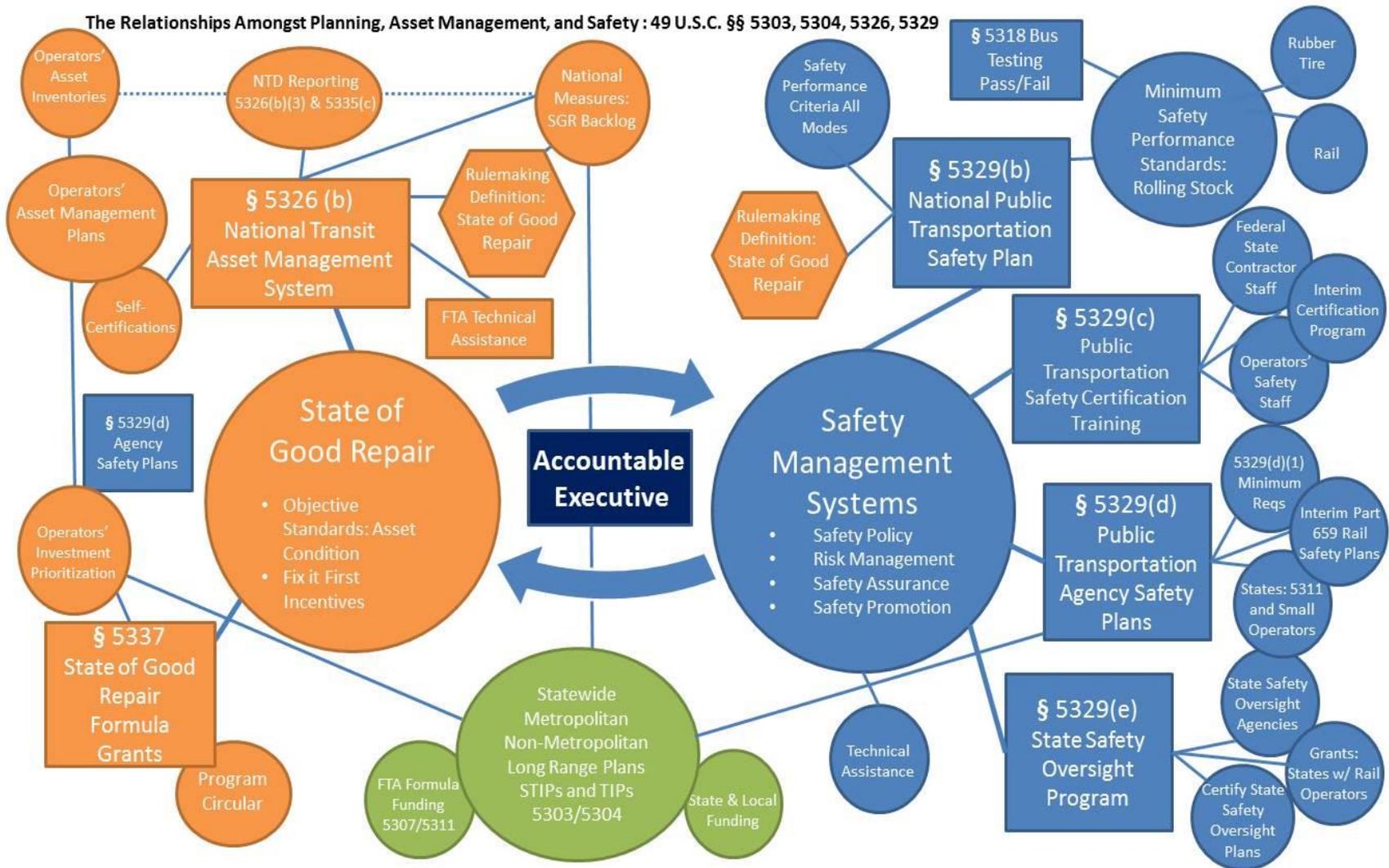
**July 14, 2014**

# Decision-Making Priorities



# The Statutory Construct

The Relationships Amongst Planning, Asset Management, and Safety : 49 U.S.C. §§ 5303, 5304, 5326, 5329





# Safety Background

*Since 1964, FTA, which finances nearly half of the capital expenditures for transit systems nationwide, had been prohibited by law from issuing basic safety standards to protect rail transit passengers and rail workers. With MAP-21, FTA is entering brand new territory.*

- Previous weak authority contributed to insufficient and inconsistent State oversight
- Several high profile accidents, coupled with weak or non-existent State oversight, sparked renewed focus on transit safety
- In December 2009, the Administration transmitted to Congress the first piece of legislation ever submitted that was solely about public transportation
- In July 2012, President Obama signs into law MAP-21, which authorized the Public Transportation Safety Program
- FTA now has authority to set National safety criteria and standards for all modes of public transportation
- FTA has proposed a coherent approach to implement the provisions of a disjointed and confusing statute

# Transit Asset Management (TAM) Background

*The goal of improved transit asset management is to implement a strategic approach for assessing needs and prioritizing investments to bring the nation's aging public transit infrastructure into a "state of good repair."*

- State of Good Repair (SGR) was a priority area under Secretary LaHood's Strategic Plan
- In the 2013 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance Report, FTA estimated that there is a backlog of \$86 billion in deferred maintenance and replacement needs – this number continues to grow
- FTA redirected \$2.3 billion in discretionary bus funds towards TAM and SGR activities and \$12.4 million in research funds towards improvement of TAM program
- MAP-21 codified Administration's budget proposal which consolidated discretionary bus program into new SGR formula program (albeit at a much lower funding level)
- MAP-21 also mandates new requirements for all recipients and subrecipients

# Events

- WMATA crash 06-22-09
- National Metro Safety Act 07/23/09, S. 1506
- Companion bill in House 07/24/09, H.R. 3338
- Administration bill proposed 12/08/09
- House and Senate safety hearings Dec. 2009
- Administration bill introduced 02/22/10
- S. 3015; H.R. 4643
- Senate bill S. 3638 marked up 06/29/10
- S. 1813, Senate-passed

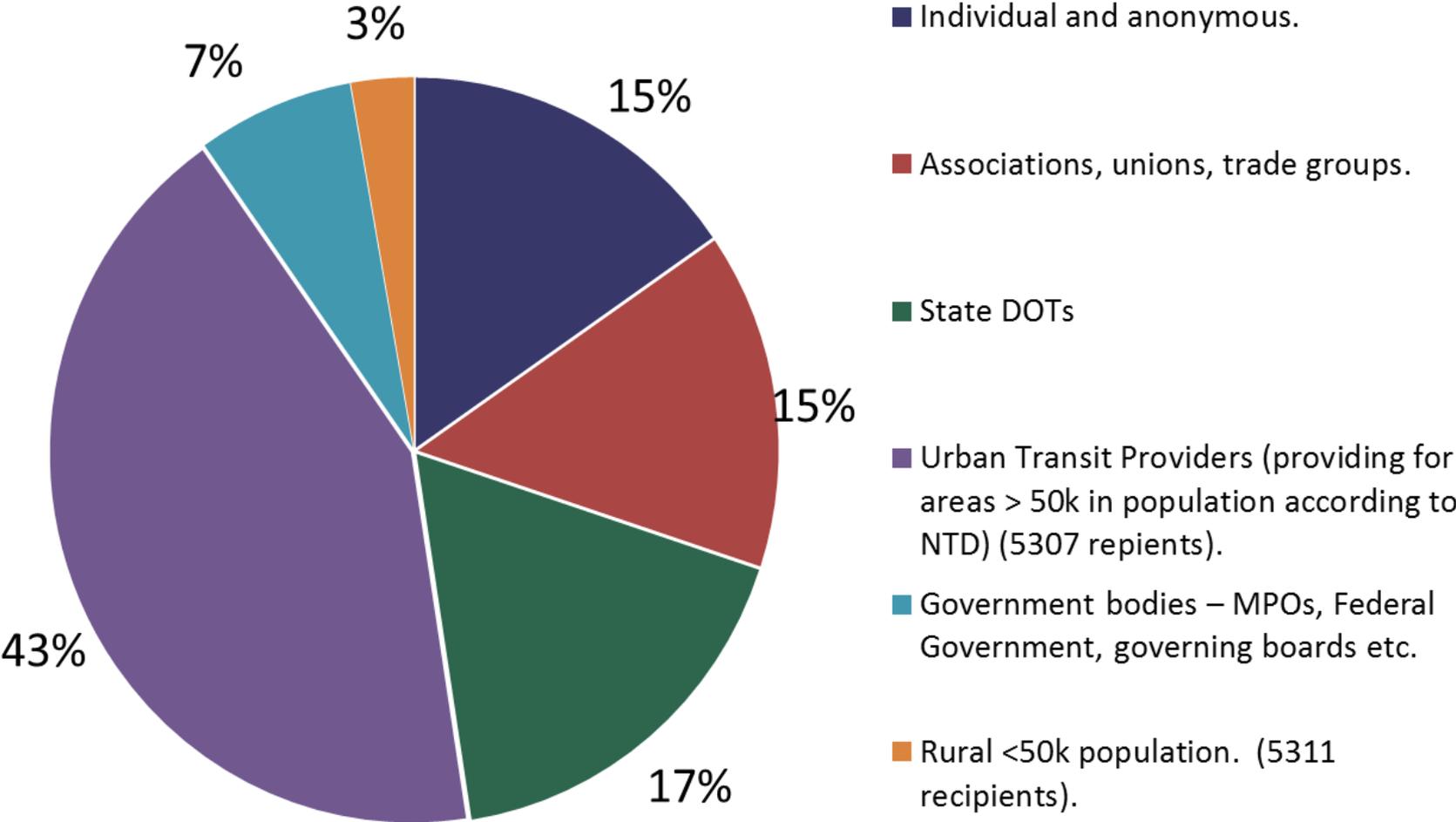
# Why an ANPRM?

*FTA is taking a collaborative approach to the implementation of the new safety and TAM provisions, having sought input from stakeholders across the entire transit industry.*

The October 3, 2013, ANPRM was designed to:

- Give the transit industry a full understanding of the totality of FTA's approach to implementation of safety and TAM requirements
- Highlight inherent linkages between asset condition and safety performance
- Allay transit industry fears of a costly and rigid one-size-fits-all approach
- Seek transit industry comment on all of the core questions surrounding FTA's approach in order to garner industry buy-in and guide development of programs
- 78 Fed. Reg. 61251-73

# ANPRM Responses



# Safety Program

*FTA will infuse SMS into the implementation of each new safety requirement.*

## National Safety Plan

- Establishes SMS as foundation for FTA's safety regulatory framework
- Includes the definition of *State of Good Repair* and safety performance criteria for all modes of public transportation

## Transit Agency Safety Plan

- Introduces SMS into practice
- Sets performance targets for safety and *State of Good Repair* based on requirements set out in the National Safety Plan

## Safety Certification Training Program

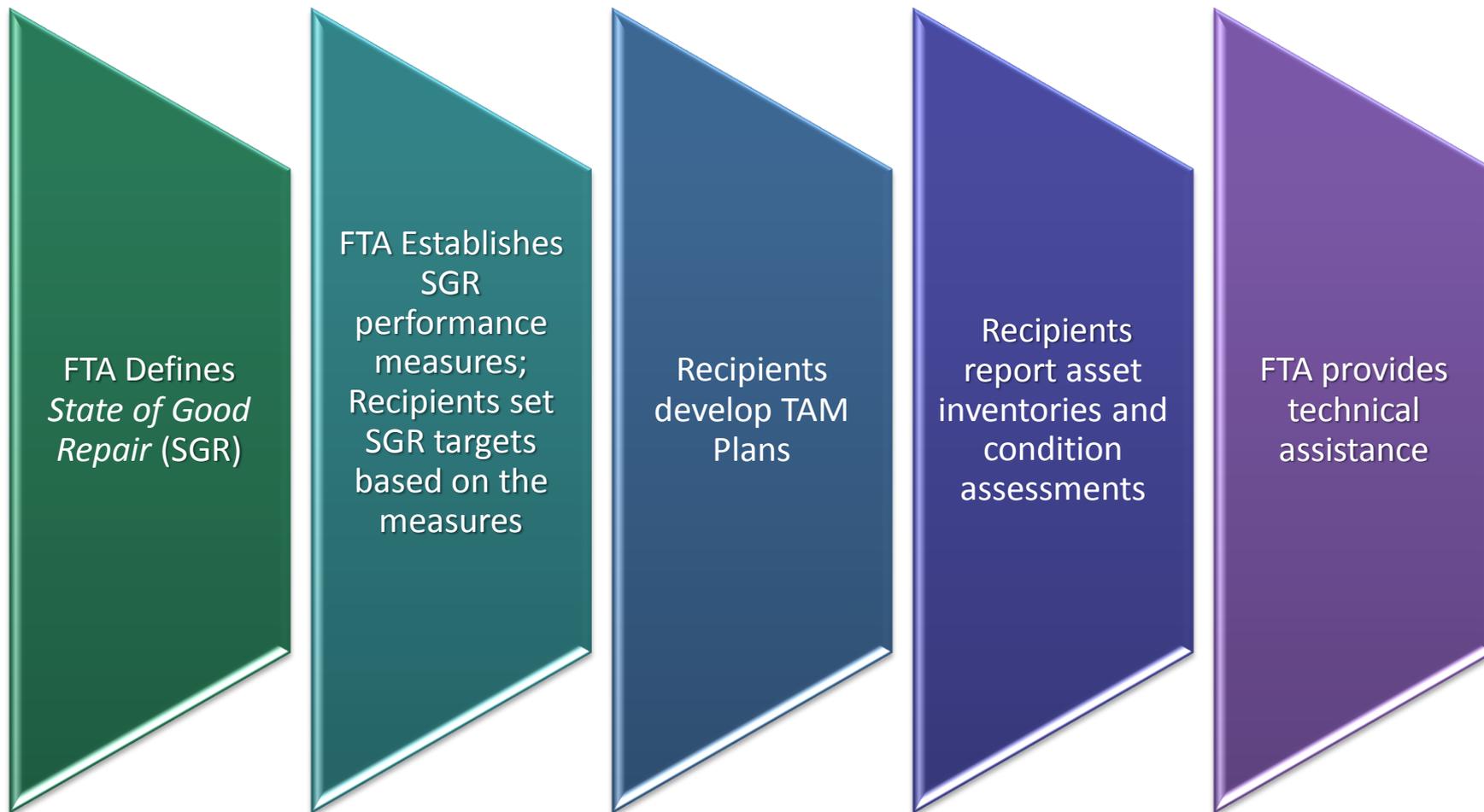
- Introduces SMS concepts
- Improves technical competencies of safety oversight professionals

## SSO Program

- Builds on existing requirements
- FTA will provide funding for State's SSO programs

# Transit Asset Management (TAM) Requirements

*The TAM requirements will allow the transit industry to obtain better metrics, yielding a more accurate picture of true need, thereby enabling more informed decision-making and investments.*



# GROW AMERICA

- A four-year, \$302 billion surface transportation authorization to replace MAP-21, which expires September 30, 2014
- Invests \$72 billion in public transportation over 4 years—nearly a 70% increase over MAP-21
- Builds on MAP-21 priorities and strengthens commitment to safety, state-of-good-repair, efficiency, performance, and underserved populations
- Addresses the challenges of a nation expected to grow by 100 million residents by 2050
- Introduced in the House on June 11, 2014 (H.R. 4834)

# GROW AMERICA

## Safety

- An opt-out provision from the State Safety Oversight program in states with fixed-guideway transit systems below a certain size or ridership level
- FTA may impose civil penalties for violations of safety regulations, and criminal penalties for willful violations
- The Secretary would gain emergency authority to issue orders to restrict or prohibit an unsafe condition or practice on transit systems

## TAM

- Current program provides two years of predictable, needs-based formula funds for transit's state-of-good-repair needs
- Proposal significantly increases program funds by 164% percent from FY2014 to FY2015 to address an \$86 billion maintenance backlog that continues to grow
- This level of investment is necessary to tackle the U.S. infrastructure deficit

# What's Next?

*FTA is taking other necessary steps, both through rulemaking and non-regulatory means, toward implementing change – the status quo is no longer acceptable.*

## TAM and SGR

- Conducting 7 pilot projects
- Released a Transit Asset Management Guide
- Sponsored classroom courses and online on-demand webinar recordings on best-practices
- Developed the TERM-Lite model for individual agencies to estimate capital investment needs
- Released 2013 Conditions and Performance Report

## SAFETY

- Drafting NPRMs, guidance and other materials to implement safety program
- Drafting final interim provisions for the Safety Certification Training Program
- Conducting public outreach at industry conferences
- Planning to conduct pilots to test application of SMS in different operating environments
- Piloting SMS training courses

# Performance-Based Planning

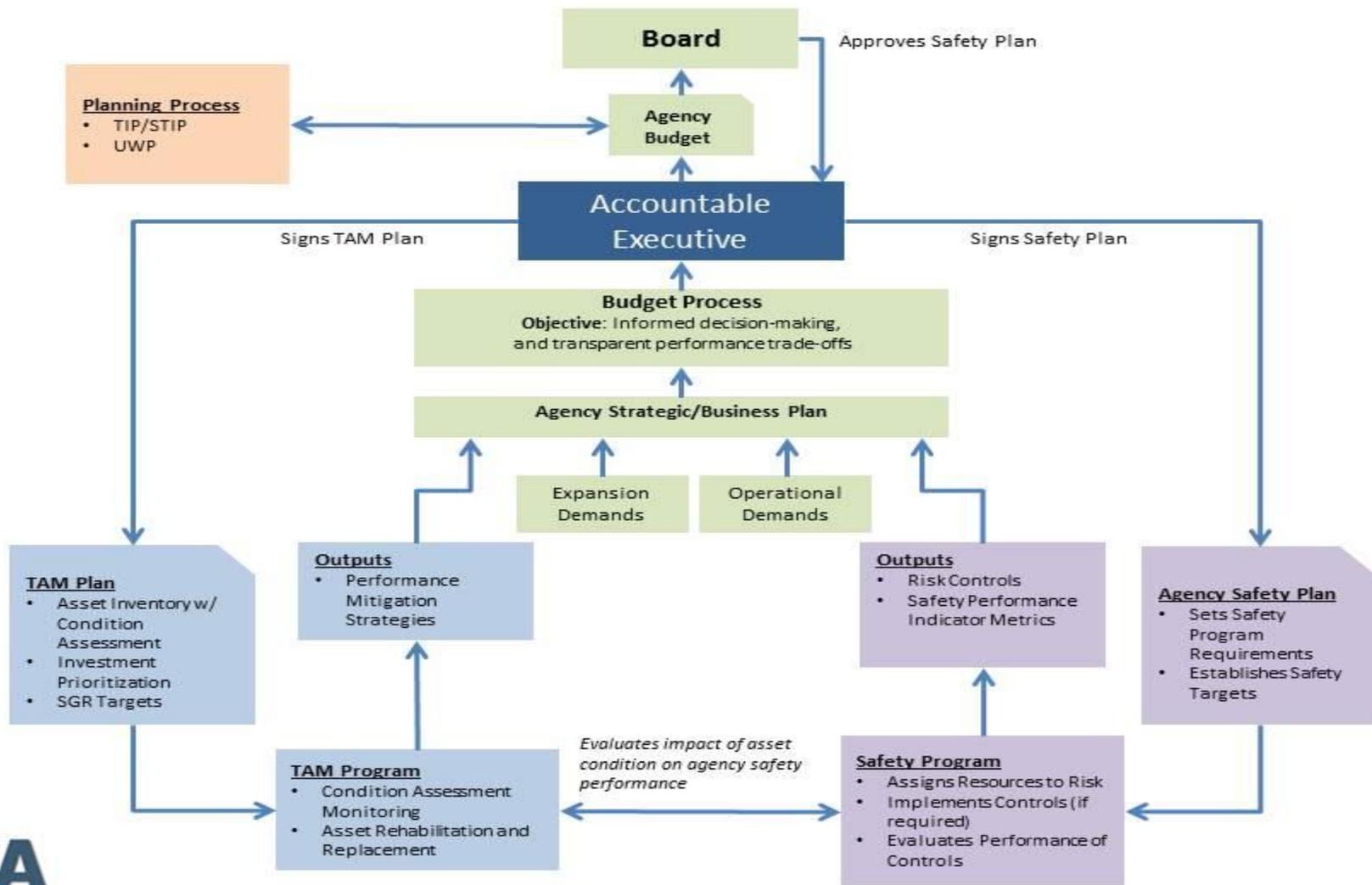
- FHWA/FTA requirements for performance-driven, outcome-based approach to planning in the MPO, Statewide and Non-metropolitan planning processes
- Joint Planning NPRM and guidance on Transit Representation on MPO Boards published in *Federal Register*, 79 Fed. Reg. 31783; 79 Fed. Reg. 31214 (June 2, 2014 )

# Laying the Foundation for A Comprehensive Safety Program: The Safety Management System (SMS) Approach

*SMS is a collaborative approach that will help management and labor work together to build on the industry's existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more accurately.*

- SMS is proven across varying industries from aviation to healthcare
- On August 9, 2011, former Department of Transportation Secretary LaHood issued a Safety Policy for the Department asking each mode to take steps to make safety a preeminent concern – one step was to adopt the principles of the Safety Management Systems Approach
- SMS is scalable, flexible, and efficient
- Accounts for variations in transit agencies operating environments and unique safety vulnerabilities
- SMS is affordable
- FTA will never have staffing necessary to oversee a rigid and voluminous regulatory regime.

# The Transit Agency Budget and Planning Process



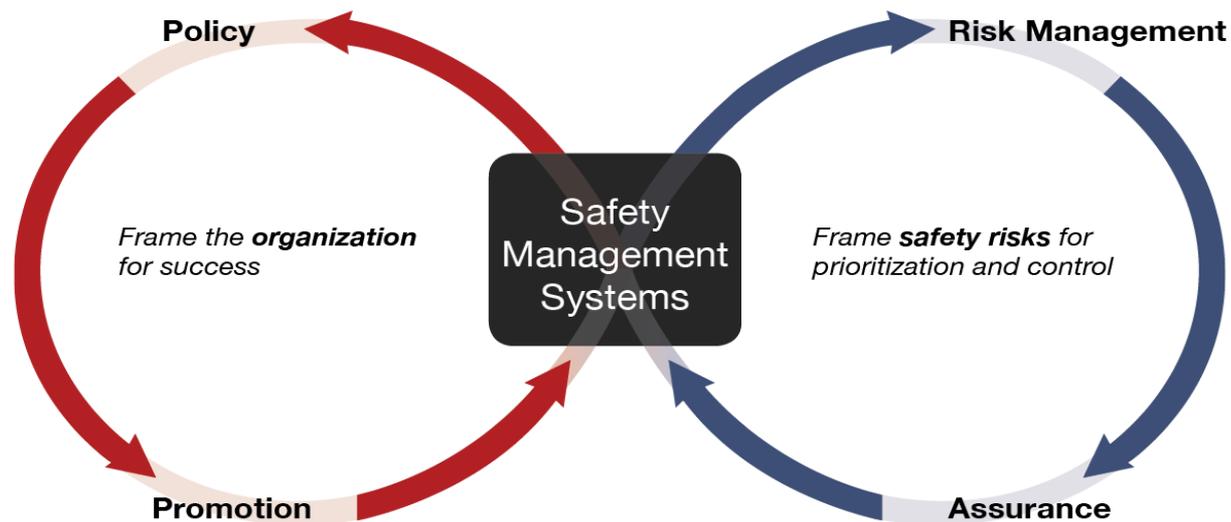
# The SMS Approach

## Safety Management Policy

- Accountable Executive
- Roles and responsibilities
- Management commitment
- Integration with existing programs
- Documentation

## Safety Risk Management

- Hazard identification and analysis
- Risk assessment and mitigation



## Safety Promotion

- Competencies and training
- Safety communication

## Safety Assurance

- Safety performance monitoring
- Management of change
- Continuous SMS improvement

# Thank You!

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