



U.S. Department of Transportation
Federal Transit Administration



**FACT SHEET:
TRANSIT SAFETY & OVERSIGHT
SECTION 5329**

	FY 2013 (in thousands)	FY 2014 (in thousands)
State Safety Oversight Formula Grants	\$21,989	\$22,293

Purpose

MAP-21 grants FTA the authority to establish and enforce a new comprehensive framework to oversee the safety of public transportation throughout the United States as it pertains to heavy rail, light rail, buses, ferries, and streetcars. The law requires, among other things, that FTA update the State Safety Oversight (SSO) program to ensure that rail transit systems are meeting basic, common-sense safety requirements. The law also includes important new safety provisions for bus-only operators. FTA will implement the new law in consultation with the transit community and the U.S. Department of Transportation (DOT) Transit Rail Advisory Committee for Safety (TRACS), which has been working since September of 2010 to help guide this effort.



Background

Since 1964, FTA, which finances nearly half of the capital expenditures for transit systems nationwide, has been prohibited by law from issuing basic safety standards to protect rail transit passengers and rail workers. The result is a patchwork of state laws that do not provide seamless or consistent safety coverage. The transit safety provisions in MAP-21 will help to remedy these long-standing shortcomings. In December 2009, DOT formally transmitted to Congress a legislative proposal to establish and enforce minimum federal safety standards for rail transit systems. Many of the safety provisions included in MAP-21 are reflected in the Administration’s original proposal.

Statutory References

49 U.S.C. Section 5329 / MAP-21 Section 20021

Safety Performance Criteria

FTA must develop safety performance criteria for all modes of transportation.

Vehicle Safety Performance Standards

- FTA must develop minimum safety performance standards for transit vehicles not regulated by other modes in DOT or any other federal agency.
- The Bus Testing Program will be required to incorporate the new safety performance standards into a new Pass/Fail rating system.

Public Transportation Safety

Public Transportation Safety Certification Training Program for Federal and State Personnel

- FTA will develop a public transportation safety certification training program that applies to transit grantees regardless of mode. The program is for federal and state employees or other personnel who conduct audits as well as employees of public transportation agencies responsible for safety oversight.
- Section 5307 and 5311 recipients may use up to 0.5 percent of formula funds to pay for up to 80% of the cost to participate in the public transportation safety certification training program for SSO agency employees.

Transit Agency Safety Plans for all Federal Transit Recipients

- All recipients of FTA funding will develop an agency safety plan and certify that the plan meets FTA requirements. At a minimum, these plans must include:
 - Strategies for identifying risks and minimizing exposure to hazards.
 - An adequately trained safety officer to report directly to the general manager or equivalent.
 - Performance targets based on the safety performance criteria above.
 - Staff training program.
- For recipients receiving 5311 funds, the plan may be drafted and certified by the recipient or the state.
- For recipients receiving 5307 funds, FTA must issue a rule designating the small public transportation providers or systems that may have their safety plans drafted or certified by the state.

State Safety Oversight Program (for States with Rail Systems not Regulated by FRA)

Requirements

- Each state with rail systems not regulated by the Federal Railroad Administration (FRA) will meet requirements for an SSO program. At a minimum, this must include:
 - assuming responsibility for oversight of rail fixed-guideway public transportation safety;
 - enforcing federal law for rail fixed-guideway public transportation safety; and
 - establishing a State Safety Oversight agency.
- SSO programs must encompass an SSO agency's capacity, organizational structure, financing, and activities.
- FTA must approve state SSO programs.

Funding

- FTA will develop a formula for states that takes into account revenue miles, route miles, and passenger miles.
- Federal share is 80%.

Certification

- FTA will certify whether each state SSO is adequate and meets the requirements.
- FTA will oversee implementation of the SSO programs and audit each SSO agency at least triennially.

Additional Authorities

- FTA has the authority to inspect and audit all public transportation systems; to make reports and issue directives with respect to the safety of public transportation systems; to issue subpoenas and take depositions; to require the production of documents; to prescribe recordkeeping and reporting requirements; to investigate public transportation accidents and incidents; to enter and inspect equipment, rolling stock, operations and relevant records; and to issue regulations to carry out section 5329.
- FTA has enforcement authority, and is permitted to issue directives, require more frequent oversight, impose more frequent reporting requirements, and require that formula grant funds be spent to correct safety deficiencies before funds are spent on other projects.