Overview of the Safety and Transit Asset Management Advance Notice of Proposed Rulemaking (ANPRM)

November 18, 2013
About This Webcast

**This is:**

- A forum for FTA to explain what is covered in the ANPRM
- A recorded presentation to be made publicly available in the ANPRM docket and on FTA’s website

**This is not:**

- A public hearing for providing comments or posing questions about implementation
- A forum to discuss facts not included in the ANPRM
- An opportunity to identify dates for next steps in the rulemaking process
Agenda

• FTA’s New Regulatory Authority for Safety
• Introduction to Advance Notice of Proposed Rulemaking
• National Safety Program
• National Transit Asset Management Program
• Request for Comment and Next Steps
A Message from
FTA Administrator Peter Rogoff
FTA’s New Regulatory Authority for Safety
FTA’s New Regulatory Authority for Safety

• July 6, 2012: President Obama signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21)
  • Provided Federal Transit Administration (FTA) with the authority to regulate safety for all modes of public transit
  • Initial focus on rail transit systems

• FTA does not intend to promulgate duplicative, inconsistent, or conflicting regulations
Advancing Top Priorities for Transit

• MAP-21 gives FTA the authority to act as the leader, facilitator, and final regulatory authority by conducting oversight and setting minimum safety criteria and standards.

• FTA proposes that State Safety Oversight (SSO) Agencies continue to serve as day-to-day regulators of rail transit systems

• FTA strengthened the Administration's call for State of Good Repair (SGR) by anticipating new SGR provisions through award of discretionary funding
Advance Notice of Proposed Rulemaking
Topics Covered in the ANPRM

• The ANPRM is open for comments in the Federal Register through January 2, 2014.

• The ANPRM covers two important topics:
  • The National Public Transportation Safety Program (National Safety Program)
  • The National Transit Asset Management System (National TAM System), 49 U.S.C. § 5326(b) and 5326(c)

• Given the scope of the ANPRM, please make sure you explicitly reference the question(s) to which you are responding in each of your comments.
Issuing a Consolidated ANPRM

The Transit Agency Budget and Planning Process

- Transit Asset Management Plan
  - Replace and maintain aging assets and infrastructure

- Capital Investment Plan
  - Expand service to meet increasing public demands

- Transit Agency Safety Plan
  - Ensure the safety of the public and employees

- Operational Plan
  - Operate the system in a way that meets customer expectations

Operational Plan

10
National Safety Program
Safety Management System 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

Policy → Safety Management Systems → Risk Management

Frame the organization for success

Promotion

Safety Promotion
- Competencies and training
- Safety communication

Assurance

Safety Assurance
- Safety performance monitoring
- Management of change
- Continuous SMS improvement
Safety Management System for Transit

• Consistent with DOT Policy
• SMS is scalable and flexible
• SMS has proven successful across industries globally
• Recommended by the Transit Rail Advisory Committee for Safety (TRACS)
• Responsive to MAP-21 requirements
# The National Safety Program

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<thead>
<tr>
<th><strong>National Safety Plan</strong></th>
<th>49 U.S.C. 5329(b)</th>
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<tbody>
<tr>
<td>- Establishes SMS as foundation for FTA’s safety regulatory framework</td>
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<td>- Includes the definition of State of Good Repair and safety performance criteria</td>
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<th><strong>Transit Agency Safety Plan</strong></th>
<th>49 U.S.C 5329(d)</th>
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<td>- Introduces SMS into practice</td>
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<td>- Agencies set performance targets for safety and State of Good Repair based on requirements set out in the National Safety Plan</td>
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<th><strong>Safety Certification Training Program</strong></th>
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<td>- Introduces SMS concepts</td>
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<td>- Improves technical competencies of safety oversight professionals</td>
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National Safety Plan

• Sets national safety priorities through performance based requirements; articulates goals for improved safety risk analysis and performance management in future National Safety Plans

• Defines process for collecting improved, standardized industry safety data

• Establishes clear and consistent definitions/metrics for tracking performance allowing for performance comparisons across agencies and enabling FTA to formulate national trend data and set priorities
Transit Agency Safety Plan

• Defines how SMS is actually put into practice
• Sets safety performance targets per the criteria and standards set out in National Safety Plan
• Coordinates with state/MPO to inform investment choices
Safety Certification Training Program

• Establishes a minimum baseline for expertise within the industry for Federal, State and transit agency personnel responsible for oversight and transit agency personnel responsible for safety

• Certifies course completion, not ability to perform job duties

• FTA will soon publish proposed Interim Provisions in the Federal Register
National Transit Asset Management (TAM) Program
Bringing Transit Into a “State of Good Repair”

- SGR Backlog, estimated to be $78B and growing
  - Conditions & Performance Report
  - Rail Modernization Study
  - SGR: Beginning the Dialogue Report

- New MAP-21 Formula Program
  - Replaces Fixed Guideway Modernization Program
  - Focuses on rail systems
# The National Transit Asset Management System

## National Transit Asset Management System

<table>
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<tr>
<th>FTA Defines State of Good Repair (SGR)</th>
<th>FTA Establishes SGR performance measures; Recipients set SGR targets based on the measures 49 U.S.C. 5326(c)(1) and (c)(2)</th>
<th>Recipients and subrecipients develop TAM Plans 49 U.S.C. 5326(b)(2)</th>
<th>Recipients report asset inventories and condition assessments 49 U.S.C. 5326(b)(3) and 5335(c)</th>
<th>FTA provides technical assistance 49 U.S.C. 5326(b)(5)</th>
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<td>49 U.S.C. 5326(b)(1)</td>
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**FTA**

FEDERAL TRANSIT ADMINISTRATION
4 Proposed Methods for Defining SGR

**Age-based**
Assets should be scheduled for replacement beyond a certain maximum age.

**Condition-based**
Assets should be replaced once inspections identify deteriorated conditions.

**Performance-based**
Assets should be replaced when their deteriorated condition reduces speed or reliability.

**Comprehensive-assessment**
Combines age, condition inspections, performance data, and maintenance history.

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Less Burden | More Accuracy
Performance Measures and Targets

• FTA must define SGR using objective standards for measuring conditions
• FTA must establish performance measures based on the definition of SGR
• Each recipient must set their own targets within 3 months of FTA establishing the measure:
  • No reward for making a target
  • No penalty for missing a target
• Annual reports to FTA
Transit Asset Management Plans

- Recipients and subrecipients must develop a TAM Plan

**TAM Plan Requirements:**

1) Asset inventory with condition assessments
2) Investment prioritization
3) Certification by the recipient to FTA

- Requirements will be scalable and flexible
- FTA will conduct risk-based oversight of TAM Plans
Technical Assistance

• Two statutory requirements:
  • Develop decision support tool for investment prioritization
  • Implement analytical process for capital investment needs (TERM-Lite)

• Transit Asset Management Guide
• Best practices from TAM pilot projects
• TAM courses
Request for Comment

We request that you please take the time to comment on this ANPRM and provide your thoughts to docket No. FTA-2013-0030 by January 2, 2014.

You may do so via:

- Web: www.regulations.gov
- Fax: 202-493-2251
- Mail: USDOT HQ*
- Hand delivery: USDOT HQ*

*1200 New Jersey Ave. SE
Washington, DC 20590
Next Steps

FTA will consider separate NPRMs to implement the requirements of:

- The National Public Transportation Safety Plan
- The Public Transportation Agency Safety Plan
- The Public Transportation Safety Certification Training Program
- The National Transit Asset Management System
Upcoming Webinars

Safety/TAM ANPRM for Small Transit Systems
• **When:** Tuesday, December 3, 1:00 – 2:30pm EST

Safety/TAM ANPRM for Medium/Large Transit Systems
• **When:** Wednesday, December 4, 2:00 – 3:30pm EST