2020 FTA Joint State Safety Oversight and Rail Transit Agency Virtual Workshop

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U.S. Department of Transportation

Federal Transit Administration

State Safety Oversight Audit Updates

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Overview

- Beginning of the State Safety Oversight Audit Program

- Current Audit Compliance

- Audit Findings from Part 659 and Part 674

- Audit Planning and Logistics

- Virtual Audit Planning

- SSO Audit Program Areas

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The Beginning

- 49 CFR Part 659.7 required FTA to monitor and evaluate compliance of the SSO agencies with FTA's SSO rule

    - In 1999, FTA established a goal of meeting this requirement through a three-year audit program

    - The SSO audit provided an independent, structured, and documented process to verify whether State programs address criteria outlined in FTA's regulations

    - Approximately 10 audits a year were conducted by FTA

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The Beginning

10 Most Common SSO Audit Findings

1. Insufficient Resources
2. SSOA did not ensure the RTA Completed Proper Internal Reviews
3. Insufficient or Unapproved RFGPTS SSPP or SSEP
4. Insufficient Hazard Reporting Required by State
5. SSOA did not ensure RTA Adequately Conducted its Hazard Management Process
6. Insufficient Investigation Reports (missing sections or activities)
7. Insufficient CAP Submittals, Approvals, or Close-outs
8. Insufficient Three-Year Review Conducted by State
9. SSOA did not ensure the RTA Reported Accidents as Required
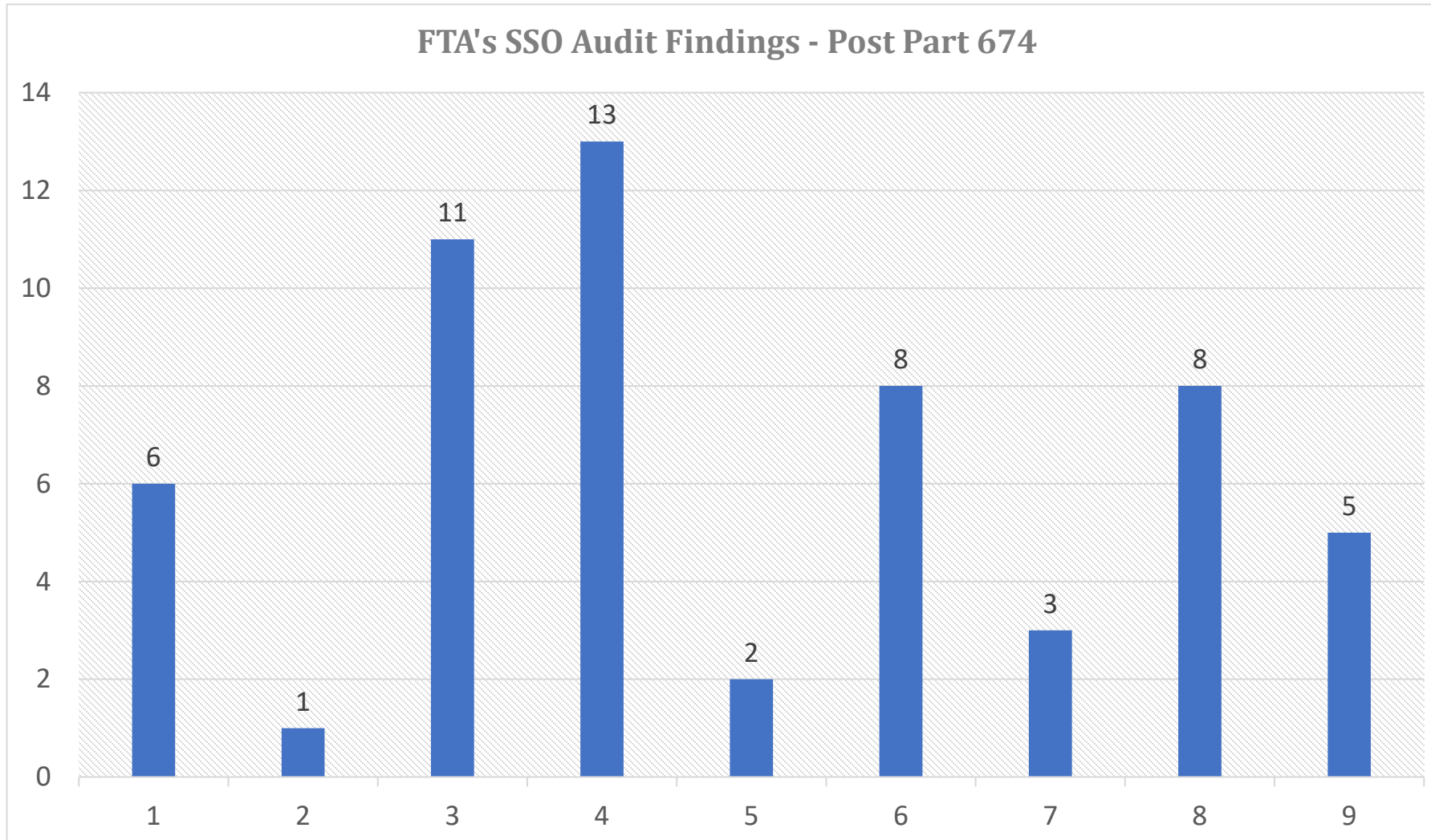10. SSOA did not ensure Compliance with Program Standard (State or RTA)

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1. Failure of RTA to Complete Proper Internal Reviews

Audit Compliance

With the passing of MAP-21 and the FAST Act, followed by the implementing rule, Part 674, the audit process was revised to address new requirements.

Part 674.11:
- Within three years of April 15, 2016, every State that has a RTA must have a SSO program that has been approved by the Administrator

- FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(9)

- Public Agency Safety Plan (49 CFR Part 673) replaces State Safety Program Plan (SSPP)

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Audit Findings – Post SSOA Certification

FTA's SSO Audit Findings - Post Part 674

9 Audits Conducted Since 2019

Total of 57 Findings

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Audit Planning and Logistics

- FTA conducts approximately 10 audits per cycle

- Senior Program Manager creates an audit schedule every cycle for leadership approval and Program Managers coordination

- Conduct Deconfliction meetings amongst other offices within TSO

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Virtual Audit Planning

- FY20 Audit Cycle Postponed due to COVID-19 public health emergency

- Conduct postponed audits and FY21 Audit Cycle virtually

- Plan is to start with Notification Letters in late-October

- Virtual Audits will be in three phases

  - Document Review

  - Virtual Interviews

  - Site Review (Video)

- Audit will be adjusted if FTA, SSOA, and RTAs return to limited or normal operations

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Audit Program Areas

The audit will include a review of following program areas:

1. Program Management
2. Grant Program
3. Program Standard
4. Staffing and Qualifications
5. SSPP/PTASP
6. Internal Reviews
7. Investigations and Reviews
8. SSOA Triennial Audits
9. Corrective Action
10. Annual Reports

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Program Management

The FTA will evaluate states program management process as specified in Part 674:

- Part 674.3 – Applicability
- Part 674.5 – Policy
- Part 674.11 – State Safety Oversight Program
- Part 674.13 – Designation of Oversight Agency
- Part 674.15 – Designation of Oversight Agency for
  Multi-State System
- Part 674.25 – Role of the State Safety Oversight Agency
- Part 674.27 – State Safety Oversight Program Standards
- Part 674.41 – Conflicts of Interest

Grant Program

The FTA will evaluate states grant program processes and activities as specified in:

- Part 674.17 – Eligibility of Federal financial

  assistance.

  - o 2 CFR Part 200.303 (a)

  - o 2 CFR Part 200.303 (d)

  - o FTA Circular 5010.1E Chapter VI (2)(f)(3)(a)(2)

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Program Standard

The FTA will evaluate states Program Standard as specified in:

- Part 674.27 (a) – State Safety Oversight Program Standards.

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Staffing and Qualifications of SSO Personnel and Contractors

The FTA will evaluate states staffing and qualifications of personnel as specified in:

- Part 674.11 – (d) and (e) State Safety Oversight Program
- Part 674.25 – (f) Role of the State Safety Oversight Agency
- Part 674.35 – (c) Investigations

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SSPP/PTASP

Audits that occurred before the Part 673 extended compliance date of December 31, 2020, will require a System Safety Program Plan (SSPP) compliant with 49 CFR 659.19.

- Part 674.9(c) states: "A System Safety Program Plan (SSPP) developed pursuant to 49 CFR Part 659 shall serve as the rail transit agency's safety plan until one year after the effective date of the Public Transportation Agency Safety Plan final rule, which will be codified in Part 673 of this chapter."

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RTA Safety Reviews

The FTA will evaluate states oversight activities for RTA's internal safety reviews as specified in:

• Part 674.27(a)(4) – State Safety Oversight Program Standards.

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Investigations and Reviews

The FTA will evaluate states investigation and review activities and documentation as specified in:

- Part 674.23 - Confidentiality of information
- Part 674.25 – Role of SSOA
- Part 674.27(a)(7) – SSO Program Standards
- Part 674.33 – Notification of Accidents
- Part 674.35 – Investigations

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SSOA Triennial Reviews of SSPP/PTASP

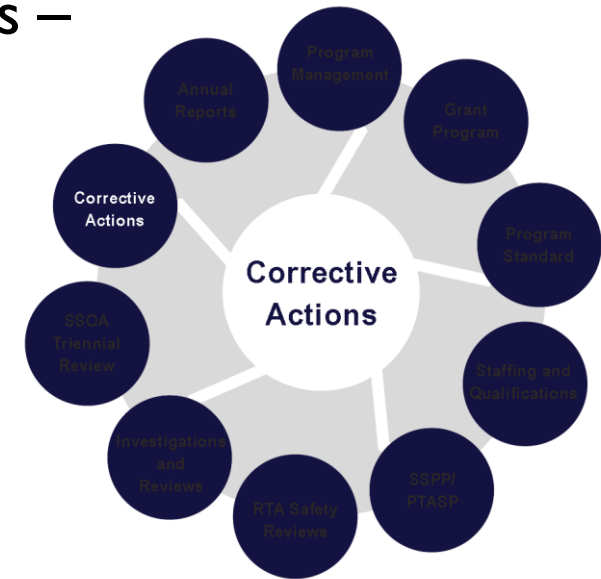The FTA will evaluate states triennial review documentation of the SSPP/PTASP as specified in:

- Part 674.9(c) - System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659

- Part 674.13(a)(4) - Review, approve, oversee, and enforce

- Part 674.13(a)(6) - At least once every three years, the SSOA audits every rail fixed guideway public transportation system

- Part 674.27(a)(5) - State safety oversight program standards. Triennial SSOA audits of Rail PTASP

- Part 674.31 – Triennial Audits: General Requirements.

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Corrective Actions

The FTA will evaluate states CAP documents as specified in:

- Part 674.27 (a)(8) - State Safety Oversight Program Standards – Corrective Actions
- Part 674.37 (a) - Corrective Action Plans
- Part 674.37 (b) - Process for Evaluating NTSB Findings

Annual Reports

The FTA will evaluate states annual reports submissions as specified in:

- Part 674.13 – (a)(7) Designation of Oversight Agency
- Part 674.27 – (b) State safety Oversight Program Standards
- Part 674.39 – State Safety Oversight Agency

  Annual Reporting to FTA

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