Transit Safety and Oversight Spotlight Newsletter

U.S. Department of Transportation
Federal Transit Administration

Message from the Acting Associate Administrator

December 2021
Vol. 6 No. 12

Dear Transit Colleagues:

Last month, the historic Bipartisan Infrastructure Law was signed authorizing $108 billion over the next five years for public transportation–the largest Federal investment in American infrastructure in the nation's history. It will boost transit funding across the nation by an average of 30 percent, reduce the current maintenance backlog by 15 percent, replace more than 500 aging transit vehicles and much more. Safety, modernization, climate and equity are the key priorities for public transportation under the infrastructure law.

Gail Lyssy
Acting Associate Administrator for Transit Safety and Oversight & Chief Safety Officer, FTA

The infrastructure law amplifies FTA safety programs, which includes:

- Enhancing State Safety Oversight (SSO) programs by establishing higher standards for rail inspection and requiring FTA to develop a process for monitoring the effectiveness of SSO enforcement.

- Outlining more comprehensive standards for the development of transit Agency Safety Plans (ASPs), transit worker safety training, vehicle operator assault prevention best practices and bus accident reduction measures.

- Adding content to the National Public Transportation Safety Plan including actions to ensure public and personnel safety and health during an emergency and a requirement that ASPs be consistent with the Centers for Disease Control and Prevention and State health authority guidelines on minimizing exposure to infectious diseases.

- Adding new requirements for 5307 recipients serving urban areas with a population of 200,000 or more to set risk reduction targets, establish a safety committee made up of an equal number of frontline employee representative and management representatives, and allocate not less than 0.75 percent of their 5307 funds to eligible safety-related projects.

- New reporting requirements to the National Transit Database for transit agencies to report assaults on transit workers and fatalities that result from impact with a bus.

These critical measures will improve transit safety across the nation. Please join FTA for a detailed look at the Bipartisan Infrastructure Law and how it will be implemented through FTA's programs at a webinar on Friday, January 7, 2022, beginning at 2:00 pm ET.

Finally, through these unprecedented times, your support allowed us to implement our existing programs and initiate new ones to enable safe and accountable transit. There are too many accomplishments to list, and we thank you for helping FTA deliver on its mission to improve public transportation for America's communities. I am looking forward to a fantastic 2022!

Sincerely,
Gail Lyssy

COVID-19 Resources and Updates

FTA continues to provide updated resources on COVID-19. The following resources are available:

- COVID-19 Recovery Practices in Transit—Provides web links to practices implemented by transit systems worldwide in response to COVID-19, updated monthly.

- COVID-19 Resource Tool—A compilation of Federal COVID-19 guidance and recommendations, updated weekly.

- FAQs from FTA Grantees Regarding COVID-19—Provides answers to frequently asked questions (FAQs) regarding COVID-19 relief funding and other requirements.

- Federal Mask Requirement for Transit—Provides links to resources, stakeholder call materials, FAQs and updated information on the Federal mask requirement.

Transportation Security Administration (TSA) extended the face mask requirement for all transportation networks through **March 18, 2022**.
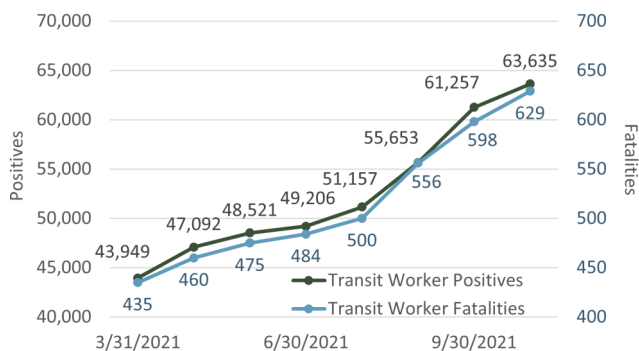
Sign-Up for Updates
Subscribe to FTA COVID-19 updates.

Mask Requirement Questions?
Email TransitMaskUp@dot.gov

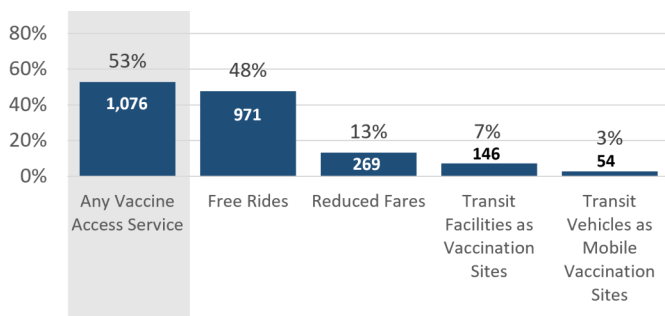# FTA Transit COVID-19 Response Program Information Collection Update

Key Takeaways as of October 31, 2021

The FTA Transit COVID-19 Response Program Information Collection captures COVID-19 related data monthly from nearly 2,100 transit providers. October submissions captured data through October 31, 2021, and were due on November 15, 2021.
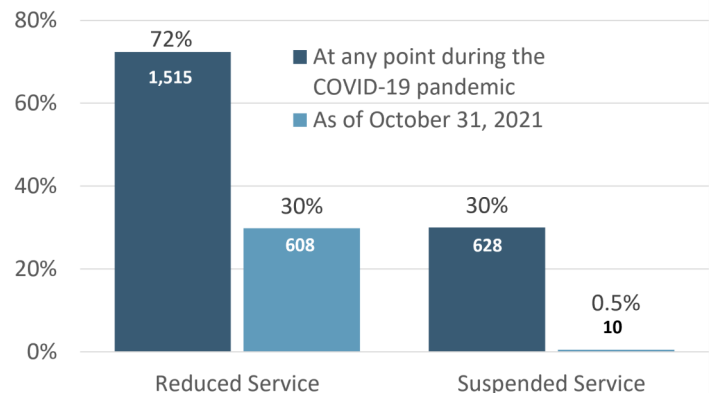
Percentage of Agencies with Reduced or Suspended Service

Transit Worker COVID-19 Positives and Fatalities

Transit Worker Vaccination Rates Over Time

Note: This chart presents the percentage of transit workers that are fully vaccinated but only includes data from agencies that reported workforce vaccination data. The agencies that reported this data account for approximately 72 percent of the total transit workforce.
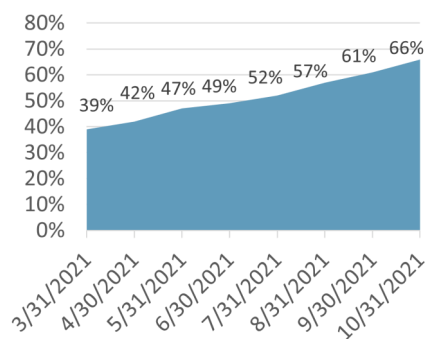
Percentage of Agencies That Used FTA Funds to Provide Vaccine Access Services—By Service Type (At Any Point Since the Beginning of the COVID-19 Pandemic)

Percentage of Agencies That Used FTA Funds to Provide Vaccine Access Services—By Funding Type (At Any Point Since the Beginning of the COVID-19 Pandemic)
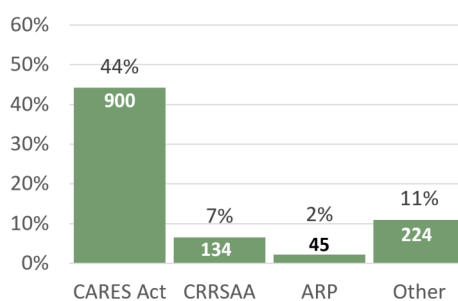
ARP: American Rescue Plan Act of 2021
CARES Act: Coronavirus Aid, Relief, and Economic Security Act
CRRSAA: Coronavirus Response and Relief Supplemental Appropriations Act of 2021
Other: Other FTA funds

Fiscal Year 2021 Program Oversight Reviews

FTA is responsible for conducting oversight activities to ensure that recipients of grants use the funds in a manner consistent with their intended purpose and in compliance with regulatory and statutory requirements. The FTA Office of Program Oversight develops and implements a comprehensive national oversight program to ensure that funding recipients remain compliant with the requirements of the FTA assistance programs.

FTA conducts Triennial Reviews (TR) and State Management Reviews (SMR) of grantees once every three years. In addition to those reviews, FTA may choose to conduct a specialized review on an FTA recipient to focus on areas of potential concern, such as financial management oversight (FMO) or procurement system review (PSR).

Due to the COVID-19 pandemic, Fiscal Year (FY) 2020 reviews were moved to FY21. This was the first year FTA conducted all reviews virtually to protect the safety of those involved in the review process. For FY21, FTA conducted a total of 231 oversight reviews, encompassing 209 TRs and 22 SMRs. For FY21 specialized reviews, FTA conducted nine FMOs and three PSRs.

The top 10 findings from FY21 TRs and SMRs were in the review areas of procurement (5), financial capacity (1), Disadvantaged Business Enterprise (DBE) (1), maintenance (1) and technical capacity (1). More than half of the top 10 findings were consistent from FY19 to FY21; however, a maintenance finding became a top finding this year and FTA will investigate this further to determine the root cause.

Top 10 Findings for TR and SMRs		
Finding	**FY21**	**FY19**
Procurement: Missing FTA clauses	X	X
Procurement: Responsibility determination deficiencies	X	
Financial Capacity: Missing, insufficient or out of date financial operating procedures	X	X
Procurement: Incomplete written documentation of procurement history	X	
Procurement: Lacking required cost/price analysis	X	X
Technical Capacity: Incorrect Federal Financial Report	X	X
Financial Capacity: Electronic Clearing House Operation (ECHO) documentation deficient	X	
Procurement: Lacking independent cost estimate	X	X
DBE: Uniform reports contain inaccuracies and/or are missing required information	X	X
Maintenance: Late vehicle/vessel preventive maintenance	X	

Of the finalized TR and SMR reports, FTA issued over 1,000 findings, a decrease by 40 percent from FY19. Initial observations suggest this decrease may be due to review area questions that were omitted from the review due to on site requirements, increased technical assistance offered, and additional flexibility offered in a virtual atmosphere and under the Emergency Relief Program.

FTA offered technical assistance over the past year through frequently asked questions and a series of webinars attracting over 3,000 participants. The first set of webinars focused specifically on helping

Average Number of Findings per Review			
	FY18	**FY19**	**FY21**
TR	6.9	6.9	3.8
SMR	5.5	9.7	8.8
All Reviews	6.8	7.1	4.3

recipients understand how to calculate, document and charge operating expenses to FTA grants. The second set highlighted key areas of procurement deficiencies in the FTA oversight review programs, common deficiency drivers, deficiency prevention methods and procurement aspects of FTA's COVID-19 supplemental funds.

In addition, FTA incorporated and implemented COVID-19 financial spot reviews into the FY21 oversight program. FTA's supplemental oversight for COVID-19 funds focuses on conducting spot review of ECHO draws to confirm eligibility of expenses, proper documentation, correct reporting of program income and revenue, duplicate payments and excess cash on hand of select recipients. These reviews will continue through FY2023. For FY21, FTA is conducting 119 spot reviews.

For questions regarding FTA's oversight reviews, please contact David Schilling, FTA's Acting Director of the Office of Program Oversight.

Register for the FTA Recipient Information Request Webinars

FTA is hosting a webinar series designed to help transit agencies understand how to complete the Recipient Information Request (RIR) for submission. Register for the webinar(s) listed below that applies to your agency's characteristics and interests. For all the webinars, presenters will introduce the audience to the Triennial Review (TR)/State Management Review (SMR) process along with a presentation of the RIR document sections with sample submissions and end with an opportunity for questions and answers.
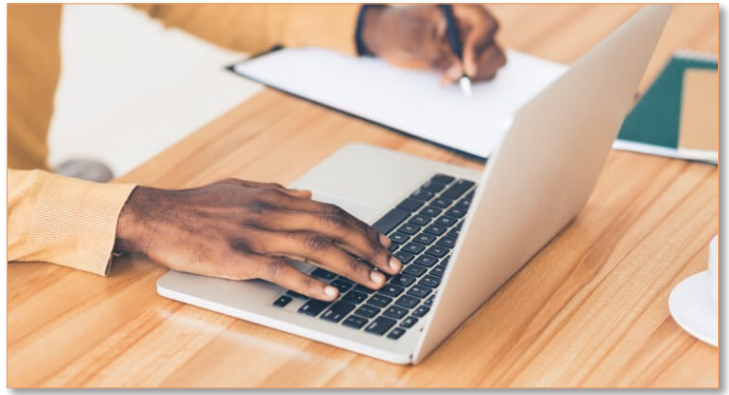
The webinar series will occur before the RIRs are due. These webinars will be geared towards recipient audiences with more than $100 million in annual operating expenses and State Department of Transportations (DOTs). We will also have a webinar that will focus on civil rights and another that focuses on non-civil rights areas. Recipients of all sizes and State DOTs are encouraged to attend any of these webinars.

Upcoming RIR Webinars

All Times Are 2:00 pm–4:00 pm ET

- **January 5, 2022:** This webinar will focus on recipients with annual operating expenses above $100 million.

- **January 6, 2022:** This webinar will focus on State Departments of Transportation.

- **January 11, 2022:** This webinar will focus on civil rights topics.

- **January 12, 2022:** This webinar will focus on non-civil rights topics.

- **January 13, 2022:** This webinar will focus on recipients with annual operating expenses below $100 million.

Background: FTA recently distributed letters to agencies that are receiving a TR or SMR in FY2022. The initial step for an agency that received a letter is to reply to the RIR so FTA can begin assessing compliance with program and administrative requirements.

FTA's Recent APTA Presentations

APTA TRANSform Conference & EXPO

Last month, Gail Lyssy, FTA's Acting Associate Administrator for Transit Safety and Oversight (TSO), represented FTA at the American Public Transportation Association (APTA) TRANSform Conference & EXPO. The event included sessions focused on: safety and security; post-pandemic ridership; infrastructure investment; emerging technologies; high-performance rail; diversity, equity and inclusion; sustainability and how to reduce transit's carbon footprint; data collection and analysis; workforce development; and more.

On November 6, 2021, Acting Associate Administrator Lyssy presented at the Security & Emergency Management Roundtable on transit security updates

Left to Right: **Joan German Hudson**, Research Engineer, Texas A&M Transportation Institute, College Station, TX; **James Wojciechowski, Jr.**, Assistant Chief Safety Officer, Washington Metropolitan Area Transit Authority (WMATA), Washington, DC; **Ronald L. Ester, Jr.**, Chief Safety Officer, Massachusetts Bay Transportation Authority (MBTA), Boston, MA; **Louis J. Brown, Jr., P.E.**, Senior Engineering Manager, Jacobs, Orlando, FL; and **Gail Lyssy**, Acting Associate Administrator for Transit Safety and Oversight and Chief Safety Officer, FTA, Washington, DC

focusing on the FTA Enhanced Transit Safety and Crime Prevention Initiative. FTA launched this initiative in July 2021 to provide information and resources to help transit agencies address and prevent crime on their systems and protect transit workers and riders. On November 7, 2021, Acting Associate Administrator Lyssy presented at the Federal Procedures Subcommittee Meeting on the FTA Fiscal Year 2021 Triennial and State Management Review Findings and Observations. She also presented transit safety and oversight updates at the Safety Coordinating Council Meeting and at the Hot Topics in Safety and FTA Safety-Related Initiatives session on November 9, 2021.

APTA Mid-Year Safety Virtual Seminar

On December 15, 2021, Ray Biggs, II, FTA's Division Chief for Safety Assurance and Risk Management in the Office of System Safety and Frank Hackett, FTA Program Manager and Safety Risk Management Coordinator in the Office of System Safety, represented FTA at the APTA Mid-Year Safety Seminar. This event connected creative innovative presentations and speakers to industry specialists that center around risks, exposures, alternatives and new technology unique to transit. TSO presented on FTA's Transit Workers Safety Concerns Request for Information (RFI), Transit Safety Concerns RFI, Public Transportation Agency Safety Plan and Public Transportation Safety Certification Training Program regulations. On December 16, 2021, Paulina Orchard, FTA's Division Chief for Safety Policy and Promotion in the Office of System Safety and Sharece Tyer, Program Analyst in the Office of System Safety, presented on transit worker assaults, and FTA's Enhanced Transit Safety and Crime Prevention Initiative and Transit COVID-19 Response Program. View these presentations on the FTA website. Questions? Please contact FTASafetyPromotion@dot.gov.

Fiscal Year 2022 TSI Safety Training

Registration is open for Transportation Safety Institute (TSI) safety training courses for transit personnel. These courses also support FTA grantees subject to the Public Transportation Safety Certification Training Program (PTSCTP) regulation with initial training and refresher training requirements. The Fiscal Year 2022 TSI Training Schedule is also available. New this fiscal year, all rail PTSCTP courses will be delivered virtually.

In-person TSI courses depend upon each host's local guidance. Please contact TSI at TSI@dot.gov or 405-954-3682 for more information. TSI can verify the status of scheduled courses and assist with any other course-related questions.

General Rail/Bus PTSCTP Virtual Live Training Courses	
SMS Principles for Transit: Includes an introduction to the principles and four components of a Safety Management System (SMS): Safety Policy; Safety Risk; Safety Assurance; and Safety Promotion.	January 3–5, 2022 February 7–9, 2022 April 5–7, 2022 June 22–24, 2022 July 26–28, 2022
SMS Safety Assurance: Examines the Safety Assurance (SA) component within a SMS and discusses the three key subcomponents and essential SA activities and tools necessary to verify the effectiveness of safety risk mitigations and that no new safety risks have been introduced through the implementation of the mitigations or changes.	February 1, 2022 March 22, 2022 May 11, 2022 July 29, 2022
Effectively Managing Transit Emergencies: Provides participants with information on understanding the necessity, purpose, development and implementation of emergency management and how it relates to the other safety functions of a transit system.	January 18–21, 2022 February 15–18, 2022 April 19–22, 2022 May 31–June 3, 2022 July 19–22, 2022
Rail PTSCTP Virtual Live Training Courses	
SMS Principles for SSO Programs: Provides participants with the knowledge, skills and tools State Safety Oversight Agencies (SSOAs) need as their Rail Transit Agencies (RTAs) move from SMS planning and implementation to SMS operation.	January 6, 2022 February 10, 2022 April 8, 2022 June 29, 2022 July 7, 2022
Transit Rail System Safety: Provides basic rail system safety and SMS principles, as well as the required elements of MAP-21 rulemaking and the SSO Rule 49 CFR Part 674.	March 28–April 1, 2022 May 2–6, 2022 June 13–17, 2022 July 11–15, 2022

Rail PTSCTP Virtual Live Training Courses	
Transit Rail Incident Investigation: Provides participants with the knowledge and skills to successfully investigate various types of transit incidents and comply with the requirements of State Safety Oversight (SSO) Rule 40 CFR Part 674.	January 10–14, 2022 March 7–11, 2022 April 11–15, 2022 May 16–20, 2022 June 6–10, 2022

Non-PTSCTP Virtual Live Training Courses	
Overseeing the Safety Management Process for SSOAs: Provides a practical approach for managing SSO programs while rail transit agencies transition to a Safety Management System (SMS) framework at their organizations.	March 1–4, 2022 August 15–18, 2022

eLearning Self-Paced Virtual Courses Available 24/7
Bus Nomenclature: Provides participants with an introduction to the basic terminology and components used in bus transit systems.
Curbing Transit Employee Distracted Driving: Provides participants with a raised awareness of distracted driving with the desired outcome of reducing the risk of distracted driving by public transportation professionals.
Fatigue and Sleep Apnea Awareness for Transit Employees: Provides participants with the knowledge and skills to identify individuals at high risk for obstructive sleep apnea and other sleep disorders as well as general concepts about sleep and fatigue.
Rail Nomenclature: Provides participants with an introduction to the basic terminology and components used in rail systems.
Roadmap to Drafting an Agency Safety Plan for Bus Agencies: Provides participants with examples of how to translate the requirements of the Public Transportation Agency Safety Plan Regulation 49 CFR Part 673 into a compliant Agency Safety Plan.
SMS Awareness: Provides participants with an introduction to SMS. This course is the mandatory prerequisite for the SMS Principles for Transit and Safety Assurance courses.

NTI Virtual AAP and VTW Courses

The National Transit Institute (NTI) is offering additional virtual Assault Awareness and Prevention (AAP) and Violence in the Transit Workplace (VTW) courses. The AAP and VTW courses support the FTA Enhanced Transit Safety and Crime Prevention Initiative to provide information and resources to help transit agencies address and prevent crime on their systems and protect transit workers and riders. **Registration is required.** Please contact NTI at 848-932-1700 or nti_info@nti.rutgers.edu with any questions. For questions about FTA safety training offerings, please contact FTASafetyPromotion@dot.gov.

> The recorded versions of the AAP and VTW courses are on the FTA Enhanced Transit Safety and Crime Prevention Initiative webpage.

NTI Virtual AAP and VTW Courses	
VTW Train-the-Trainer Course: Provides participants with knowledge and skills to prevent, respond to and recover from workplace violence.	December 16, 2021

TSA's New Cybersecurity Requirements for Surface Transportation Owners and Operators

On December 2, 2021, the Transportation Security Administration (TSA) announced two new Security Directives, entitled Enhancing Rail Cybersecurity - SD 1580-21-01 and Enhancing Public Transportation and Passenger Railroad Cybersecurity - SD 1582-21-01, along with additional guidance for voluntary measures to strengthen cybersecurity across the transportation sector, the Enhancing Surface Transportation Cybersecurity - IC 2021-01. These are among several actions TSA is taking to strengthen cybersecurity in the transportation sector in response to the ongoing cybersecurity threat to surface transportation systems and associated infrastructure.

The Security Directive 1582-21-01, which applies to all Public Transportation/Passenger Rail (PTPR) owner/operators identified in 49 CFR 1582.101 that own or operate a passenger railroad or a rail transit system, requires four critical actions: designate a cybersecurity coordinator; report cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency within 24 hours of identification; develop and implement a cybersecurity incident response plan to reduce the risk of an operational disruption; and conduct a cybersecurity vulnerability assessment to identify potential gaps or vulnerabilities in their systems.

Access the TSA Surface Transportation Cybersecurity Toolkit to view the TSA Security Directives and guidance documents.

FTA Employee Spotlight: Lahiru Karunaratne

Lahiru Karunaratne
Transportation Oversight Specialist, Office of Program Oversight, Office of Transit Safety and Oversight, FTA

How would you explain your job to someone you have never met? I am a Transportation Program Specialist for the Office of Program Oversight in FTA's Office of Transit Safety and Oversight. FTA is responsible for conducting oversight activities to ensure that recipients of grants use the funds in a manner consistent with the intended purpose and in compliance with regulatory and statutory requirements. Several oversight review programs exist to accomplish this goal. Our office develops and implements a comprehensive national oversight program to ensure that funding recipients remain compliant with the requirements of FTA's assistance programs.

What were you doing prior to this role? Previously, I worked at the Washington Metro Rail Safety Commission in a State Safety Oversight capacity. Prior to that, I worked for Hewlett Packard Company (HP) as an Operations Manager.

What would you share with new professionals getting started in the transit industry? The transit industry is one of the most rewarding industries to work for to make a positive impact on people's daily lives.

What is your favorite form of transportation and why? Automobiles. They are fast, easily accessible, relatively inexpensive, and convenient.

When you were a child, what did you want to be when you grew up? A doctor! I always wanted to help others and becoming a doctor would have given me an opportunity in an alternate industry.

If you could learn any skill, what would it be? It would be awesome to learn how to be a pilot. I am fascinated about flying an Airbus A380, carrying 853 passengers, ranging 9,756 miles—at a cruising speed of 559.23 mph.

What is the bravest thing you have ever done? Sky diving, but I would rather not do it again!

Which holiday is your favorite and why? Thanksgiving. It is the perfect time for family and friends to always come together, that is the best part of any holiday. I believe our loved ones are the key to happiness and success.

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Federal Transit Administration
Office of Transit Safety and Oversight
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Access the FTA Transit Safety and Oversight Spotlight Newsletters on the FTA website.

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Upcoming Events and Webinars

FTA Recipient Information Request Webinar
January 5, 2022 | 2:00 pm–4:00 pm ET

PTASP Webinar: Using the NTD to Support Safety Analysis in an SMS
January 6, 2022 | 1:00 pm–2:30 pm ET

FTA Recipient Information Request Webinar
January 6, 2022 | 2:00 pm–4:00 pm ET

FTA External Stakeholder Bipartisan Infrastructure Law Webinar
January 7, 2022 | 2:00 pm ET

TRB Annual Meeting
January 9–13, 2022

FTA Recipient Information Request Webinar
January 11, 2022 | 2:00 pm–4:00 pm ET

FTA Recipient Information Request Webinar
January 12, 2022 | 2:00 pm–4:00 pm ET

FTA SSOR Refresher Training Webinar
January 13, 2022 | 2:00 pm–3:15 pm ET

FTA Recipient Information Request Webinar
January 13, 2022 | 2:00 pm–4:00 pm ET

FTA SSOR Refresher Training Webinar
February 15, 2022 | 2:00 pm–3:15 pm ET

FTA Drug and Alcohol Program Management Information Systems Overview Training
February 16, 2022 | 11:30 am–1:00 pm ET

FTA Drug and Alcohol Program Management Information Systems Overview Training
March 1, 2022 | 1:00 pm–2:30 pm ET