



FEDERAL LAW REQUIRES STATE SAFETY OVERSIGHT AGENCIES TO OVERSEE RAIL TRANSIT SAFETY

In 1991, Congress enacted Federal transportation law stating that because rail transit is an inherently local activity, the States are the principal safety oversight authorities for rail transit systems. At the same time, Congress directed the Federal Transit Administration (FTA) to create and administer a State Safety Oversight Program (SSOP). In 2012, Congress passed legislation that greatly expanded FTA safety authority and required States with rail transit systems to strengthen their own SSOPs. In 2015, Congress again passed legislation giving FTA additional safety authority, including a provision that allows FTA to withhold Urbanized Area formula funds if it determines that a State Safety Oversight Agency (SSOA) is incapable of providing safety oversight and the State fails to establish a new, federally compliant SSOP within one year of FTA's determination.

INADEQUACY OF THE TRI-STATE OVERSIGHT COMMITTEE AS THE SSOA FOR WMATA METRORAIL

The June 2009 Fort Totten collision of two Washington Metropolitan Area Transit Authority (WMATA) Metrorail trains, resulting in nine fatalities and dozens of injuries, exposed the inadequacy of the Tri-State Oversight Committee (TOC), the SSOA established and operated by the District of Columbia, Maryland and Virginia. Since April 2010, the three jurisdictions have recognized the need for the creation of a new, stronger and more effective SSOP and SSOA for Metrorail, but nearly seven years later, neither have been established. During this period, serious safety incidents continued to occur on the Metrorail system, and in October 2015, FTA assumed temporary and direct safety oversight of Metrorail from the TOC.

FTA SETS DEADLINE FOR DC, MD & VA TO OBTAIN CERTIFIED STATE SAFETY OVERSIGHT PROGRAM

In January 2016, it was announced that the District of Columbia, Maryland and Virginia would not create a new SSOP for Metrorail in 2016. As a result, FTA exercised authority provided by Congress in the Fixing America's Surface Transportation (FAST) Act of 2015 to set a one-year deadline for the jurisdictions to establish an SSOP certified by FTA or risk the withholding of Federal transit formula funds. On February 8, 2016, FTA informed the Governors and the Mayor that failure to establish an FTA-certified SSOP by February 9, 2017 may result in the withholding of approximately \$15 million in Urbanized Area formula funds based on a full year Fiscal Year 2017 Federal appropriations. Notably, the jurisdictions did not undertake meaningful efforts to establish a new SSOP until after FTA assumed the TOC's safety oversight responsibilities, and serious efforts to craft legislation authorizing the creation of a new SSOA and SSOP did not begin until after the February 9, 2017 deadline was set.

FTA WITHHOLDS FEDERAL TRANSIT FUNDS FROM DC, MD & VA

Safety is the highest priority of the U.S. Department of Transportation (DOT), and while FTA has engaged in robust safety oversight of Metrorail, that oversight is temporary and is ultimately a State and District responsibility. The future safety of the Metrorail system, its passengers and workers requires that the District of Columbia, Maryland and Virginia complete their work on a federally compliant SSOP without further delay.

As authorized in the FAST Act, on February 10, 2017, FTA is withholding five percent of Fiscal Year 2017 Urbanized Area formula funds from eight recipients in the three jurisdictions until the three jurisdictions establish a new, FTA-certified SSOP for WMATA Metrorail. The funds will be withheld (not forfeited) until the jurisdictions pass identical legislation and meet other statutory requirements so that FTA can certify a new SSOP for WMATA Metrorail. After certification is achieved, the withheld funds will be released and available for use.



U.S. Department of Transportation
Federal Transit Administration

Under the current Federal continuing budget resolution through April 28, 2017, the amount being withheld is approximately \$8.9 million for the two states and the district. Based on a full-year appropriation, the total amount that may be withheld in Fiscal Year 2017 is estimated at approximately \$15 million.

Formula funds associated with the eight FTA recipients, and as many as 23 urbanized areas throughout the District of Columbia, Maryland and Virginia, could see a reduction in available funds.

| State | Urbanized Area | Designated Recipients |
|-------|--|--|
| DC | Washington, DC-VA-MD | Washington Metropolitan Area Transit Authority (WMATA); Maryland Transit Administration (MTA); Potomac and Rappahannock Transportation Commission (PRTC) |
| MD | Baltimore, MD | Maryland Transit Administration (MTA) |
| MD | Aberdeen-Bel Air South-Bel Air North, MD | Maryland Transit Administration (MTA) |
| MD | MD Statewide Apportionment | Maryland Transit Administration (MTA) |
| VA | Virginia Beach, VA | Hampton Roads Transit (HRT) |
| VA | Richmond, VA | Greater Richmond Transit Company (GRTC) and the City of Petersburg |
| VA | Roanoke, VA | Greater Roanoke Transit Company (GRTC) |
| VA | VA Statewide Apportionment | Virginia Department of Rail and Public Transportation (VDRPT) |

WHAT DC, MD & VA MUST DO TO OBTAIN AN FTA-CERTIFIED STATE SAFETY OVERSIGHT PROGRAM

In order for FTA to certify an SSOP for WMATA Metrorail, the District of Columbia, Maryland and Virginia must still take several key actions, including:

- Passing identical legislation by Maryland and Virginia State legislatures and the District of Columbia, and signed by the State Governors and District Mayor.
- Submitting a certification application and documentation to FTA showing that the SSOA has independence from the rail transit system it oversees; enforcement and investigation authority; adequate staffing and training; and has met general program requirements.
- Participating in a transitional hand-off period whereby FTA officials work side-by-side with new SSOA officials to ensure they are capable of conducting all oversight responsibilities required by Federal law.
- Verifying with FTA that the new SSOA's enforcement and oversight capabilities, as well as their inspection, investigation and audit activities are adequate and meet all statutory requirements.