

**Remarks by Thomas Littleton, PhD
FTA Associate Administrator for Transit Safety and Oversight
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Good morning everyone. I'm Tom Littleton, Associate Administrator for Transit Safety and Oversight at the Federal Transit Administration. It's an honor to be here today – and to have the opportunity to share with you what we have been doing to implement America's first comprehensive safety program for public transit.

For those of you who may not be aware, the FTA is part of the U.S. Department of Transportation and provides \$12 billion dollars annually in financial and technical assistance to local public transit systems, including buses, rapid rail, light rail, commuter rail, trolleys and ferries. FTA also oversees safety measures and helps develop next-generation technology research programs.

So, given that public transportation is one of the safest modes of transportation available anywhere, you might ask why the Federal government is working to implement new and robust safety programs for this industry. The answers are simple. In recent years, transit injuries and fatalities have trended upward as demand grows and systems age. For rail transit, in particular, there is a significant risk of catastrophic accidents, with loss of life or serious injury, which cannot be ignored.

In fact, the National Transportation Safety Board or NTSB has conducted at least 19 major investigations of transit-related accidents since 2006. This alarming trend captured national attention in 2009 with the Fort Totten crash in the DC Metro system, which left nine dead and dozens more injured.

In response, in 2012, Congress passed the Moving Ahead for Progress in the 21st Century, or MAP-21 as it is called for short, a new federal law which gave FTA the authority to set national safety standards for all modes of public transportation.

In July 2013, the FTA created an office solely focused on safety – the Office of Transit Safety and Oversight. I came to FTA shortly after to build and shape this office. Many of you who work in the industry are still learning about whom we are and what we do, and it's my intention to give you more insight into what we are doing and what you can expect to see as FTA grows into the fullness of its new mission.

First, MAP-21 directed the FTA to establish a national Public Transportation Safety Program. To accomplish this, FTA took on three major initiatives. First – we implemented a more effective State Safety Oversight program than what had previously existed. Second – we strengthened our regulatory and oversight authority. And, third - we adopted Safety Management Systems – which I will talk more about later – as the framework of our safety program.

In December 2015, Congress passed the Fixing America's Surface Transportation Act, or FAST Act, which further strengthened FTA's role in safety and increased FTA's safety authority by providing for temporary Federal assumption of rail transit safety oversight as

circumstances warrant such action. The FAST Act authorizes the FTA to issue restrictions and prohibitions to address unsafe conditions or practices, and provides explicit authority to withhold funds for non-compliance with safety requirements.

As I mentioned earlier, the FTA has chosen to adopt Safety Management Systems - or SMS – as the basis for our National Safety Program. SMS is a formal, top-down, organization-wide approach to managing safety risks.

SMS has been chosen by FTA because of its success throughout other transportation industries such as space, chemical, nuclear, and aviation. To help guide the industry towards a working understanding of SMS, we have started pilot programs at several bus agencies and one large multimodal system. Based on these pilots, we will develop resources for the rest of the industry while providing a pool of peer to peer expertise in the industry.

Rulemaking is another component of FTA's new national safety program. Rulemaking in the Federal government is long and at times

a challenging process, but this year alone we have made great progress. Specifically, we have issued:

- A Proposed National Public Transportation Safety Plan and a Public Transportation Agency Safety Plan Notice of Proposed Rulemaking,
- A State Safety Oversight final rule,
- A Transit Asset Management final rule, and
- A Public Transportation Safety Program final rule.

So, while this isn't the venue to describe each of these in detail, let me share some thoughts.

Let me begin with the National Safety Plan, which is not a regulation but rather a guidance document to shape the future of safety in public transportation. The proposed National Safety Plan establishes four areas of safety performance measures for transit providers to set performance targets. Those four areas are fatalities, injuries, safety events, and system reliability. The categories, while broad in order to apply to all public transportation modes, are intended to

provide a high-level “state of the industry” measure, and also help focus individual agencies on the development of specific targets relevant to their operations. To that end, transit agencies would be required to set safety performance targets for fatalities, injuries, safety events, and system reliability in their Agency Safety Plans.

The National Public Transportation Safety Plan and a Public Transportation Agency Safety Plan NPRM would require any public transportation system that receives Federal financial assistance to implement a comprehensive safety plan based on SMS principles. Each transit operator would be required to develop an Agency Safety Plan within one year after the effective date of the final rule.

Under the proposed rule, a transit operator would identify an Accountable Executive who is ultimately responsible for safety management within their transit system. The Accountable Executive would ensure that the SMS is effectively implemented and would certify the Agency Safety Plan each year. The Accountable Executive plays a similar role in ensuring that an operator’s Transit Asset

Management plan—which I'll describe in just a moment—is developed and carried out.

The FTA published our first final MAP-21 related rulemaking, the State Safety Oversight rule, in March of this year. This rule applies to all States where a rail transit system receives Federal funding under Chapter 53 of the U.S. Code, and carries out several specific Federal requirements, including that a State must submit its State Safety Oversight program to FTA for certification, that the designated SSO Agency must have financial and legal independence from the rail transit agencies it oversees, and that the SSO Agency have independent investigatory and enforcement authority. Once it is fully implemented, it will give States greater responsibility for overseeing their rail transit systems and strengthen their authority to prevent accidents and incidents in their systems.

Earlier this year, FTA finalized the Transit Asset Management Rule, which requires FTA-funded transit systems to develop management plans for their public transportation assets, including vehicles, facilities and equipment in order to provide safer and more reliable transit service nationwide. This rule is important because when

transit assets are NOT in a state of good repair, both safety and reliability are put at risk. Maintenance costs rise, breakdowns increase and service plummets.

Next we published the Safety Program final rule, which serves as an umbrella document for the other safety rules. This rule formally adopts SMS as the foundation for FTA's approach to safety oversight, and for all future safety policy and rulemaking. The program rule also establishes procedures for the FTA to conduct inspections, investigations, audits, examinations, testing of facilities, equipment, and rolling stock, as well as the operations of public transportation systems.

This rule also outlines procedures for the FTA to take enforcement actions against public transportation systems, States, and State Safety Oversight Agencies when needed. These enforcement actions include the issuance of directives or advisories, directing the use of Federal financial assistance, and withholding Federal financial assistance.

Lastly, we anticipate that the Agency Safety Plan final rule and the National Safety Plan guidance document will be issued before the end of President Obama's administration. The Public Transportation Certification Training Program final rule, which would set mandatory training requirements for Federal and State Safety Oversight personnel, is currently under review. Until the final rule is published, the NPRM's Interim Provisions are in place to provide coursework for personnel who conduct safety audits and examinations, and those with direct safety oversight responsibility.

Safety standards are another new area for the FTA. The FAST Act requires the FTA to conduct a review of public transportation safety standards and protocols, and to issue a report with recommendations and actions to improve the safety of the industry.

Earlier this year, the FTA sought public comment on our initial inventory of standards. We looked for industry input to help analyze the effectiveness of and determine the need for additional safety standards.

We have included fire-life safety standards in our review and evaluation, a topic of particular interest to this audience!

We will issue a final report on the findings of the review in early 2017. This report will include a comprehensive set of recommendations and further actions needed to improve the safety of the transit industry.

Finally, I want to take a few minutes to tell you about the FTA's recent oversight role of the Washington Metropolitan Area Transit Authority, or WMATA – the DC Metro Rail System.

In January 2015, you may recall hearing about an electric arcing incident which produced smoke in a tunnel and nearby station resulting in one passenger death and more than 90 injuries. This incident was the latest in a string of accidents for WMATA over the past decade, resulting in passenger and worker injuries and fatalities.

In October 2015, Secretary Foxx directed the FTA to assume temporary oversight authority of WMATA from the existing State Safety Oversight Agency, the Tri-State Oversight Committee or TOC, because they lacked sufficient resources and enforcement ability to be fully effective. WMATA has been under FTA's direct oversight authority for the past year. Under this safety oversight, the FTA has primary responsibility to ensure and verify that WMATA implements corrective action plans.

Let me emphasize, however, the FTA's role of direct oversight of WMATA Metro Rail is temporary. As a result of the FAST Act, the State of Maryland, the District of Columbia and the Commonwealth of Virginia must create a new State Safety Oversight program for WMATA Metro Rail. In February 2016, Secretary Foxx gave Maryland, Virginia and the District one year to establish this oversight authority. If they miss the deadline, FTA may withhold certain Federal transit funding to Maryland, DC and Virginia.

As the acting oversight agency for WMATA, the FTA has led hundreds of inspections, audits and accident investigations of WMATA.

FTA issued reports based on a three-part safety blitz which focused on track integrity, stop signal overruns and rail vehicle securement failures. Based on our findings, FTA issued safety directives to correct these problems.

In our temporary oversight role, our team is working to make WMATA safer for both its workers and the riding public.

So, in closing, you can see that the FTA is working very hard under our new authorities. I encourage you to visit FTA's website and view our Safety and Oversight page to stay up-to-date with the work we are doing to make a safe industry even safer.

Thank you once again for inviting me to speak today, and I am happy to answer your questions with the time remaining. Thank you.

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