

FTA

FEDERAL TRANSIT ADMINISTRATION

State Safety Oversight Formula Grant Program Overview

March 18, 2014



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Purpose

The purpose of this presentation is to brief the State Safety Oversight (SSO) agencies on the SSO Formula Grant Program.

This presentation includes the following topics:

- Impacts of MAP-21
- MAP-21 Certification
- Certification Work Plan (CWP)
- SSO Formula Grant Program Snapshot
- Common Grant Activities
- Grant Application Process
- Post Award and Reporting
- Guidance and Technical Assistance

Impacts of MAP-21

Under MAP-21, States will receive Federal funding, for a previously unfunded mandate, to develop and implement an enhanced SSO program.



MAP-21 Certification

- FTA provided an initial certification determination in October 2013
 - Non-certified States are **required** to submit a certification work plan (CWP) that identifies activities to achieve FTA certification as part of the grant application;
 - Certified States **may** provide a transitional work plan to ensure MAP-21 SSO activities are funded

Certification Work Plan (CWP)

- **Required** for States that are not certified
- Must address:
 - Gaps with the MAP-21 statutory requirements
 - Clear end-result to achieve compliance with each gap
 - Eligible activities with reasonable timeframes to achieve goals
- A CWP template and technical assistance is available at http://www.fta.dot.gov/tso_15863.html
- FTA must approve the CWP **before** a grant application may be processed in TEAM
- Submit completed CWPs to: Maria Wright (Maria1.Wright@dot.gov)

SSO Formula Grant Program Snapshot

- **Purpose:** To provide funding for eligible States to develop or carry out SSO programs in accordance with MAP-21 requirements.
- **Eligible Recipients** include States with:
 - A rail transit system within its jurisdiction that is not subject to regulation by the Federal Railroad Administration (FRA), or
 - A rail transit system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the FRA.

Quick Facts	
<i>FY 2013 Available Funding</i>	\$21,945,771
<i>FY 2014 Available Funding</i>	\$22,293,250
<i>Period of Availability</i>	Year of apportionment plus two years
<i>Pre-Award Authority</i>	Allowed after the Notice of Apportionment publication date and once the grantee is certified or has an approved certification work plan
<i>Local Match</i>	20%

For more information, visit: http://www.fta.dot.gov/tso_15863.html

Common Grant Activities

Eligible



- In-State and out-of-State training and travel
- Training (for SSO personnel) taken at the rail transit system
- Staff wages and payments to contractors
- Vehicles, equipment, or information systems

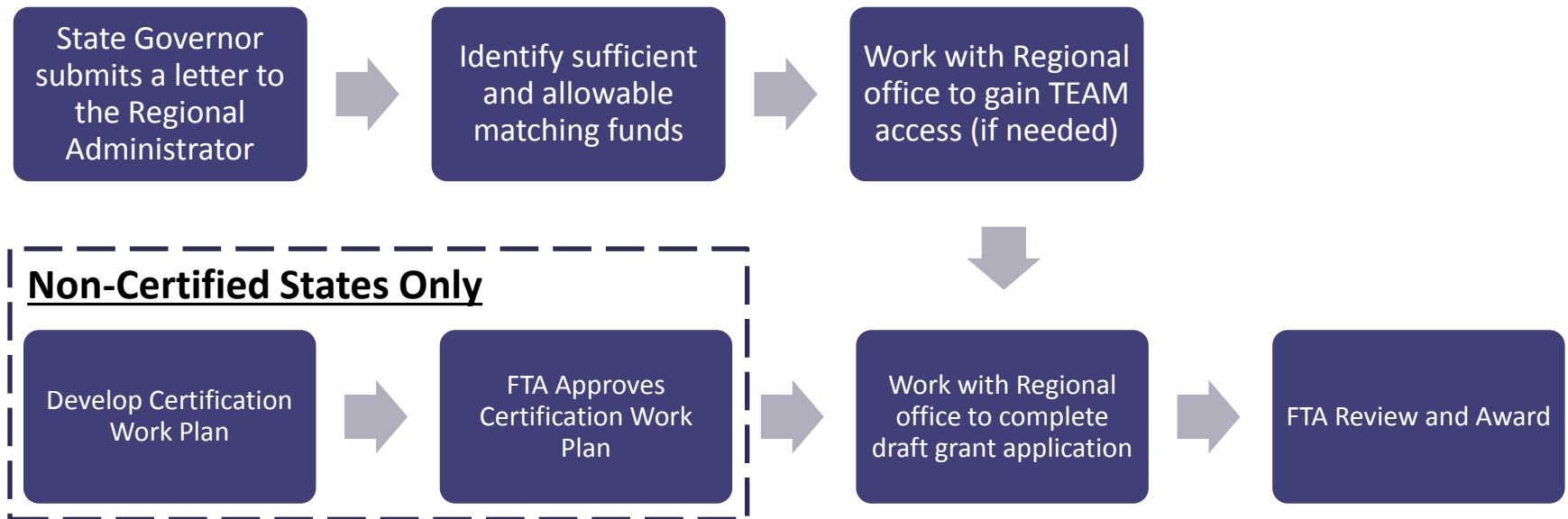
Not Eligible



- Oversight of other (non-rail) transit modes
- Rail transit system operations, safety, or maintenance expenses
- Training for rail transit system personnel
- Expenses that benefit the rail transit system

SSO Grant Application Process

Eligible States must follow two distinct processes to complete the grant application process:



Post Award and Reporting

After a grant is awarded, States must submit **quarterly** Federal Financial Reports and Milestone Progress Reports.

- See the most recent version of FTA Circular 5010.1 (http://www.fta.dot.gov/legislation_law/12349.html) or contact your regional office for details.
- Note: all project expenditures, whether paid for with Federal award money or local matching funds, must comply with Federal requirements, including Buy America, civil rights, economic development, etc.

Guidance and Technical Assistance

FTA posted the following technical assistance and guidance on its website (http://www.fta.dot.gov/tso_15863.html):

Title	Description
Frequently Asked Questions	Provides general guidance and answers to questions received from industry
CWP Template	Provides step-by-step guidance for submitting the transitional certification work plan; this is supported by detailed guidance to help States with each section.

Questions

SSO Program Manager:

Maria Wright

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202-366-5922

Appendix

CWP Template

This CWP template contains the following five (5) sections:

- Section 1: Independence from the Rail Fixed Guideway Public Transportation System
- Section 2: Enforcement Authority
- Section 3: SSO Program Implementation Activities
- Section 4: Staffing and Qualification of SSO Personnel and Contractors
- Section 5: Grant and Waivers

CWP Template

States can download the CWP template on FTA's website:

http://www.fta.dot.gov/tso_15863.html

SECTION 1 – Independence from RFGPTS: These provisions require the eligible State to designate an SSO agency that is a legal entity of the State and that is financially and legally independent from the rail fixed guideway public transportation system (RFGPTS) in its jurisdiction. SEE TABS 1 and 2 FOR EXAMPLES.							
49 U.S.C. Section	FTA Assessment	Action Plan Task	Action Plan Steps	Responsibility	Anticipated Outcome	Timeline	Status
1. 5329(e)(3)(C): State establishes a State safety oversight agency (SSOA) as a legal entity of the State	Cleared by FTA	None Required	None Required	NA	NA	NA	NA
2. 5329(e)(4)(A)(i): SSOA is legally independent from RFGPTS		Identify and evaluate legal relationships	<ol style="list-style-type: none"> 1. Establish intra-agency team to conduct assessment 2. Research legal relationships between State DOT/SSO Agency and RFGPTS 3. Document results in memorandum or letter report 	SSO Program Manager, Supervisor, SSO Legal Counsel	Letter Report	60 days	NS
		Review alternatives for addressing any identified legal conflicts of interest with rail transit agency	<ol style="list-style-type: none"> 1. Propose alternatives, based on research, for resolving any identified legal conflicts of interest 2. Consider traditional approaches, such as recusals and re-assigning board memberships, as well as newer approaches, including different reporting chains for the SSO program or the use of independent boards or review teams to authorize or manage specific types of actions 	See above.	Alternatives Memo	90 days	NS
		Prepare package documenting proposed approach and re-submit to FTA	<ol style="list-style-type: none"> 1. Select approach for ensuring legal separation from rail transit agency 2. Call or email FTA for informal review of proposed approach 3. Develop procedures, policy, organization charts, proposed recusal forms or annual affidavits 4. Submit materials to FTA along with formal request to approve State's approach to managing MAP-21 legal independence provisions 	See above.	Policy Statement; Letter to FTA	180 days	NS

MAP-21 SSO Requirements

The table below provides MAP-21 requirements and possible grant activities to address potential gaps with the statutory requirements:

MAP 21 Requirement	Sample Activities
Establish a SSOA	<ul style="list-style-type: none">• Developing an implementation plan and work breakdown structure for advancing the eligible State's SSOP to address MAP-21 requirements• Updating SSOP documentation and procedures• Conducting meetings with management and technical leadership within the rail transit system

MAP-21 SSO Requirements

The table below provides MAP-21 requirements and possible grant activities to address potential gaps with the statutory requirements:

MAP 21 Requirement	Sample Activities
<p>Staffing and Training:</p> <ul style="list-style-type: none">• Determining, in consultation with FTA, an appropriate staffing level for the SSO Agency (SSOA) that is commensurate with the number, size, and complexity of the rail transit system(s) in the State;• Requiring that employees and other designated personnel of the eligible SSOA who are responsible for rail transit oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program, which is being established under 49 U.S.C. 5329(c)	<ul style="list-style-type: none">• Developing staffing plans, job descriptions and solicitations, and hiring qualified State employees and other designated personnel• Developing and implementing training plans for SSOA employees and attending training onsite at the rail transit system, such as track safety access training, operator training, supervisor training, and mechanic training, and at universities and technical training centers• Participating in FTA-sponsored Safety Management System (SMS) training• Conducting “ride-alongs” with supervisors and operators and shadowing maintenance personnel to better observe the practices and safety culture of the rail transit system• Receiving familiarization training on the information management systems and current performance reporting tools used by the rail transit system

MAP-21 SSO Requirements

The table below provides MAP-21 requirements and possible grant activities to address potential gaps with the statutory requirements:

MAP 21 Requirement	Sample Activities
<p>Legal and Financial Independence:</p> <ul style="list-style-type: none">• Has financial and legal independence from any public transportation entity the SSOA oversees;• Does not directly provide public transportation services in an area with a rail transit system subject to the requirements of 49 U.S.C. 5329;• Does not employ any individual who is also responsible for the administration of rail transit programs subject to the requirements of 49 U.S.C. 5329;	<ul style="list-style-type: none">• Assessing the current organizational structure and researching alternatives to obtain independence• Developing, as needed, recusals and re-assigning board memberships, different reporting chains for the SSO program, or using independent boards or review teams to authorize specific types of actions• Developing procedures, policy, organization charts, proposed recusal forms or annual affidavits

MAP-21 SSO Requirements

The table below provides MAP-21 requirements and possible grant activities to address potential gaps with the statutory requirements:

MAP 21 Requirement	Sample Activities
<p>Investigative and Enforcement Authority:</p> <ul style="list-style-type: none">• Adopting and enforcing Federal and relevant State laws on rail transit safety;• Has investigative and enforcement authority with respect to the safety of rail transit systems in its State;• Has the authority to review, approve, oversee, investigate, and enforce the implementation by the rail transit agency of the public transportation agency safety plan required under 49 U.S.C. 5329(d);	<ul style="list-style-type: none">• Drafting orders, notices and other documents, to provide the SSOP with additional authority to require and enforce safety regulations for the rail transit system• Actively participating in rail transit system investigations• Enhancing the hazard management program to include a formal list of conditions of concern that, if they occur, should be reported to and investigated by the SSOA• Developing independent accident investigation capability for the SSOA and its employees• Coordinating with rail transit system departments to review their accident investigation activities and capabilities

MAP-21 SSO Requirements

The table below provides MAP-21 requirements and possible grant activities to address potential gaps with the statutory requirements:

MAP 21 Requirement	Sample Activities
Three-Year Audits: <ul style="list-style-type: none">Audits, at least once triennially, the compliance of the rail transit systems in the State subject to 49 U.S.C. 5329(d); and	<ul style="list-style-type: none">Actively participating in internal safety reviews and auditsCompleting onsite verification of the implementation of corrective action plans at the rail transit systemDrafting a safety monitoring and assurance plan with the rail transit system, to verify the implementation of the agency safety plan, to validate the effectiveness of safety risk controls used by the rail transit system, and to assess the rail transit system's safety performanceEstablishing and evaluating sample safety performance indicators, safety performance targets, and safety alerts for effectiveness and utility