



FEDERAL TRANSIT ADMINISTRATION

2016 SSO Program Workshop

49 CFR Part 674 Certification Enforcement and Investigative Authority

Juan Morrison
Program Analyst
Office of Safety Review
Office of Transit Safety and Oversight
July 19, 2016



U.S. Department of Transportation
Federal Transit Administration

Overview

- Enforcement Authority
- Investigative Authority

Enforcement Authority

- *Enforcement authority* means that the SSOA has the ability to:
 - Compel the RTAs to take action
- SSOAs must be able to address:
 - Imminent threat to public safety
 - Non-compliance with Agency Safety Plan
 - Failure to implement corrective action plans

Enforcement Authority

- *Enforcement authority* is demonstrated by:
 - Authorities to address **imminent safety threats**, such as the authority to:
 - Inspect and remove deficient property from service
 - Issue orders to correct an unsafe condition
 - Authorities to **address RTAs lack of action**, such as the authority to:
 - Withhold or redirect funds
 - Levy civil or criminal fines or penalties
 - Institute a formal citation program

Enforcement Authority

- Characteristics of *SSOA enforcement authority*:
 - Typically authorized in statute
 - May be comprised of two or more authorities (i.e., fund withholding and service suspension)
 - Formally implemented (enforcement actions are delivered in writing with clear deadlines)
 - Escalation protocol
 - Appeals/due process provisions

Using Enforcement Authority

- SSOAs must oversee and enforce implementation of the Agency Safety Plan
 - A clear approach and plan
 - In addition to the three-year audit specified in 49 CFR Part 674.31

Using Enforcement Authority

- SSOAs must appropriately collect, investigate, and respond to any allegations of noncompliance with the Agency Safety Plan

Using Enforcement Authority

- SSOAs must require and enforce corrective action to address findings and concerns identified in investigations, audits, inspections and examinations.
- SSOAs must track and verify CAP implementation
 - May use unannounced inspections or any other means deemed necessary

Investigative Authority

- *Investigative authority* means that the SSO agency has the authority to:
 - Investigate any event, including an accident, incident, or occurrence:
 - Involving transit vehicle safety, or
 - Occurring on RTAs property, and
 - With the intent to ensure public safety

Investigative Authority

- *Investigative authority* also means that the SSOA has the authority to:
 - Access RTAs property, personnel, data and information management systems, and records
- Under its own legislative authority, the SSOA may also prohibit disclosure of investigation information in civil proceedings

Using Investigative Authority

- SSOAs are required to investigate, or cause to be investigated, accidents as defined in 49 CFR Part 674.7
- SSOAs also have primary responsibility for overseeing the safety of the RTAs

Questions?

Juan Morrison
Program Analyst
Office of Safety Review
Office of Transit Safety and Oversight
202.366.7005
Juan.Morrison@dot.gov