



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 29, 2016

The Honorable Terry McAuliffe  
Governor of Virginia  
State Capitol, Third Floor  
Richmond, VA 23219

Dear Governor McAuliffe:

I am writing to notify you that on March 16, 2016, the Federal Transit Administration (FTA) published a final rule for the State Safety Oversight (SSO) of rail fixed guideway systems that promote safety by significantly strengthening States' authorities to prevent and mitigate accidents and incidents.

While I have made it clear, in separate correspondence, that I expect your State to work with your partner jurisdictions to establish a federally compliant SSO Agency to oversee the rail operations of the Washington Metropolitan Area Transit Authority (WMATA) by February 9, 2017, you also are responsible for establishing compliant safety oversight for other rail fixed guideway public transportation systems under your purview.

The new SSO rule requires each State with a rail fixed guideway public transportation system—which includes any light, heavy, or rapid rail system; trolley; streetcar; or other types of automated guideway—to have a compliant SSO Program with adequate enforcement authority certified by FTA. In general, States have until April 15, 2019, to fully comply with the new SSO rule. This extended period of time was implemented in statute to allow States to take the necessary steps, including any required legislative action, to establish a fully compliant SSO Agency. Congress has authorized FTA to withhold Federal funds from a State that has not been certified as compliant by that time.

Under the new rule, in order to achieve and maintain program compliance, the SSO Agency must: 1) be financially and legally independent from any rail fixed guideway public transportation system that it oversees; 2) have, or be able to obtain, investigative and enforcement authority regarding rail transit safety; 3) have, or be able to obtain, the authority to require, review, approve, oversee, and enforce the implementation of each rail transit agency's public transportation agency safety plan; and 4) require all State employees and other SSO program personnel to be certified through the FTA public transportation safety certification training program. States will be responsible for the non-Federal share of funding for SSO Agency activities that will be financed with Federal financial assistance.

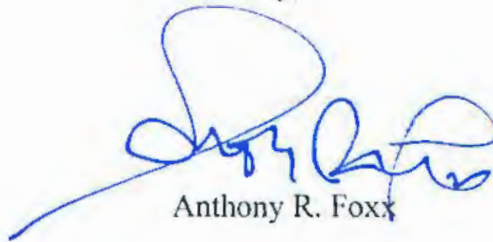
The Honorable Terry McAuliffe

I am confident that FTA's resources and support will provide your State with the capability to ensure safe and effective oversight of our Nation's critical rail fixed guideway public transportation systems.

Thank you for your ongoing commitment to safety. I look forward to a successful transition of WMATA SSO responsibilities to the Metrorail Safety Commission.

If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony R. Foxx', with a large loop at the end.

Anthony R. Foxx

cc: Mr. Aubrey Lane, Secretary,  
Virginia Department of Transportation  
Mr. Charles A. Kilpatrick, Commissioner,  
Virginia Department of Rail and Public Transportation  
Ms. Sharmila Samarasinghe, Northern Virginia Project Manager,  
Virginia Department Rail and Public Transportation