



U.S. Department of Transportation
Federal Transit Administration



FACT SHEET:
PUBLIC TRANSPORTATION SAFETY AND OVERSIGHT
Chapter 53 Section 5329

	FY15	FY16	FY17	FY18	FY19	FY20
SSO Formula	\$22,293,250	\$22,694,529	\$23,148,419	\$23,634,536	\$24,135,588	\$24,647,262

PROGRAM PURPOSE: This section requires FTA to implement and maintain a national public transportation safety program to improve the safety of all public transportation systems that receive federal funding. The safety program includes a national public transportation safety plan, a safety certification training program, a public transportation agency safety plan, and a state safety oversight program. Under the FAST Act, section 5329 provides for a temporary Federal assumption of rail transit safety oversight, under certain circumstances. This section also authorizes FTA to issue restrictions and prohibitions to address unsafe conditions or practices, and to withhold funds for non-compliance with safety requirements.

Statutory References: 49 U.S.C. Section 5329 / FAST Section 3013, 3020, 3021, 3022

Eligible Recipients: States with rail fixed guideway public transportation systems not under the jurisdiction of the Federal Railroad Administration are eligible to receive grants through the SSO formula program.

Applicability: Section 5329 applies to States and local governmental authorities, and any other operator of a public transportation system that receives financial assistance under chapter 53.

National Public Transportation Safety Plan

FTA is drafting a proposed National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive federal funding. This will include safety performance criteria and minimum transit safety standards.

Public Transportation Safety Certification Training Program

FTA has established an Interim Safety Certification Training Program for those directly responsible for safety oversight of public transportation systems and the State personnel who conduct safety audits of rail transportation systems.

Public Transportation Agency Safety Plans

FTA is drafting a proposed regulation establishing requirements for each recipient or State to have a comprehensive agency safety plan that includes:

- Board of Directors approval of the plan
- Method for identifying and evaluating safety risks
- Strategies to minimize hazard risk
- A process for conducting an annual review
- Performance targets based on safety performance criteria and state of good repair requirements
- Assignment of a trained safety officer
- A comprehensive staff training program

State Safety Oversight Program

Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight Program that:

- Is responsible for oversight of rail transit safety within that State.
- Adopts and enforces Federal and State safety laws
- Establishes a State Safety Oversight Agency and determines staffing and training for the agency. The State Safety Oversight Agency must:
 - Be financially and legally independent from public transportation entities
 - Not provide rail fixed guideway public transportation service
 - Not employ any person who is responsible for the administration of the public transportation program
 - Have authority to review and enforce implementation of agency safety plans of transit agencies within the State
 - Have investigative and enforcement authority regarding the safety of the rail transit systems within the State
 - Conduct triennial audits of the compliance of the rail transit systems that it oversees
 - Provide an annual status report to the FTA, the Governor, and the Board of Directors

Enforcement Authority

- FTA may temporarily assume the administration of a State's State Safety Oversight Program after making a determination that the program is not being carried out in accordance with the requirements of section 5329; is inadequate to ensure enforcement of Federal safety regulations; or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury. If a State fails to correct such deficiencies, FTA may withhold up to 5 percent of section 5307 funds required to be appropriated for use in the State or an urbanized area.
- If a transit agency fails to correct noncompliance with Federal laws relating to the safety of public transit systems, FTA either may withhold or direct the use of Federal funding.
- FTA may issue nationwide transit safety directives, and targeted safety directives to specific transit agencies.
- FTA may issue restrictions or prohibitions on operations due to a substantial risk of death or personal injury as a result of unsafe conditions and/or practices.

What's Changed?

- Temporary federal assumption of SSO programs
- Explicit authority to issue nationwide safety directives and prohibit/restrict operations
- Requires the National Public Transportation Safety Plan to include minimum safety standards (other than vehicle performance standards)
- Requires FTA to conduct a review of public transportation safety standards and protocols, and issue a report with recommendations and actions to improve the safety of the public transportation industry
- Requires a study and report on evidentiary protection for safety program data
- Requires a Notice of Proposed Rulemaking (NPRM) on transit driver safety & risk of assault

For Additional Information on FTA and the FAST Act, please visit: www.fta.dot.gov/fast.html