



COMMONWEALTH of VIRGINIA

Jennifer L. Mitchell
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX (804) 225-3752
Virginia Relay Center
800-828-1120 (TDD)

April 2, 2021

The Honorable Ralph S. Northam
Governor, Commonwealth of Virginia
1111 Broad Street
Richmond, VA 23219

Re: 2020 Annual Status Report on Rail Fixed Guideway State Safety Oversight Program
Performance in the Commonwealth of Virginia

Dear Governor Northam,

The Moving Ahead for Progress in the 21st Century Act (MAP-21), and 49 CFR Part 674.13 (a) (7), mandates that “At least once a year, the State Safety Oversight Agency reports the status of the safety of each rail fixed guideway public transportation system to the Governor,...”. As such, the Virginia Department of Rail and Public Transportation (DRPT) submits this annual report of rail transit state safety oversight program activities for the period January 1, 2020 through December 31, 2020.

The attached report outlines the program’s mission, describes its current activities, while detailing ongoing efforts to comply with the federal regulation on State Safety Oversight of Rail Fixed Guideway Systems.

Please do not hesitate to contact the DRPT Transit Rail Safety and Emergency Management Administrator, Andrew Ennis (andrew.ennis@drpt.virginia.gov, 703-786-3434) should you or your staff have questions or wish to discuss the program.

Sincerely,

Handwritten signature of Jennifer L. Mitchell in blue ink.
Jennifer L. Mitchell

cc: Shannon Valentine, Andrew Ennis

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www.drpt.virginia.gov

Executive Summary

The Virginia Department of Rail and Public Transportation (DRPT) is the designated Rail State Safety Oversight Agency (SSOA) for the Commonwealth of Virginia. In this role, DRPT oversees the Hampton Roads Transit (HRT) Tide light rail system in Norfolk. The state safety oversight agency's mission is the continuous verification that HRT is carrying out its documented programs to ensure the safety of its passengers and employees.

The Transit Rail Safety and Emergency Management Administrator oversees DRPT's oversight program with support from contracted consultant staff who are experts in fields such as train signaling, civil engineering, and rail operations. The budget for the state safety oversight program is funded by Federal Transit Administration (FTA) dedicated formula grants that are matched with DRPT administrative funds.

In its oversight role, DRPT:

- Conducts audits and inspections (both announced and unannounced) of the Tide system;
- Reviews and adopts accident, incident, and hazard investigations; and
- Tracks and verifies HRT's progress in correcting safety and security gaps on its light rail system.

However, due to the COVID-19 global pandemic, all on-site safety and security oversight activities were suspended or conducted remotely starting in March of 2020.

2020 Program Highlights

Approved Documents

DRPT formally approved HRT's Public Transportation Agency Safety Plan (PTASP) on July 20, 2020.

Triennial Audits (virtual audits)

- March – HRT's light rail signals, traction power, track, and structures maintenance programs.
- September – HRT Safety Department's implementation of the PTASP.

Inspections (Inspection suspended after March)

- Operator rule compliance, grade crossing checks, and riding observations.
- HRT's Track Access and permit allocation program.

Accident notification and investigations (all investigations and reports adopted by DRPT)

- Five collisions were with private occupancy vehicles (POV).
 - Three: Result of operating rule violations and/or human factors, and
 - Two: Fault of the driver in the POV.
- One collision was with a cyclist that resulted in serious injury.
 - Result of illegal actions by the cyclist.
- Five collisions were with objects.
 - Four: Result of operating rule violations and/or human factors, and
 - One: Result of a POV colliding with a Tide asset on the right-of-way.

Federal Regulatory Compliance

In response to the COVID-19 global pandemic and transit agencies response, the FTA issued a Notice of Enforcement Discretion for the implementation of The Public Transportation Safety Certification Training Program Final Rule, 49 CFR 672, which sets minimum training and certification requirements for transit safety professionals. Additionally, FTA issued a Notice of Enforcement Discretion for the implementation of the Public Transportation Agency Safety Plan (PTASP) Final Rule, 49 CFR 673, which requires applicable transit agencies to create an agency safety plan that incorporates Safety Management Systems to increase safety. DRPT formally approved HRT's PTASP on July 20, 2020.



2020 Annual Status Report

Rail Fixed Guideway State Safety Oversight Program Performance

Commonwealth of Virginia

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Program Background and Overview

In 1996, the Federal Transit Administration (FTA) issued the Rail Fixed Guideway Systems State Safety Oversight rule, 49 C.F.R. Part 659. Under this rule, each state with rail fixed guideway systems that are not subject to the regulatory authority of the Federal Railroad Administration is responsible for overseeing the safety and security program implementation of these systems. Pursuant to Subdivision 16 of § 33.2-285 of the Code of Virginia, the designated Rail State Safety Oversight Agency (SSOA) is the Department of Rail and Public Transportation (DRPT) in the Commonwealth of Virginia. DRPT oversees the Hampton Roads Transit (HRT) Tide light rail system in Norfolk, VA.

The FTA certified DRPT's State Safety Oversight program under 49 C.F.R. Part 674 on April 4, 2018. This regulation directs eligible states to strengthen significantly their authority to oversee and enforce safety requirements to prevent and mitigate accidents and incidents on rail fixed guideway systems subject to oversight. Additionally, it mandates eligible states to demonstrate legal and financial independence from these rail transit systems, as well as provide the necessary financial and human resources for overseeing the number, size, and complexity of rail transit systems within their jurisdictions. While the regulation does not mandate oversight of security practices at the rail transit system, DRPT maintains this authority over HRT security as authorized by the Code of Virginia. This report will address state safety oversight as it pertains to the HRT Tide light rail system only¹.

State Safety Oversight Responsibilities

DRPT's state safety oversight program activities are intended to ensure that the rail transit agency places safety considerations over operational expediency in all decision making. An important distinction should be made in delineating the role of the state safety oversight agency versus the role of the rail transit agency in maintaining and improving rail safety. The state oversight agency's role is that of the regulator ensuring that all of the mechanisms in place at the rail transit agency are sound and unconditionally applied. The state does not perform day-to-day functions at the rail transit agency. Alternatively, the rail transit agency's role is to perform all necessary programmatic, procedural, technical, engineering, and operational activities that it has formally adopted in order to maintain safety in rail operations.

DRPT's oversight mission is the continuous verification that the rail transit agency is carrying out its documented programs to ensure the safety of its passengers and employees. DRPT's oversight efforts are fully transparent to HRT. All of the DRPT's actions, including those that denote various deficiencies at HRT, are communicated objectively with the goal of improving HRT's rail safety posture and without assigning fault. Although HRT's Safety and Security Departments are the custodians of HRT's safety and security programs, the entire HRT organization, including its senior executives, middle managers, supervisors, and front line personnel, is empowered and responsible for upholding its safety goals.

¹ An interstate compact was enacted on August 22, 2017, creating the Washington Metrorail Safety Commission (WMSC). Effective March 18, 2019, the WMSC is the designated State Safety Oversight Agency for WMATA Metrorail. To learn more about WMSC's oversight role, please visit <https://wmsc.gov/oversight/>.

The entirety of this oversight effort is called the “Program.” The activities of the DRPT oversight program are described in a document titled the Safety and Security Program Standard (SSPS). As mandated by federal regulation, the SSPS contains a description of DRPT’s organizational structure and lines of authority that support the oversight program. It also lists DRPT’s protocols for conducting a federally compliant state safety oversight program. The SSPS is a dynamic document that undergoes annual review and updates to reflect enhancements to the program. This document and the practices it represents are subject to FTA review.

Key Program Activities

Key program activities include:

- Conduct Regular work sessions with HRT rail safety, security, operations, and maintenance personnel.
- Conduct audits, inspections, and special assessments of HRT’s light rail operations.
- Review and approval of primary HRT rail safety, security, and emergency preparedness plans.
- Review, approval, and adopt rail investigations for accidents, incidents, and hazards occurring on the HRT light rail system.
- Track and verification of HRT’s progress in correcting safety and security gaps on its light rail system.

Staffing

The Transit Rail Safety and Emergency Management Administrator (Administrator) oversees DRPT’s state safety oversight program and reports directly to the DRPT Director. The Administrator, Andrew Ennis, performs all programmatic decision making and supervisory tasks with the support of contracted consultants. The contracted consultants include experts in the fields of train signaling, civil engineering, track and structures, rail vehicles, and rail operations. The Moving Ahead for Progress in the 21st Century Act (MAP-21), published July 6, 2012, and 49 C.F.R. Part 672 directed FTA to establish a more comprehensive and standardized certification and training program for designated state personnel who conduct rail safety reviews and examinations with direct rail safety oversight responsibility. This regulation place greater emphasis on state safety oversight staff obtaining certain certifications and competencies as well as a specific knowledge base of the rail system they oversee. The DRPT Administrator and consultant staff are fully trained in all of the mandated certifications and training specified by the above-mentioned regulations.

Budget/Funding

The Fixing America’s Surface Transportation (FAST) Act, published December 4, 2015, reauthorized the USDOT and FTA to provide dedicated formula grant funding to states with state safety oversight responsibilities. This formula funding is based on the number of rail modes overseen by the state agency, and the scale of the rail transit agency’s operation – such as track miles, passenger trips and revenue miles. These FTA formula grant funds can be utilized for state safety oversight staff salaries, FTA mandated training, consultant services, and equipment

purchases. In 2020, the DRPT oversight program budget was \$322,041. FTA formula grant funds were \$257,633 matched with \$64,408 from DRPT administrative funds. DRPT utilized this funding for various eligible purposes that include:

- Staff salary.
- Dedicated state vehicle.
- Consultants that assist in conducting accident investigations.
- Audits and inspections.
- Routine state safety program activities.
- Annual FTA training and universities with nationally recognized rail standards courses.
- Equipment need to perform program activities.

Program Response to the COVID-19 Global Pandemic

The COVID-19 pandemic impacted both the operations of the Tide light rail system and DRPT's oversight activities. Commencing with Executive Order 51 in March 2020, the Governor of Virginia has issued several executive orders concerning the COVID-19 pandemic and restrictions to which Virginians must adhere that are focused on reducing the spread of COVID-19. In response, the DRPT Administrator implemented the *DRPT State Safety Oversight Program Interim Coronavirus Disease 2019 (COVID-19) Response Plan*. The first plan was released in early April 2020 and then a revision in January 2021. The revision captured updated Centers for Disease Control (CDC) guidance as well as requirements in the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard addressing occupational exposure to COVID-19.

The plan outlines how the oversight program will implement its oversight responsibilities under these restrictions. While most aspects of the oversight program were unchanged, all on-site safety and security oversight activities were suspended or conducted remotely starting in March 2020. The Administrator continues to monitor the situation and will update or suspend the plan according to public health guidance and any changes to the Commonwealth's response to the on-going pandemic and mass vaccination efforts.

Program Highlights from 2020

All of the program components commands equal significance. These program components are designed to be symbiotic with information and intelligence gathered in one program element informing another. For instance, information gathered in a triennial audit might inform an accident investigation. In the same manner, a finding of cause discovered during an accident investigation might spur closer scrutiny of a certain practice at the rail transit agency prompting frequent inspections by the state safety oversight staff.

Approval of Program Documents

Federal regulation mandates that the State Safety Oversight agency annually review and approve key documents associated with safety and security at the rail transit system. Accordingly, DRPT reviewed and approved HRT's Security and Emergency Preparedness Plan Version 7.4 and Accident Investigation Policy.

MAP-21 has numerous implications for State Safety Oversight agencies and rail transit agency safety programs. In July 2018, the FTA published rules under the MAP-21 requirements. The Public Transportation Agency Safety Plan (PTASP) Final Rule, 49 CFR 673, requires certain operators of public transportation systems that receive federal funds to develop safety plans that include the processes and procedures to implement Safety Management Systems and safety performance targets. The PTASP rule became effective July 19, 2019; and transit operators like HRT must certify they have a safety plan in place meeting the rule's requirements by July 20, 2020. Additionally, the State Safety Oversight agency must approve the PTASP. Once approved by the State Safety Oversight agency, the PTASP will replace the SSPP.

Starting in early 2019, DRPT took steps to assist HRT in the process of complying with these new rules. The process started with the submission of an implementation plan that detailed how HRT was going to transition the PTASP and implement Safety Management Systems. The approved implementation plan also established a December 31, 2019 deadline for HRT to submit the initial draft of the PTASP. HRT submitted their first draft on December 27, 2019.

The submission of the initial draft started the collaborative review process with HRT. This process included a "page-turn" workshop in February 2020, various teleconferences, and multiple rounds of review. In April 2020, due to the on-going COVID-19 global pandemic, FTA issued a Notice of Enforcement Discretion regarding the compliance deadline for the PTASP. Per the Notice of Enforcement Discretion, FTA would refrain from enforcing the July 20, 2020 compliance deadline until December 31, 2020. Nonetheless, HRT continued to work diligently on the draft PTASP. By late May 2020, DRPT had finalized its review of the draft PTASP and issued conditional approval on May 28, 2020. With conditional approval, HRT went on to acquire the requisite approval by the Transportation District Commission of Hampton Roads, HRT's governing body, and agency executive signatures by late June. DRPT formally approved HRT's PTASP on July 20, 2020.

Triennial Audits

One of the mechanisms DRPT utilizes to assess the ongoing health of HRT's rail safety performance is the triennial audit process. Triennial audits gauge the level to which safety is integrated into rail operations, maintenance, training, human resources, procurement, engineering, quality assurance departments, and management structure. All of these separate departments and the organization as a whole support the safe operation of the rail system. The methodology associated with the triennial audits is the continuous and robust assessment of all of these departments and their documented efforts at ensuring safety of HRT's passengers and employees. Instead of a single audit of the entire program being conducted once every three years, DRPT conducts this audit on a continual three-year cycle. During these audits, if DRPT concludes that any aspects of HRT's documented programs related to rail safety are not being executed as officially described, DRPT will record these as findings.

Findings are classified as either Findings of Non-Compliance (FNC) or Findings of Compliance with Recommendations (FCR). FNC generally relate to those areas where the rail transit agency is not following its own established plans, policies, procedures, or where they are non-existent. FCR are deficiencies where the rail transit agency has practices or plans that do not rise to the level of non-compliance with established policies, procedures, or industry standards. Further, they are a pre-emptive attempt at preventing a low hazard condition from progressing to a situation where it

could result in a non-compliance/safety critical issue if unchecked. The rail transit agency is required to address such findings through corrective action plans. These corrective action plans can take the form of re-calibrating a program or procedure to better match their practical applications, re-instruction, or instituting new procedures or programs. DRPT reviews and approves all corrective action plans proposed by HRT, and monitors these corrective action plans to ensure completion within established timeframes.

DRPT conducted two triennial audits of HRT in March and September 2020. Due to the on-going COVID-19 pandemic, these triennial audits were conducted virtually utilizing remote platforms like MS Teams. HRT submitted documents subject to audit early for review, and interviews with HRT personnel were pre-scheduled and conducted virtually.

The March 2020 triennial audit assessed HRT's light rail systems (signals and power), track, facilities, and structures inspection and maintenance programs. Additionally, DRPT reviewed associated training outlined in HRT's System Safety Program Plan (SSPP) and other relevant agency documents and plans. The March 2020 triennial audit resulted in the following FNC and FCR:

- FNC-1: HRT did not have documented requirements for the training of facilities maintenance personnel and records to demonstrate that facilities maintenance personnel are receiving training.
- FCR-1: HRT's SSPP Section 15.1 and Operations and Maintenance Plan (OMP) Section 3.2.1.1 referred to a systems maintenance department maintenance plan, which did not exist.
- FCR-2: HRT's OMP, SSPP, and other procedures contained conflicting information concerning what systems inspections and preventive maintenance are required and at what frequency.
- FCR-3: HRT did not have documented thresholds for when maintenance or inspections are considered to be completed on time.
- FCR-4: HRT's requirements for the completion of track maintenance and inspections were not well documented in HRT's Track Maintenance Program or any other program document.
- FCR-5: HRT did not have documented minimum requirements for the completion of safety-led inspections of Tide facilities, equipment, and maintenance activities.
- FCR-6: HRT's track and facilities maintenance departments did not have sufficient key performance indicators or other metrics for which they collect and trend data.
- FCR-7: HRT's track and systems maintenance records were inconsistently completed and/or included information that was unclear.
- FCR-8: HRT's facilities maintenance requirements were not documented comprehensively and accurately.
- FCR-9: HRT did not always receive or retain documentation of facilities maintenance work completed by contractors.

The March 2020 audit was the last audit of HRT's SSPP. As previously mentioned, DRPT approved HRT's new PTASP in July 2020. The September 2020 triennial audit focused on the

HRT Safety Department's implementation of its PTASP. The September 2020 triennial audit resulted in the following FCR:

- FCR-1: HRT's Senior Executive Team (SET), which serves as the agency's top tier committee for decision-making related to capital funding and financial resources, did not routinely document its discussions or decisions related to safety.

DRPT approved corrective action plans for all of the findings listed above. One of the requirements for a corrective action plan is the rail transit agency must provide an estimated completion date that is both realistic and practical. The estimated completion date should be based on the severity and complexity of the finding the corrective action plan is designed to address. Because of this, it is understood that some corrective action plans may have a short estimated completion date while others may have estimated completion plans that could span several months or years. Corrective action plans with long-term estimated completion dates are acceptable as long as they are accompanied with regular milestones and updates to the Administrator. A final completion date is assigned when a corrective action plan is verified by the state safety oversight program as ready for closure. As of this writing, the following audit findings and associated corrective actions remain open:

- FCR-3 (March).
- FCR-6 (March).
- FCR-1 (September).

These corrective actions are actively monitored by DRPT and we continue to work collaboratively with HRT on resolving open corrective actions.

Inspection Program

The DRPT oversight program introduced a routine Inspection Program in 2019. The inspection program is intended as a cooperative effort with HRT to assess the safety and security of operations and maintenance practices. Additionally, it is used to verify overall compliance with federal rules and standards, as well as, all relevant HRT rules, standards, and procedures on an ongoing basis. The program allows DRPT to:

- Evaluate topics of heightened risk based on recent information, trends, or incidents.
- Identify potential problem areas requiring further investigation and solution development.
- Assist HRT by providing independent evaluations of procedural and rules compliance.
- Gain a consistent involvement in HRT operations, maintenance, and safety programs.

Inspections will typically last one to two days and involve multiple topics and types of observations or reviews, some of them simultaneous. Inspections will be based on both a regular rotation of subject matter areas and areas of heightened risk based on recent information, trends, or incidents. The evaluation of safety risks is based on HRT data presented at agency meetings and/or regularly submitted to DRPT. Such metrics may include individual occurrences of or a trend (in location or overall number) related to:

- Injuries (customers, employees, and the public).

- Rail Vehicles.
- Vehicle Maintenance Facilities and Yards.
- Track Access/Roadway Worker Protection.
- Traction Power System.
- Signal System.
- Stations.
- Rail-Highway Grade Crossings.
- Operations Control Center.
- Rule compliance results provided by HRT.

Inspections may be announced or unannounced. For announced inspections, DRPT may provide notice to HRT up to 24 hours before the inspection occurs accompanied by an agenda of inspection activities. If DRPT anticipates an inspection will require the scheduling of specific personnel or preparation from HRT, it will provide further advance notice with the potential for rescheduling certain inspection activities depending on personnel availability. For unannounced inspections, DRPT personnel will arrive on property without advanced notice to HRT. The inspection program is intended to observe conditions and activities as they are already occurring. There will occasionally be some sessions involving interviews or records reviews that may require some time dedicated to DRPT's inspection. Inspections are conducted from public areas as well as on the Tide right-of-way. Inspections taking place from public areas, such as on-board trains, in stations, or from the street, will not be announced to the HRT personnel performing the operations or maintenance being observed. For any inspections performed on the Tide right-of-way, DRPT will coordinate with HRT to ensure compliance with all HRT right-of-way access and permitting requirements. DRPT oversight program representatives will abide by all HRT safety rules and regulations while on HRT property, including roadway worker protection requirements.

DRPT will publish the inspection report after conclusion of the inspection activities. Each report will contain a description of every activity performed. For each inspection, the report will document any observations, violations, potential hazards, deficiencies, and areas for improvement. Unlike the triennial audits detailed above, HRT is not required to develop corrective action plans in response to the identified items unless it is specifically noted in an inspection report. However, DRPT strongly encourages HRT to respond to the report and develop corrective actions plans.

Due to the nature of inspection activities and the on-going COVID-19 pandemic, the entire inspection program was suspended in March and remained suspended through the end of 2020. Prior to suspending inspections, DRPT was able to conduct two inspections in January and February 2020. The January inspection was announced and focused on HRT's Track Access and allocation program. The February inspection was unannounced and looked at Operator rule compliance, grade crossing checks, stations inspections, and riding observations. While none of the inspections identified safety critical deficiencies, HRT proactively generated several corrective actions to address observations made in the inspection reports.

Accident Notification and Investigation

Federal regulation requires rail transit agencies subject to state safety oversight to notify the state safety oversight agency and the FTA of certain accidents that occur on the rail system. FTA defines accidents as "an event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety

reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.” Further, DRPT requires HRT to provide additional notification of safety events that do not meet the requirements for an accident notification. Examples are events involving signal and train system failures, security incidents, non-serious injuries to employees or passengers, and rule violations by employees on the rail system. Notifications of these types of events are reported directly to the Administrator within the timeframes prescribed in the Program Standard.

Subsequently, DRPT is required to investigate all such accidents and incidents. In conducting these investigations, DRPT may authorize HRT to conduct an investigation on its behalf, or DRPT can conduct its own independent investigation. In the event the National Transportation Safety Board (NTSB), FTA, or other federal entity launches an investigation into a HRT light rail accident, DRPT can join the investigative process. DRPT is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by DRPT or HRT. DRPT closely scrutinizes the conduct of accident investigations carried out by HRT, evaluates all of the investigation reports prepared by HRT for completeness and accuracy, and adopts each report as its own official investigative report once all DRPT requirements have been met.

During the period covered by this annual report there were 11 collisions involving Tide non-revenue vehicles and light rail vehicles; one fire resulting in substantial damage; and several rule violations by rail Tide operators. The investigations into these accidents concluded:

- Five collisions were with private occupancy vehicles (POV).
 - Three: Result of operating rule violations and/or human factors.
 - Two: Fault of the driver in the POV.
- One collision was with a cyclist that resulted in serious injury, which was the result of illegal actions by the cyclist.
- Five collisions were with objects.
 - Four: Result of operating rule violations and/or human factors, and
 - One: Result of a POV colliding with a Tide asset on the right-of-way.
- The fire at a traction power substation occurred due to a non-preventable equipment failure.
- The operator rule violations were addressed through re-instruction and training.

Of these events, two collisions with POVs; the collision with the cyclist; and the substation fire met the criteria for reporting accidents to the FTA. HRT properly reported these accidents to the FTA. All other events were properly reported to DRPT as required in the Program Standard. All investigation reports and identified corrective actions were reviewed and adopted by the DRPT Administrator.

Technical Assistance, monitoring and training

In addition to the above standardized portions of DRPT’s oversight program, we also provide technical assistance and monitor all aspects of HRT’s Tide light rail activities. The DRPT Administrator is frequently on site at HRT either providing technical assistance or participating in work sessions with HRT staff in various committees and work groups. All of these efforts combined to promote a very collaborative environment that encourages HRT to be open and transparent about both its accomplishments and its challenges concerning rail system safety. Due to the COVID-19 pandemic, DRPT participated in all HRT committees and working groups

virtually and provided extensive technical assistance on the PTASP, as described in a previous section of this report. In addition to the PTASP, DRPT provided HRT with State and Federal guidance on reducing the spread of COVID-19.

Virginia Department of Transportation (VDOT) I-64/I-264 Interchange Improvement Project

The VDOT I-64/I-264 Interchange Improvement Project involved the expansion of the interstate highway system over the Tide light rail system at Curlew Drive. Phase one of the project included the construction of two new highway support piers, a crash wall, and highway span adjacent to the Tide. Phase one was completed in 2018. Phase two included a Jack and Bore installation of a new culvert system for drainage and flood control. Tutor-Perini subcontractor Bradshaw Construction Corporation completed the Jack and Bore. The process involved installing a 60” reinforced concrete jacking pipe tunnels under the Tide light rail tracks and right-of-way using micro-tunneling methods. DRPT required HRT to implement their hazard management process to identify, document and monitor safety issues or hazards introduced by the work. Phase two and all remaining work for this project was completed in late 2019; and the final Operational Hazard Analysis (OHA) was submitted to DRPT in January 2020, as required. There were no unacceptable hazards identified in the OHA. All remaining identified hazards will be addressed during routine track maintenance.

Federal and State Legislative Changes

As previously mentioned, MAP-21 has numerous implications for State Safety Oversight agencies and rail transit agency safety programs. In July 2018, FTA published rules under the MAP-21 requirements. The Public Transportation Safety Certification Training Program Final Rule, 49 CFR 672, establishes a uniform curriculum for safety training that consists of minimum requirements to enhance the technical proficiency of rail transit safety personnel. The original compliance deadline for this rule was August 20, 2021. In December 2020 the FTA issued a Notice of Enforcement Discretion for the Public Transportation Safety Certification Training Program which delayed the compliance deadline to August 20, 2022. The Administrator and consultant staff are fully certified under this rule. In April 2020, FTA issued a Notice of Enforcement Discretion regarding the compliance deadline for the PTASP which delayed the compliance deadline to December 31, 2020. A second Notice of Enforcement Discretion was issued in December 2020 that further delayed the compliance deadline to July 21, 2021. DRPT formally approved HRT’s PTASP on July 20, 2020.

Starting in March 2020, the FTA shifted its focus to supporting the transit industry’s response to the pandemic as well. This included providing guidance on how to maintain safe operations for the public and agency workforce as well as providing cloth face-coverings to VA transit agencies. Additionally, FTA provided \$25 billion dollars to support transit agencies through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Despite the on-going COVID pandemic and the difficulties it brought in 2020, DRPT’s oversight program continued to provide robust oversight and support to HRT. Finalizing and approving the PTASP under the circumstances was a major achievement for HRT as well as DRPT. We look forward to monitoring HRT’s continued implementation of the PTASP in 2021.