



## 2021 Annual Status of Safety Report

### Rail Fixed Guideway State Safety Oversight Program Performance

Commonwealth of Virginia

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## 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.

## 2021 Program Highlights

### Approved Documents

DRPT formally approved HRT's Public Transportation Agency Safety Plan (PTASP) on November 4, 2021.

### Triennial Audits

- March: HRT's light rail Operations department and programs (virtual).
- October: HRT Tide Training Department's implementation of the PTASP.

### Inspections

- February: Systems Maintenance, Track Maintenance, and Track Access and Allocation (virtual).
- April: Security Program (virtual).
- June: Drug and Alcohol Program and LRV Maintenance and Inspections (virtual).
- July: Rules Compliance Inspection (on-site).
- December: Rules Compliance Inspection (on-site).

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

- Two collisions with private occupancy vehicles (POV).
  - Both were the fault of the POV drivers.
- One collision with a pedestrian.
  - Result of illegal actions by the pedestrian.
- Three collisions with objects were attributed to operating rule violation/human factors.

## Federal Regulatory Compliance

The FTA conducted its triennial audit of the DRPT SSO program in June 2021. The final audit report was issued to DRPT in February 2022 and contained three findings. DRPT is generating proposed corrective actions to address these findings in the timeframes prescribed by FTA.

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 established a uniform curriculum for safety training that consists of minimum requirements to enhance the technical proficiency of rail transit safety personnel. The new compliance deadline is August 20, 2022. The Administrator and key consultant staff are fully certified under this rule or actively pursuing certification in accordance with the compliance deadline.

## Program Background and Overview

In 1996, the Federal Transit Administration (FTA) issued the Rail Fixed Guideway Systems State Safety Oversight Rule, 49 Code of Federal Regulations (CFR) Part 659. Under this rule, each state with rail fixed guideway systems not subject to the regulatory authority of the Federal Railroad Administration was 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, Virginia.

The FTA certified DRPT's State Safety Oversight (SSO) program under 49 CFR 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 and emergency preparedness programs as authorized by the Code of Virginia. This report will address State Safety Oversight as it pertains to the HRT Tide light rail system only<sup>1</sup>.

## State Safety Oversight Responsibilities

DRPT's SSO program activities are intended to ensure that the rail transit agency (RTA) places safety considerations over operational expediency in all decision making. An important distinction should be made in delineating the role of the SSOA versus the role of the RTA in maintaining and improving rail safety. The SSOA's role is that of the regulator ensuring that all of the mechanisms in place at the RTA are sound and unconditionally applied. The state does not perform day-to-day functions at the RTA. Alternatively, the RTA'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 to continuously verify that the RTA 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 frontline personnel, is empowered and responsible for upholding its safety goals.

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<sup>1</sup> 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 operating a federally-compliant SSO 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.
- Conduct or adopt rail investigations for accidents, incidents, and hazards occurring on the HRT light rail system.
- Track and verify 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 SSO 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, engineering, track and structures, rail vehicles, and rail operations. The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), published July 6, 2012, and 49 CFR Part 672 directed FTA to establish a more comprehensive and standardized certification and training program for designated state and RTA personnel who conduct rail safety reviews and examinations and that have direct rail safety oversight responsibility. This regulation places greater emphasis on SSO 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 compliant with the above-mentioned regulations.

## Budget/Funding

The Fixing America’s Surface Transportation Act, published December 4, 2015, reauthorized the United States Department of Transportation and FTA to provide dedicated formula grant funding to states with SSO responsibilities. This formula funding is based on the number of rail modes overseen by the state agency and the scale of the RTA’s operation – such as track miles, passenger trips, and revenue miles. These FTA formula grant funds can be utilized for program administration and activities including but not limited to SSO staff salaries, FTA-mandated training, consultant services, and equipment purchases. In 2021, the DRPT oversight program

budget was \$849,700. This was comprised of FTA formula grant funds of \$679,760 (80%) and matched with \$169,940 (20%) from DRPT administrative funds. DRPT utilized this funding for various eligible purposes that include:

- Staff salary
- Consultant support
- Audits and inspections
- Routine state safety program activities
- Annual FTA certifications and additional accredited rail standards training courses
- Dedicated state vehicle
- Equipment needed to perform program activities

### Program Response to the Coronavirus Disease 2019 (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 issued several executive orders concerning the COVID-19 pandemic. 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, followed by revisions in January and July 2021. The most recent revision captured the expiration of Executive Order 51, which allowed many of DRPT's typical safety and security oversight activities to resume on-site and in-person after suspension or virtual substitute since the onset of the pandemic.

The plan outlines how the oversight program will conduct its oversight responsibilities under current restrictions. 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 ongoing pandemic and mass vaccination efforts. Per the July revision, if pandemic conditions allow, the plan will cease to be effective at 12:00 a.m. on January 1, 2022. Due to conditions with the pandemic, the Administrator suspended the plan on January 1, 2022.

### Program Highlights from 2021

All of the SSO program components command 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 RTA, prompting frequent inspections by SSO staff.

#### Approval of Program Documents

Federal regulation mandates that the SSOA annually review and approve key documents associated with safety and security at the rail transit system. Accordingly, in 2021 DRPT reviewed and approved HRT's Security and Emergency Preparedness Plan Version 7.5.

MAP-21 has numerous implications for SSOAs and RTA 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 Part 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 were required to certify they had a safety plan in place meeting the rule's requirements by July 20, 2020. Once approved by its SSOA, HRT's PTASP would replace its predecessor, the System Safety Program Plan. DRPT formally approved HRT's initial PTASP on July 20, 2020.

49 CFR Part 673 also requires an annual review and update of each RTA's PTASP. The 2021 update of HRT's PTASP began in September 2021. DRPT formally approved the 2021 update of HRT's PTASP on November 4, 2021.

### 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 (FNCs) or Findings of Compliance with Recommendations (FCRs). FNCs generally relate to those areas where the RTA is not following federal or state requirements or its own established plans, policies, procedures, or where such documents are nonexistent. FCRs are deficiencies where the RTA 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 preemptive 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 RTA is required to address such findings through corrective action plans (CAPs). These CAPs can take the form of recalibrating a program or procedure to better match their practical applications, reinstruction, or instituting new procedures or programs. DRPT reviews and approves all CAPs proposed by HRT and monitors these CAPs to ensure completion within established timeframes.

DRPT conducted two triennial audits of HRT in March and October 2021. Due to the ongoing COVID-19 pandemic, the March triennial audit was conducted virtually, utilizing the remote platform Microsoft Teams. The October audit was completed on-site. HRT submitted documents subject to audit early for review, and interviews with HRT personnel were pre-scheduled and conducted.



The March 2021 triennial audit assessed HRT's light rail operations. This audit resulted in the following FNCs and FCRs:

- FNC-1: HRT's PTASP does not accurately capture Rail Transportation's current practices related to collection, analysis, and reporting.
- FNC-2: The matrix detailing the Safety/safety management system (SMS)-related tasks of Transportation personnel on Pages 34 through 39 of HRT's PTASP, Version 1, does not accurately capture all safety responsibilities assigned to Rail Transportation.
- FCR-1: HRT does not have a formalized timeline or threshold that dictates its review and revision of the Rail Operations Rulebook.
- FCR-2: A number of event-related definitions contained in HRT's Rail Operations Rulebook have not been updated to match those in the PTASP as updated by the FTA in the transition to SMS.
- FCR-3: Rail Transportation management does not conduct in-person, independent, and documented observations of controller/dispatcher activities, both in the field and in the operations control center (OCC) by which it can verify compliance with policies and procedures.
- FCR-4: HRT's controller/dispatchers occasionally fill out performance efficiency forms in a manner that lists no corrective action on the front of the form, but denotes noncompliance with specific rules on the back of the form or vice versa.
- FCR-5: HRT light rail operators do not always sign Operator Pre-Departure Checklist/Defects Cards when they are not the operator conducting the pre-departure inspection for the light rail vehicle (LRV) that day and/or record operating faults in the pre-departure inspection section of the form.
- FCR-6: HRT's compilation and analysis of safety-related Rail Transportation data is limited, restricting HRT's ability to make data-driven decisions to enhance the Tide's safety, which is a key element of an SMS.

The October 2021 triennial audit focused on the HRT Training Department's implementation of its safety responsibilities outlined in the PTASP and its supporting plans, policies, and procedures. This audit resulted in the following FNCs and FCRs:

- FNC-1: The Training Department does not currently report departmental data externally as required in the PTASP.
- FNC-2: The BirdDog Learning Management System (LMS) implementation did not go through HRT's required Configuration Management process in accordance with SAF-118.
- FNC-3: Several training policies, procedures, and training programs are not compliant with EXE 101 (Rev.8) – Policy and Procedures manual.
- FNC-4: Maintenance Training is not currently inspecting training records on a monthly frequency as required in the Light Rail Maintenance Training Plan (Section 4.2: Training Recordkeeping and Communication).
- FNC-5: Maintenance employees training files were found incomplete at time of review.
- FCR-1: The Light Rail Vehicle (LRV) Maintenance Training Plan is generally compliant; however, the following gaps were identified:
  - The LRV Maintenance Training Plan does not identify requirements for maintenance supervisor training.

- The LRV Maintenance Training Plan does not specify which maintenance courses or modules require a refresher.
- The training plan for maintenance does not align with the PQS.
- FCR-2: HRT was unable to demonstrate that the current LMS has the capability to track training compliance.
- FCR-3: The audit revealed a few gaps in the completion of maintenance training documents such as unsigned forms and missing switch tests.
- FCR-4: There is no formal record retention policy or procedure specifying which records must be uploaded to the LMS and which records must be kept in each employee's training file.

DRPT approved CAPs for all of the findings listed for both the March and October 2021 audits. One of the requirements for a CAP is the RTA 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 CAP is designed to address. Because of this, it is understood that some CAPs may have a short estimated completion period while others may have estimated completion plans that could span several months or years. CAPs 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 CAP is verified by the SSO program as ready for closure. As of this writing, the following audit findings and associated corrective actions remain open:

- All findings from the October 2021 triennial audit (listed above).
- FCR-3 (March 2020): HRT does not have documented thresholds for when maintenance or an inspection is considered to be completed on time. Recommended action: HRT should define thresholds for the completion of maintenance including the number or percentage of days by which and before which an inspection must be completed to be considered on time.

These corrective actions are actively monitored by DRPT, which will 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 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 the 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 onboard 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 CAPs 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 CAPs.

During the COVID-19 pandemic, the entire inspection program was suspended from March 2020 through December 2020. The inspection program began a phased return starting in February 2021 with virtual inspections. DRPT resumed on-site activities at HRT in July 2021 with an in-person inspection. The 2021 inspections completed are as follows:

- February: Systems Maintenance, Track Maintenance, and Track Access and Allocation (virtual).
- April: Security Program (virtual).

- June: Drug and Alcohol Program and LRV Maintenance and Inspections (virtual).
- July: Rules Compliance Inspection (on-site).
- December: Rules Compliance Inspection (on-site).

Of these inspections, the only three safety critical deficiencies identified came from the February 2021 inspection, related to track access and allocation:

- Finding 1: HRT’s right-of-way work permits, both for HRT employee and contracted work, are routinely missing information, contain incorrect information, or contain contradictory information that should be corrected prior to the approval of the permit.
- Finding 2: HRT’s on-site briefing forms are routinely missing information, contain incorrect information, or contain contradictory information.
- Finding 3: HRT’s extra duty officers are not receiving track access training as required by SAF-117 *Hampton Roads Transit Light Rail Safety Training Plan*.

Even if no deficiencies are identified during an inspection, DRPT provides observations, comments, and suggestions to strengthen the HRT safety program. HRT often proactively addresses these items by generating corrective actions or mitigations.

#### Safety Event Notification and Investigation

Federal regulation requires rail transit agencies subject to SSO to notify the SSOA and the FTA of 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. 49 CFR 674 defines these events as “incidents,” events that involve any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency, and “occurrences,” events without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency. 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 SSPS.

DRPT is required to investigate all accidents. 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. DRPT requires investigations of additional safety events as described in the SSPS.

During the period covered by this annual report, January 1 through December 31, 2021, there were six collisions involving light rail vehicles and privately owned vehicles (POVs), objects, or pedestrians; one serious employee injury; seven reportable fires; several rule violations by rail Tide operators; and a number of service disruptions and other events. The investigations into these accidents concluded:

- The only collision resulting in substantial damage was due to a POV violating a red traffic signal.
- All three collisions with objects were attributed to operating rule violation/human factors.
  - Two occurred on yard tracks.
  - One occurred when a light rail vehicle contacted an electric scooter on the right-of-way.
- The only preventable fire was an electrical fire at the yard traction power substation and was assigned a probable cause of poor maintenance. The CAP generated from this event remains open, with an anticipated closure date of March 31, 2022.

Of these events, the substantial damage collision with the POV that violated a red light and the serious employee injury met the criteria for reporting accidents to the FTA. HRT properly reported these events to the FTA. All investigation reports and identified corrective actions were reviewed and adopted by the DRPT Administrator.

## FTA Actions

On June 8-11, 2021, the FTA conducted its triennial audit of the DRPT SSO program. DRPT submitted all requested documents and participated in audit interview sessions over the four days of audit activities. The FTA issued its final audit report to DRPT in February with following findings:

- DRPT did not have a process for investigating allegations of noncompliance with the RTA's Public Transportation Agency Safety Plan (PTASP).
- DRPT did not determine an appropriate staffing level for the current SSO Program.
- DRPT did not demonstrate its employees and other personnel are qualified to perform their functions.

As of this writing, DRPT is generating proposed corrective actions to address these findings in the timeframes prescribed by FTA.

On October 29, 2021, the FTA issued Safety Advisory 21-1, which required SSOAs to report information from their respective RTAs to the FTA in response to a derailment on the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system. The FTA advised SSOAs to require RTAs to submit, within 30 days, information on their wheel gauge inspection protocols and any inspection failures recorded in the past year. The FTA also requested that, within 60 days, the RTAs conduct fleet-wide inspections of wheel gauge on all rail transit rolling stock in revenue service. DRPT coordinated the request and submitted HRT's completed 30- and 60-day information on November 10, 2021.

## Federal and State Legislative Changes

As previously mentioned, MAP-21 has numerous implications for SSOAs and RTA safety programs. In July 2018, FTA published rules under the MAP-21 requirements. The Public Transportation Safety Certification Training Program Final Rule, 49 CFR Part 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 key consultant staff are fully certified under this rule or actively pursuing certification in accordance with the compliance deadline.

Throughout 2021 to date, FTA continued to provide unprecedented financial support of HRT operations during the COVID-19 pandemic through both the Consolidated Appropriations Act, which included emergency stimulus funds for transit agencies, and an additional \$30.5 billion dollars to support transit agencies from the American Rescue Plan Act. Despite the ongoing COVID-19 pandemic and the difficulties it continued to bring in 2021, DRPT's oversight program continued to provide robust oversight and support to HRT, highlighted by the resumption of on-site safety and security activities. DRPT looks forward to monitoring HRT's continued implementation of the PTASP in 2022.

The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (49 U.S.C. § 5329 / IIA § 30012) continues the public transportation safety program. The Act includes the following changes for the program:

- Provides state safety oversight agencies authority to collect and analyze data and conduct risk-based inspections of rail fixed guideway transportation systems.
- Requires agency safety plans to be consistent with Centers for Disease Control and Prevention and State health authority guidelines to minimize exposure to infectious diseases.
- Requires recipients serving an urbanized area with a population of fewer than 200,000, to develop their agency safety plan in cooperation with frontline employee representatives.
- Requires recipients of section 5307 funds that serve urbanized areas with populations of 200,000 or more to undertake the following activities:
  - Establish a Safety Committee, composed of representatives of frontline employees and management, that is responsible for identifying, recommending, and analyzing the effectiveness of risk-based mitigations or strategies to reduce consequences identified in the agencies' safety risk assessment.
  - Develop, and add to their agency safety plan, a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the national transit database.
  - Set risk reduction performance targets using a three-year rolling average of the data submitted by the recipient to the National Transit Database and allocate not less than 0.75 percent of their section 5307 funds to safety related projects.

- Require maintenance personnel to meet the existing safety training requirements and safety, operations, and maintenance personnel to complete de-escalation training.

DRPT, in cooperation with HRT, will work to incorporate any applicable changes into its safety oversight activities throughout 2022.