

2020 FTA Joint State Safety Oversight and Rail Transit Agency Virtual Workshop

October 6-8, 2020



U.S. Department
of Transportation

**Federal Transit
Administration**



U.S. Department of Transportation
Federal Transit Administration

Joint FRA/FTA Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit

John J Mardente

FRA Office of Safety, Assurance, and Compliance
1200 New Jersey Avenue SE, 3rd floor, VV33-490,
202-493-1335

John.Mardente@dot.gov



Topics

Federal Transit Administration (FTA) role and how it differs from FRA.

Federal Railroad Administration (FRA) role and how it differs from FTA.

Shared Use -Light Rail Transit on the General Railroad System and how it is managed/Joint Policy

One Department of Transportation (DOT)

1200 New Jersey Avenue, SE, Washington DC, 20590

FTA-East Building
FRA-West Building



Why aren't all rail systems (transit, commuter, freight) under oversight of one Agency at DOT? What are the differences?

FTA's role in Rail Transit Safety

- 1964, President Johnson- Urban Mass Transportation Administration (UMTA)/Housing and Urban Development (HUD).
- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) - US Congress renames UMTA to the Federal Transit Administration (FTA). Act required FTA to establish a program providing for the state conducted oversight of the safety and security of rail systems not regulated by FRA.

Role of FTA cont'd

- 49 CFR Part 659 was created in 1995. States were required to designate an SSOA, create a System Safety Program Standard for Transit agencies to follow.
 - minimum requirements for the oversight agency's development of its program standard and the rail transit agency's development of its system safety program plan and security plan
 - the rail transit agency develops and maintains a separate system safety program plan and system security plan that complies with the oversight agency's program standard and requirements
 - The oversight agency reviews and approves the rail transit agency's annual report, documenting rail transit agency internal safety and security audit findings. The rule also requires the oversight agency to oversee an annual review by the rail transit agency of its system safety program plan and system security plan to determine whether or not either plan must be modified or updated. The oversight agency must review and approve any modification or update.

Role of FTA cont'd

- 2013-new Transit Safety Office (TSO) office created as part of The Moving Ahead for Progress in the **21st** Century Act (MAP-21).
- Expanded FTA oversight:
 - FTA may issue general directives that are applicable to the entire transit industry or a subset of the industry when it determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exists such that there is a risk of death or personal injury, or damage to property or equipment; or for any other purpose where the FTA Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk. A recipient's failure to comply with a general directive could result in FTA initiating further enforcement actions, including withholding or directing the use of Chapter 53 funds.

SSO Program

The SSO final rule (49 C.F.R. Part 674) requires states to attain certification of their SSO programs. The rule strengthens an SSOA's authority to conduct inspections and investigate accidents, approve corrective action plans, and oversee an RTA's implementation of its safety plan. The rule also gives FTA the authority to take enforcement actions against those states with non-existent or non-compliant safety oversight programs. Importantly, every eligible state must establish an SSO Program with an SSOA that is financially and legally independent from any RTA it oversees.

FRA's Authority

- FRA was established by the Department of Transportation Act of 1966- consolidated successor to agencies previously housed in Dept. of Commerce, and the Interstate Commerce Commission.
- Federal Railroad Safety Act of 1970 (“Safety Act”) by President Nixon. Authorizes FRA to oversee safety of freight, interstate railroads.
- Under the Federal railroad safety laws, FRA has jurisdiction over all railroads except “rapid transit operations in an urban area that are not connected to the general railroad system of transportation.”
- 49 U.S.C. 20102- FRA exercises jurisdiction over all railroad passenger operations, regardless of the equipment they use. CMTA Docket FRA-2006-25040
- Money. FRA administers funding of Amtrak, TIGER, etc.

FRA's Authority

Title 49 CFR 200-299

Track (RWP/RMM, geometry, rail integrity, CWR, high speed, etc.)

MP&E (rolling stock)

S&TC/Grade Crossing

Operating Practices

Human Factors

Risk Reduction/Audit

New Technology and Automation

SMT 1-9 for each Class 1 Railroad and Commuter/Amtrak

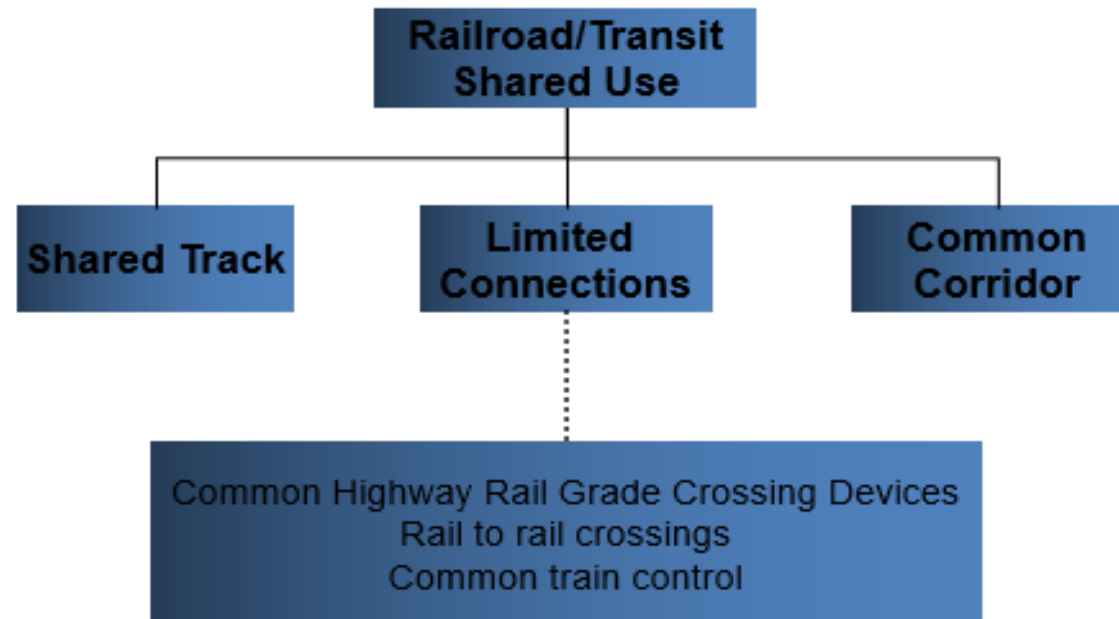
FRA's Authority

- *Transit's Limited Connections to the General Railroad System- Why is this program so important?*



FRA's Authority

For Transit, what type of limited connections
“trigger” FRA oversight?



FRA's Authority

- Docket 1999-5685 Statement of Agency Policy, etc. (Joint FRA/FTA Statement of Agency Policy). This material is stated in Parts 209, 211.
- Describes how FRA and FTA will coordinate use of their respective safety authorities over shared track operations
- Read Title 49 CFR Part 209 Appendix A: Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws
- 49 CFR Part 211 Rules of Practice-
 - Waiver process
 - Appendix A: Agency Policy for Shared Use Waivers where urban rapid transit has limited connections to the general railroad system
 - Safety Board. For these waivers, FTA is invited and expected to participate

FRA's Authority

FRA will coordinate all waiver reviews with appropriate FTA TSO , and SSOA's

“Systems Approach” to all waiver deliberations.

FRA's Authority



Rail-Rail crossing

- FRA Concerns:
 - Is Railroad maintaining the crossing? (CFR Part 213/214 compliance)
 - Signals? Interlocking in place?
 - Effective Communications between transit operator and railroad (does transit dispatcher have current railroad contact information?)
 - Joint Efficiency Testing of railroad employees and transit operators (CFR Part 217)
 - See Tampa FRA-2002-13398; River Line FRA-1999-6135

FRA's Authority



Shared Track

- Memorandum of Understanding between Railroad and Transit?
- TEMPORAL SEPARATION PLAN- exclusive passenger/freight periods
 - *Scripted Temporal Separation (NJT River Line)
- Derail devices for parked freight during passenger operations/ grade of storage tracks
- Standard Operating Procedures (SOP) for transition between passenger and freight operations
 - Dispatcher training? (Audit dispatchers)
- Training of Transit staff of pertinent FRA regulations
- All regulations are applicable because the transit operator is operating on the general railroad system regardless of the temporal separation. Petitioner may seek relief from each CFR Part by submitting a formal petition to FRA (See title 49 CFR Part 211, waivers).
- See UTA Docket FRA-1999-6253; River Line Docket FRA-1999-6135; San Diego Trolley FRA-2000-7137

FRA's Authority

Shared Corridor

- Track Centerline Distances?
- What type of commodities being hauled by Freights?
- <15-ft increased risk. Although rapid transit rolling stock has superior performance characteristics, FRA is concerned about shifted freight loads fouling the transit ROW.
- Intrusion Detection System? SOP's in place for parallel movements? Systems
- CFR Part 214 RWP adjacent track protection for centerline distance < 19-ft.
- Transit rolling stock headlight pattern per Title 49 CFR Part 229? Candela power? Horn decibel requirement of Part 229 waived
- Who is performing maintenance? Is Transit and freight railroad maintaining their own track, signal and train control equipment? CFR Part 214, Part 228 (HOS law), recordkeeping.
- Who is dispatching? Part 228 HOS Law
- Communications? How does the Transit Dispatcher communicate with Railroad crews, vice-versa? Part 220 training and Compliance?
- Highway-Rail Grade Crossings? Common crossing equipment/Part 234 compliance
- See RTD Sacramento Docket FRA-2002-14565; Memphis MATA FRA-2008-0063

FRA's Authority



What's the First Step?

- 1st STEP (prior to purchasing equipment):
 - JURISDICTIONAL DETERMINATION
- Upon request, FRA's RCC Legal Division will determine if your system is Urban Rapid Transit-heavy and/or light rail not under FRA's jurisdiction; Commuter Rail; light rail but connected to the general railroad system, thus requiring a waiver from FRA regulations.
- Cannot repeat the Austin, TX, FRA-2006-25040 incident

FRA's Authority



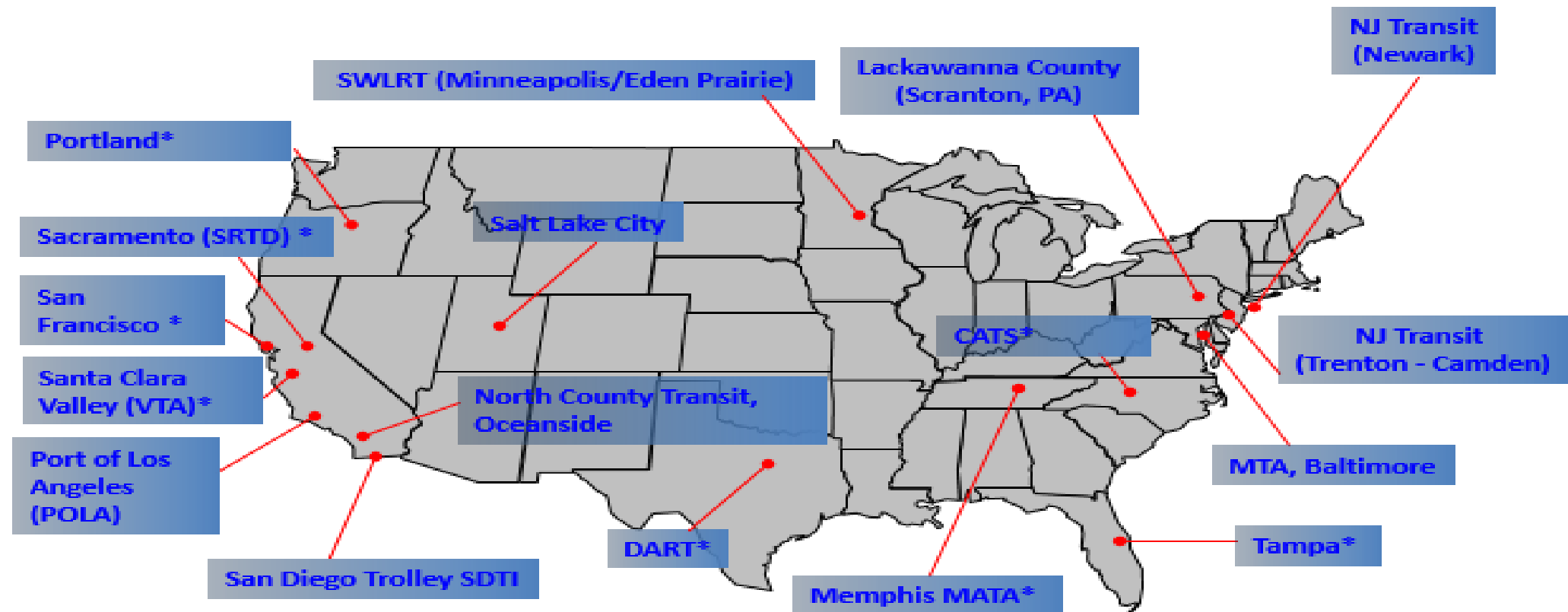
Waivers

- How does a Rail Transit system or someone Petition FRA for relief from some parts of the CFR?
 - See Title 49 CFR Part 211 Rules of Practice
 - Safety Board- for Joint FRA/FTA petitions, FTA TSO representative is invited and expected to participate in deliberations
 - Waivers from specific parts of the Federal railroad regulations rely on alternate safety programs (e.g., FTA's state oversight program)
 - Policy allows for each Petitioner's transit system to be treated individually, with relief granted from 49 CFR Regulations as applicable

FRA's Authority



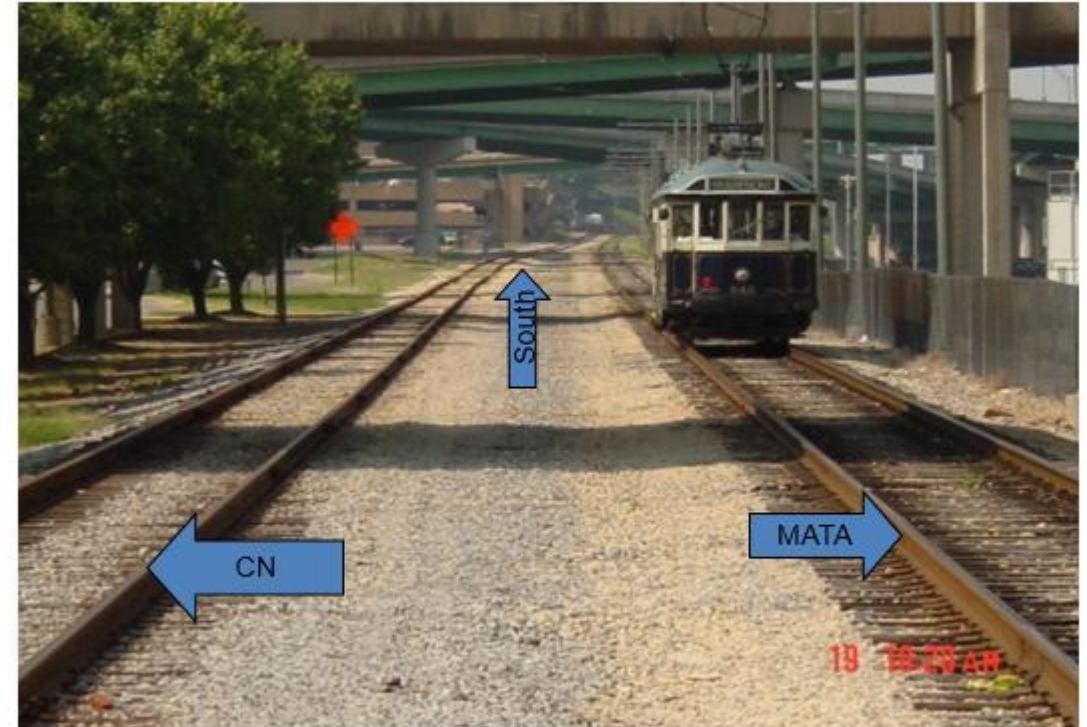
Waivers Granted...



FRA's Authority

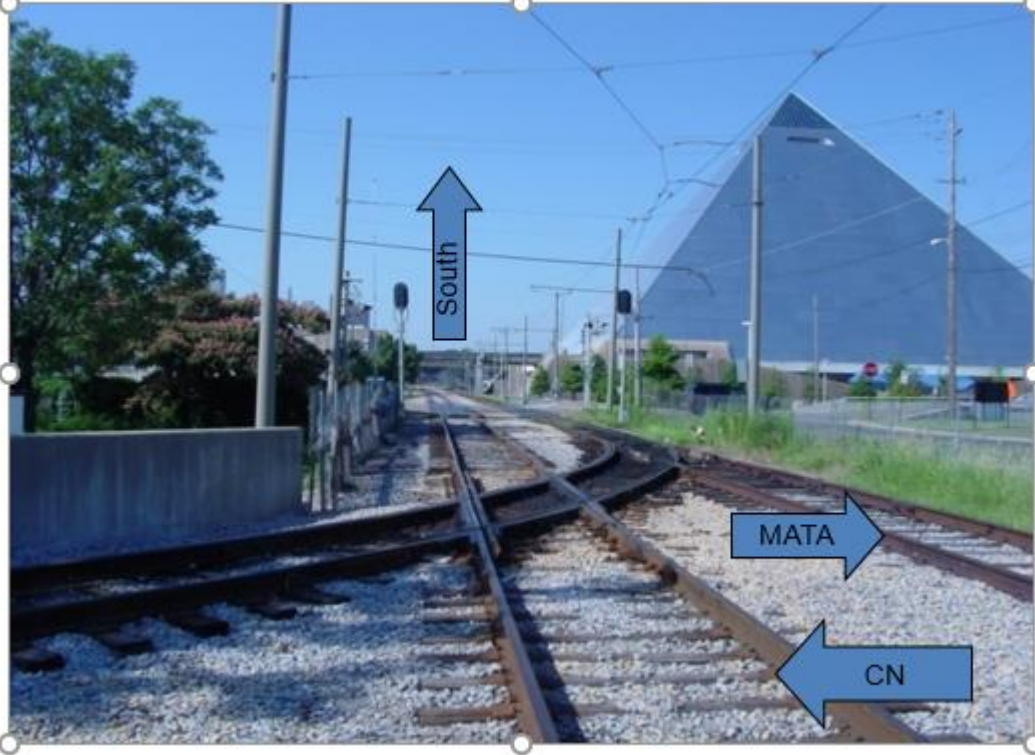


MATA Trolley operating south through CN railroad crossing at grade. SHARED CORRIDOR with RAIL. RAIL connection



Memphis MATA operating south between Pyramid Access Road and Adams Avenue. SHARED CORRIDOR with I-40 shared highway rail grade crossings

FRA's Authority



Memphis. View of CN railroad at-grade rail crossing.



Tampa HART Trolley limited connection at grade rail crossing between CSXT and HART (FRA-2002-13398). In 2011, FRA found that HART dispatchers did not have current CSXT contact information and HART employees were not familiar with CSXT Special Instructions

23

FRA's Authority



RRPictureArchives.NET Image Contributed by Bob Vogel

New Jersey Transit River Line (FRA-1999-6135) shares track/corridor with Conrail.
Intrusion Detection/Radios



Shared Yard Operation with Coaster and San Diego Trolley (Docket 2000-7137). FRA asked SDTI to submit the SOP for FRA review as part of the waiver petition.

25

23



FRA's Authority



FRA is everywhere.....



Caltrain

Vasona
corridor



U.S. Department of Transportation
Federal Transit Administration

Contact Information

John J Mardente

Civil Engineer, Office of Safety, Assurance, Compliance

Federal Railroad Administration

John.Mardente@dot.gov

2024931335

