

State Safety OVERSIGHT

4th Annual SSO Workshop

Between October 17th and 19th, 2000, the Federal Transit Administration (FTA) sponsored the 4th Annual State Safety Oversight Workshop. Hosted by the Colorado Public Utilities Commission (CoPUC) in Denver, Colorado, the purpose of this workshop was to bring together State Safety Oversight Agency (SOA) Program Managers and FTA personnel to discuss the status of the Program, to share accomplishments, and to develop strategies for addressing the challenges ahead.

Attendance for the 2000 workshop was at an all-time high. Representatives from 18 of the 22 existing State Oversight Agencies, as well as three of the six States with New Start rail systems that will soon be affected by 49 CFR Part 659 attended the 3 1/2 day workshop. In addition, eight of ten FTA Regional Offices were represented.

Welcome

The theme of this year's workshop was "keeping safety on track." This theme reflects the fact that safety remains the **number one priority** at FTA. To emphasize FTA's commitment to the States and this Program, FTA released three major documents at the workshop:

- *Annual Report on the State Safety Oversight Program*
- *Compliance Guidelines for States with New Starts*

- *Safety Action Plan: Accomplishments and the Future*

Also, in support of its growing partnership with the States, FTA released drafts of its *Technical Advisory on Monitoring the Internal Safety Audit Process* and its *Annual Report Template for 2000*, and solicited comments from State and Regional Office representatives, thus promoting dialogue between the SOAs, the Regional Offices and Headquarters regarding the SSO Program.

A Tuesday evening reception provided participants with the opportunity to socialize, as well as to informally discuss their programs, accomplishments, and ongoing oversight concerns. Representatives from FTA's Office of Safety and Security discussed the objectives of this year's workshop, focusing on the shared goal of developing ways to continuously improve safety in the rail transit industry.

Further, FTA Region 8 and CoPUC representatives discussed their relationship as it pertains to SSO, as well as their combined efforts to integrate system safety concepts in planning, design, and construction at the Denver Regional Transportation District (RTD).

Jerry Fisher and Frank McCarron, from FTA's Office of Safety and Security,



Tuesday Evening Reception

discussed the state of an SSO program that continues to grow, as two new transit systems initiated operations in 2000, namely New Jersey Transit's Hudson-Bergen Light Rail System and Kenosha Transit in Wisconsin. In addition, it was noted that in 2000, Wisconsin, Virginia, Minnesota, and

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Coming in Future Issues:

Safety Certification
Security by Design



CoPUC Director Bruce Smith



Jerry Fisher and Frank McCarron



Roy Field presented findings from the Annual Report



Tuesday Morning Opening



Tuesday Morning Opening

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State Agency	New Start Project
Arkansas State Highway and Transportation Department	Little Rock River Rail (Central Arkansas Transit Authority)
Minnesota State Patrol	Hiawatha Light Rail Project (Minnesota DOT and the Metro Council)
Virginia Department of Rail and Public Transportation	Norfolk-Virginia Beach Light Rail (Transportation District Commission of Hampton Roads)
Wisconsin Department of Transportation	Kenosha Street Car Circulator (Kenosha Transit)

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Arkansas have designated agencies to oversee New Start systems.

In the next year, FTA expects that Puerto Rico, Arizona and North Carolina will designate oversight agencies. New light rail systems will open in Detroit and Little Rock. Major extension projects in California, Massachusetts, New Jersey, New York, Colorado, Washington State, and Washington, D.C. are also being constructed. By 2010, FTA projects that as many as 31 States and 47 rail transit systems will be affected by the State Safety Oversight Program. •

2000 - Year in Review

On Wednesday morning, Roy Field,

also from the Office of Safety and Security, gave an overview of SSO activities for 2000 and presented to the participants FTA's *State Safety Oversight Program, Annual Report for 1999*. Mr. Field noted that the past year was a busy one for FTA's Office of Safety and Security. Throughout the year, compliance monitoring activities required close coordination with Regional Offices, SOAs, and rail transit agencies, strengthening essential interfaces. In 1999, FTA's Office of Safety and Security continued Phase I of the State Safety Oversight Audit Program. The Office also initiated programs to revise 49 CFR Part 659; to address requirements from NTSB for bus safety oversight; to coordinate with the Federal Railroad Administration (FRA) on shared use operations; to develop policy and programs to support the integration of New Start systems into the State Safety Oversight Program; and to

promote integration of system safety concepts in transit operations through training and technical assistance. Further, FTA ensured the integration of safety and security into other management programs with the continued application of its triennial review process.

The State Safety Oversight Audit Program remained a priority for FTA's Office of Safety and Security throughout the year. The Audit Program provides FTA with the opportunity to identify the requirements of Part 659 that have been most difficult for SOAs to implement. Further, it supports communication with the States that results in the greater sharing of technical information, the solicitation of best practices, and the development of activities that promote an increased coordination between all stakeholders responsible for ensuring that system safety objectives are being identified and met each year.

As of February, 2001, FTA has audited 14 Oversight Agencies. These agencies represent the industry's full range of safety oversight experience, oversight authority, resource allocation, and geographical diversity. Throughout 1999 and 2000, States worked closely with FTA to resolve identified deficiencies and areas of concern. **To date, all deficiencies have effectively been addressed.** No funds have been withheld from a State for failure to comply with audit findings. •

Safety Certification

Don Dzinski gave a presentation on the importance of safety certification, stressing the incorporation of safety during the planning, design, and construction phases. The goal of the *safety certification process* is to certify that all practical steps have been taken to optimize the operational safety of the rail system, modification, or extension before, during, and after construction, prior to the initiation of revenue service. FTA believes that incorporating this process into the oversight agency

program standard will ensure that a higher level of safety is designed into new transit systems and extensions to existing transit agency operations. FTA is currently investigating the applicability of the safety certification process to both "new starts" and system extensions and major modifications. This presentation posed several "questions and answers" regarding the safety certification process, reinforcing key themes from examples in New Jersey, Maryland, California, and Washington, D.C.

Discussion arising from this session focused on the best way to ensure the independence and integrity of the safety certification process (using an independent contractor versus transit agency personnel versus the contractor team actually performing design or construction on the rail transit project). State resources and capabilities to oversee this process were also addressed. SOAs requested additional support from FTA's Regional Offices in facilitating their involvement in the pre-revenue design and construction process. •

Denver RTD Safety Panel and Tour

The Colorado Public Utilities Commission, the Denver Regional Transportation District, and FTA's Region 8 made a joint presentation regarding their experiences providing safety oversight on two Denver RTD extensions: the Southwest and the Southeast corridors. Key recommendations from this panel include the following:

- SOAs should become involved with the extensions as early as possible. Involvement can include nothing more than attendance at Quarterly Review meetings and review of monthly status reports.



Don Dzinski - Safety Certification



Chick Dolby, Jack Baier, Ray Jantzen and Dave Genova discussed RTD extensions

- SOAs and FTA's Regional Offices should coordinate their activities and leverage their resources.
- SOA and FTA Regional Office personnel should get to know the transit agency safety personnel, establishing solid professional relationships.
- SOAs and rail transit agency safety personnel should work with the FTA Regional Office, keeping them informed of all major financial and contract evaluation activities.
- SOAs and rail transit safety personnel should carefully consider the role of contractors in the safety certification process.
- Identify potential conflicts of interest among contractors early in the process.

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RTD Tour



RTD Tour



Natalie Jones



Cynthia Nethercut

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- Draft contracts and specifications such that safety certification is emphasized as a primary activity with clearly identified deliverables and milestones, closely tied to contract payment.
- Receive and review status reports from contractors and the transit agency.
- Coordinate with local emergency responders and develop procedures and training for managing incidents on the extension.
- Make sure the transit agency addresses public awareness and expectations regarding the introduction of light rail service into mixed traffic environments.

At the conclusion of the panel discussion, Dave Genova led a tour of the Denver RTD system on a Light Rail Vehicle specially chartered for the workshop participants. •

Conducting Three-year Safety Reviews

Natalie Jones, of the Tri-State Oversight Committee (TOC), and Cynthia Nethercut, of the Illinois Regional Transportation Authority (RTA), both gave presentations describing their experiences implementing Part 659 Three-year Safety Review requirements.

Their presentations highlighted key issues in the contractor selection process, including the following questions:

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- Who will conduct the audit?
- Will the contractor or the Oversight Agency assume the lead role in communications with the rail transit agency and coordination of the audit schedule?
- Will the Oversight Agency participate in the audit? As a member of the audit team? In a supervisory role? Not at all?
- How will the Oversight Agency guarantee that the personnel who submit resumes for the contract are the ones who will actually be conducting the audit?
- How involved will the Oversight Agency be in the preparation and review of materials developed to guide and document the audit?
- Does the Oversight Agency have a role in specifying the format and content of audit checklists and reports?
- Will the oversight agency formally approve all checklists and verification plans prepared to guide the audit or will it leave such activities up to the contractor, relying on their expertise?
- Will the Oversight Agency supply materials to the consultant, or must the consultant collect all necessary information from the rail transit agency?
- Will the Oversight Agency actively review the draft and final audit reports?

- Will the Oversight Agency contribute findings and recommendations to the report?
- How will the Oversight Agency be certain that all relevant areas are being covered in the audit?
- What is the Oversight Agency's policy on "conflict of interests"?
- Can the contractor have worked with the transit agency's safety department, or in the design, construction, procurement, or operation of equipment and facilities?
- What will be the length of the on-site component of the audit and how extensive will verification methodologies be?
- What will be the qualifications of those personnel performing the audit?

Workshop participants discussed the benefits and disadvantages of using contractors including the following challenges:

- Potential conflicts of interest
- Managing communications with the transit agency
- Coordinating protocols for the collection and review of materials from the transit agency
- Specifying the format of all materials used to conduct and document the audit
- Managing the schedule for the performance of the audit
- Ensuring the qualifications of personnel conducting the audits

- Ensuring the comprehensiveness of the on-site component of the audit
- Supporting the development of findings and recommendations •

In-house Reviews

Don Johnson distributed the California Public Utilities Commission's (CPUC) RTSS-4 "PROCEDURE FOR PERFORMING TRIENNIAL ON-SITE SAFETY REVIEWS OF RAIL TRANSIT SYSTEMS" to workshop participants. This procedure describes the standard process used by the CPUC for performing triennial, on-site, safety reviews at affected rail transit agencies. Don Johnson also distributed copies of CPUC annual reports.



CPUC's Don Johnson

Participant discussion during this session addressed the following issues:

1. **Staffing and resources.** Staff turn-over and training are major issues in an agency's approach to the conduct of Three-year Safety Reviews. Available resources often determine the scope and process used for the review.

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2. **Participation.** Oversight Agencies discussed the benefits of including the rail transit agency early in the Three-year Safety Review planning process.
3. **Observation.** In preparation for the Three-year Safety Review, Oversight Agency personnel were encouraged to observe the rail transit agency’s Internal Safety Audit Process, to review their checklists and findings, and to assess their process used to verify SSPP implementation.
4. **Cooperation.** Oversight Agencies emphasized the importance of developing both a cooperative relationship with the rail transit

agency and a mutually-agreed process for resolving disputes.

5. **Corrective Actions.** Oversight Agency personnel generally believed that the rail transit agency should play a pivotal role in developing the corrective actions to address three-year safety review findings and recommendations.
6. **Enforcement Authority.** Oversight Agency personnel shared their frustrations regarding their general lack of authority to require corrective actions and implementation schedules.
7. **Unacceptable Hazardous Conditions.** Oversight Agencies have tried to use Rule provisions requiring the reporting

of UHCs to support their authority to require implementation of corrective actions. This vehicle is complex and generally resisted by the rail transit agencies.

8. **Funding.** For those Oversight Agencies that also provided funding to the rail transit agency, the “funding card” can support leverage and encourage action.
9. **Media.** The media is another avenue open to Oversight Agency personnel seeking to ensure rail transit agency action in response to findings and concerns. Publicly available reports and correspondence can prompt the correction of identified safety concerns. •

National Transportation Safety Board (NTSB) and Coordination During Accident Investigation

Jim Dunn and Bob Campbell from the NTSB gave a presentation summarizing the history and role of the NTSB, as well as its use of the “Party System” to manage investigations. John Contestabile (Maryland Department of Transportation) and Jerry Shook (New York Public Transportation Safety Board) followed, describing their agencies’ interactions and experiences with the NTSB during accident investigations.

Based on discussion of the NTSB and State presentations, the following items were identified for State consideration:

- State Oversight personnel were urged to review their procedures for coordinating with NTSB, to ensure that they would be prepared in the event of such an investigation.

- State Oversight personnel were also encouraged to determine how their policies for receiving, reviewing, and approving investigation reports from the rail transit agency may be affected by the presence of the NTSB (for example, the Oversight Agency may choose to keep all accident reports in draft form until the Board issues its final report).
- State Oversight personnel must determine if they will adopt NTSB recommendations and require corrective action plans for these recommendations from the rail transit agency. •



Don Johnson’s Three-year Safety Review



NTSB’s Bob Campbell

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Security Briefing

Sherrie Anderson from the U.S. DOT Office of the Secretary, Office of Intelligence and Security, presented information regarding the awareness and mitigation of the threat of terrorism to rail transit systems, as well as specific countermeasures, such as the incorporation of Crime Prevention through Environmental Design (CPTED) and the use of technology.

Key points identified during Ms. Anderson's presentation and subsequent group discussion to support State oversight activities were as follows:

- Security issues relating to rail transit agencies are managed by the U.S. DOT through FTA's Office of Safety and Security and the U.S. DOT Office of Intelligence and Security.

- The public transportation infrastructure is vulnerable to acts of terrorism and extreme violence, including mass shooting, bombings, armed assaults, hijackings, and events involving weapons of mass destruction, including the release of chemical, biological, and nuclear agents.
- Available countermeasures for addressing this threat include the following:
 - Development and implementation of a System Security Plan that addresses emergency response capabilities and threat and vulnerability analysis.

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PTSB's Jerry Shook



Maryland DOT's John Constestabile



NTSB's Jim Dunn



USDOT OIS's Sherrie Anderson



Volpe Center's Jim Harrison

- Technology, including CCTV, access control, emergency phone and speaker systems, radio communications, and public communications systems.
- CPTED and Situational Crime Prevention features included in station and facility planning, design, and construction.

Howard Fegles (Oregon Department of Transportation) and Bob Kraus (Missouri Department of Economic Development) followed, presenting their agencies' approach to system security requirements for their respective RFGS. •

FRA Shared Use Track and Shared Corridor

Jerry Fisher (Office of Safety and Security) and George Gavalla (Federal Railroad Administration) highlighted the relationship between FTA's Office of Safety and Security and the Federal Railroad Administration (FRA), and each agency's efforts over the last two years to develop a *Joint Policy Statement on Shared Use of the General Railroad System*.

The policy statement proposes, "that regulation of light rail service on the general railroad system, under conditions of temporal separation from conventional rail movements, be handled through application of complementary strategies. FRA regulations would generally be employed to address hazards common to light rail and conventional operations for which consistent handling is necessary, while other hazards would be handled under FTA's State Safety Oversight."



Group Discussion - Security



Howard Fegles



Bob Kraus

In late November 1999, FTA and FRA successfully initiated this process and the Utah Transit Authority was granted a waiver and in December, the SSO Program welcomed its first "New Start" State - Utah. A copy of the Joint Policy Statement is available on FRA's web page (www.fra.dot.gov).

It was noted by both speakers that State Oversight personnel are encouraged to contact FRA with any questions regarding the joint policy, the granting of safety waivers for light rail operation, or the shipment of hazardous materials. Further, Mr. Gavalla provided a brief description of

OPERATION RESPOND, a nonprofit organization that tracks hazardous materials shipments by rail car, which can provide for valuable information regarding response to a hazardous materials spill and employee protection. •

Monitoring the Internal Safety Audit Process

FTA released a draft version of its *Technical Advisory on Monitoring the Internal Safety Audit Process* to workshop participants for their review

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and comment. The States and FTA discussed the parameters of this requirement and the different ways in which it is implemented at rail transit properties around the country.



FTA's Jerry Fisher



FRA's George Gavalla



Jerry Fisher and George Gavalla

Susan Hausmann of the Texas Department of Transportation explained how the ISAP is conducted at the two rail transit agencies in her program (DART and GIT). The States discussed the merits of having contractors and insurance agencies performing or managing the process for the rail transit agencies.

Mack Christensen described the oversight program developed for the Utah Transit Authority (UTA), and updated participants on safety issues relating to UTA's first year of service. •

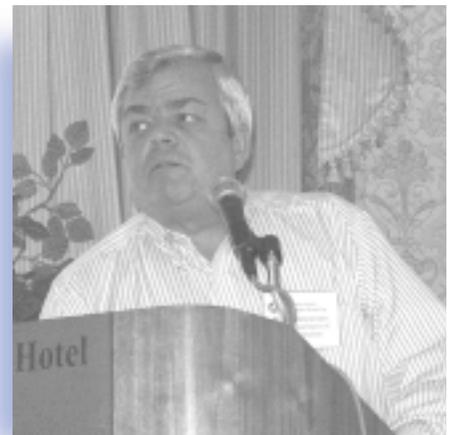


TxDOT's Susan Hausmann

Charge to the States

In the workshop's last session, the States were asked to present their opinions regarding:

- The organization and content of next year's workshop
- The location of next year's workshop
- The major issues facing the State Safety Oversight Program



UDOT's Mack Christensen

Following the charge, the State representatives discussed the above topics for one hour, without FTA or contractors present.

At the conclusion of the session, the SOAs had prepared a list of 14 SSO Program challenges for FTA. The States requested FTA consideration of, and response to, each of the following items:

Challenge #1: Cohesion of FTA

Viewpoint between Headquarters and Regional Offices

Challenge #2: Lack of Funding for SOAs

Challenge #3: Lack of SOA

Coordination with the Manual for Uniform Traffic Control Devices (MUTCD) Revisions

Challenge #4: Lack of Coordinated Communications among SOAs, Regional Offices, and Rail Transit Agencies

Challenge #5: Program Reliance on Consultants

Challenge #6: Lack of Enforcement Mechanisms

Challenge #7: Lack of SOA Community Input into Rule Revision

Challenge #8: Potential Expansion of Rule Requirements

Challenge #9: Potential Resource Burden Required by Bus Safety Oversight

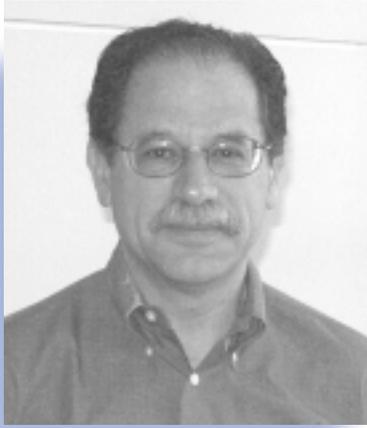
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Welcome to the Office of Safety and Security

Mr. Harry Saporta is at the helm of FTA's safety and security program as of November 27, 2000. He joins FTA from Portland, Oregon's Tri-Met (Tri-County Metropolitan Transportation District of Oregon), where he served as Manager, Safety Programs. Areas within Mr. Saporta's direct responsibility at Tri-Met were the system safety programs for bus and light rail maintenance and operations as well as construction safety. Design review of new bus and rail systems, safety certification, emergency management and drug and alcohol testing were other areas in his management jurisdiction.

Mr. Saporta's safety engineering and management experience span 23 years. The importance of ergonomic considerations in all stages of research and design is an area of particular interest. His contributions include service on the Transit Cooperative Research Program (TCRP) Operator Workstation Design Committee for the APTA (American Public Transportation Association) Standardized Bus Specifications. Mr. Saporta most recently completed a research project, in conjunction with a bus seat manufacturer, to improve the ergonomic design of the seat used by bus operators in transit buses. His commitment to this issue is further illustrated in his current research studies toward a master's degree in Health and Safety Management from Tulane University.

Mr. Saporta's leadership has focused on intergovernmental and public/private coalition building. He has long been an active advocate for



Harry Saporta

enhanced incorporation of safety and security into all aspects of transit agency operations. He has demonstrated this through the partnerships he has built with APTA, the Transportation Research Board (TRB), and the Transportation Safety Institute (TSI).

Mr. Saporta can be reached at Harry.Saporta@fta.dot.gov (202) 366-2896 400 7th Street, S.W., Room 9305 E Washington, D.C. 20590. •

National Transit Institute

The National Transit Institute (NTI) was established at Rutgers, the State University of New Jersey, by federal legislation to carry out a national program of coordinated and comprehensive transit-related education. NTI programs address both federally mandated transit responsibilities and the evolving needs of the transit industry.

NTI's mission is to provide training, education, and clearinghouse services in support of public transportation and quality of life in the United States. NTI identifies needs; promotes, develops, and delivers high quality programs and materials through cooperative partnerships

with industry, government, institutions, and associations; and serves as a catalyst for enhancing skills and performance in public transportation. NTI is funded through a grant from the Federal Transit Administration.

This spring, NTI is offering "Essentials of Transit Operations," a course designed for those who are new to transit and want an extensive overview of transit operations, or who have a narrowly focused position in transit and want a broader understanding of transit operations. "Essentials of Transit Operations" provides participants with an understanding of...

- What is required to operate a transit agency
- How the many transit functions, resources, and relationships work together to deliver service
- Critical issues affecting transit
- Future transit challenges

The course also gives first-hand experience...

- Visiting bus and light rail operations facilities and control centers
- Traveling on dedicated busways
- Touring bus and light rail maintenance facilities
- Getting behind the wheel and driving a bus
- Seeing major multimodal interchange points
- Experiencing Pittsburgh's unique incline operation

For additional information on this course, call NTI at (732) 932-1700 or visit NTI online at <http://policy.rutgers.edu/nti> •

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Challenge #10: SOA Perceived Disconnect between Rule's Minimum Requirements and FTA's Maximum Expectations

Challenge #11: Range of Required Expertise for SOA Program Managers

Challenge #12: ONEDOT and Its Impacts for SOAs

Challenge #13: Need for More Training for SOA Program Managers

Challenge #14: Need for Greater FTA Advocacy of SSO Program •

Norman Mineta sworn in as 14th U.S. Transportation Secretary

Norman Y. Mineta became the 14th U.S. Secretary of Transportation on January 25, 2001. In nominating him, President Bush said, “Norm made a reputation in the halls of Congress as someone who understands that a sound infrastructure in America will lead to economic opportunity for all Americans.”

“Transportation is key to generating and enabling economic growth, determining the patterns of that growth, and determining the competitiveness of our businesses in the world economy,” said Secretary Mineta. “Transportation is thus key to both our economic success and to our quality of life.”

Prior to joining President Bush’s administration as Secretary of Transportation, Mineta served as U.S. Secretary of Commerce under President Clinton, becoming the first Asian Pacific American to serve in the Cabinet. He is the first Secretary of Transportation to have previously served in a Cabinet position. Prior to joining the Commerce Department, he was a vice president at Lockheed Martin Corporation. •



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Secretary of Transportation,
Norman Y. Mineta

FTA’s Lessons Learned Program

In order to increase the effectiveness of transit capital expenditures through a sharing of experience and best profiles on major capital transit projects, the “lessons learned program” was developed with the assistance of Federal Transit Administration (FTA) Project Management Oversight Program (PMOP) contractors, transit properties, and FTA regional engineers. The objective of Project Management Oversight is to assist FTA in the monitoring of a grantee’s project development and implementation. The focus of PMO services is to determine if a project is on time, within budget, in conformance with the grantee’s approved plans and specifications, and is efficiently and effectively implemented.

The lessons learned program is an integral part of the PMOP. All parties involved in the implementation of major capital transit projects learn

some lessons from the experience. The contractors, the construction management team, the PMO contractor and the transit property all benefit from the unique experience of building either a heavy rail, light rail, or similar transit project. Thus, the lessons learned program was developed for the benefit of others who may embark on building transit projects in the future.

The lessons learned program is dynamic in that it is continuously growing. Lessons are developed by a PMO contractor and coordinated with the transit property to ensure that the lesson is portrayed with the proper perspective. Once coordinated through FTA, the lesson is distributed to participants of FTA’s Transit Construction Roundtable, PMOP contractors, FTA headquarters, and regional staff. Existing lessons are shown and as new lessons are developed they will appear on FTA’s website at:

<http://www.fta.dot.gov/library/program/ll/toc/toc.htm> •

Transportation Safety Institute Transit Safety & Security Division, DTI-80 Transit Rail Courses

Transit Rail Incident Investigation, FT00430 - \$200

0104 Salt Lake City, UT
June 25 - 29, 2001

0105 Cleveland, OH
July 16 - 20, 2001

0106 Boston, MA
August 6 - 10, 2001

FTA Office of Safety and Security

Phone: 202-366-2896

Office Director _____ Harry Saporta

Modal Safety

Rail Fixed Guideway _____ Roy Field

Railroad _____ Jerry Fisher

Bus _____ Frank McCarron/Amy Jernigan

Information Sharing/Technical Assistance Program _____ Vicki Bellet/Carole Ferguson/Iyon Lyles

Training and Education Program _____ Edith Rodano

Substance Abuse Program _____ Mark Snider

Security Program _____ Edith Rodano

Security Audits _____ Carole Ferguson

Data Collection and Analysis Program _____ Amy Jernigan

Emergency Management _____ Laura Mizner

<http://transit-safety.fta.dot.gov>

FEDERAL TRANSIT ADMINISTRATION TECHNICAL ASSISTANCE

The Federal Transit Administration's Office of Safety and Security can be contacted regarding any of the topics in this document:

- Guidelines and newsletters published by the Federal Transit Administration and distributed through its safety and security clearinghouse: 617-494-2108 (<http://transit-safety.fta.dot.gov>)
- State Safety Oversight Program: 202-366-0197 (www.fta.dot.gov)
- Training from the Transportation Safety Institute: 405-954-3682 (www.tsi.dot.gov)
- Training from the National Transit Institute (Rutgers): 732-932-1700 (<http://policy.rutgers.edu/nti/>)



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