



A bold voice for transportation workers

STRENGTHENING FEDERAL OVERSIGHT OF RAIL TRANSIT OPERATIONS

Recent events point to the need for a strong federal role in ensuring the safe operation of our nation's transit systems and particularly rail transit operations. In the past year alone, train-to-train collisions in Boston, San Francisco, and Washington, D.C. have taken the lives of employees and passengers and left others critically injured. Beyond these collisions, three transit maintenance workers were struck and killed while working on the tracks during 2009. And thousands of commuters have faced delays and uncertainties as transit agencies have attempted to respond to the latest round of accidents.

While rail transit remains an incredibly safe way to travel – with more than four billion passenger trips recorded in 2008 – the latest round of accidents must serve as a wake-up call that the lack of federal jurisdiction over safety must be reversed. At a time when public transit is becoming the transportation of choice for a growing number of Americans, the confusion over which government entity is charged with safety oversight and regulation must be eliminated. Fortunately, the Obama Administration is taking action to address this problem.

Transportation labor applauds the Department of Transportation (DOT) and its Federal Transit Administration (FTA) for moving swiftly to respond to the lack of federal safety oversight of rail transit operations. We also recognize the work of the National Transportation Safety Board in investigating accidents and helping identify corrective actions that can be used to prevent or mitigate future accidents. Based on these investigations and input from stakeholders including TTD transit affiliates, the DOT has developed legislation that would require federal oversight and universal rules for rail transit systems and make other needed safety improvements. We support this effort and urge legislators and regulators to ensure that workers and their unions are fully brought into this process so that the views of transportation labor are incorporated in the development of this new safety program.

Under FTA's existing State Safety Oversight (SSO) program, rail transit safety is largely left to individual states with little guidance or oversight from federal regulators. In fact, federal regulators are prohibited by law from imposing basic safety rules. The result is varying safety rules and standards, inadequate staffing of safety agencies, sporadic enforcement, and unaddressed high-risk safety issues. As DOT regulates, oversees, and enforces the safety of other modes of transportation, the agency should oversee the rail transit systems in a similar fashion.

The agency's legislative proposal requires the Secretary of Transportation to establish and enforce minimum federal safety standards for rail transit systems not regulated by the Federal Railroad Administration (FRA). The legislation also provides the agency with the option to establish a safety program for public transportation bus systems. Additionally, the proposal establishes a program that allows states to become eligible for federal transit assistance to carry

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out a federally approved public transportation safety program. The proposal does not preempt states from establishing a more stringent safety standard if that standard meets certain criteria. The final component of the proposal ensures that state agencies overseeing transit systems be fully financially independent from the transit systems which they oversee.

As DOT moves forward with its proposed Public Transportation Safety Program, the agency must include the input of front-line employees in the development of the regulations. Front-line employees serve as one of the best resources to spot and report safety risks and have intimate knowledge of the day to day workings of our nation's rail transit systems. In order to ensure that regulations developed are practical and effective, front-line employees must have a voice in the drafting process.

As the agency develops regulations, it must consider the unique operating environment of transit, which differs dramatically from rail or over-the-road bus. Transit operates in an open and continuous nature, with more frequent stops and operator interaction with the general public than other transportation modes. Therefore, the current safety standards which the FRA applies to heavy rail, or the Federal Motor Carrier Safety Administration (FMCSA) applies to over-the-road bus, are not equally applicable to rail transit.

Many states view the current SSO program as an unfunded mandate. We applaud the DOT for recognizing this reality. Transit agencies must be provided with a robust funding stream that adequately covers the implementation of the safety improvements that stem from the agency's proposal. Additionally, Congressional appropriators must make a commitment to fully fund this program.

Recent events dictate a clear need for increased federal safety oversight of rail transit operations. It is time for the DOT to pay closer attention to rail transit safety consistent with the historic role it has played in safety oversight of commercial airlines and freight and passenger rail operations. We applaud the Obama Administration for developing this important transportation safety initiative but urge the DOT to listen to the input of front-line employees and their unions and consider carefully the financial realities facing public transportation agencies across the country.

Policy Statement No. W10-02

Adopted February 28, 2010