



# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION

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Office of the  
Commissioner

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January 2, 2014

Docket Operations  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
West Building Room W12-140  
Washington, DC 20590-0001

Re: Docket No. FTA-2013-0030

Dear Docket Clerk:

The Connecticut Department of Transportation (CTDOT) is pleased to provide comments on FTA's "National Public Transportation Safety Plan, Public Transportation Agency Safety Plan and Public Transportation Safety Certification Training Program; Transit Asset Management" Advanced Notice of Proposed Rulemaking (ANPRM), dated October 3, 2013.

CTDOT is a multi-modal agency and is responsible for transit and highway assets, operations and services. While more details are provided in the answers to the questions contained in the ANPRM, there are several overarching themes that are important to emphasize:

1. Transit is a national industry with many particularized local impacts that must not be discounted. Autonomy and discretion are needed and the small programs should stay as unencumbered as reasonably possible.
2. A phased approach to Transit Asset Management (TAM) is preferred. Minimum critical assets should be identified first, while others can be included in stages. This is the approach that the Federal Highway Administration (FHWA) is taking for its Asset Management Plan. FHWA is requiring that data on only pavements and bridges on the National Highway System (NHS) be initially reported. It is encouraging the inclusion of additional assets in the TAM Plan, but leaving it to each State's discretion.

3. State of Good Repair is dependent on the nature of the asset and there is no “one-size-fits-all” in regards to targets. FTA should allow maximum flexibility by allowing transit agencies to set their own targets, rather than FTA specifying or approving targets. This is the case on the FHWA side where state DOTs and Metropolitan Planning Organizations (MPOs) set targets.
4. National Performance Measures should only focus on areas and assets that transit agencies and state DOTs have control over.
5. Safety management for rail operations in Connecticut is under the jurisdiction of the Federal Railroad Administration (FRA) and CTDOT will comply with all their requirements. Any regulatory framework established by FTA must be compatible with existing FRA-compliant safety regimes.
6. FTA should certify the process used by each transit agency and state to develop its TAM Plan. This is consistent with FHWA’s approach and should avoid creating burdensome record keeping and reporting requirements. Agencies already spend substantial time and money completing National Transit Database (NTD) reporting requirements. Additional reporting requirements need to be proportional to the value of the information.
7. It is imperative that state DOTs be allowed to develop a state-level/system-level TAM Plan for its subrecipients. In Connecticut, CTDOT controls all of the formula funding from the FTA Section 5307 program and creates a funding pool from which capital projects in regions around the State are funded. This funding pool allows for an allocation of funds to different regions based on annual needs and the disbursement of the funds is approved by the MPOs. In keeping with this very successful program, the states should be allowed to develop a statewide TAM Plan.

We appreciate the opportunity to provide comments and look forward to working with FTA in developing final rules. If you would like to discuss the issues raised in the letter, please contact Michael Sanders, Office of Transit and Ridesharing, at (860) 594-2829 or Eugene Colonese, Office of Rail, at (203) 497-3344.

Please feel free to contact me if you have any questions.

Sincerely,



James P. Redeker  
Commissioner

**Connecticut Department of Transportation (CTDOT) Responses on the FTA Advanced Notice of Proposed Rulemaking (ANPRM) on Safety and Transit Asset Management**  
**Docket Number FTA-2013-0030**

*1. What types of safety performance criteria do transit agencies already use?*

Individual transit agencies and state DOTs have developed myriad safety performance criteria and indicators. We do not believe summarizing those criteria out of context would be instructive, since they are matched to the individual agencies' operating environments, modes, and other factors. We recommend FTA simply work with outcomes to provide objective, measurable criteria.

Moreover, FTA should start this program simply, using current NTD formats to measure incidents that are most serious and preventable, and only later expanding the program to other measures, once FTA and the industry have experience with these concepts, reporting burdens, and other aspects of the program.

FTA could also improve upon the current measures in NTD by providing more precise, clearer definitions, even in this seemingly clear-cut area. As an example, FTA contractors sometimes request information on incidents totally unrelated to transit services, equipment, or facilities simply because they occurred in the vicinity of a bus stop. In this and other examples, clarifying the definitions would improve the value of the data while lessening the burden on agencies.

*2. What types of performance criteria should FTA consider?*

FTA should keep its criteria on a high level, outcome-oriented, and consistent with the highway program. Reporting should stay within the existing NTD metrics such as reportable incidents, fatalities and injuries with the clarifications suggested in response to question #1. FTA should not attempt to define indicators or other factors that might lead to safety risk, since these are necessarily unique to individual agencies.

*3. Although FTA is not proposing specific performance criteria at this time, TRACS has suggested the following categories for which performance criteria should be set: (1) Casualties; (2) Operations; (3) Systems and Equipment; and 4) Organizational Culture and Human Performance. TRACS chose these categories because it believed that each was clearly associated with safety, and could be effectively integrated into decision making at the three levels of public transportation safety responsibility (Federal, State, and operating agency). Moreover, TRACS felt that initially, it may be necessary to limit safety performance measures to those for which adequate national-scale data exists, which tend to concern casualties and crashes. However, the plan should also define categories for leading indicators of safety risk, which the industry is encouraged to measure, and which FTA will work towards measuring at the national level as part of its overall SMS approach to transit safety. To what extent do these performance criteria categories sufficiently address the relevant safety information pertaining to public transportation agencies? Are there other safety performance categories that should be included?*

While the TRACS categories may have value when better defined and within the context of a mature national safety system, there are far too many variables and uncertainties within those broad categories to write into the first version of the program. FTA should orient toward a simple, manageable program that can grow as both FTA and its grantees learn more about the burdens and other downstream consequences of this new regimen.

In certain cases, the categories proposed, especially in reference to rural transit agencies, are excessive and overreaching. Safety measures for transit should not be considered for rural transit agencies beyond the results of safety efforts, specifically the reportable incidents, fatalities and injuries currently reported in the NTD. This is consistent with FHWA and NHTSA's major measures that they have developed over decades. Considering transit fatalities are far fewer in number, it would be incongruous for the transit mode to have vastly more complex measures. Up to this point, the work of TRACS has been focused primarily on large rail systems and, therefore, is not applicable to smaller bus systems.

*4. What experience can transit agencies share on establishing desired outcomes, controls, and indicators to identify and track casualties, as well as safety issues related to operations, systems and equipment, and organizational culture and performance?*

Individual agencies already share significant knowledge and experience on these matters. And, FTA should already have significant knowledge of these experiences and practices. Rather than focus too strongly on a myriad of individual agency approaches, FTA should focus solely on best practices and on outcomes, as described above.

*5. Are there specific performance criteria that FTA should consider establishing and tracking within each of those four categories listed in question 2, above?*

CTDOT does not recommend application of these four categories in its approach to safety. Attempting to go from no program to a series of criteria in each of those four categories will likely hinder the program, make the program less useful to the grantees it is designed to assist, and provide skewed data to FTA.

The categories proposed, especially in reference to the nation's rural and small urban operator transit networks, are excessive and overreaching. Safety measures should focus on the results of ongoing safety efforts, specifically the reportable incidents, fatalities and injuries currently reported in the NTD. Even as a rail owner and operator, CTDOT suggests that the work of TRACS has seemingly been limited to the committee itself and might be a good place to work on details of the reporting and effectiveness of same, but not necessarily as far as being the core of what gets implemented right away as a result of the guidance. And, we would question if TRACS's work thus far is applicable to the nation's bus systems, especially smaller bus systems.

FTA should limit performance criteria to the outcome data already reported to the NTD and adopt a very simple approach of requiring a system (or a state for the system) to certify that it has a safety plan that meets certain basic minimum requirements.

*6. Because transit agencies typically have very low collision rates, should FTA consider establishing measures of near-collisions (or "close calls") to help identify circumstances that pose an increased risk of collisions? If so, how?*

FTA should not attempt to expand into "close call" counting. There are definitional issues even within the realm of safety-critical, high consequence events that must be addressed prior to any attempt to define and count "close calls." Beyond the definitional issues, measuring and tracking near-collisions (or "close-calls") would be burdensome, the data would be subjective and impossible to validate, and would not be comparable at the regional or national level, which seems to invalidate its usefulness beyond the local agency.

*7. How should FTA streamline or improve existing reporting of safety information to the NTD?*

Addressing the definitional problems noted above would improve the value and reliability of the output data and make it more comparable across systems and even for tracking and monitoring within systems. FTA should work to make the data available sooner and in a more user-friendly format. Currently, information is stale prior to becoming available, and thus of little value to industry practitioners. Streamlining FTA's information compilation and presentation practices would greatly enhance the value of the program to facilitate the industry's ability to analyze the data.

*8. How should the requirement for a definition of state of good repair and SGR performance measures be integrated into the new National Safety Plan?*

While safety is a critical consideration in prioritizing assets for capital replacement versus ongoing maintenance, FTA cannot tie SGR to safety. They are not equivalent concepts. A state of good repair simply determines whether something is fit for its intended purpose. Safe operations can be achieved regardless of whether something is in good repair. Attempting to intermingle these terms will almost certainly lead to unintended consequences, perhaps as drastic as necessary, safe equipment being removed from inventory based on SGR.

Each transit property will integrate and balance their safety objectives (i.e., driver training, vehicle maintenance, etc.) and their SGR target setting (vehicle age and miles) into their investment and operational decisions. Integration will also take place in the statewide transportation planning process. FTA does not need to prescribe a specific approach in the new National Safety Plan.

*9. How should safety considerations be addressed in the SGR performance measures and targets?*

Once again, the concepts cannot be inextricably linked as this question suggests. While there could be some relationship between safety and SGR, CTDOT does not recommend a separate safety- based definition of or separate safety-based targets for SGR. CTDOT recommends revenue vehicle age and miles be used to determine SGR for rolling stock.

*10. Should the safety SGR performance targets be the same as the SGR performance targets that will be required under the National TAM System?*

The target for SGR is that equipment remains fit for its intended purpose. The target for safety is that equipment and facilities are operated in a safe manner, without regard to whether they are defined as in a state of good repair. Based upon this, CTDOT does not recommend rules that require separate safety-based SGR measures or targets.

*11. In addition to APTA's voluntary consensus standards, what other sources of safety performance standards for transit vehicles are available that FTA should consider?*

CTDOT feels the standards program is a very good model. It is an integrated system of work undertaken by a number of partners across the industry. Among those organizations whose standards are applicable to public transportation, we count IEEE, SAE, ITE, and AASHTO. These organizations work in concert, ensuring input in the others' standards development processes and broad applicability in and beyond transit. FTA should integrate these standards as well, since our cooperative efforts ensure that a standard created by one organization will not be recreated for another.

*12. What criteria should be used to identify, prioritize and develop performance-based vehicle standards?*

FTA should resume its support of the APTA standards program. That program is already designed to prioritize and develop performance based vehicle standards. Competitors for funding are carefully vetted through the industry to ensure the most pressing needs are met first.

*13. To what degree should existing voluntary consensus standards be considered or used in developing and implementing a performance-based vehicle standards regime?*

FTA should fully embrace the standards created by the APTA program. These standards are the product of broad consensus across the industry, publicly vetted prior to approval, and created with input from FTA itself.

*14. Specific to rail vehicle standards, what areas or categories of standards would yield the greatest safety improvement if required as a minimum safety performance standard for the public transportation industry? What areas or categories of standards would yield the most cost effective safety improvements?*

No comments.

15. *Specific to bus vehicle standards, what areas or categories of standards would yield the greatest safety improvement if required as minimum safety performance standards for the public transportation industry? What areas or categories of vehicle standards would yield the most cost effective safety improvements?*

No comments.

16. *What NTSB recommendations or industry leading practices should FTA consider most urgently? To date, the NTSB has only issued recommendations to FTA for rail transit vehicles, including the following:*  
*R-02-19: Require that new or rehabilitated vehicles funded by Federal Transit Administration grants be equipped with event recorders meeting Institute of Electrical and Electronics Engineers (IEEE) Standard 1482.1 for rail transit vehicle event recorders. IEEE 1482.1-1999 Standard for Rail Transit Vehicle Event Recorders or equivalent.*  
*R-06-05: Develop transit railcar design standards to provide adequate means for safe and rapid emergency responder entry and passenger evacuation.*  
*—RT-S-VIM-20-10 Standard for Emergency Lighting System Design for Rail Transit Vehicles or equivalent,*  
*—RT-S-VIM-021-10 Standard for Emergency Signage for Rail Transit Vehicles or equivalent, and*  
*—RT-S-VIM-022-10 Standard for Low-Location Emergency Path Marking for Rail Transit Vehicles or equivalent.*  
*R-06-06: Develop minimum crashworthiness standards to prevent the telescoping of transit railcars in collisions and establish a timetable for removing equipment that cannot be modified to meet the new standards.*  
*—ASME RT-2 2008 Safety Standard for Structural Requirements for Heavy Rail Vehicles or equivalent, and*  
*—ASME RT-1 2009 Safety Standard for Structural Requirements for Light Rail Vehicles or equivalent.*

FTA should not adopt any NTSB recommendation without a careful cost benefit analysis. NTSB, by its nature, considers safety improvements in a vacuum, without regard to what the costs of those recommendations may require as a trade-off in application or whether those trade-offs increase or decrease net safety.

17. *Are there barriers or challenges to adopting SMS principles by recipients for any particular mode of transit? If so, which mode, and what are the barriers or challenges?*

CTDOT questions the adoption of SMS principles as the required approach to safety. Existing systems have an excellent safety record as a result of implementation of existing safety-related USDOT and state DOT programs, including: driver training, drug and alcohol compliance oversight, and vehicle specification and maintenance standards. Many agencies employ what are essentially SMS principles but not in the verifiable, auditable form likely to be required. These effective and proven safety practices should be codified in the Safety Plan requirements – not SMS. FTA has not made the case for requiring an additional layer of regulation in the form of SMS.

Having said that, while the SMS approach is scalable to any size or mode agency, the primary barrier to adopting SMS principles will clearly be gathering and applying the necessary training, technological support, and guidance to move the entire industry to an SMS mindset and terminology. Templates, especially for smaller agencies, will be a key aspect of technical assistance necessary to ensure the success of the program. There is likely to be a shortfall of trained safety officers. Small agencies, in particular, are likely to continue to have difficulty attracting and retaining safety officers as the need for them balloons in a very short time span. In addition, the quality and level of expertise shown by safety consultants now active in the industry is inconsistent.

18. *What type of information and technical assistance would the public transportation industry need from FTA in order to facilitate the adoption and implementation of SMS practices?*

If SMS is the mandated approach, templates, formats, and examples are extremely valuable and will be of particular importance in this program. Even agencies and states with substantial existing safety programs will find it helpful to have national models that they can base individualized programs on. Moreover, identifying the parameters of “adequately trained” safety officers early in the process, and providing widely available, cost efficient means of producing these assets will be a key aspect of technical assistance necessary.



With these requirements affecting agencies of all sizes, types, and missions, FTA should prepare and make available roles and responsibilities checklists that look to states taking on very different roles in individual agency plans, contracted operations, and other aspects of plan implementation.

Lack of adequate staff resources to meet these new federal requirements is of course of concern. Keeping the mandates standardized and consistent and being cognizant of the significant staffing constraints that both FTA and its recipients face is critical.

*19. If SMS or elements of SMS are currently being practiced within your agency, how is it being carried out? What are the most effective means to implement SMS and how should it be scaled to accommodate both large and small public transportation systems? FTA also seeks examples and ideas from smaller agencies using SMS.*

Agencies currently proactively seek out hazards and prioritize mitigation efforts, but this process is carried out in vastly different ways among agencies. A number subscribe to APTA's safety management programs and have relatively sophisticated methods of systematically analyzing hazards while others are far more informal, yet still effective.

*20. Are there alternative safety management approaches that FTA should consider?*

There are existing, highly successful methods being used by the state DOTs and transit agencies – programs that focus on driver training, drug and alcohol compliance, vehicle maintenance and standards and the outcome data reported to NTD. FTA should consider a more centralized safety management approach rather than having each state and transit agency develop their own unique programs. FTA should consider alternatives based on verifiable, auditable results.

*21. Risk-based analysis can be applied in analyzing human factors such as employee fitness for duty (e.g. being physically and mentally qualified, not suffering from acute or cumulative fatigue, not being impaired by use of alcohol and controlled substances, etc). Agencies should also consider how to address situations where medical intervention may be appropriate (such as screening for sleep disorders and providing treatment for persons with sleep disorder diagnoses), as well as situations where progressive remedial interventions, up to and including termination, might be needed for certain safety-sensitive positions. Do agencies currently apply a risk based-approach in managing safety risks related to human factors? If so, how? What are the challenges associated with adopting a risk-based approach to these management functions?*

Agencies and the federal government currently require or apply some risk-based approaches to human factors. Rail operators are required to maintain commercial drivers' licenses to help ensure continuing fitness for duty, as are bus operators similarly required. There are a host of health-related issues that can also affect safety. Care must be taken to navigate work rules and employee protection as well as HIPAA and other issues. Similar, certain medical conditions could affect an employee's fitness for duty and there may not be consistency between medical professionals in how that medical condition affects fitness.

*22. Many rail transit agencies also operate bus systems. FTA seeks comment from those rail transit agencies that already include bus or other public transportation mode operations in one agency plan. Has inclusion improved safety of the non-rail modes? What are the benefits and costs to including all transit mode operations into one Transit Agency Safety Plan?*

This issue does not really pertain to CTDOT, but we defer to the following APTA comments and concerns. For some agencies there may be value in combined programs under some circumstances. We do not believe this will always be the case, given the resources involved and the fact that some agencies are so large as to make separate plans more manageable. Flexibility is needed to allow either approach.

*23. What attributes, functions, and authorities should FTA require of an “equivalent entity” when there is no board of directors? If a transit agency is not governed by a board of directors, what additional authorities would an “equivalent entity” need to properly review and approve a Transit Agency Safety Plan?*

This is not a new issue for FTA. Certainly, state DOTs do not have boards of directors. “Equivalent entities” should generally be those making day-to-day policy decisions. Whether it is a transit agency overseen by a governmental body or a state DOT, plans should be approved by the same individual within the agency or state DOT that signs annual certifications and assurances.

*24. How should performance milestones, targeted safety risks, and costs be considered in developing and evaluating risk mitigation strategies? FTA seeks examples of how public transportation agencies have engaged in such activities.*

For starters, the pecking order of the three listed above should be targeted safety risks, performance milestones, and then cost. Targeted safety risks should be first and foremost and not to be taken lightly. Safety should not be put off for any reason and any safety risks will have a detrimental impact on performance milestones and cost if something were to go terribly wrong. But, these decisions have been made for many years and agencies have found a balance that works for them. Cost can’t be ignored, but safety cannot be compromised.

*25. Public transportation agencies must establish a process and timeline for conducting an annual review and update of the transit agency safety plan. 49 U.S.C. 5329(d)(1)(D). These plans will be self-certified, allowing the public transportation provider’s board of directors (or equivalent entity) to determine whether the public transportation provider’s agency safety plan is adequate. FTA intends to maintain the authority to review transit agency safety plans during triennial reviews or in the event that FTA identifies circumstances posing a significant risk. FTA seeks comment regarding the appropriate role, if any, for States and FTA in the Transit Agency Safety Plan annual review process.*

CTDOT accepts FTA proposition in the question. “FTA intends to maintain the authority to review transit agency safety plans during triennial reviews or in the event that FTA identifies circumstances posing a significant risk.” There is no practical role for FTA in annual agency plan reviews. The sheer number would be certain to create a bottleneck, require reviews to devolve to regions (which would be likely to adopt differing de facto standards), and add little, if any, value to what is essentially an internal, continuous process. States should be involved in review of plans they control or audit in the normal course of business and ensure that plans are being implemented as intended.

*26. For those public transportation providers that are currently required to have safety plans pursuant to 49 CFR part 659, how is the effectiveness of the safety plan measured?*

Safety plans under 49 CFR 659 tend to be measured internally on an annual basis to ensure annual goals are established and met. Some plans are reviewed under the APTA safety management program to ensure continuing improvement.

*27. In accordance with 49 U.S.C. 5329(d), public transportation agencies will develop a comprehensive safety training program for operations personnel and personnel directly responsible for safety. What essential core competencies are needed to adequately train public transportation agency operations personnel and personnel responsible for safety of the agency? Should a transit agency’s personnel training requirements be scaled based on the size of the agency? In what ways can FTA minimize the costs of implementation (e.g. allowing for shared development of curricula)?*

We believe training requirements should be scaled and tailored for different roles. Training should be commensurate with the risk of different jobs as well as differences in agency size and the operating environment. For instance, bus operators in rural areas should be trained on a far different set of road hazards



than those in a dense urban environment. Core competencies should include familiarity with the agency's safety emphasis and program. As with other aspects of the program, FTA can help alleviate what could otherwise be crushing costs by creating and packaging a series of tools and resources that agencies large and small can use as a basis for their individual programs. There is little value in hundreds of agencies or dozens of states spending duplicative sums to create similar products.

State DOTs already determine and lay out in their safety plans the training requirements for subrecipients. FTA does not need to prescribe the requirements states place on their subrecipients.

*28. What training do transit agency operations personnel and personnel directly responsible for safety currently receive? What is the curriculum? How long does it take to complete? When and where is it completed? Who provides the training? How is the effectiveness of these training programs evaluated?*

CTDOT will be glad to share training program specifics with FTA. But those requirements, other than very broad goals, would seem to be excessive in a guidance document.

*29. Each public transportation provider must identify a chief safety officer who is responsible for operational safety and who reports directly to the general manager or equivalent officer. FTA seeks comment on what other responsibilities might be combined with this role, particularly in smaller operations where the same individual may function as the provider's general manager, operations manager and safety officer? FTA also seeks comment on how the combination of such roles causes any conflict between safety and any other interest in the transit system's operation?*

There is a question if individual subrecipient safety plans are required under MAP-21 and, as such, if the smaller agencies that are subrecipients of the state are required to have a chief safety officer. If this is the case, FTA should avoid any language within the rules that pre-supposes they will.

As a transit agency, CTDOT notes that most agencies in Connecticut could not afford to dedicate a staff or individual solely to safety management, owing to the size of their operations and staffs. In situations where a state or local government are organized to collectively oversee safety, either among several transit agencies or among several agencies or departments including transit, the safety officer could come from outside of the agency staff. Or, as CTDOT does now, there are safety officers that cover the department-wide issues, others that cover transit issues, and a sharing of information and expertise as appropriate.

*30. What strategies could reduce the burden of producing and updating the Transit Agency Safety Plan, as well as transmitting key safety information to FTA and the States?*

Guidance, templates, training, examples, and technical assistance in the building process are all ways to both reduce the burden on agencies as well as to keep required local variation to the practical minimum. The burden will also be reduced by making rules that are not prescriptive and that allow for discretion of each recipient as to how to approach the plan requirement. The requirement for an annual update of Safety Plans is excessive and burdensome. An annual review and status report would be less resource intensive.

*31. While the statute sets minimum plan requirements, FTA seeks comment on whether to establish less stringent regulatory requirements for small public transit providers, and what specific areas may be most conducive to different requirements based on the transit agency's size. For example, should regulations permit smaller transit providers to employ less expensive methods for identifying and evaluating safety risks than larger entities? Should FTA's regulations establish different safety performance criteria for smaller transit providers? Should the training requirements be different for smaller transit providers? If so, how?*

FTA should adopt rules that by their nature are scalable and that do not need to differentiate between expensive and less expensive methods. The training requirements should pertain only to those recipients that are transit operators and/or SSOAs and should be written broadly enough that recipients can implement them

at a scale appropriate for their size. FTA should recognize the “one size does not fit all” problem by ensuring its rules are not so rigid or prescriptive that FTA will be forced to issue different rules for different size agencies. FTA should establish minimal universal requirements that can be applied across all agencies, allowing for flexible and scaled implementation at the agency level.

At a minimum, FTA should allow states, regions, combinations of agencies, or other bodies to pool safety resources where it makes sense and alleviate the burdens on small providers. Sharing an effective safety team among a number of similarly situated providers could be far more beneficial than each acquiring individual resources that, through duplication of training and other expenses, would almost necessarily be less effective.

*32. FTA is required to notify the DOT Crisis Management Center (CMC) of significant newsworthy events affecting public transportation (such as transit collisions that include casualties, rail transit derailments, emergency evacuations, major crimes, significant revenue service disruptions and other related transit events). Currently, rail transit agencies are required to provide such notifications (within two hours of the incident) to their State Safety Oversight Agency, per 49 CFR 659.33. However, bus transit agencies provide incident notifications to FTA on a voluntary basis, typically as requested from FTA regional offices. FTA seeks to implement a requirement that all modes of transit agencies provide FTA with near real-time event notifications (within the two-hour timeframe). For rail transit agencies this could be accomplished by copying FTA on their required notifications to their SSOAs. For bus and other non-rail modes of public transportation, this may require using a new template or form for notifying FTA. What methods might transit agencies best use to comply with such a requirement? Are there more effective or efficient methods or processes to report these incidents in real time? Should FTA consider alternative requirements for small transit providers?*

Reporting requirements must be limited. While we appreciate that FTA seeks situational awareness, care must be taken to draw conclusions from such reports, etc. A simple requirement to expeditiously report serious incidents to FTA regional offices, without attempting to detail every variation of whether something was or was not serious and avoiding second guessing filed determinations, would make the system much more responsive and practical.

*33. How should FTA define small 5307 provider? Should the definition be based on the size of the agency (e.g., number of vehicles, annual passenger counts, annual revenue miles, annual budget, etc.)? Please provide the basis for your suggestion.*

Small operations should be a function of buses in peak service. It is a measure familiar throughout the industry, a threshold that FTA already uses for such break points as Title VI reporting, and less subject to variation than passenger counts, budget, or other similar measures. That said, it is important that where requirements are scalable, those scales don't simply measure small operations and 'all others.' A mid-size operation is still subject to many of the same constraints on personnel and budget as a 100 bus property and FTA must allow any enhanced requirement to phase in rather than become effective once the 101st bus enters peak revenue service.

*34. How might States draft a single state-wide Transit Agency Safety Plan that reflects implementation of SMS at the individual transit agency level? How would compliance with a single State plan work? Given the need for the plan to reflect individual agency processes, what technical assistance might FTA provided to States or agencies drafting and certifying plans? Can the number of transit providers seeking either option be predicted or quantified?*

It is unlikely that most states or most transit agencies would seek consolidation of safety operations at the state or regional level. It is possible that Connecticut, where over 85% of the transit service is owned by the state, might see a value in developing a statewide plan, but we still have smaller operators who are quite independent who might have unique situations. Therefore, having small providers covered by the plan could be an option in the guidance. FTA could facilitate this by drafting and circulating a template for a statewide plan. Drafting the

document in cooperation with states in varying situations, but interested in statewide safety planning, could ensure the template was practical and useful.

*35. Do some States lack sufficient technical expertise or resources to draft or certify individual Transit Agency Safety Plans for small section 5307 and section 5311 public transit providers? If so, please explain?*

Not only do states have insufficient staff resources to draft individual subrecipient plans, MAP-21 does not require individual safety plans for state DOT subrecipients. The rules should not require nor pre-suppose that state DOTs will prepare or certify individual subrecipient plans. The states need only to prepare and certify their own plan. This points to the need for comprehensive technical assistance to help the industry adjust to this substantial change in process and organization.

*36. How many plans would each State be expected to prepare?*

See the previous question about insufficient staff resources and expertise. Any plan would be a burden to most states. But, if a statewide plan was to be developed, it should be at the discretion of the states and the transit agencies that would be represented by that plan. If FTA prepares a template, there might then be an ability to have certain standard sections, but with optional sections that other transit agencies could prepare for their own use. This might be similar to the current State Management Plans that states develop which have common sections for all programs and particular specific sections for the individual programs.

*37. If the State's role was limited to the certification of individual Transit Agency Safety Plans, what administrative burden would be imposed upon the State?*

Once again, the comment is made about staffing levels and staff expertise. MAP-21 does not require individual safety plans for state DOT subrecipients. The rules should not require nor pre-suppose that state DOTs will prepare or certify individual subrecipient plans and, in that environment of staffing levels and limited safety expertise in most states, if many transit agencies would want the state reviewing and certifying their plans. Limiting states' roles to certification of individual plans may represent savings on one level, but prove costly on another.

*38. Would it reduce the overall administrative burden if each State prepared a standard Transit Agency Safety Plan template or model plan that could be used by each small urban and rural transit provider within its jurisdiction?*

It would reduce the overall burden if states created standardized plans. But, it would reduce the burden even more if the template drafting was centralized at the national level, as long as those national templates remained optional.

*39. Is it practicable to create a multistate or nation-wide model plan that could be shared between States?*

A national model is practicable and would prove extremely beneficial. Because of the non-binding nature of such a template or templates, FTA and FRA could work with APTA, CTAA, AASHTO and others to create such a model without the constraints of a cumbersome advisory committee process.

*40. If a State were to implement a standardized plan for small transit providers within its jurisdiction, would any safety factors be risked by adopting a one-size-fits-all approach, or must each plan be customized for each transit provider?*

Customizing federally-developed or state-developed models for individual small properties or simply including those properties in the statewide plan need not be a burdensome approach. Many plan details would require no customization and others could be categorized. We believe this could be reasonably accomplished without

compromising safety factors and still avoid one-size-fits-all. It would be ideal if FTA provided such templates that included all the desired checklist items.

*41. Should States that write and certify Transit Agency Safety Plans provide oversight of those agencies?*

If states do not oversee their own plans, there is no one left to do it. Agencies have proven they can audit their own plans internally with great success. The safety process need not be reduced to a 'fox and henhouse' analogy when an agency, state, or organization is committed to continuing improvement of safety practices. But, staffing at the state levels and expertise will have to be considered.

*42. Should FTA require State DOT's to maintain a list of certified subrecipients that have established safety plans or that are covered by the statewide plan? If so, how should this list of certified subrecipients be maintained and updated?*

It depends who is certifying the plan in the first place, if anyone. If safety plans are a requirement of the state's sub-granting, then it should be up to the state to review and approve and to maintain a list.

*43. How should FTA apply the safety plan provisions to recipients of the section 5307 Tribal Transit Formula Program and Tribal Transit Discretionary Program?*

Connecticut has no tribal transit recipients and will yield to others on this question.

*44. What resources will States need to carry out the drafting or certification functions?*

Without some idea of the general contours of the plan, calculating resource requirements is left to guessing. In any case, states will need technical assistance resources, templates, training, and pre-packaged products to the maximum extent possible to make this program successful.

*45. Should States have a role in providing oversight of non-rail transit systems within their jurisdiction and, if so, what would be an estimate of the time required to perform such a role?*

The first question that needs to be asked is if a need exists for expanding the SSOA approach to the entire transit network within each state. With proper financial and staffing resources, adding 50 SSOA's for bus transit might make some sense. Some oversight and enforcement could be given to the states if funded and staffed, but the time commitment will be extensive. For many states, this will be a whole new sector of business for them.

*46. How are States that are currently performing this function carrying out their oversight responsibility for nonrail modes? Could this role be streamlined by combining the bus oversight duties into each State's existing rail oversight program?*

CTDOT does not have an oversight function now.

*47. If States did have a role in providing oversight of bus-only systems, how would States without rail fixed guideway systems (and therefore no established SSO Program) provide that oversight?*

Assuming the need does exist for expanding the SSOA approach to the entire transit network within each state, Connecticut does not now have a Rail Safety Oversight function and would need to create a new infrastructure

*48. What other safety-related competency areas or training outcomes should be identified?*

Even the existing requirements will likely result in an immediate dearth of qualified safety professionals, straining agency budgets and straining existing training opportunities to their capacity.

*49. Are all of the specific competencies already identified necessary?*

CTDOT does not see a need for the rules to prescribe specific training requirements for state DOT staff involved in managing federal funds and passing them on to subrecipients. Additionally, CTDOT will be accountable for meeting requirements for states, rural subrecipients, urban subrecipients and rail operations. Given the complexity of the advanced guidance, the competencies required in smaller urban or rural agencies are far different from those required in a large, urban, multi-modal agency. Risk factors should be allowed to be designed and implemented at levels appropriate to their risk profile.

*50. Should personnel be required to obtain certification prior to starting a position, or should they be given a specific time frame to obtain safety certification after starting a position? What are the pros and cons of each option?*

Requiring certification prior to employment would exacerbate an already tight market for trained professionals. Training once hired, and even apprentice-like situations should be acceptable. The TRACS committee is already engaged on this and FTA should defer to their guidance.

*51. How often should personnel be required to receive refresher training?*

Training and retraining standards and timing should evolve as the requirements are adopted and implemented. Overlaying refresher training requirements on an already strained training system would further slow training of new safety professionals.

*52. Which transit agency positions are directly responsible for safety oversight of bus and/or rail? When answering this question, please refer to the table of competencies posted in the docket for this ANPRM.*

The table of competencies is very extensive. Since safety is at the core of every staff person's mission, safety permeates virtually every job at an agency. Similar to FTA's safety-sensitive job positions that apply to drug and alcohol testing, safety competency should be part of every job. Therefore, a level of accountability and any training required to establish that level of competency for the particular position must be part of any expansion of safety programs that FTA may mandate. In any proposed final rule, FTA must determine what requirements or standards they wish to impose and assess the financial, training and staffing impacts of these expansions beyond today's safety culture.

*53. Which transit agency operational positions are directly responsible for safety oversight? What are their job duties? What type of training do these employees currently receive?*

See response to question #52.

*54. Do members of transit agency board of director's or other equivalent entity currently receive any type of safety or risk management training? If so, what does the training cover?*

It is the general manager's obligation to assure that board members or their equivalents understand the safety culture, how it is implemented at their agency and the costs associated with same. While it is not the direct case with CTDOT, the board or its equivalent is often called to task, or in turn calls the general manager to task, for any perceived or real safety issues that arise from time to time. The board or its equivalent are usually elected officials or appointees and well understand the public relations aspects of safety issues. No additional significant safety training would seem to be needed.

*55. How are personnel with transit safety oversight responsibility currently trained? How long does the training take? How is the effectiveness of the training evaluated? What type of training do oversight personnel need that is not already easily available within the transit industry?*

Safety training is part of all overall training programs offered. It would be meaningless to try and segregate out what minutes of training are safety-related and which are not. Training curricula evolve over time and new safety elements are added from time to time. But any new requirements imposed by FTA in the new guidance might require an additional investment in training and/or the addition of new training staff and expertise that may not exist on-site or even in the industry.

*56. How should the requirements for the TAM Plan be tailored to different sized operators? Small operators will inherently have fewer assets and less complex asset inventories, but what other steps can FTA take to minimize the burden on them?*

Small operators should follow the same basic guidance and requirements, except that reporting should be simplified in recognition of the less complex nature of small operations inventories. Relaxing reporting requirements, as well as phasing in those reporting requirements starting with a single asset class, will ease the burden on small operations.

For those small operators that are subrecipients of the state, the burden can be reduced by allowing the state DOT to develop a system-wide plan for all its subrecipients (i.e., for the combined assets of the state's subrecipients, not the individual assets of each subrecipient). FTA could also take an iterative approach in what is mandated for a TAM Plan. The initial FTA requirements for all recipients, regardless of size, should limit TAM Plans to revenue vehicles. As the assessment and reporting is debugged, FTA could then add other assets to its requirements.

The burden on the smallest operators in the Section 5311 and 5310 programs should remain low by continuing to limit TAM Plan (and SGR) requirements to revenue vehicles acquired with federal funds.

*57. How should FTA define small operator for purposes of the TAM Plan requirements? Please be as specific as possible. Should this definition use the same criteria for determining a small operator for purposes of a Transit Agency Safety Plan that is developed or certified by a State?*

CTDOT has a concern that MAP-21 does not include any provisions for small operators in regards to TAM Plans. The only provision for small operators are for Safety Plans. However, if FTA feels a need to require TAM Plans from all recipients regardless of size, they should not create a separate, new, and possibly different definition of small operator. States should be free to develop or certify small operators' TAM Plans based on the individual state's capabilities.

*58. How should the requirements for a TAM Plan be handled for subrecipients of the section 5307 program—including both subrecipients of State Departments of Transportation (DOTs) and of individual large transit systems, for subrecipients of the section 5311 program, and for subrecipients of the Enhanced Mobility of Seniors and Individuals with Disabilities Program (section 5310)?*

States and other direct recipients should be responsible for overseeing their subrecipients in the TAM process, consistent with those responsibilities in other aspects of the transit program. CTDOT currently requires its subrecipients to provide to CTDOT all pertinent information on assets, in order to allow CTDOT the ability to properly monitor these assets, and this practice should be continued.

Except in those states that have opted to directly apply for the small urbanized Section 5307 funds, FTA, not states, should provide direct oversight to Section 5307 recipients in meeting their TAM Plan obligations. While a Section 5307 transit agency may also be a subrecipient of the state under other FTA programs, such as Section 5339, for the purpose of TAM Plans, SGR and safety requirements, these agencies should be treated as direct recipients, such that FTA shall remain their lead oversight agency. These agencies will conduct individual TAM Plans the same as large Section 5307 recipients, unless the state opts to take the lead. The state, not the recipients, should make the final determination regarding the role the state will play.

The burden on the smallest operators in the Section 5311 and 5310 programs should remain low by continuing to limit TAM Plan (and SGR) requirements to revenue vehicles acquired with federal funds.

*59. Should FTA require State DOT's and urbanized area designated recipients to maintain a list of certified subrecipients that have established? If so, how should this list of certified subrecipients be maintained and updated?*

No. MAP-21 only requires recipients to certify compliance with the TAM Plan requirements. Subrecipient plans do not have to be certified. Subrecipient compliance will be monitored and tracked by states in accordance with the processes that state already has in place to oversee subrecipient compliance with federal regulations. However, if FTA does require DOTs to maintain a list of certified subrecipients, it should suggest this as a best practice and standardize the format of such a list.

Subrecipient actions (such as vehicle maintenance practices), not plans, will be monitored and tracked for those states that opt to conduct planning at the state-level/system-level for all the subrecipients in a given program (Section 5311 or Section 5310) will guide the asset management process at the state level.

*60. How should FTA apply the various TAM provisions to recipients of the section 5311 Tribal Transit Formula Program and Tribal Transit Discretionary Program?*

CTDOT has no comment.

*61. How should the requirements for a TAM Plan apply to grant recipients who use an asset that is owned by a third party? Responses should consider that these assets may or may not have been purchased with Federal funds. Also, the grant recipient may indirectly contribute to the capital maintenance of the asset through a rental or lease payment, or in some cases the grant recipient may not make a payment to the owner or operator of the asset.*

Each recipient should be allowed to determine which assets to include in the TAM Plan. For those assets the recipients does not own or operate, each recipient will need to make a determination based on the relationship between the recipient and the owner of the asset and the recipient's determination of whether the asset represents future capital liabilities or significant operational impacts for the recipient. FTA may want to set forth some factors recipients could take into consideration in making such a determination, but should not prescribe a specific approach. We would anticipate that, in most cases, the contract can address this issue, i.e., TAM Plan requirements will be placed on the transit agency and the transit agency will determine what requirements they pass through to the owner of the assets. FTA could provide guidance (best practices) on how a grant recipient might address these issues in a contract with a third party.

*62. Should FTA allow States to develop a Statewide TAM Plan?*

Yes, it is imperative that states be allowed to have the option of creating and administering a Statewide TAM Plan. As the designated recipient, CTDOT controls all of the formula funding from the FTA Section 5307 program and creates a funding pool from which capital projects in regions around the State are funded. CTDOT does not utilize a formula to reallocate 5307 formula funds to the local rail or bus operators, rather the funding pool allows for a cooperative, non-discriminatory allocation of funds to different regions based on annual needs. The disbursement of these funds is approved by the Metropolitan Planning Organizations (MPOs) in the Statewide Transportation Improvement Program (STIP). Sub-area split agreements that reflect the annual disbursement of funds by region are created by CTDOT and executed by the operators from each region. This program has been very successful over the years in allowing local transit operators to fund major projects for which they may otherwise have never accumulated adequate funds. Since this program creates a funding pool and continued success, the State of Connecticut should be allowed to develop a Statewide TAM Plan to ensure all transit assets are programmed for replacement in accordance with federal requirements and transit needs.



*63. What is the appropriate balance that FTA should strike in defining state of good repair between achieving precision in measuring state of good repair vs. minimizing the cost of measuring state of good repair?*

While there is no objective means of defining the balance between precise measurement and costs, FTA should consistently return to and consider costs at each step of the program development.

The cost of measuring SGR combined with the difficulty of gathering consistent and accurate data from all of FTA's recipients, leads to the following as one reasonable and manageable approach as a start: 1) An iterative/phased approach that begins with a definition of SGR for revenue vehicles; 2) a definition of SGR of "fit for intended purpose" and 3) a definition that further provides that SGR is to be measured solely by reference to the average age and/or miles for the fleet of revenue vehicles. The industry could collaboratively develop a set of specific recommendations on how age and miles should translate to a fleet being considered as "in" or "out" of a state of good repair and will submit its recommendations to FTA at a later date.

The balance must be heavily weighted to minimize the costs of measuring state of good repair and the wide range of transit assets that could potentially be measured and reported on. Evaluation of costs should look to the level of precision obtained, what exactly FTA would do (or not do) with this additional information, what agencies would do (if anything) with this additional information, and the cost of compiling and reporting the information to query whether the cumulative costs to the industry – operators, oversight agencies, and FTA – is justified. As a starting point, it seems abundantly clear that reporting must be broad categories and certainly not asset-by-asset. We recommend FTA require only top tier reporting. Individual properties could elect to collect data on more precise tiers for internal reporting, but the federal reporting requirement should remain top tier.

FHWA and state departments of transportation have developed a partnership over many years in developing and expanding asset management practices. We recommend FTA incorporate FHWA lessons learned into this rulemaking and employ a similar collaborative approach.

*64. What are the relative merits and drawbacks of each approach for defining state of good repair for FTA grant recipients and subrecipients of varying sizes, and/or with different modes? Should FTA consider implementing different approaches for different transit modes, or for grant recipients and subrecipients of different sizes? If so, what modal delineations or size distinctions should FTA adopt?*

Attempting to create objective criteria based on size, mode, or other factors is likely to be unmanageable. The definition of State of Good Repair (SGR) should simply be that assets are fit for their intended purpose and FTA should establish basic guidance and requirements related to SGR that are broad and flexible enough to apply across the full spectrum of transit agencies, regardless of size or mode.

Age (and/or miles) is one SGR characteristic that can be consistently reported to reflect SGR ("fit for intended purpose") of the revenue vehicle fleet. It is the only measure that will lead to reliable quantifiable and objective data when rolled up nationwide. Therefore, this measure could be used for all recipients regardless of size and mode.

*65. What are the relative merits and drawbacks of each approach for defining state of good repair for different classes of transit assets? Should FTA consider implementing different approaches for different asset classes? If so, what distinctions should FTA adopt between asset classes?*

For larger transit agencies, the method of listing, evaluating condition, and performing risk analysis should be consistent across asset classes, based on maintenance plans and the useful life of each asset. Creating different approaches for different asset classes would make the process more complex than it needs to be. Recipients and subrecipients are currently required to have a Facilities Maintenance Plan and Vehicle/Fleet Maintenance Plan, which are part of the Triennial Review. As long as an asset is within the term of its useful life and has been

maintained in accordance with the applicable plan, it should be considered to be in a SGR. FTA must keep in mind the basic definition – whether an asset is fit for its intended purpose.

For the smaller, state-managed programs, a phased/iterative approach should be considered such that in the initial rulemaking TAM Plans and the definition of SGR will be limited to revenue vehicles. For the Section 5311 and 5310 programs, SGR reporting and TAM Plan requirements should remain limited to revenue vehicle fleets.

*66. Should FTA implement different approaches for defining state of good repair based on a combination of the size of the recipient and the class of asset, particularly given the role of state of good repair in the SMS prescribed risk management process? If so, what delineations should FTA make?*

No, FTA should not implement different approaches. Please see response to question #65.

*67. What are the relative merits and drawbacks of each approach for purposes of implementing the required performance measures and performance targets?*

Operators should be given the flexibility to develop performance measures and targets, suited to their individual properties, which will provide the ability to craft and implement achievable plans. FTA adoption of a single approach, without freedom among its grantees to approach performance measures and target suited to their individual properties, would limit the industry's ability to craft and implement achievable plans. The high level definition that an asset should be fit for its intended purpose will give agencies the flexibility to identify the most appropriate factors to assess the condition of each asset class.

*68. If a condition-based approach (or the comprehensive approach) is adopted in whole, or in part, for certain asset classes or for certain recipients, what requirements and procedures should FTA establish for the requisite condition inspections?*

This question presumes the answers to the questions above endorse an unduly complex, multiple layer system that will cost more to implement than it saves through sound business practices.

FTA should not require the industry to adopt a condition or performance based approach or dictate how asset assessments are conducted. Rather than establish prescriptive requirements, FTA should disseminate guidance and best practices based on national and international experience. Then, the decision to implement a condition-based, performance-based, or comprehensive approach will be at an individual agency's discretion and not be dictated by FTA. An agency's own criteria should be resident in its TAM Plan and applied consistently within the agency.

*69. If a performance-based approach (or the comprehensive approach) is adopted in whole, or in part, for certain asset classes or for certain recipients, what requirements and procedures should FTA adopt for collecting the necessary performance data to implement this approach?*

Please see response to question #68.

*70. How should the definition of state of good repair balance the benefits of improved safety, performance, comfort, and other factors?*

The definition of SGR should simply be that assets are fit for their intended purpose, with safety being the top priority. Attempting to add and balance the factors enumerated in this question would make it almost impossible to craft the definition itself. The 'fit for intended purpose' definition allows all relevant factors to be considered at the agency level.

*71. If the comprehensive approach is selected for one or more classes of assets, how should FTA define the weights between various aspects of this approach?*

Please see response to questions #68 and #70.

*72. To what extent should FTA include measures of the intensity of usage of an asset in its measure of state of good repair?*

This should be up to individual properties. CTDOT does not recommend this as a factor. FTA is not adequately positioned, staffed, or resourced to get into this fine level of detail and effectively account for varying local conditions across the spectrum of operations.

*73. How do transit agencies currently evaluate the state of good repair of their systems? What criteria are used for this evaluation? What are the costs of the evaluation?*

Grantees and subrecipients are currently required to have a Facilities Maintenance Plan and Vehicle/Fleet Maintenance Plan, which are part of the Triennial Review. As long as an asset is within the term of its useful life, has been maintained in accordance with the applicable plan, and is considered fit for its intended purpose, it should be considered to be in a SGR. Once an asset has exceeded its useful life, the federal interest in having the grantee maintain it in a SGR should cease. An asset that is beyond its specified useful life (e.g., a bus that is more than 12 years old) can still certainly be maintained and utilized, but it should no longer be subject to TAM and SGR reporting.

*74. Are there any other approaches that FTA should consider?*

CTDOT has no comment.

*75. Some current recipients or subrecipients may currently have Federally-funded assets with a Federal interest remaining in the asset, but these recipients may not be seeking FTA funding in the future. Should these recipients be required to develop TAM Plans?*

As long as there is a residual interest in the asset, it is reasonable for FTA to require a TAM plan submission. Once there is no remaining federal interest and there is no possibility of a future federal liability, FTA should not require TAM Plan submission.

*76. What other elements of a good TAM Plan should FTA consider as either requirements or as a suggested best-practice (e.g. a risk analysis, or a consideration of life-cycle costs)?*

FTA should not require any additional elements in the TAM Plan; other elements of a good TAM Plan should only be considered as a suggested best practice.

*77. How should the requirements for a TAM Plan apply to transit systems that operate using a full-service contractor, where the contractor both provides the assets and operates the assets? What requirements for state of good repair and a TAM Plan should FTA require to be included in such full-service contracts, if any?*

The requirements for a TAM Plan should apply to direct recipients only, not full service contractors, entities operating a service, or third parties. States and other direct recipients should be responsible for overseeing their subrecipients in the TAM process, consistent with those responsibilities in other aspects of the transit program. FTA must scrupulously avoid dictating what would essentially be contract terms. Contractors must remain free to determine how best to manage their own assets, since their concerns are often different from the public agencies they serve. Taxation, depreciation, and other factors may influence contractor decisions in this way.

*78. How should the TAM Plan apply to assets that are owned and operated by an entity other than the recipient, but upon which the recipient's operations relies?*

TAM Plans should only apply to assets that represent future capital liabilities of the recipient. FTA must acknowledge that numerous factors outside the control of the agency affect condition. Each recipient will need to determine which, if any, TAM Plan requirements they need to pass through to their third party contractors.

*79. How should the requirements for a TAM Plan apply to grant recipients who purchase an asset with Federal funds, and then lease that asset to a third party who operates the asset? Should the requirement for a TAM Plan apply to the party that is leasing the asset? Or should the requirement for a TAM Plan only apply to the grant recipient that is the lessor of the asset?*

The recipient remains obligated for the plan and should pass that obligation on to the third party if desired. TAM Plans should apply to assets owned by the transit agency, even if operated by third parties. Replacement of these assets represents a future capital liability of the agency. TAM Plan requirements should not extend to lessees (which may be small, unsophisticated community or faith based operations), but the lessor agency should maintain control and accountability for the assets.

*80. What level of detail should be required for the capital asset inventory in a TAM Plan? What type of categorization of assets should be required? Please be as specific as possible as to what requirements FTA should propose to ensure that capital asset inventories included in the TAM Plan support an effective transit asset management process.*

FTA should require only minimal details for capital asset inventories. Categories of assets should remain at the highest level and no more than a 'thumbnail sketch' of the underlying assets submitted. Requiring detail beyond this would be expensive and time consuming for agencies of all sizes and the information rendered of limited value to FTA. Requirements should be no more burdensome than current requirements. For example a grantee must currently keep records of FTA funded rolling stock that include the following required information:

- Description
- I.D. number
- Acquisition date
- Cost
- Federal percentage
- Grant number
- Location
- Use and condition
- Disposition action
- Vested title
- Useful life

For its subrecipients' assets, state DOTs should only be required to include revenue vehicles in its TAM Plans. States will remain obligated to maintain sufficient records and oversight of all federally-funded assets of its subrecipients to meet its continuing control obligations.

Requiring detail beyond this would be expensive and time consuming for agencies of all sizes and the information rendered of limited value to FTA. This also points out the need for transitioning into reporting by starting with a single asset class. Lessons can be learned more efficiently and then be more easily extended to other classes of assets to achieve the optimal balance of reporting pain and useful industry wide information.

*81. What parameters should be required for the condition assessments included in the TAM Plan? Should these parameters be based on FTA's definition of state of good repair and the SGR performance measure?*

Condition assessment is asset specific. It should not be required in a regulation since it is dynamic and must be adaptable to multiple situations. An agency's own criteria should be resident in its TAM Plan and applied

consistently within the agency, allowing FTA to track progress rather than asset specific data from thousands of grantees.

For revenue vehicles, age and/or miles should be the sole parameters required by FTA to be used in establishing asset condition. Individual recipients may opt to include other parameters, however the only method that should be codified in federal regulations is age and/or miles.

*82. Should FTA construct one or more TAM Plan templates for recipients to use? If so, should these templates be based upon asset type, recipient size, and/or some other factor? Should FTA develop professional certification or training courses related to TAM Plan development?*

Any TAM Plan template(s) developed should be based on the current FTA requirements and be flexible, user-friendly, and able to be tailored to suit an individual agency's needs. Use of a template should not be required, but should be considered as a suggested best practice. As such, FTA must guard against any templates or best practices developed becoming de facto requirements through the review process.

*83. How specific should the investment prioritization section be in the TAM Plan? Should it include specific projects, or just groups of assets to be addressed? How should this requirement align with the requirement that all projects funded by the SGR Formula Program (section 5337) be identified in the TAM Plan?*

The investment prioritization should include groups of assets, not specific projects, and should be utilized as a tool for making business decisions aligned with the recipient's mission statement and goals. FTA should stay at the high level looking only to asset classes. Agencies may wish to list specific, significant, or capital intensive projects, but there should be no fixed requirement to go below the asset class level. Going further risks creating conflicts between TAM Plans and TIPs rather than consistency between them.

It is understood that Section 5337 eligible recipients will need to provide additional information in their TAM Plans, however, the specific requirements of that grant program should not drive the TAM Plan requirements for the many transit systems that are not eligible for the program.

For TAM Plans that state DOTs develop for the rural and specialized systems, the plans will likely focus on the FTA available funds under the Section 5311 and 5310 programs. These funds drive the SGR for the rural and specialized fleets. Other sources of state and local funding may be available, but they play a significantly smaller role in most states and, for the most part, are matching the federal funds, so it is the federal funds that are driving the results.

*84. What time period should the investment prioritization in the TAM Plan cover?*

TAM Plans must coordinate with the individual agency's Capital Plan time period, as well as the TIP and STIP processes, and those processes should drive the time periods for investment prioritization.

*85. What processes or procedures should FTA recommend or require for balancing competing priorities for operations, maintenance, and expansion projects with rehabilitation and replacement projects in development of TAM Plans? How should these trade-offs be reflected in final, certified TAM Plans?*

FTA should not recommend or require processes or procedures for balancing competing priorities for operations, maintenance, and expansion projects with rehabilitation and replacement projects. These processes should be utilized as a tool for making business decisions aligned with the recipient's mission statement and goals and is at the discretion of the individual agency. Local choices must be honored to preserve local control and to choose options best suited to an individual community. TAM Plans may discuss trade-offs, but FTA should not be second guessing informed choices.

CTDOT has developed a strategic five-point action plan to cost effectively meet the challenge to provide a safe, efficient transportation system that meets the mobility needs of people and for freight within Connecticut and the region. This five-point action plan identifies the major areas for prioritizing and emphasizing investments for all modes of transportation. The points were determined after careful consideration of available resources and Federal and State mandates and initiatives. The following are the components of this five-point action plan:

- Preservation - Maintain the Existing System in a State-of-Good-Repair
- System Modification - Safety & Modernization
- System Productivity – Efficiency
- Economic & Environmental Impact - Quality of Life
- Strategic Capacity Improvements

*86. What processes or procedures should FTA recommend or require to ensure that the investment prioritization reflects an organization-wide perspective towards establishing priorities?*

Please see response to question #85. Further, this is too finite of a detail for FTA review or intervention. Ensuring an organization is coordinated and well run is beyond the FTA role. FTA should simply continue to use its triennial review program to assess agency compliance with federal requirements, including the TAM Plan.

*87. What processes or procedures should FTA recommend or require to ensure that the investment prioritization identified in the TAM Plan match the actual investment decisions that are made?*

Please see response to question #85. FTA should not delve into this level of detail. Priorities change and local agencies and communities should not be shackled to past decisions in the face of changing priorities.

*88. At what level of detail should transit system safety be linked to or included as part of a transit system's TAM Plan? In particular, what procedures or requirements should FTA establish for incorporating safety into the asset inventory, condition assessment, and/or investment prioritization components of a TAM Plan?*

Safety is the leading consideration in asset management. Whether to prioritize replacement of an asset that can be operated safely subject to constraints or operate it under those constraints in favor of investing in something deemed more important is a local decision.

While FTA should disseminate best practices and facilitate information sharing, it should not dictate procedures or requirements for incorporating safety into TAM Plans. FTA should simply require the TAM Plan to include a discussion of how the recipient incorporates safety into its condition assessment and investment prioritization. FTA does not need to prescribe a specific approach, methodology or required content.

*89. Do transit agencies currently use any type of risk-based process to make investment decisions? If so, please describe that process.*

CTDOT does not currently use any formal type of risk-based process, but, generally, the asset condition assessment and prioritization is, by its nature, a risk-based approach. Agencies employ multiple locally developed factors that are most relevant to their service (e.g., age, criticality, condition, reliability, safety) to prioritize investments.

*90. How might a risk-based process change going forward to systematically ensure that each agency's greatest safety vulnerabilities are addressed first?*

As discussed above, locally developed investment prioritization practices, by their nature, ensure that an agency's greatest vulnerabilities are addressed. We do not believe that a risk-based process would have to change to accommodate an agency's greatest vulnerabilities. This issue does not need to be addressed in the FTA rulemaking.

*91. What are some other possible SGR performances measures that would have significant practical utility? Please be as specific as possible, using the format for the examples, above.*

CTDOT currently reports performance measures on MDBF for Locomotives, Coaches and EMU rail cars, along with the average age of the bus fleet, including the average miles between road calls. These are industry standards. These measures are useful to CTDOT and other SGR measures do not have utility to this agency. As part of rulemaking, FTA should promote collaboration between Transit Systems and MPOs so that SGR is a component of regional long range planning and TIP development.

*92. Should FTA consider a purely performance-based approach, i.e. rather than establishing direct SGR measures, instead establishing indirect SGR measures of in-service failures, maintenance break-downs, and track slow zones?*

Using the “performance-based approach” to defining SGR is not recommended because of the challenge to establishing a national definition of outcome measures (e.g., OTP). In addition, basing state of good repair assessment on outcome measures such as mean distance between failures would quickly lead to erroneous comparisons between agencies that have different operating environment and usage rates. The outcome measures suggested in the FTA white paper should inform maintenance and operations decisions and also be considered when agencies assess the condition of their assets. This information is critical for internal purposes, but collecting it on a national level would not be useful and should not be required.

*93. Should FTA propose different measures for smaller agencies? How should FTA develop different measures for different sized entities?*

Differing standards would not be necessary under a performance-based approach.

*94. Should FTA collect the SGR performance targets through its National Transit Database? Or should SGR targets be collected through some other system?*

FTA should not collect SGR performance targets through its NTD. SGR targets should be locally developed and maintained and kept separate from the NTD data. MAP-21 does not require additional reporting of targets through any other means, so duplicative reporting should not be required. With no protection of data, differences in targets could be used against agencies through the courts and political processes. Agencies striving for strong continued improvement would do so at their own peril and the system would encourage ‘achievable’ goals, weakening the SGR program overall. In addition, it is critical that agencies have more than three months to set targets following the Secretary’s establishment of SGR measures. By comparison, state DOT grantees are afforded one year to set targets after the Secretary defines performance measures

SGR targets should be collected via the annual report submitted to FTA as required under 5326(c)(3) and outside of NTD. NTD is not an appropriate method for this reporting for a number of reasons. Targets and progress toward meeting those targets are not “hard” data and, as such, they should not be viewed by FTA or others as the same as “hard” data (annual budget, number of vehicles, etc.) that are in NTD. Through a narrative annual report, the recipient has the option of telling the story that goes along with the reported targets and progress. These narrative annual reports might be submitted using the same capacity within TEAM used now for other annual agency narrative reports, such as DBE. These annual reports should not be connected in any way to the annual grant making process. In addition, state DOTs need to report at the recipient level, not the subrecipient level.

FTA should work with FHWA in developing a joint mechanism by which the two agencies use the performance management reports that are required of all transportation agencies under MAP-21 to tell the true national story on the condition of the transportation system.



If FTA insists on using NTD, it is critical that the overall structure and purpose of it be reexamined. For example, the NTD's format would need to be enhanced to accommodate other data, narratives, and discussions that are critical components to performance reporting (again, it is not solely about the number or a specific target). As part of this reexamination, FTA must provide clear expectations, resources, and training. In addition, if major revisions to the NTD are considered as part of the new transit asset management reporting requirements, this should be done with the input of states and transit providers so that the design of the NTD reflects input of key users and stakeholders.

*95. Should SGR targets be set on a system-wide basis? Or should SGR targets be set on a per-mode basis, per asset class, or both? Or on some other basis?*

MAP-21 requires condition reporting to be done at the recipient's system level and, therefore, individual recipients are likely to set targets on a system-wide basis based on the mission and goals of the individual agency. They should have the latitude within their individual situations to set specific modal goals and most likely would do so. FTA need not prescribe how this is done. FTA should focus on achieving the intent of MAP-21 for performance measurement through technical assistance to states and recipients and not on establishing targets.

*96. Should the SGR performance measures and performance results be based on data reported through the NTD? Should the SGR performance measures and performance results be based on data reported separately?*

As indicated above, SGR targets should be locally developed and maintained and should be unique to individual agencies. SGR performance measures, targets, and results should only be used as a way for individual agencies to measure progress toward meeting locally set goals and should have no impact on the level of FTA funding that an agency receives.

We strongly oppose basing measures and results on data reported through the NTD. MAP-21 requires agencies submit an annual report on progress as required by 49 USC 5326. Submission of SGR measures and results should be included in that report, so also reporting through the NTD would be duplicative and unnecessary. Review could be performed as part the triennial review - a third venue for reporting and reviewing is unnecessary. In addition, this question presumes national targets, centrally set, an approach likely to degrade rather than enhance the program, as discussed above.

*97. What should be the time horizon for the SGR performance targets? Although the SGR targets must be set annually, as required by law, should separate short-range (one year) and long-range (greater than one year) targets be established?*

Given the immense backlog of maintenance requirements throughout the industry, short and long term targets will be necessary in virtually every system. The time horizons for those long term goals will likely vary greatly, based on a variety of factors and unique to individual agencies.

Since annual reporting is required, we suggest that agencies set ten-year targets and evaluate progress toward that target each year. At that time, agencies would have the opportunity to adjust targets based on changes to fund availability, adjustments to agency priorities and other factors. Such a process can run parallel to and further validate the capital planning timeframes and prioritization.

*98. How should the SGR performance measures and performance results be connected to the requirement for applicants to the Pilot Program for Expedited Project Delivery? Section 20008(b) of MAP-21. How should applicants certify to FTA that their existing transit system "is in a state of good repair" in order to be eligible for the Pilot Program?*

In keeping with the goal of FHWA's Every Day Counts Initiative and expediting project delivery in general, FTA should help expedite project delivery generally and make the process as easy as possible.

*99. What specific tools and resources should FTA develop to ease the implementation of these requirements? Please be specific as to what tools or resources would be most useful to you and your transit system, such as guidebooks, classroom training, webinars or online training, peer-to-peer exchanges, etc.*

MAP-21 requires FTA to provide technical assistance to recipients. Developing a partnership with the FTA unit that will be collecting, reviewing, and commenting on TAM Plans would be beneficial. In addition, any tools that have been proven useful and/or as best practices would be beneficial, provided they are not cost prohibitive.

For state DOTs this assistance should be focused on how to approach SGR at the system level. FTA guidance documents should not pre-suppose that state DOTs will require each of its Section 5311 and 5310 subrecipients to conduct scaled down versions of the asset management process laid out in FTA's October 2012 Asset Management Guide.

*100. A number of private companies offer software tools for compiling and maintaining an asset inventory. Are there gaps in what is currently offered for these purposes that FTA should consider filling?*

CTDOT is not familiar with these private tools and offers no comment.

*101. A number of private companies already offer software tools to assist transit systems with taking an organizational approach to investment prioritization. Are there specific gaps in what is currently available for these purposes that FTA should consider filling?*

CTDOT is not familiar with these tools and offers no comment. However, APTA recommends that FTA look to the FHWA model. The highway community has, albeit on a less complex level, engaged in asset management planning for some time and has taken on similar issues over time.

*102. FTA has currently developed TERM-Lite to assist transit systems with estimating capital investment needs over time. Are there additional tools that FTA should develop to assist transit systems with estimating capital investment needs?*

CTDOT offers no comment.

*103. Are the various guidebooks and reports listed above useful to your transit system in preparing to conduct transit asset management planning? Are there other guidebooks or reports that FTA should develop to support planning for transit asset management?*

It is recommended that FTA look to the FHWA model, as the highway community seems to be further ahead with asset management planning.

*104. Are there any other support tools or resources not mentioned here that would be helpful for recipients to have access to?*

Please see response to question #103.

*105. What decision support tools for investment prioritization and/or analytic processes for capital investment needs estimation does your transit agency already use?*

CTDOT utilizes Excel spreadsheets to track project schedules and cash flow needs. In addition, the 20-Year Capital Plan programs funding based on capital needs, allowing for inflation costs to the midpoint of construction to ensure projects are fully funded and prioritized within the funding constraints available.

*106. What research should FTA be conducting or sponsoring to support improved TAM analysis?*

Pilot grants and funding to evaluate technology, peer exchanges, deterioration schedules, and condition assessment methodologies would all be extremely helpful in creating successful programs at every level.

*107. Should certification be done through the annual Certification and Assurance process and a requirement to receive a grant? How should subrecipients certify? Is there another process to consider?*

We believe certification of TAM Plans should be handled in the same fashion as others, through the annual certifications and assurances exercise.

There should be no specific requirement for subrecipient certification. MAP-21 does not require subrecipient certification and states may take an approach to TAM and Safety that does not result in individual subrecipient documents.

*108. Should FTA establish a self-assessment or other set of procedures for recipients to follow before certifying their Transit Agency Safety Plan and TAM Plan?*

A self-assessment tool would be helpful, however, it is critical that self-assessment tools make it clear what components of the TAM or safety plan are required by law and what components are at the recipient's discretion.

*109. After recipients have certified they have plans that comply with FTA requirements, should FTA review the plans prior to grant approval, as part of the Triennial/State Management Review, or at some other time?*

The triennial review and state management review process is the optimal point for TAM Plan sampling and review. Adding yet another review to the grant process would unnecessarily delay grants.

*110. FTA is considering reviewing certification of Transit Agency Safety Plans and TAM Plans on the basis of a weighted random sample of recipients as an alternative to reviewing all plans. Would this be a suitable alternative to reviewing all certifications?*

The concept of sampling in addition to triennial and state management reviews is redundant. FTA should limit itself to assessing TAM Plans in the triennial review process.

*111. What requirements and procedures should FTA establish for States and urbanized area designated recipients to review the TAM Plans of their subrecipients before certification?*

FTA should not dictate particular methods for states and other designated recipients to review or approve TAM Plans of sub-recipients. Simply rolling the TAM program into the triennial review process is the most cost effective means of monitoring compliance.

MAP-21 does not require subrecipient TAM Plans to be certified.

*112. What requirements and procedures should FTA establish for States that develop and certify Transit Agency Safety Plans for rural providers and small urban providers?*

MAP-21 does not require rural providers (i.e., subrecipients of state DOTs) to develop safety plans. A template for states to use for their rural transit safety plans would be helpful. As stated previously, FTA should not require mandatory application of SMS for rural transit safety plans.

*113. How frequently should TAM Plans be updated? How frequently should FTA review a recipient's updated TAM Plan? How should the certification be updated when the TAM Plan is updated?*

TAM Plans should follow the model of other plans required by FTA, such as Title VI, and be revisited every three years. The revisiting should be documented and subject to FTA review as part of the Triennial/SMR. Certification of updates should not be required.

*114. For all grant recipients, should FTA require the certification of the TAM Plan to be signed by the Chief Executive Officer of transit operations, and/or the Chief Executive Officer of the legal entity receiving grants from FTA?*

FTA should simply require a responsible official to certify TAM Plans.

*115. For grant recipients with a board of directors, should FTA require the TAM Plan be approved by the Board before certification?*

The TAM Plan is a technical document, not a policy decision for a board. Certification by a responsible official is sufficient.

*116. What procedures or requirements should FTA establish to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into the metropolitan transportation planning process?*

Existing procedures are already in place as part of the transportation planning process for the Transit Agency Safety Plan and TAM Plan goals, measures and targets to be integrated into the long range plans and TIP. MAP-21 specifically says that MPOs shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other state transportation plans and transportation processes. In addition, the FTA is preparing new guidance regarding representation of transit on MPO boards.

*117. Should MPO's be required to set a region-wide target for transit state of good repair, or should MPO's be required to incorporate the both safety and transit state of good repair targets from each transit system within their jurisdiction into the performance-based planning process, or should have MPO's have discretion to choose between these two approaches?*

MAP-21 calls for MPOs to incorporate measures and targets from other transportation plans into the metropolitan planning process as part of the performance-based planning process. But, there are often multiple transit operating entities in an MPO. Attempting to consolidate these targets at the MPO level would add nothing to the process, would effectively tie the MPO's hands on funding allocations, and would not be a reliable measure of effectiveness for any purpose. Different agencies operate within different dynamic envelopes and cannot be compared in any simplistic way. They must develop their own targets.

*118. What procedures or requirements should FTA establish to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into the statewide and nonmetropolitan transportation planning process? Since States are already setting the transit SGR performance targets for rural area grants received by the State, are any additional steps needed for integration into the planning process?*

FTA should not establish any new procedures or requirements. Existing procedures are already in place as part of the transportation planning process for the Transit Agency Safety Plan and TAM Plan goals, measures and targets to be integrated into the long range plans and TIP. MAP-21 specifically says that state DOTs shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other state transportation plans and transportation processes. This existing framework is sufficient and no additional steps are needed for integration into the planning process.

*119. Should FTA establish procedures or requirements to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into other metropolitan planning products, such as the Unified Planning Work Program (“UPWP”) and Congestion Management Process (“CMP”)?*

No. MAP-21 specifically states that as part of the performance-based planning process that goals, measures and targets from other plans are to be integrated. Requiring incorporation of Transit Agency Safety Plan and TAM Plan goals, measures, and targets into the UPWP and CMP is not necessary and is an overreach of authority and what is required in MAP-21. Simply directing MPOs to effectively integrate goals, measures, and targets into their products is the best FTA will be able to do, short of completely taking over the planning process in each and every community.

*120. FTA is interested in hearing recipient and stakeholder perspectives on how the investment priorities set forth in can be most-effectively reflected in the prioritization of projects, strategies, and resources—including Federal, state, and local funds—in MPO Plans and Transportation Improvement Programs, as well as the Long-Range Transportation Plans of States and Statewide Transportation Improvement Programs. Specifically, how should transit state of good repair needs identified in be addressed alongside other investment goals in these financially-constrained plans?*

First, FTA regulations allow for the Section 5311 and Section 5310 programs to be listed in the STIP as “one aggregate project” and, therefore, the annual investment decisions made by the states for these very small programs are not necessarily reflected in the STIP. Likewise, the state of good repair of the rural and specialized transit infrastructure is a relatively small issue to be addressed/reflected in a State Long Range Transportation Plan. It might warrant a single sentence, if that.

Second, transit in most states will be a small part of the overall transportation funding picture. As such, doing a consolidated target would not necessarily accomplish any prioritization that favors or treats transit in an equitable fashion. Limiting targets to transit-only targets might be the best means of ensuring equitable treatment.

*121. How should safety targets be considered in the planning process by State’s and MPOs? Should MPO’s be required to set a region-wide safety target? Or, should MPO’s be required to incorporate each of the safety targets from each transit system within their jurisdiction into the performance-based planning process? Or, should MPO’s have discretion to choose between these two approaches? How would each approach make the planning process easier or more difficult for transit agencies?*

Transit agencies are already part of the transportation planning process. And, existing procedures are already in place as part of the transportation planning process for safety targets to be integrated into the MPO and statewide long range plans and STIP/TIP. MAP-21 specifically says that MPOs and state DOTs shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other state transportation plans and transportation processes.

Targets should be compiled, with no attempt to consolidate them into a ‘one-size-fits-all’ target. Doing a consolidated target would not necessarily accomplish any prioritization that favors or treats transit in an equitable fashion. Limiting targets to transit-only targets might be the best means of ensuring equitable treatment.

*122. FTA seeks information from the public in order to assist it in assessing the cost of alternative regulatory approaches for implementing the National Safety Program and the National TAM System. For example, for commenters who suggest that FTA consider adopting certain safety performance criteria, minimum safety standards for vehicles, or objective standards for measuring the condition of capital assets, or training standards, what information do you have to assist FTA in assessing the incremental cost of adopting your suggestion? FTA is interested in information to assist it in assessing the full cost of the suggestion, such as the cost for transit agencies to collect and assess information and the cost to take action based on the information.*

CTDOT highlights answers provided by APTA and AASHTO. Any answer to this question would be so laden with assumptions so as to be rendered useless. As a general rule, FTA should move slowly, learning costs and benefits incrementally rather than trying to guess at them before any program is in place.

FTA must also recognize that any alternative regulatory approaches to implement National Safety Program and National TAM System will be costly for transit systems. Any collection and assessment of information will be costly in the use of staffing and resources at a time when staffing and resources are currently stretched. The more information collected and assessed, the more costly the process. Any additional costs to recipients will be burdensome and could potentially result in less service to the traveling public.

*123. Likewise, FTA seeks information from the public to assist FTA in assessing the potential benefits of alternative regulatory approaches for implementing the National Safety Program and the National TAM System. For example, for commenters who suggest that FTA consider adopting certain safety performance criteria, minimum safety standards for vehicles, objective standards for measuring the condition of capital assets, or training standards, what information do you have to assist FTA in assessing the incremental benefit from adopting your suggestion?*

With transit as the safest mode of transportation, it is difficult to envision that there are will be any additional benefits that emerge from these rules. FTA should consider on its own the incremental benefits of whatever program rules and requirements are implemented as well as take into consideration the potential loss of service to the traveling public due to requirements that are excessively burdensome, especially if they have no other value-added for the national taxpayers.