



DATE: April 20, 2015

TO: Senate Committee on Business and Transportation

FROM: Hal Gard
ODOT Rail and Public Transit Administrator

SUBJECT: Senate Bill 271-2 –Rail Safety Oversight

INTRODUCTION

Senate Bill 271 with the -2 amendments updates the Rail Fixed Guideway System Safety Oversight (SSO) Program to comply with the standards adopted in the federal legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21). ODOT's supports passage of the bill with the amendments.

BACKGROUND

Recent incidents involving rail transit have identified a lack of sufficient authority to assure the safety of the traveling public on rail transit systems. MAP-21 has mandated specific authorities required for states that oversee the safety of such systems. ODOT is the state safety oversight agency for Oregon.

DISCUSSION

MAP-21 requires that states have an SSO program for rail fixed guideway public transportation systems that are not subject to regulation by the Federal Railroad Administration (FRA) and that receive Federal Transit Administration (FTA) funding.

ODOT Rail and Public Transit Division currently has a rail fixed guideway SSO program. The program is authorized by ORS 824.045 and complies with federal regulations in effect prior to MAP-21 (49 CFR 659). Current statute gives ODOT the authority to regulate both TriMet's MAX system and the Portland Streetcar (systems that receive FTA funds) and the Astoria Trolley and Willamette Shore Trolley (systems that do not receive FTA funds). MAP-21 provides broader authority than existing 49 CFR 659, and Oregon must revise its statutory authority to comply. Failure to comply with MAP-21 may result in withholding of FTA funds to the state and its transit agencies, and may also result in the state having to repay existing grant funds.

Current state statute requires the transit agencies to cover the cost of the oversight program. Under MAP-21 such a funding scheme is prohibited by all rail fixed guideway public transportation systems that receive federal funds. MAP-21 provides grants to states to cover a percentage of the cost of the program, and requires the state to match funding from sources other than the transit agencies they oversee. However, this applies only to those systems that receive federal funds.

The Willamette Shore Trolley and the Astoria Riverfront Trolley do not receive federal funds and therefore are not funded through the FTA grant. Those systems remain obligated to pay for the oversight program through the funding mechanism currently in place. Prior to the FTA grant, the transit systems were billed and paid to ODOT the costs of the oversight program.

Senate Bill 271-2 expands ODOT's current authority for oversight as required under MAP-21. The bill gives ODOT authority to approve and enforce the safety plans for those operating fixed rail guideway systems. It also allows ODOT to audit safety plans, and investigate hazards or incidents.

FTA expects states to obtain any additional authority required to fulfill the mandate under MAP-21. At a minimum, the state must have the authority as detailed in Section 2 of SB 271. Such additional authority will expend the grant funds provided by FTA through additional oversight and enforcement of rail transit systems.

SUMMARY

ODOT supports SB 271-2, as it will update the Rail Fixed Guideway SSO Program to comply with the standards adopted in MAP-21. The bill gives ODOT additional authority to enforce safety plans adopted by fixed rail guideway operators.