



Oregon

Kate Brown, Governor

Department of Transportation

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DATE: February 1, 2017

TO: House Committee on Transportation Policy

FROM: Hal Gard, Administrator
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SUBJECT: House Bill 2292 –Rail Safety Oversight, Rail Fixed Guideway Systems

INTRODUCTION

House Bill 2292 amends the rail fixed guideway state safety oversight program in Oregon law. The law was also amended during the 2015 Legislative Session to bring state statute in line with state safety oversight standards mandated by federal legislation in 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21) surface transportation authorization act. HB 2292 would bring ODOT into compliance with the final federal regulations that were codified after the 2015 legislative session. ODOT supports passage of the bill.

DISCUSSION

MAP-21 requires that states have a State Safety Oversight (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. For Oregon, ODOT has this oversight role over TriMet's MAX system and the City of Portland Streetcar.

The amendments made to Oregon law by the 2015 Legislature were intended to align the statute with the anticipated requirements of the federal regulations for the program, which were in draft form at that time. The federal regulations have since been codified at 49 CFR 674. The final version of the regulations differs slightly from the draft, and as a result, Oregon law must be revised to bring ODOT into compliance with the final federal regulations. The most significant change relates to definitions that were included in the 2015 state revisions. The state definitions are no longer consistent with the final version of the federal regulations. We recommend the state definitions be removed from state statute and instead be developed through the administrative rule process.

Because the regulations only apply to rail fixed guideway *public transportation* systems, changes are proposed to all ODOT statutes that refer to "rail fixed guideway systems," clarifying that the regulations apply to "rail fixed guideway *public transportation* systems" only, by adding that phrase to all such statutes. Private systems, such as the Portland Zoo train, would not be subject to these regulations.

SSO staff is required to review, approve, oversee, investigate, and enforce the implementation of the rail fixed guideway public transportation system's safety plan, and audit the safety plan for compliance.

Failure to comply may result in FTA withholding funds to the state and its transit agencies and/or repayment of previously disbursed grant funds.

SUMMARY

ODOT supports HB 2292 as it will bring the Rail Fixed Guideway SSO Program into compliance with the federal regulations adopted and mandated by FTA for enforcement of MAP-21.