



Memorandum

**U.S. Department of
Transportation**

Office of the Secretary
of Transportation
Office of Inspector General

Subject: **INFORMATION**: Audit Announcement –
FTA’s Safety Oversight Program
Federal Transit Administration
Project No. 16S3002S000

Date: December 2, 2015

From: Mitchell Behm 
Assistant Inspector General
for Surface Transportation Audits

Reply to
Attn. of: JA-30

To: Acting Federal Transit Administrator

The Federal Transit Administration (FTA) has a critical and evolving role in the safety of the Nation’s rail transit systems. Under the State Safety Oversight (SSO) program created in 1991, FTA oversees the SSO agencies (SSOA) that monitor the safety of rail transit agencies.¹ In 2012, we identified challenges and priority actions for FTA if the Agency was granted enhanced rail transit safety oversight and enforcement authority.² Shortly thereafter, FTA’s safety authority increased under the Moving Ahead for Progress in the 21st Century Act,³ which allows FTA to assume SSO responsibilities in the absence of an effective SSOA.⁴

Recent accidents have demonstrated weaknesses in the safety performance and oversight of some rail transit systems. For example, after a January 2015 incident on a Washington Metropolitan Area Transit Authority Metrorail train, 1 passenger died and 86 passengers were treated at medical facilities. The National Transportation Safety Board’s subsequent investigation determined that the SSOA monitoring Metrorail lacked sufficient resources, technical capacity, and enforcement authority to carry out its responsibilities. In October 2015, the Secretary of Transportation

¹ Congress created the SSO program in Section 3029 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. No. 102–240.

² *Challenges To Improving Oversight of Rail Transit Safety and Implementing An Enhanced Federal Role* (OIG Report Number MH-2012-048), Jan. 31, 2012. OIG reports are available on our Web site: <https://www.oig.dot.gov>.

³ Pub. L. No. 112–141 (2012).

⁴ Public transportation systems are subject to the Secretary of Transportation’s authority to oversee the safety of those systems, in accordance with 49 U.S.C. § 5329, see especially (f) and (g). Pursuant to Departmental rule, 49 C.F.R. 1.91, the Secretary’s authority to enforce 49 U.S.C. § 5329 has been delegated to the Federal Transit Administrator.

determined that FTA would assume safety oversight for Metrorail until Washington D.C., Maryland, and Virginia establish a fully functioning and capable SSOA.

Based on our previous work, FTA may face significant challenges in carrying out these new responsibilities. Accordingly, we are initiating an audit of FTA's enhanced safety oversight role. Our audit objective is to assess FTA's actions to assume and relinquish direct safety oversight of a transit agency. We plan to begin the audit immediately and will contact your audit liaison to schedule an entrance conference. If you have any questions, please contact me at (202) 366-5630 or Toayoa Aldridge, Program Director, at (202) 366-2081.

#

cc: DOT Audit Liaison, M-1
FTA Audit Liaison, TBP-30