

Memorandum



CITY OF DALLAS

DATE June 16, 2023

TO Honorable Mayor and Members of the City Council

SUBJECT **Texas Department of Transportation Safety Oversight Program – Annual Status Report**

The Texas Department of Transportation’s (TxDOT) State Safety Oversight (SSO) Program is responsible for addressing state and federal safety standards for the rail fixed guideway public transportation systems that TxDOT oversees, and prepares an annual report summarizing their activities. On May 31, 2023, TxDOT provided the calendar year (CY) 2022 report to City staff and requested that it be shared with the City Council for review (attached) and noted that no further action is needed.

Currently, there are a total of six Rail Transit Agencies (RTAs) in Texas under the oversight of the SSO Program, two of which operate in the City of Dallas:

- Dallas Area Rapid Transit (DART)
- Dallas Streetcar (DSC)

The status report is general in nature and notes that each of the RTAs is responsible for submitting a safety plan on an annual basis. DART prepares their own safety plan for their system, and in their role as the Operator of the DSC, they produce a separate safety plan for the Streetcar. That Safety Plan is approved annually by the City Council. The current Safety Plan was approved on December 14, 2022, by Resolution No. 22-1767. Approval of the 2023 Safety Plan is anticipated to be forthcoming this Fall.

If you have any questions or concerns, please contact Ghassan “Gus” Khankarli, Ph.D. P.E., PMP, CLTD, Director of the Department of Transportation, at Ghassan.khankarli@dallas.gov.

for

Robert Perez, Ph.D.
Assistant City Manager

[Attachment]

c: Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors



Calendar Year 2022 State Safety Oversight Program Annual Status Report

Public Transportation Division

May 2023

Purpose

The State Safety Oversight Program Annual Status Report is prepared by the Texas Department of Transportation (TxDOT) State Safety Oversight (SSO) Program to provide an update on the safety status of the State Safety Oversight Program and the rail fixed guideway public transportation systems (rail transit agencies) that TxDOT oversees. The report is distributed to the Governor, the Lieutenant Governor, the Speaker of the Texas House of Representatives, the Federal Transit Administration (FTA), and the governing body of each rail agency annually by May 31st.

This report summarizes the activities for calendar year 2022 to meet State and federal safety reporting regulations and includes data from the 2022 Annual Report to the FTA.

Rail Fixed Guideway Public Transportation Systems in Texas

Currently, there are six rail transit agencies (RTAs) in Texas under the safety oversight of the TxDOT State Safety Oversight Program.

- Dallas Area Rapid Transit (DART)
- Dallas Streetcar (DSC)
- El Paso Streetcar (EPSC)
- Galveston Island Trolley (GIT)
- McKinney Avenue Transit Authority (MATA)
- Metropolitan Transit Authority of Harris County (Metro)

A seventh agency, Capital Metro in Austin, is anticipated to enter the TxDOT SSO Program formally within the next 18 to 24 months with development of the Capital Metro's federally-required safety and security management and certification plans. Though not yet formally under TxDOT's safety oversight, the SSO Program continues to coordinate with The City of Austin's high-capacity transit system called Project Connect to ensure an effective acceptance into the State Safety Oversight Program.

Infrastructure Investment and Jobs Act

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA has and will impact the TxDOT SSO Program and rail agencies in the following areas:

- Increased the SSO FY22 funding apportionment by 70% and provides modest funding increases through FY26 to bolster the TxDOT Program in preparation for the development and implementation of FTA's Risk-based Inspection Program.

- Provided TxDOT the authority to collect data from rail agencies and conduct risk-based inspections at rail agencies,
- Required agency safety plans to be consistent with Centers for Disease Control and State health authority guidelines to minimize exposure to infectious diseases,
- Included transit agency frontline employees in the agency safety plans update process, and
- Required transit agencies to develop risk reduction programs to reduce accidents, injuries, and operator assaults.

On February 17, 2022, FTA issued a “Dear Colleague Letter” to emphasize changes made to federal requirements for Public Transportation Agency Safety Plans and to communicate compliance deadlines associated with the passage of the Infrastructure Investment and Jobs Act (IIJA). The Dear Colleague Letter required rail agencies to complete the following actions by established deadlines:

- No later than July 31, 2022, rail transit agencies under TxDOT SSO safety oversight were required to complete the following actions:
 - Rail transit agencies serving an urbanized area with a population of fewer than 200,000, must develop their agency safety plan in cooperation with frontline employee representatives.
 - Rail transit agencies receiving section 5307 funds and serving urbanized areas with populations of 200,000 or more must establish a Safety Committee, composed of representatives of frontline employees and management, that is responsible for identifying, recommending, and analyzing the effectiveness of risk-based mitigations or strategies to reduce consequences identified in the agencies’ safety risk assessment.
- No later than December 21, 2022, each rail agency was required to update their Public Transportation Agency Safety Plan with the additional step of frontline employee cooperation for 5307 recipients serving areas with populations of less than 200,000 or safety committee approval for recipients serving areas with populations of more than 200,000. See Table 1, PTASP Approvals.
- The rail agency safety committee action dates and TxDOT approval dates are provided in the section below. Only Galveston Island Trolley serves an area with a population of less than 200,000. Though serving an area of less than 200,000, Galveston has a safety committee composed of managerial and frontline staff that review and approve each PTASP update. See Table 2, Safety Committee Approvals.

Public Transportation Agency Safety Plans (PTASP) Status

The Public Transportation Agency Safety Plan (PTASP) describes a rail agency’s safety policies, procedures, objectives, and responsibilities. Rail agencies must review and, if necessary, update their PTASPs annually. TxDOT approved all revisions made to PTASPs. The following table summarizes the dates the rail agency safety committees completed their required actions as required by FTA’s Dear Colleague Letter, and TxDOT’s approval of each rail transit agency PTASP.

Table 1: Public Transportation Agency Safety Plan Approvals

Rail Fixed Guideway Public Transportation Systems	Date of Approval
Dallas Area Rapid Transit	February 18, 2022
Dallas Streetcar	April 25, 2022
El Paso Streetcar	December 27, 2022
Galveston Island Trolley	December 28, 2022
McKinney Avenue Transit Authority	February 3, 2022
Metropolitan Transit Authority of Harris County	February 6, 2022

Table 2: Safety Committee Approvals

Rail Agency	Rail Safety Committee Action Date	TxDOT Approval Date
Dallas Area Rapid Transit	November 11, 2022	January 26, 2023
Dallas Streetcar	November 11, 2022	February 2, 2023
El Paso Streetcar	September 29, 2022	December 27, 2023
Galveston Island Trolley	November 18, 2022	December 28, 2023
McKinney Avenue Transit Authority	December 16, 2022	January 31, 2023
Metropolitan Transit Authority of Harris County	September 8, 2022	February 3, 2023

Unites Stated Department of Transportation (USDOT) Special Directive to TxDOT

On October 21, 2022, TxDOT received Special Directive 22-47 from the USDOT which requires TxDOT to develop and submit a Risk-based Inspection Program to the Federal Transit Administration by July

2024. Upon FTA approval of TxDOT's Risk-based Inspection Program, TxDOT must demonstrate six consecutive months of program implementation with twelve months to close Special Directive 22-47.

The Risk-based Inspection Program will require the TxDOT SSO Program to:

- Develop the appropriate authorities to conduct announced and unannounced inspections of rail agency infrastructure, equipment, records, personnel, and data.
- Develop a Risk-based Inspection Program commensurate with the number, size, and complexity of rail transit agencies TxDOT oversees.
- Draft policies and procedures, in coordination with rail transit agencies, regarding to collection of data, analysis of data, and how inspections will be prioritized by TxDOT.
- Demonstrate to FTA that the TxDOT SSO Program has the appropriate staffing, training, and qualifications to implement a Risk-based Inspection program.

As of the end of 2022, TxDOT has initiated a Texas Administration Code (TAC) update to develop appropriate inspection authorities and has begun drafting Risk-based Inspection policies and procedures which consider the number, size, and complexity of RTAs under TxDOT safety oversight. TxDOT must update the SSO Program Standard before updating the TAC to ensure the FTA has provided review and concurrence before the department's rules changing process. TxDOT is also analyzing staffing, training, and qualification to ensure the SSO Program can successfully implement the Risk-based Inspection program after FTA approval. Working with TxDOT's General Council Division (GCD), the SSO Program anticipates submitting the Risk-based Inspection Program for FTA approval by May 2024.

TxDOT State Safety Oversight Program Standard

The Texas Department of Transportation issued a revised SSO Program Standard in August 2022. The rail transit agencies were provided an opportunity to submit revision suggestions in June 2022, and to provide comments on proposed changes in July 2022. The updated Program Standard was email to each rail transit agency on August 1, 2022. TxDOT's latest Program Standard is posted on the TxDOT website at: <https://www.txdot.gov/inside-txdot/division/public-transportation/state-safety-oversight.html>

Summary of CY 2022 Rail Transit Agency Annual Safety Report

FTA requires TxDOT to submit an annual report by March 15 that covers safety performance and other information for each rail transit agency overseen by TxDOT. TxDOT is required to certify that it

has complied with the SSO Program federal requirements. TxDOT submitted its 2022 Annual Report to FTA on March 13, 2023.

Safety data reported to the State Safety Oversight program by the rail transit agencies shows 102 accidents in 2022 as compared to 72 accidents in 2021. The 42% increase in accidents is explained by increased vehicle and pedestrian traffic as riders continued returning to pre-COVID commuting and travel routines and rail transit agencies increased train service. Pedestrian and motorist compliance with safety devices and warnings, including activated crossing arms and no trespassing warnings, and motor vehicle laws, including stopping at red lights remain a challenge in areas with rail transit operations. Additionally, the accident data shows 12 evacuations for life safety reasons occurred in 2022, compared with 12 evacuations the previous year. Many of the evacuations for life safety reasons were the result of security events occurring on trains or station platforms, including suspicious packages, bomb threats, and passenger assaults resulting in passenger self-evacuations. Rail agencies continue to implement safety and security actions to ensure passenger safety.

Corrective action plans for 2022 increased by 83% increase over 2022 due to triennial audits of three of the six rail agencies conducted in 2022, revealing deficiencies requiring resolution through the corrective action plan process. Common triennial audit issues include deficiencies due to procedures, documents, or plans that require update. Other activities that can result corrective action development include accidents investigations, which can indicate a need for policy or procedure development, or updates, retraining, or other actions needed to improve safety at rail transit agencies.

The following table summarizes the significant safety information and activities provided in the FTA report for CY 2022 and provides a comparison with CY 2021 data.

Table 3: Safety Activities for January 1 through December 31, 2022

Safety Activities	2021 Totals	2022 Totals
Accidents ¹	72	102
Reported Hazards ²	1	3
Corrective Action Plans (CAPs) ³	69	126

¹ In accordance with TxDOT SSO Program Standard and 49 CFR 674.33, accidents must be reported that meet the following thresholds.

- a) Fatality (occurring at the scene or within 30 days following the accident).
- b) One or more persons suffering serious injury

- c) Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle.
 - d) A collision between a rail transit vehicle and another rail transit vehicle.
 - e) A collision at a grade crossing resulting in serious injury or fatality.
 - f) A collision with a person or object resulting in serious injury or fatality.
 - g) A runaway train.
 - h) Evacuation due to life safety reasons.
 - i) Fires resulting in a serious injury or fatality.
- ² Reported Hazards are real or potential conditions that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a rail fixed guideway public transportation system; or damage to the environment; and that meet the RTA's thresholds in their safety plans for reporting to the TxDOT SSO Program
- ³ Corrective action plans (CAPs) are developed by a Rail Transit Agency to describe required actions and associated schedule needed to minimize, control, correct, or eliminate risks and hazards.