

Memorandum



CITY OF DALLAS

DATE June 28, 2024

TO Honorable Mayor and Members of the City Council

SUBJECT **Texas Department of Transportation State 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 June 6, 2024, TxDOT provided the calendar year (CY) 2023 report to City staff and requested that it be shared with the City Council for review (attached).

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

- Dallas Streetcar (DSC)
- Dallas Area Rapid Transit (DART)
- McKinney Avenue Transit Authority (MATA)

Each RTA is responsible for submitting a safety plan on an annual basis. DART prepares a safety plan for their system, and in their role as the Operator of the DSC they produce a separate safety plan for the Streetcar. The DSC Safety Plan is approved annually by the City Council, most recently on [February 28, 2024](#).

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.

Service First, Now!

Handwritten signature of Kimberly Bizer Tolbert in black ink.

Kimberly Bizer Tolbert
City Manager (I)

[Attachment]

c: Tammy Palomino, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Dominique Artis, Chief of Public Safety (I)
Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager

Alina Ciocan, Assistant City Manager
Donzell Gipson, Assistant City Manager (I)
Robin Bentley, Assistant City Manager (I)
Jack Ireland, Chief Financial Officer
Elizabeth Saab, Chief of Strategy, Engagement, and Alignment (I)
Directors and Assistant Directors



Calendar Year 2023 State Safety Oversight Program Annual Status Report

Public Transportation Division

June 2024

Purpose

The State Safety Oversight (SSO) Program Annual Status Report is prepared by the Texas Department of Transportation (TxDOT) Public Transportation Division to provide an update on the safety status of the rail transit agencies (RTA) that TxDOT oversees. The report is distributed annually 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 RTA.

This report summarizes the activities for calendar year 2023 to meet State and federal safety reporting regulations and includes data from the 2023 Annual Report to the FTA.

Rail Fixed Guideway Public Transportation Systems in Texas

Currently, there are six RTAs in Texas under the safety oversight of the TxDOT SSO 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 Metropolitan Transportation Authority (CapMetro) in Austin, is anticipated to enter the TxDOT SSO Program formally within the next 24 months, as a new light rail transit system in development. The Austin Transit Partnership is the local government corporation leading the Austin light rail project, which will be operated by CapMetro. Though not yet formally under TxDOT's safety oversight, the SSO Program actively continues to coordinate with Austin Transit Partnership to monitor the project development process to ensure an effective transition into the SSO Program for pre-operations safety certification.

Federal Transit Administration Proposed Rule Changes

In 2023, FTA published a set of proposed rule changes for the public transportation safety program, the most significant of which TxDOT submitted written comments to the Federal Register. These proposed rules add requirements for TxDOT and the rail agencies in the State Safety Oversight program. They included:

- On April 26 for Section 49 Code of Federal Regulation (CFR) Part 673, The Public Transportation Agency Safety Plan.

- October 26 for 49 CFR 672, the Public Transportation Safety Certification Training Program.
- October 30 for 49 CFR 675, Transit Worker Hours of Service and Fatigue Risk Management. This was an Advanced Notice of Proposed Rulemaking (ANPRM), FTA's method for gathering relevant information prior to a potential Notice of Proposed Rulemaking in the future.
- November 15 for 49 CFR 674, State Safety Oversight.

2023 Federal Transit Administration Triennial Audit of TxDOT SSO Program

On June 26th, 2023, FTA conducted their triennial audit of TxDOT's SSO Program. The audit was successful with only three minor deficiencies. Over the course of the five days, FTA interviewed TxDOT Public Transportation Division leadership, SSO staff, SSO support contractors, and RTA staff. FTA also toured and inspected the facilities of both DART and DSC.

On November 1st, FTA submitted its final report regarding the audit of TxDOT's SSO Program. The final report concluded with three minor deficiencies that required corrective action plans (CAPs):

1. TxDOT did not have a process to verify that some RTA's Public Transportation Agency Safety Plans (PTASP) included all the minimum requirements.
2. TxDOT did not verify that the RTAs notify the TxDOT and the FTA within two hours of any accident.
3. TxDOT did not require that the accident investigation reports include necessary requirements.

The Public Transportation Division had all three deficiencies corrected by the end of May 2024. It is anticipated that FTA will complete review and approval of those corrective actions in the Summer or Fall of 2024.

Public Transportation Agency Safety Plans (PTASP) Status

The 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 agencies and TxDOT completed and approved each agency's PTASP.

Table 1: Public Transportation Agency Safety Plan Approvals

Rail Agency	Rail Agency Approval Date	TxDOT Approval Date
Dallas Area Rapid Transit	November 16, 2023	March 1, 2024
Dallas Streetcar	December 22, 2023	March 6, 2024
El Paso Streetcar	December 5, 2023	March 1, 2024
Galveston Island Trolley	December 15, 2023	March 6, 2024
McKinney Avenue Transit Authority	December 2023	February 26, 2024
Metropolitan Transit Authority of Harris County	November 16, 2023	February 26, 2024

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

In March 2023, TxDOT began coordination with rail agencies to develop a risk-based inspection (RBI) program draft. TxDOT’s risk-based inspection program uses analyses of rail agency qualitative and quantitative data to assist in the prioritization of inspections to address the highest levels of rail agency safety risk.

The RBI program documents TxDOT’s authority to access rail agency property to conduct inspections, including access for inspections that occur with and without advance notice. Additionally, the program explains the data required from each rail agency, TxDOT’s data analysis and risk prioritizing process, and procedures and requirements for conducting inspections at each rail agency.

TxDOT SSO and rail agencies continued to coordinate on RBI program development throughout 2023 during onsite visits, SSO and RTA semi-annual meetings, conference calls, emails, and document reviews. By December 2023, TxDOT SSO and rail agencies had completed the risk-based inspection program draft.

TxDOT submitted the RBI packet to FTA on April 30, 2024. Upon FTA approval, anticipated by October 2024, TxDOT and rail agencies will implement the RBI program.

TxDOT State Safety Oversight Program Standard

The Texas Department of Transportation issued a revised SSO Program Standard in August 2023. The rail transit agencies were provided an opportunity to submit revision suggestions in June 2023,

and to provide comments on proposed changes in July 2023. The updated Program Standard was emailed to each rail transit agency on August 1, 2023. 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 2023 Rail Transit Agency Annual Safety Report

FTA requires TxDOT to submit an annual report by March 15th 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 2023 Annual Report to FTA on March 13, 2024.

Safety data reported to the State Safety Oversight program by the rail transit agencies shows 102 accidents in 2022 as compared to 84 accidents in 2023. Rail agencies continue to implement safety and security actions to ensure passenger safety.

The six rail agencies cumulatively generated 74 fewer corrective action plans in 2023 than in 2022, due in large part to the greater number of triennial audits conducted by TxDOT in 2022. The current corrective action plan numbers are in line with non-triennial-audit year averages. Activities that result in corrective action development include accidents investigations, which can indicate a need for policy or procedure development, 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 2023 data.

Table 1: Safety Activities for January 1 through December 31, 2023

Safety Activities	2022 Totals	2023 Totals
Accidents ¹	102	84
Reported Hazards ²	3	2
Corrective Action Plans (CAPs) ³	126	52

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.