

# GAO Highlights

Highlights of [GAO-18-310](#), a report to congressional requesters

## Why GAO Did This Study

In 2012 and 2015, DOT was provided with additional authority to oversee the safety of rail transit. Within DOT, FTA is now implementing this authority. The DOT's Office of Inspector General has reported, though, that FTA faces challenges in carrying out its enhanced safety oversight. FRA, also in DOT, has long carried out safety oversight of freight, intercity passenger, and commuter railroads.

GAO was asked to review various rail safety and oversight issues, including the differences between FRA's and FTA's rail safety oversight programs. This report examines (1) key characteristics of FRA's and FTA's rail safety oversight programs and (2) strengths and limitations of FRA's and FTA's rail safety oversight programs. GAO assessed FRA's and FTA's information about rail safety oversight activities against guidance from the Office of Management and Budget, leading practices developed by the transit industry, and federal standards for internal control. GAO also interviewed stakeholders, including rail operators chosen based on mode, size, and location.

## What GAO Recommends

GAO recommends that FTA (1) create a plan, with timeline, for developing risk-based inspection guidance for state safety agencies, and (2) develop and communicate a method for how FTA will monitor whether state safety agencies' enforcement practices are effective. DOT agreed with our recommendations. DOT, NTSB, and WMATA provided technical comments that we incorporated as appropriate.

View [GAO-18-310](#). For more information, contact Mark Goldstein at (202) 512-2834 or [goldsteinm@gao.gov](mailto:goldsteinm@gao.gov).

March 2018



## RAIL TRANSIT

# Federal Transit Administration Can Strengthen Safety Oversight by Improving Guidance to States

## What GAO Found

The Department of Transportation's (DOT) Federal Railroad Administration (FRA) and Federal Transit Administration (FTA) carry out different approaches to rail safety oversight. FRA has a more centralized safety oversight program for railroads, while FTA's program for oversight of rail transit safety largely relies on state safety agencies to monitor and enforce rail transit safety, as established in federal statute. Key characteristics of both programs include: (1) safety regulations, (2) inspections and other oversight activities, and (3) enforcement mechanisms to ensure that safety deficiencies are addressed (see figure).

### Key Characteristics of the Federal Railroad Administration's (FRA) and Federal Transit Administration's (FTA) Rail Safety Oversight Programs

Agency		Safety regulations	Oversight activities	Enforcement mechanisms
 FRA	Current status	Has extensive regulations covering various aspects of railroad industry	Conducts safety compliance inspections and investigations	Utilizes a variety of tools, including civil penalties, to resolve safety issues
	Future plans	Update existing regulations	Continue to use and update risk-based model to guide inspections	Enhance effectiveness of tools to improve safety, including increased penalties
 Federal Transit Administration	Current status	Has regulations implementing statutory changes to safety program	Relies on states to conduct safety oversight activities, though it now has inspection authorities	Relies on state safety agencies to enforce safety and monitors these agencies for compliance
	Future plans	Assess specific areas to determine need for safety regulations	Recommend that state safety agencies develop risk-based inspection programs	Require that state safety agencies develop stronger enforcement mechanisms

Source: GAO analysis of FRA and FTA information. | GAO-18-310

There are strengths and limitations to FRA's and FTA's approaches to their safety oversight missions, including how the two agencies develop safety regulations, conduct inspections, and carry out enforcement. The National Transportation Safety Board has reported, and stakeholders GAO spoke with generally agreed, that strengths of FRA's rail safety oversight program include its safety regulations, its risk-based inspection program, and its enforcement authorities. FRA also has potential limitations in its oversight framework, though, such as difficulty evaluating the effectiveness of its enforcement mechanisms. FTA has made some progress implementing changes to the rail transit safety program. However, FTA has not provided all the necessary guidance and support to states' safety agencies to ensure they develop appropriate and effective rail transit safety inspection programs. In particular, FTA has not provided states with guidance on how to develop and implement risk-based inspection programs. Though FTA has said that it will develop such guidance, it does not have a plan or timeline to do so. Without guidance from FTA on how to develop and carry out risk-based inspections, state safety agencies may not allocate their limited resources efficiently, and important safety issues may go undetected. In addition, FTA has not developed a process or methodology to evaluate whether state safety agency enforcement authorities and practices are effective. Without clear evidence that state safety agencies' enforcement is effective, states and FTA may not be able to compel rail transit operators to remedy safety deficiencies. As a result, deficiencies may remain for long periods, potentially contributing to safety incidents.