



**Metro**

Los Angeles County  
Metropolitan Transportation Authority


One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**March 23, 2018**

**TO: BOARD OF DIRECTORS**

**THROUGH: PHILLIP A. WASHINGTON** *PAW*  
**CHIEF EXECUTIVE OFFICER**

**FROM: GREGORY G. KILDARE**   
**CHIEF RISK, SAFETY & ASSET MANAGEMENT OFFICER**

**SUBJECT: STATUS OF CALIFORNIA PUBLIC UTILITIES COMMISSION'S  
(CPUC) SAFETY OVERSIGHT PROGRAM CERTIFICATION  
STATUS**

## ISSUE

This report provides a status on progress made by the CPUC in attaining their FTA certification for California's State Safety Oversight (SSO) Program.

## DISCUSSION

The CPUC has safety regulatory authority and oversight responsibilities for all rail transit agencies (RTAs) in California, vested through the State Legislature. California has a long-standing rail transit safety program that pre-dates the FTA's SSO Program, and the CPUC continues to conduct safety oversight of transit agencies' capital projects and system expansions, which have grown significantly over the past several years.

By federal public transportation safety law enacted in March 2016, 30 states with rail transit systems are required to establish an FTA-certified State Safety Oversight (SSO) Program by April 15, 2019. Although the CPUC has long-standing statutory authority over safety matters in California, it too must meet the FTA's certification requirements. If a state does not obtain certification by this deadline, federal law does not allow FTA to obligate any federal public transportation funds to any public transportation agencies throughout California until certification is achieved. The certification deadline cannot be waived or extended.

The CPUC has over the past twelve months or so been working cooperatively and regularly with the FTA to develop and submit the documents needed for obtaining SSO Program certification. The latest certification status table (attached), published as of

today, by the FTA indicates, the CPUC has provided the necessary supporting information to constitute a complete certification package, some thirteen months in advance of the federal deadline. The attached table shows the certification status of each State subject to FTA's SSO Program.

The last remaining step in the certification process is responding to any comments or questions the FTA may have on the documents that have been submitted by the CPUC. We do not anticipate any serious concerns on the part of the FTA. Based on this latest update, we remain confident that the CPUC will be FTA-certified well ahead of the April 15, 2019 deadline.

#### **NEXT STEPS**

Staff will continue to engage in regular dialogue with the CPUC regarding their certification status and will keep the Board informed significant developments.

**Attachment: Status of State Oversight Agency Certification**

## Status of State Safety Oversight Program Certification

By Federal public transportation safety law, 30 states with rail transit systems in operation, in the engineering phase or under construction are required to establish an FTA-certified State Safety Oversight (SSO) Program by April 15, 2019. If a state does not obtain certification by this deadline, Federal law does not allow FTA to award any Federal public transportation funds to any public transportation agencies throughout that state until certification is achieved. This tracking table depicts each state's progress toward FTA certification.

State	Application Status	Certification Status	FTA Formula Funding Est. (FY2019)
District of Columbia (Fire and EMS)	Certified	Certified	\$210,465,763
Hawaii	Certified	Certified	\$45,307,477
Massachusetts	Certified	Certified	\$377,572,975
Minnesota	Certified	Certified	\$113,535,596
Ohio	Certified	Certified	\$190,956,911
Utah	Certified	Certified	\$76,951,916
Arizona	N/A	3	\$117,005,463
Arkansas	N/A	3	\$33,585,909
California	N/A	3	\$1,399,901,100
Colorado	Under Review	3	\$122,239,166
DC, MD, VA (Metrorail Safety Commission)	N/A	3	\$638,233,977
Florida	N/A	3	\$393,569,020
Georgia	N/A	3	\$194,509,592
Illinois	N/A	3	\$609,101,428
Louisiana	N/A	3	\$65,058,832
Maryland	N/A	3	\$252,138,184
Michigan	N/A	3	\$142,597,929
Missouri	N/A	3	\$104,260,944
New Jersey	N/A	3	\$630,788,783
North Carolina	N/A	3	\$124,046,200
Oregon	N/A	3	\$104,230,003
Pennsylvania	N/A	3	\$438,670,071
Puerto Rico	N/A	3	\$74,078,304
Virginia	Under Review	3	\$175,630,030
Washington	N/A	3	\$261,144,863
West Virginia	N/A	3	\$27,796,756
Wisconsin	N/A	3	\$88,028,303
Texas	N/A	3	\$444,293,604
<b>States that still require state legislative or executive action</b>			
New York*	N/A	1	\$1,523,909,156
Oklahoma*	N/A	1	\$52,170,951
Tennessee*	N/A	1	\$92,833,519



### Application Status

This column shows the status of a state's SSO Program certification application.  
 Under Review: FTA has formally acknowledged receipt of application and it is under review.  
 N/A: FTA has not received or formally acknowledged receipt of a state's application.

### Certification Status

This column shows the SSO certification process in four stages.  
 Stage 1 – State is working on its submissions to FTA. Where applicable, all required legislation has not yet been enacted.  
 Stage 2 – State has submitted some requirements to FTA.  
 Stage 3 – State has submitted all required documents to FTA and is engaged in a dialogue with FTA to address comments and questions. Where applicable, all required legislation has been enacted.  
 Stage 4 (Certified) – State has successfully met all SSO Program requirements, including the resources to carry out the requirements, and has received FTA certification.

### FTA Formula Funding

Federal transit program (49 U.S.C. 53) formula amounts are based on Fixing America's Surface Transportation (FAST) Act estimated apportionments for FY 2019. These funds illustrate the minimum annual funding amounts that FTA is prohibited from awarding if a state's SSO Program has not been certified by April 15, 2019.

\* States with an asterisk still require state legislative or executive action prior to FTA certification. States cannot advance past Stage 1 without necessary laws enacted. States should act promptly to ensure all necessary actions are taken with sufficient time to meet the April 2019 deadline.