S1 Talking Points on Need for Hawaii State Safety Oversight Agency

Background

February 10, 2009 - FTA sent letter to Governor Lingle, introducing her to State Safety Oversight Program and Hawaii's requirements to designate a state safety oversight agency (SSOA) for the Honolulu High-Capacity Transit Corridor Project (HCTCP) (letter from Matt Welbes, Acting)

August 3, 2009 – Governor Lingle replied, "The State of Hawaii, Department of Transportation will designate a State agency for the State Safety Oversight Program of the City & County of Honolulu's High-Capacity Transit Corridor Project at the appropriate time, based on the progress of the completion of the operational segments of the system."

Currently, a draft letter is in process at FTA, clarifying Hawaii's responsibilities and urging Governor Lingle to designate a SSOA, as soon as possible. The letter further explains statutory requirements and the benefits of state involvement during engineering and construction phases and also offers FTA assistance by providing FTA's Project Management Oversight Contractor to participate in overseeing the development of the HCTCP during design, engineering and construction phases.

Key Points

- U.S. Code 5330 (SAFTETEA-LU) requires that SSOA involvement in a project begins during design.

- 49 CFR Part 659 (State Safety Oversight Rule) provides that states must designate an agency to oversee the safety of rail fixed guideway systems within their jurisdiction

- 49 CFR Part 659.9 (c) requires that: "The state designation of the oversight agency shall: (1) coincide with the execution of any grant agreement for a New Starts project between FTA and a rail transit agency within the state's jurisdiction and (2) Occur before the application by a rail transit agency for funding under FTA's formula program for urbanized areas (49 U.S.C 5336)."

- It is vital that Hawaii designate the oversight agency during preliminary engineering to ensure state has time to develop its program and the technical capacity of its SSO staff

- In states where the SSOA is designated early in the development phase, there have been fewer safety issues during start-up (Phoenix Metro Rail latest example – Arizona DOT was designated and staffed up during PE)

- FTA has a Project Management Oversight Contractor (PMOC) assigned to HCTCP and will coordinate with the SSOA and HCTCP during development phases and start-up

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- FTA's Office of Safety and Security will provide technical assistance and help coordinate training for SSOA personnel once the agency is designated