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U.S. Department of Transportation
Central Docket Office
PL-401
400 Seventh Street, S.W.
Washington, DC 20590

Re: Docket No. FTA-2004-17196 - 26

To Whom It May Concern:

In general, the proposed changes to 49 CFR Part 659 clarify and strengthen the requirements for safety and security oversight of rail transit systems. The following comments are specific to Georgia's existing State Safety Oversight (SSO) program.

Changes that Georgia Supports

- §659.5 Definitions
- §659.9 Designation of oversight agency
- §659.13 System safety program standard (except that the title of this section should be modified to read "System safety and security program standard")
- §659.15 System safety program plan
- §659.17 System security plan
- §659.19 Rail transit agency annual review of its system safety program plan and system security plan
- §659.23 Oversight agency safety and security reviews
- §659.25 Hazard management process
- §659.29 Investigations
- §659.31 Corrective action plans
- §659.35 Conflict of interest

Changes that Georgia Does Not Support

- §659.21 Rail transit agency internal safety and security reviews

Subsection b(2). The Georgia Department of Transportation provides State Safety Oversight of one rail transit agency – Metropolitan Atlanta Rapid Transit Authority (MARTA) – that successfully completed one three-year cycle of internal safety audits and is currently approaching the middle year of its second cycle. We object to the proposed language that would necessitate "resetting" MARTA's internal safety audit cycle to coincide with

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the date of the final rule. In effect, disrupting its audit schedule would amount to a penalty that MARTA does not deserve. Georgia would be better served with the option of continuing with its existing schedule, regardless of the date the revised rule becomes effective.

Subsection e. It is not clear what an annual formal certification of compliance letter, signed by the rail transit agency's executive director or general manager, will accomplish given the on-going nature of corrective actions inherent in an effective internal audit process. The Georgia Department of Transportation does not want to be forced into a position of having to deem MARTA in noncompliance because there are any outstanding corrective actions as of the date of the certification letter.

§659.27 Notification

Subsection (3). Georgia objects to a reporting threshold of \$25,000 for property damage (incidents that must be followed up per §659.29). Given that new MARTA railcars cost in the neighborhood of \$2.5 million each, we believe it is a much more effective use of oversight program resources to follow up reported damage at the four percent or \$100,000 level mandated by the current Rule.

Other Comments

§659.7 Withholding of funds for noncompliance

Neither the current nor the proposed language makes it clear whether any or all funds withheld by FTA will be released upon a state's compliance and, if the intent is to release the funds, when and how this will occur. The Georgia Department of Transportation feels strongly about this due to experience. Prior to the initiation of Georgia's SSO program in 1998, FTA withheld more than \$2 million for noncompliance and subsequently experienced difficulty in figuring out how to return the money to the state. This section should be expanded to specify the process by which FTA will return funds withheld for noncompliance.

Sincerely,



Steven J. Kish, Transit Program Manager
Office of Intermodal Programs

SJK/rm

cc: Hal Wilson
David Studstill