ASSEMBLY RESOLUTION No. 49

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman ROBERT D. CLIFTON
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Urges Federal Transit Administration to strengthen safety oversight by improving its guidance to states.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ASSEMBLY RESOLUTION urging the Federal Transit Administration to strengthen safety oversight by improving its guidance to states.

WHEREAS, In 2012 and 2015, the United States Department of Transportation was granted additional responsibilities to oversee the safety of rail transit; and

WHEREAS, Although the Federal Railroad Administration (FRA) has traditionally been responsible for safety oversight of freight, intercity passenger, and commuter railroads, the new oversight responsibilities were to be implemented by the Federal Transit Administration (FTA); and

WHEREAS, Following a request to review various safety and oversight issues, the United States Government Accountability Office (GAO) published a report on March 20, 2018 with findings and recommendations regarding rail safety; and

WHEREAS, Prior to publishing the report, the GAO reviewed the key characteristics, including the strengths and limitations, of the FRA's rail safety oversight program and the FTA's rail safety oversight program; and

WHEREAS, The GAO determined that the FTA has not provided all the necessary guidance and support to states' safety agencies to ensure that those state agencies develop appropriate and effective rail transit safety inspection programs; and

WHEREAS, Without guidance from the FTA, the GAO found that state safety agencies may not allocate their limited resources efficiently and, as a result, critical safety issues may go unnoticed; and

WHEREAS, The GAO also determined that the FTA has not developed a process to evaluate whether state safety agency enforcement authorities and practices are effective; and

WHEREAS, As a result, the GAO found that states and the FTA may not be able to compel rail transit operators to remedy safety deficiencies, which may cause those deficiencies to remain unfixed for long periods of time, and potentially contribute to safety incidents; and

WHEREAS, The GAO report recommends that the FTA create a plan, with a timeline, for developing risk-based inspection guidance for state safety agencies and that the FTA develop and communicate a method for how the FTA will monitor whether state safety agencies' enforcement practices are effective; and

WHEREAS, In New Jersey, where so many of the State's residents rely on passenger rail travel to commute to and from work and to visit the many nearby attractions, it is altogether fitting and proper and in the interest of public safety for this House to urge the FTA to follow the GAO's recommendations; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House urges the Federal Transit Administration to create a plan, with a timeline, for developing risk-based inspection guidance for state safety agencies and to develop and communicate a method for how the Federal Transit Administration will monitor whether state safety agencies' enforcement practices are effective.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Secretary of the United States Department of Transportation, the Administrator of the Federal Transit Administration, and to each member of Congress elected from this State.

STATEMENT

This resolution urges the Federal Transit Administration (FTA) to create a plan, with a timeline, for developing risk-based inspection guidance for state safety agencies and to develop and communicate a method for how the FTA will monitor whether state safety agencies' enforcement practices are effective. These recommendations are based on recommendations included in the United States Government Accountability Office's report on rail transit, GAO-18-310, which was published on March 20, 2018.