U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

CHARTER FOR

TRANSIT RAIL ADVISORY COMMITTEE FOR SAFETY

1. COMMITTEE'S OFFICIAL DESIGNATION: Transit Rail Advisory Committee for Safety (TRACS).

2. AUTHORITY: This charter establishes the Transit Rail Advisory Committee for Safety (TRACS) in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The TRACS is in the public interest and supports the Federal Transit Administration (FTA) in performing its duties and responsibilities under 49 U.S.C. Section 5329.

3. OBJECTIVE AND SCOPE OF ACTIVITIES: The committee will provide information, advice, and recommendations to the Secretary of Transportation and the FTA Administrator on all matters relating to the safety of U.S. public transportation systems and activities. The committee does not exercise program management responsibilities and makes no decisions directly affecting the programs on which it provides advice. The Secretary may accept or reject a recommendation made by the TRACS and is not bound to pursue any recommendation by TRACS. In the exercise of his or her discretion, the FTA Administrator, or his or her designee, may withdraw at any time a task being considered by the TRACS.

4. DESCRIPTION OF DUTIES: The TRACS shall perform the following duties:

a. Undertake such information-gathering activities as necessary to define issues for consideration by the committee, develop positions on those issues, and present the committee's position to the Administrator.

b. Constitute, if necessary, an Executive Committee and such subcommittees or work groups as the committee finds necessary to discharge its responsibilities.

c. Evaluate economic, technological, and institutional developments relating to transit safety and submit to the Administrator recommendations on promising new ideas and approaches for Federal policies and programs.

5. AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS: The committee shall report to the Secretary of Transportation through the Administrator of the Federal Transit Administration.

6. ADMINISTRATIVE AND STAFF SUPPORT: The Federal Transit Administration will provide support to the committee.

7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS: It is estimated that the annual operating costs (including the pro rata share of salaries of Department of Transportation employees) is $650,000. Approximately five person-years will be required to support the committee.

8. DESIGNATED FEDERAL OFFICER: The FTA Administrator, on behalf of the Secretary, shall designate an agency representative to serve as the Executive Director for TRACS; such individual shall also serve as the Designated Federal Officer of the committee.

The Designated Federal Officer shall:

a. Call meetings of the committee, subcommittee(s) and workgroup(s) after consultation with the chairperson and vice chairperson and determine where they are to be held.

b. Formulate and approve an agenda, in consultation with the chairperson and vice chairperson for each meeting.

c. Notify all committee members of the time, place, and agenda for any meeting.

d. Provide administrative support for all meetings of the committee, subcommittees, and work groups and ensure that at least one agency representative and agency legal counsel is present for each committee, subcommittee, and/or work group meeting.

e. Attend each meeting.

f. Maintain all TRACS files and records.

g. Adjourn any meeting when it is determined to be in the public interest and chair meetings when directed to do so by the FTA Administrator.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS: The committee shall meet approximately twice a year. The agenda for each meeting shall be developed and approved in advance by the Designated Federal Officer. The following procedures shall govern the conduct of TRACS meetings:

a. Notice of meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. Notice shall include the agenda, date, time, and location of the meeting, and shall be published in the Federal Register.

b. Each meeting of the TRACS will be open to the public. Persons wishing to appear before TRACS must notify the chairperson or vice chairperson at the beginning of the meeting. Written materials may be submitted to TRACS at any time by notifying the Designated Federal Officer, chairperson or vice chairperson.

c. Each meeting will be held at a reasonable time, in a place reasonably accessible to the public, and in a room large enough to accommodate TRACS members, staff, and interested members of the public.

d. Meetings may be closed to the public only as authorized by Section 10(d) of the Federal Advisory Committee Act (Title 5 U.S.C. App. 2), as implemented by 41 C.F.R. Part 101-6.

e. At the discretion of the FTA Administrator, a neutral facilitator may be retained for the purpose of assisting the TRACS in reaching consensus. Such individual is not a member of the TRACS, but serves to facilitate open, fair, and honest discussions regarding particular issues with the ultimate goal of reaching a consensus recommendation.

10. MINUTES: Detailed minutes of each meeting shall be certified by the DFO and maintained by the sponsor. The minutes shall include:

a. The time, date, and place of the meeting.

b. A list of all attendees at the meeting.

c. A summary of matters discussed and conclusions reached.

d. Copies of all reports received, issued, or approved by the TRACS.

e. A description of the extent to which the meeting was closed to the public if authorized under 41 C.F.R. Section 101-6.1023 and a general summary of areas discussed.

f. A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended.

11. MEMBERSHIP AND DESIGNATION: The committee will be composed of approximately 25 voting members deemed to reflect various perspectives of transit safety. The Secretary of Transportation will ensure the membership is fairly balanced in terms of points of view of the affected interests.

To ensure the recommendations of the committee have taken into account the needs of diverse groups served by the Department, membership will include, to the extent practicable, individuals and/or organizations that represent transit industry groups and public associations, minorities, women, and persons with disabilities. There is no limit on the number of non-voting members that FTA may select to participate on the committee or subcommittees.

All members who are not Federal employees will serve as Representatives and will be appointed by the Secretary of Transportation for a 2-year term, with each member eligible to be reappointed for a successive 2-year term. Terms shall be staggered with approximately one-half expiring each year. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members shall continue to serve until their replacement has been appointed or are removed for cause by the FTA Administrator or his or her designee.

A chairperson and a vice chairperson shall be appointed by the FTA Administrator upon charter establishment and upon each renewal. Meetings must not be conducted in the absence of the chairperson or vice chairperson except when called by the Designated Federal Officer. Meetings cannot be held in the absence of the Designated Federal Official. In case of an emergency, however, the chairperson or vice chairperson may designate a committee member to serve as acting chairperson and/or vice chairperson. The chairperson or vice chairperson should be promptly notified of any changes in representation.

The chairperson and vice chairperson shall:

a. Determine, in coordination with the Designated Federal Officer, when a meeting is required and where it will be held.

b. Conduct the meeting, including determination of priority and time allowed for discussion of new areas of concern and other committee business.

c. Facilitate open and fair discussions. The chairperson and vice chairperson will ensure that all points of view are heard especially when working to achieve consensus on a recommendation.

12. COMPENSATION FOR MEMBERS: Members of TRACS who are not full-time employees of the U.S. Government serve without compensation or reimbursement of travel costs. Members of TRACS who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses in accordance with the Department of Transportation Civilian Travel Regulations.

13. SUBCOMMITTEES: The agency has the authority to create subcommittees. The subcommittees must report to the parent committee and must not provide advice or work products directly to the agency. All subcommittee and work group meetings will be open to the public, will be adequately staffed, and minutes will be kept according to the procedures set out in section 10 of this charter.

14. RECORDKEEPING: The records of the committee, formally and informally established subcommittees, or other subgroups of the committee shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. The records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C § 552, as well as Section 10(b) of the FACA (5 U.S.C. App.).

The records, reports, transcripts, minutes and other documents that are made available to, or prepared for or by, the TRACS will be available to the public via the Federal Government's docket management system at http://www.regulations.gov.

15. DURATION/TERMINATION: The committee is effective December 8, 2009. The committee will terminate after 2 years from the date of the filing of this charter with the appropriate U.S. Senate and House of Representative Oversight Committees unless earlier terminated or renewed by proper authority.