

WisDOT SSO Program Standard

List of Procedures

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Wisconsin Department of Transportation (WisDOT) Rail Transit Safety Oversight Program

Procedure SSO-001: Update procedure for the WisDOT Rail Transit Safety and Security Oversight (SSO) Program Standard.

Current Version: 4/10/2018

Scope: This procedure explains the types of and timing for updates of the WisDOT Rail Transit SSO Program Standard.

Design Philosophy for SSO Program Standard: The WisDOT Rail Transit SSO Program Standard describes the WisDOT SSO program processes and procedures, interactions, and requirements for the Wisconsin rail transit agencies (RTAs), and the program's responsibilities to the FTA SSO program. Changes to this SSO Program Standard are made within the WisDOT SSO program and result from internal or external audits, policy changes, requirement changes from FTA or the state, and/or organizational changes. The SSO Program Standard is to be reviewed in December for update each year. In addition, the SSO Program Standard is to be kept up-to-date on an as-needed basis between annual reviews for update. All participants involved in the WisDOT SSO program are welcome to offer changes or additions to the SSO Program Standard. Each comment or recommendation received will be reviewed by the WisDOT SSO program in a timely manner.

SSO Program Standard Body Update – Revision: A revision is a significant change to the SSO Program Standard body, which includes changes to policy, requirements of the WisDOT SSO program or WisDOT (as SSO agency), or requirements of the Wisconsin RTAs. Updates of actual policy in the body of the SSO Program Standard will require approval and sign-offs from all of the program participants. This type of change will cause a full revision number change in the first digit, e.g., Revision 3.0 would change to Revision 4.0. A row will be added on the Revision Information page to explain the update.

Proposed changes to the SSO Program Standard will be circulated for review in draft form to applicable WisDOT SSO program management and staff and the Wisconsin RTAs. Following review and comment, draft changes must be approved by the WisDOT SSO Program Manager and incorporated into the final revision of the SSO Program Standard.

Once the final updated SSO Program Standard has been approved within WisDOT, each of the Wisconsin RTAs will receive a copy for review and will be required to acknowledge the updated SSO Program Standard by filling in the signature page for the chief executive officer, lead for the safety program, lead for the security program, and any other appropriate parties at the RTA (and sending the signed pages back to the WisDOT SSO program). Any corrections or issues at this point in the process will be reviewed and appropriate changes will be made as needed and approved by the WisDOT SSO Program Manager.

The finalized SSO Program Standard will then be notified to the WisDOT SSO program staff and Wisconsin RTAs and available electronically in Acrobat/pdf format and placed on WisDOT's website at:

<http://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/safety-rail.aspx>

Once the updated SSO Program Standard has been finalized, it is the responsibility of the Wisconsin RTAs to pass these requirements on to any appropriate staff or contractors.

SSO Program Standard Body Update – Administrative Change: Administrative changes to the SSO Program Standard body are minor in nature without any substantial policy change or expectations of the WisDOT SSO program or the Wisconsin RTAs. Administrative changes will follow a separate update process (version change) that will include review by appropriate staff at the Wisconsin RTAs and approval by the WisDOT SSO Program Manager, and will not require the formal signatures or acknowledgement of the changes by the Wisconsin RTAs. This type of change will cause the version number to change in the second digit, e.g., Revision 3.0 to Version 3.1. A row will be added on the Revision Information page to explain the update.

An administrative change will be notified to the WisDOT SSO program staff and the Wisconsin RTAs and then available electronically in Acrobat/pdf format and placed on WisDOT's website at:

<http://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/safety-rail.aspx>

Once the updated SSO Program Standard has been finalized, it is the responsibility of the Wisconsin RTAs to pass these requirements on to any appropriate staff or contractors.

SSO Program Standard Appendices Update: The WisDOT Rail Transit SSO Program Standard has been designed with the appendices separate from the body of the

program standard. Updates to the appendices will follow a separate update process that will include review by appropriate staff at the Wisconsin RTAs and approval by the WisDOT SSO Program Manager, and will not require the formal signatures or acknowledgement of the changes by the Wisconsin RTAs. When an appendix is updated, the version date on the appendix itself will reflect the update and be noted on a separate appendix tracking list.

Updates to the appendices will be notified to the WisDOT SSO program staff and Wisconsin RTAs and available electronically in pdf format and placed on WisDOT's website at:

<http://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/safety-rail.aspx>

A list of the appendices and current version date is available at the front of the appendices so that all WisDOT SSO program participants can assure that they have the current version of each appendix.

SSO Program Standard Updates Submission to FTA: Any changes to the WisDOT SSO Program Standard since the last annual submission to FTA will be provided to FTA via the next annual submission by March 31st. If the SSO Program Standard has not been changed in the previous year, documentation of the annual check will be provided to FTA as part of the annual submission.

Updates:

- June 29, 2006 – Initial issue
- January 15, 2013 – revisions based on FTA recommendations from triennial audit
- April 10, 2018 – complete document revision based on 49 CFR Part 674 and FTA certification guidance

Wisconsin Department of Transportation (WisDOT) Rail Transit Safety and Security Oversight (SSO) Program

Procedure SSO-002: Conflict of Interest (COI) review and resolution procedure.

Current Version: 4/10/2018

Scope: This procedure explains the identification of potential WisDOT SSO program conflicts of interest (COI), review of these potential COIs, and the determination and documentation of decision-making based on the review of the potential COIs. An example of the use of this potential COI process will be if WisDOT is involved in providing grant funding to Kenosha Area Transit (KAT) or the Milwaukee Streetcar System (MSS) related to the rail systems.

This procedure also includes a template form to capture the potential COI and any decisions and notes from the review of that potential COI. Completed template forms will become formal records to be tracked as part of the WisDOT SSO program.

Conflict of Interest Requirements: No individual or entity may provide services to both the WisDOT SSO program and an RTA when there is a conflict of interest (COI) or an appearance of a conflict. A potential COI situation occurs when an individual or entity performing work for an Wisconsin RTA or the WisDOT SSO program is unable, or potentially unable to render impartial assistance or advice on the development or implementation of the standards and provisions of the WisDOT SSO program, or to objectively perform such work without bias. Each contractor is subject to full disclosure on all present and potential conflicts of interest in its activities or relationships prior to being awarded or during a contract with WisDOT or RTA within the state.

FTA's safety program authorization in 49 U.S.C. § 5329 (from MAP-21) and 49 CFR Part 674 further describes financial independence that prohibits RTA funding of WisDOT's SSO program, and requires management of potential COI situations when WisDOT's Public and Specialized Transit Section ("Transit Section") participates in funding projects at an RTA. The WisDOT SSO program does not receive funding from any of the Wisconsin RTAs and is hereby prohibited from doing so. In addition, the Transit Section has different supervision and reporting chains to control conflict between providing or supporting grant funding to an RTA for a capital project and the oversight provided through the WisDOT SSO program for RTA safety and security programs.

§ 674.41 Conflicts of interest.

- (a) An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (b) An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (c) A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.

COI Identification, Assessment, and Resolution: Potential COI situations are required to be actively identified, disclosed, assessed, and resolved for the WisDOT SSO program. For any situation that might arise that could be a potential COI situation as described in section 674.41 (above), WisDOT SSO program personnel must assess and determine if the COI situation poses an actual conflict or violation of the SSO regulations, 49 CFR Part 659 or Part 674. This assessment and determination may require discussions with other staff, WisDOT's Office of General Counsel, or WisDOT executive management.

Ultimately, for each COI assessment occurrence, the following form (below) must be completed to describe the potential COI situation, the assessment and resolution determined as part of this procedure, and what the next steps might be, if any. If there are next steps, when those steps are taken, another COI form should be used to continue the assessment and resolution process.

As a part of this COI assessment procedure, each completed COI form becomes a record to be kept on file as part of the WisDOT SSO program.

WisDOT SSO Program Conflict of Interest (COI) Review and Assessment

Date: _____

Potential COI Description: _____

Staff Reviewer: _____

Assessment and Resolution: _____

Next Steps: _____

Wisconsin Department of Transportation (WisDOT) Rail Transit State Safety Oversight (SSO) Program

Procedure SSO-003: Reportable Event Notifications to the WisDOT SSO Program.

Current Version: 4/10/2018

Scope: This procedure provides the notification processes to be used by the Wisconsin Rail Transit Agencies (RTAs) – Kenosha Area Transit (KAT) and Milwaukee Streetcar System (MSS) – and WisDOT SSO, for reportable events (accidents/incidents) that occur on the KAT or MSS rail systems and rail-related property.

KAT and MSS Reportable Event Notification Process: As defined in 49 CFR 674.33(a), notification shall be made to WisDOT SSO program staff (contact information below in table) **within two (2) hours** for any safety event where one or more of the following occurs:

- A fatality at the scene
 - Or where an individual is confirmed dead within 30 days of the event
- A report of a serious injury (see below) to a person
- A collision involving a rail transit vehicle, including:
 - A collision between a rail transit vehicle and another rail transit vehicle
 - A collision at a grade crossing
 - A collision with a person
 - A collision with an object
- A runaway train
- An evacuation for life safety reasons (see below)
- Any derailment of a rail transit vehicle, at any location, at any time, whatever the cause

For notification purposes, the following two terms are defined as follows:

- A **serious injury** means any injury that:
 - Requires hospitalization for more than 48 hours
 - Starting within 7 days from the date of the injury was received
 - Results in a fracture of any bone
 - Except simple fractures of fingers, toes, or nose
 - Causes severe hemorrhage, nerve, muscle, or tendon damage
 - Involves any internal organ
 - Involves second- or third-degree burns
 - Or any burns affecting more than 5 percent of the body surface

- **A life safety reason** means:
 - A situation that constitutes a real or potential danger to any person, including:
 - Fire
 - The presence of smoke or noxious fumes
 - A vehicle fuel leak (or any fuel leak)
 - An electrical hazard
 - A bomb threat
 - A suspicious item, or
 - Other hazard(s)

In addition to the federal rule-defined events, both KAT and MSS must notify WisDOT SSO program staff of the following state-defined events – these will be marked ‘other’ on the notification form. The WisDOT SSO program has the authority to require these additional event types per 49 CFR 674.25(c) and (d).

1. Near mishap collision

This event type includes near train-on-train collisions or train-on-automobile/truck (or automobile/truck-on-train) (this does NOT include near train-on-pedestrian or bicyclist, but the RTAs are required to track these occurrences for risk monitoring). This also is any time that two opposing trains are unexpectedly or uncontrolled with movement heading towards each other (e.g., block-on-block). This topic also includes non-revenue rail vehicles, on the main line, and in yard areas.

2. Near mishap collision with workers out on the right of way (or in yards).

For MSS, this event type includes trains as well as cars or trucks, since the right of way is on the street. This category is intended to monitor work zones and significant issues related to the Right-of-way Worker Protection (RWP).

3. Evacuations of passengers to the right-of-way

This definition includes any time that passengers are evacuated from trains for non-life-threatening reasons to the right-of-way/street level and not to a waiting train to pick them up at the scene of the disabled/stopped train. This includes evacuation to a station for reasons other than rail equipment going out of service for maintenance.

4. Any significant overhead, pantograph and OCS/trolley wire problems on the mainline or yards that cause an overhead line pull down, any pantograph entanglement, or multiple (more than three or four) pantographs being damaged.

5. Yard control and movement problems

These are hard couples in the yard, switch problems into and out of the yard, and yard control problems. This includes revenue and non-revenue vehicles.

6. Selected significant hazardous conditions

These are somewhat *ad hoc* in nature, so this topic will continue to be a discussion.

Contact Person	Organization	Telephone Number	When Notified
Eric Stoegbauer	WisDOT SSO	608-286-0041	Immediately
Josh Gearhardt	Vital Assurance	937-216-2772	
Kevin Chandler	Vital Assurance	614-946-3845	
Don Eldredge	Vital Assurance	614-205-1837	
Becky Soderholm	WisDOT	608-266-1650	

*Vital Assurance is under contract with the Wisconsin Department of Transportation (WisDOT) to serve as the contact for receiving safety event reports. Vital Assurance staff can be reached by cell phone numbers listed above.

If the event is reportable to the FTA under Part 674, when possible, **WisDOT SSO program staff will notify FTA** with initial information within the required timeframe.

If information is reported but not pertinent to the event (accident or incident), the item should be identified as “non-applicable” (N/A). After the initial notification (within the required timeframe), RTA personnel will provide WisDOT SSO program staff the following information at the earliest available opportunity:

Post-Notification Information – Required Content

- Name of the rail transit agency (RTA)
- Name and job title of person reporting
- Event type
 - Fatality, injuries, property damage, evacuation, derailment, or other
- Location, time, and date
- Fatalities
- Injuries
- Rail transit vehicle(s) involved
 - Type, vehicle number(s), rail line (location)
- Property damage estimate
- If NTSB notified, then NTSB report number
- If shared corridor with freight railroad, note if railroad contacted or has made contact

- RTA primary person conducting the investigation
 - Name, title, telephone, email, and fax
- Narrative description of the event

If required by FTA, WisDOT SSO staff will forward the RTA notification form to FTA at FTAAccidentNotifications@dot.gov.

Additional notifications by RTAs: RTAs must also notify the National Transportation Safety Board (NTSB) by telephone as appropriate and required. RTAs must also notify the Transportation Security Administration (TSA) as appropriate and required.

Wisconsin Department of Transportation (WisDOT) Rail Transit Safety and Security Oversight (SSO) Program

Procedure SSO-004: Enforcement escalation procedure.

Current Version: 4/10/2018

Scope: This procedure explains the process that the WisDOT SSO program uses to track potential unmitigated safety (or security) risk at the Wisconsin rail transit agencies (RTAs) and interactions with the RTAs to assure that these potential unmitigated safety (or security) risks are appropriately addressed. The focus for this procedure is on how the WisDOT SSO program may escalate this type of situation if there are disagreements or a lack of responsiveness from the Wisconsin RTAs. This escalation of enforcement may provide a remedy through the Wisconsin Attorney General's office should a Wisconsin RTA be unresponsive to resolution issues required by the WisDOT SSO Program.

Background – Hazard Management and Risk Monitoring: With limited budgets and resources, the WisDOT SSO program focuses on issues that have been identified already through National Transit Database (NTD) reporting, event investigations, audit results, and risk monitoring of various safety and security related activities and issues. For each of the Wisconsin RTAs, there is a list of hazard and mitigation topics that are tracked and monitored to assure that mitigation is working and no new risk has been introduced by that mitigation.

Prioritization of hazard/risk issues is based on a concept of if you see or become aware of one issue/concern that might become a hazard, it is noted and tracked. If the potential hazard is observed (or reported) a second time, then it is tracked as a potential unmitigated risk that needs more attention. If observed (or reported) a third time, the response is escalated to an on-site visit to conduct interviews and collect relevant data, such as through inspections. This approach is used by the WisDOT SSO program to manage the limited resources for tracking potentially unmitigated risk. If at any time the potential hazard becomes a significant hazardous condition, the WisDOT SSO program will work with the RTA safety department to respond right away.

This is an ongoing or continuous process of tracking, analysis, observing, and communicating with each of the Wisconsin RTAs to be aware of the risk environment. One critically important operational fact is that each Wisconsin RTA owns its risk, not the

WisDOT SSO Program. Accordingly, care is required in the process of risk monitoring, to assure responsibility of the Wisconsin RTAs for managing and mitigating their own risk.

Enforcement Escalation: The WisDOT SSO program has a set of scheduled and ongoing activities that enable the program staff to monitor the risk environment at the Wisconsin RTAs, as follows:

- On-going notification and investigation of safety-related events and communication and cooperation for internal and external audits (such as the WisDOT SSO program Triennial Review) at the Wisconsin RTAs.
- Collection and analysis of monthly/quarterly reporting of investigation, audit, and corrective action status and progress for each Wisconsin RTA and for the performance of the overall WisDOT SSO program.
- Quarterly meetings on-site at the Wisconsin RTAs to go over current safety and security activities and status of all corrective actions – open and recently closed. These on-site quarterly meetings often include additional days of meetings with various RTA staff to monitor and explore performance of the rail systems and activities.
- Additional visits to the Wisconsin RTAs are planned between on-site quarterly meetings to follow-up on issues being tracked and to perform inspections and interviews at the Wisconsin RTAs. Topics for these visits are set based on priorities from the ongoing risk monitoring process.

First level of escalation. When WisDOT SSO program personnel identify what appears to be a potentially significant hazardous condition, it will be discussed directly with RTA personnel and management, including when, as is often the case, several issues are discovered simultaneously and considered important for RTA attention and resolution. Such risk-related issues are typically resolved at this level of discussion and interaction. The WisDOT SSO program documents these observations, inspections, interviews, planned resolutions, and continues to monitor whether risk issues are properly resolved over time.

Second level of escalation. If WisDOT SSO program personnel continue to observe a pattern of potentially significant risk issues already communicated to an RTA, further communication will be made via a formal letter from the WisDOT SSO program manager to the RTA's designated accountable executive. This letter will provide the risk issue(s) of concern to WisDOT and a formal request to respond to the letter, including an explanation of how the RTA plans to address the identified concerns from the WisDOT SSO program. If the explanations from the RTA are acceptable to WisDOT, the issues and responses will be documented and the risk monitoring will continue. If the RTA determines that the identified risk issues need more attention, then the WisDOT

SSO program requires the RTA to develop an appropriate corrective action plan (CAP) that is agreed to and then tracked to completion.

Third level of escalation. The WisDOT SSO Program Standard provides direction to each RTA in regard to its requirement for a formal safety program, including requirements to minimize, control, correct, or eliminate any identified and investigated hazardous condition, within a time period specified by WisDOT, and in accordance with a plan approved by WisDOT's SSO program. The WisDOT SSO Program Standard also requires that each RTA provide all necessary assistance to the WisDOT SSO program, especially in regard to WisDOT participation in required or otherwise appropriate on-site investigations of accidents, hazardous conditions, or audits at the transit agency.

Additionally, s. 85.066(2), Wis. Stats., authorizes WisDOT to "...oversee, enforce, investigate, and audit all safety aspects of all rail fixed guideway transportation systems in the state...." Per the authority granted under s. 85.066, WisDOT, as SSO agency, developed its SSO program standard (revised to comply with 49 CFR Part 674), which specifies that WisDOT oversees and enforces rail transit agency compliance (in execution of its agency safety plan) by ordering corrective action plans or by any other means, as necessary or appropriate.

Based on the direction in WisDOT's SSO Program Standard and these procedures, if an RTA does not properly respond (in scope or timeframe) to requests and direction provided by the WisDOT SSO program in terms of risk identification and proper resolution, this situation will escalate to the executive office of WisDOT. Additional communication between the WisDOT executive office and the RTA will continue. If at any time during this level of escalation that these risk issues cannot be resolved because of a lack of cooperation or responsiveness from the RTA, the ultimate responsibility for enforcement will escalate to the Wisconsin Attorney General's Office.

Imminent Threat to Public Safety. Any time the WisDOT SSO Program becomes aware of an imminent threat to public safety at a Wisconsin RTA, immediate communications with the RTA safety department (and other appropriate RTA departments or personnel, as needed) and WisDOT SSO program management will be completed to determine if the threat is truly imminent and what the next steps might be. If WisDOT SSO program management concurs that it is necessary, immediate actions to address the imminent threat to public safety, up to and including shutting down the rail system at the Wisconsin RTA, will be ordered.

Milwaukee Field Office: If at any time WisDOT SSO program personnel need to be present for some length of time at the Milwaukee Streetcar System because of an

ongoing event or investigation, the WisDOT SSO program field office at the Milwaukee Intermodal Station (MIS) will be used as the primary field office.

Kenosha Field Office: If at any time WisDOT SSO program personnel need to be present for some length of time at Kenosha Area Transit (KAT) because of an ongoing event or investigation, the WisDOT SSO program manager will request accommodation with KAT management for appropriate space at KAT offices; otherwise, the WisDOT SSO program field office at the Milwaukee Intermodal Station (MIS) will be used as the primary field office.

Wisconsin Department of Transportation (WisDOT) Rail Transit Safety and Security Oversight (SSO) Program

Procedure SSO-005: Annual Program Status Report Development Procedure.

Current Version: 4/10/2018

Scope: This procedure provides a process for developing and completing the annual program status report. The procedure includes a scope and outline for this annual report as well as the review and approval process to be followed. Ultimately, this report is required to be delivered annually to the FTA, the governor of the State of Wisconsin, and the boards of directors (or equivalent) of each RTA.

Requirement: An annual program status report is required under 49 CFR 674.13(a)(7), which requires that at least once a year the WisDOT SSO program reports the status of the safety of each rail transit system to the governor, the FTA, and the board of directors (or equivalent) of each RTA.

Scope of Annual Program Status Report: The scope of this report will include:

- Accomplishments of the WisDOT SSO program
- Interactions and status of the rail safety program for the Kenosha Streetcar, including:
 - Kenosha Area Transit (KAT)
 - The City of Kenosha
- Interactions and status of the rail safety program for the Milwaukee Streetcar System (MSS), including:
 - The City of Milwaukee Department of Public Works (DPW)
 - DPW's contractor for the Milwaukee Streetcar
 - Transdev, as of the current version date of this procedure

Status of each RTA's rail safety programs will include, at minimum, the total number of reportable investigations and corrective action plans (CAPs) being tracked as part of RTA compliance with the WisDOT SSO program. This status report will cover activities for the previous calendar year, and the final status report will be distributed to the required parties no later than June 30th of the following year.

Outline – Annual Program Status Report: The following is a general report outline:

- Title page
- Executive Summary
- Introduction
- Accomplishments of the WisDOT SSO Program
- Kenosha Area Transit
- Milwaukee Streetcar System (City of Milwaukee, contract operator)
- Highlights for the next calendar year

Review Process for Draft Status Report: The draft report will be completed by April 30th for the previous calendar year. Reviews of the draft status report are requested from WisDOT, KAT, and MSS. These reviewers should include any additional reviews needed by others. After the review process, all comments and changes will be made to the draft status report. WisDOT will be responsible for taking the updated draft report through any required WisDOT hierarchy for review and comment. Once the draft status report is finalized, WisDOT will coordinate delivery of the final report to the governor's office. KAT and MSS will coordinate delivery of the final report to their respective boards of directors (or equivalent). The WisDOT SSO program will coordinate delivery of the final report to the FTA Associate Administrator of the Office of Safety and Oversight.

Wisconsin Department of Transportation (WisDOT) Rail Transit State Safety Oversight (SSO) Program

Procedure SSO-006: Annual Data Submission De-Identification Procedure.

Current Version: 4/10/2018

Scope: This procedure explains the process and requirements for the RTA event investigations, internal audits, and corrective action plans (CAPs) data and information to be de-identified, coded, and delivered to the FTA on an annual or as-needed/periodic basis. The focus of this procedure is assuring that the data and information provided to the FTA is both responsive to FTA's requirements while at the same time not providing any sensitive or personally specific information that is not necessary to meet the FTA's requirements.

FTA Annual Data Submission Requirement:

§ 674.39 State Safety Oversight Agency annual reporting to FTA.

- (a) On or before March 15 of each year, an SSOA must submit the following material to FTA:
 - (1) The SSO program standard adopted in accordance with § 674.27, with an indication of any changes to the SSO program standard during the preceding twelve months;
 - (2) Evidence that each of its employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;
 - (3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the SSOA in carrying out its oversight activities;
 - (4) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out CAPs arising from triennial audits conducted in accordance with § 674.31;
 - (5) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and
 - (6) A certification that the SSOA is in compliance with the requirements of this part.

- (b) These materials must be submitted electronically through a reporting system specified by FTA.

Scope of Data to be De-identified: The following are the data record types that need to be reviewed and de-identified.

1. Investigation information and data

All personal information should be removed and only a summary of the investigation detail should be provided to FTA. Each individual identified in the report information should be shortened to titles such as Operator, Supervisor, Maintainer, Contractor, Passenger/Patron, Pedestrian, Bicycle Operator, or other, as appropriate. The shortened description of the investigation should provide enough information for FTA to understand the event that occurred. All information provided in FTA's data collection tool should follow FTA's code requirements.

2. Corrective action plans (CAPs)

All CAPs provided to FTA should also be de-identified for individuals, as described for investigations.

3. Triennial reviews/audits

Part 674 indicates that a summary – not the entire report – of the triennial audit should be provided to FTA, which is a change from the previous requirement under Part 659.

4. Sensitive Security Information (SSI)

All transmittals will follow established practices in "Sensitive Security Information (SSI): Designation, Markings and Control", published by FTA in March 2009.

Wisconsin Department of Transportation (WisDOT) Rail Transit Safety and Security Oversight (SSO) Program

Procedure SSO-007: Annual Hazard Data Reporting Procedure.

Current Version: 4/10/2018

Scope: This procedure provides scope for collecting hazard data from RTAs as required by FTA under 49 CFR Part 659:

- **State-only reportable events**
Beyond FTA-defined reportable accidents, as defined in Procedure SSO-003 and any related corrective action plan (CAP).
- **RTA Hazard Log records from the reporting year**
Required to be provided on at least a monthly basis from each RTA, as documented in an RTA's agency safety plan.
- **Hazards and Occurrences from Daily Incident Logs**
Required to be provided on at least a monthly basis from each RTA:
 - **Red Signal Violations** – this includes traffic signals, flagging signals, and signal tests performed by the control center. As appropriate, this includes work crews and equipment.
 - **Broken Rail/Kink** – as defined by the RTA.
 - **Railcar braking failure** – an indication that the braking has been reduced enough to have the railcar taken out of service for safety and maintenance reasons
 - **Near misses with automobiles/pedestrians** – these events are intended to be only those that require a response from the RTA to avoid a potential incident, such as ticketing or towing automobiles on (or too near) the rail system. In addition, any significant close call with a vehicle (automobile, truck, or other rail vehicle, including work equipment) that requires action either by control center or the rail operator; however, many of these are already defined in Procedure SSO-003.
 - **Door faults/doors opening wrong side** – these are significant door hazards such as a door opening during operation and opening of door(s) on the opposite side from the station.
- **Additional data logs** – An RTA log (accident, incident, occurrence, event, operator, etc.) is expected to include sufficient topic areas and documentation of data collection to allow appropriately extensive oversight risk monitoring – all such logs will be collected, reviewed, and analyzed by the WisDOT SSO program; the above hazard-related data are a minimum requirement. In addition, FTA

regulations (49 CFR Part 673 [if/when effective] and Part 674) and safety management system (SMS) may require additional data collection and analysis.

Process for Hazard Related Data Collection and Submission to FTA: On at least a monthly basis (often daily or weekly), the WisDOT SSO program will review RTA daily logs and vehicle status reporting. On a monthly basis, the WisDOT SSO program will extract data from the monthly hazard log and daily logs, and store in a database for review and analysis – this database collection ultimately will be sent to FTA through its online web data collection tool, by March 15th of the following calendar year. Annual data submission (including hazard data) by the WisDOT SSO program for FTA will follow de-identification requirements as defined in Procedure SSO-006.

Wisconsin Department of Transportation (WisDOT) Rail Transit State Safety Oversight (SSO) Program

Procedure SSO-008: Rail Transit Agency (RTA) Safety Oversight and Enforcement Risk Monitoring Procedure.

Current Version: 4/10/2018

Scope: This procedure explains the process and requirements for the activities that make up the WisDOT SSO program risk monitoring of the RTAs. Risk monitoring is a process used to address safety oversight and enforcement of a transit agency's Safety Management System (SMS) Safety Assurance (and some aspects of Safety Risk Management) activities. As defined by the Federal Transit Administration (FTA), Safety Assurance means the processes within a transit agency's SMS that function to ensure the implementation and effectiveness of safety risk mitigation and to ensure that the RTA meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Risk Monitoring Related Requirements: Risk monitoring is used by the WisDOT SSO program to stay informed about the risk environment at each RTA, as well as to be informed about changes in the risk environment, safety performance, and safety culture. This knowledge is used for systematic oversight and enforcement of the RTA safety program (as documented in the agency safety plan and related minimum standards for safety). Risk monitoring is accomplished through data and information collection and analyses and visits to the RTAs on a regular basis for meetings, investigations, audits, and inspections, as well as follow-up review of RTA corrective action plan (CAP) completion and effectiveness of those CAPs in mitigating the identified safety issues.

To perceive changes in the risk environment at the RTA, some time is needed between risk monitoring visits. In addition, this allows for the RTA to own their risk and time to continue their risk management and assessment processes.

The following are the requirements related to RTA risk monitoring (investigations, audits, and inspections) as defined in 49 CFR Part 674.

§ 674.25 Role of the State safety oversight agency.

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- (b) An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight.

An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of its Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate. An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(f).

- (c) An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan. These responsibilities do not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.
- (d) An SSOA has primary responsibility for the investigation of an accident on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.

Scope of Data and Information Collection and Analyses: The following are the data and information collection and analysis sources and activities:

1. Tracking issues from results of, content of, or CAPs resolution from:
 - a. Investigations (Section 6 and Appendix E)
 - b. Internal Audits (Section 4)
 - c. Triennial Audits (Section 5 and Appendix L)
 - d. Daily Incident Log (RTA Communication and Coordination and Section 9))
 - e. Hazard Log (RTA Communication and Coordination and Section 9)
2. Analyses of the tracking issues based on these and other sources of risk information at the RTA
3. The WisDOT SSO program staff also maintain a register of specific issues at each RTA that are being tracked as potential sources of risk. This list typically contains topics that indicate an actual or perceived risk may require mitigation. If an identified topic progresses to a point at which an immediate threat emerges, it will be addressed by the RTA in a timely fashion, as warranted. This monitoring is for potentially emerging or ongoing safety risks and is accomplished through a process as follows:
 - a. If a specific potential safety issue is identified or experienced once, a note of that issue is made on the register along with any response or reaction from the RTA.
 - b. If the specific or related potential safety issue is experienced again, or if the risk appears to be increasing to the point that it is becoming hazardous, then the WisDOT SSO program staff actively start monitoring

that potential risk through data collection and discussions with the appropriate RTA staff.

- c. If the specific or related potential safety issue is experienced a third time, this will require a visit by the WisDOT SSO program staff to inspect, assess, and audit this situation. In some cases, these safety issues become state reportable events, and are required to be fully investigated by the Safety Department and potentially the SSOA staff.
4. Current events at the RTA, current safety performance – collected through committee meetings and on-site activities.

Scope of On-site Activities for Risk Monitoring: The WisDOT SSO program staff visit the RTAs for quarterly meetings and at least once in between quarterly meetings. The content of these visits is defined by an agenda that focuses the information collection and meetings. These visits also include follow-up to previous visits, meetings, and review of safety performance (and culture). Activities typically completed during these visits are some or all of the following:

1. **Quarterly Meetings** – these meetings are used to go over CAPs status/progress and to go over current events at the RTA or with the SSO program.
2. **Additional Meetings** – these meetings may include any or all levels of executive management, management, supervision, and staff related to the rail system operations, maintenance, command and control, and projects.
3. **Audits and inspections** – these are usually targeted based on existing investigations or high- priority CAPs (open or closed). This activity might also include participation in internal audit activities or follow-up of those activities.
4. **CAP closures** – reviewing CAP closure evidence and effectiveness of the mitigations.
5. **Checking for new issues** – these new issues are collected through meetings and by visiting the rail systems, facilities, and infrastructure. Some of these activities are scheduled to assure that the entire rail system is visited and experienced by the WisDOT SSO program staff over a certain period of time or a particular review topic may be selected.
6. **Current state of the rail system** – it is critical that the WisDOT SSO program staff have experience with the current state of the rail systems and related infrastructure, including operations, maintenance, command and control, and projects.

Internal Audits, SSO Program Audits and Inspections, and the Triennial Audit: The RTA internal audits and the SSO program risk monitoring audits and inspections are intentionally independent, but also synergistic. In addition, CAPs resolution, closure, and assurance of success of those CAPs are related to those activities. The SSO triennial audit (described in Section 5 and Appendix L) integrates with all of these audit and

inspection activities, and is used to assure that safety oversight and enforcement are applied to the entire safety program (including the minimum standards for safety).

Wisconsin Department of Transportation (WisDOT) Rail Transit State Safety Oversight (SSO) Program

Procedure SSO-009: Investigation for Allegations of Rail Transit Agency (RTA) Noncompliance with Agency Safety Plan Procedure (including public input).

Current Version: 4/10/2018

Scope: This procedure addresses receipt of allegations of RTA noncompliance with their agency safety plan.

Agency Safety Plan Investigation of Noncompliance Requirement:

§ 674.25(c). An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan.

Sources of Allegations of RTA agency safety plan Noncompliance: The following are potential sources of allegations of RTA agency safety plan noncompliance:

- Public
- Patrons
- RTA Employees
- RTA Safety Department
- SSO Program
- Federal Transit Administration (FTA)
- Others

The WisDOT SSO program requirements, processes and procedures are intended to be transparent. The program standard and contacts for the SSO program staff are publicly available on the WisDOT SSO program webpage. This information is published with the acknowledgement that anyone can contact WisDOT SSO program staff with any concerns, including allegations of RTA noncompliance with their agency safety plan.

The WisDOT SSO program also uses this regulatory requirement to add investigations beyond those required by FTA for accidents as state reportable events.

Investigation Procedure for RTA agency safety plan Noncompliance:

All allegations of RTA noncompliance with their agency safety plan will be properly reviewed and investigated, as needed. If an allegation requires investigation, it will follow the procedures described in Appendix E and the adopted and approved RTA

investigation procedures. The WisDOT SSO program may require an RTA's safety department (or equivalent) to complete the investigation for the program under the same authority as any other safety event investigations. The investigation report and any issues or recommendations required will be communicated and coordinated between the WisDOT SSO program and the RTA safety department for resolution (and other RTA departments or personnel, as needed).

The RTA will be required to develop a corrective action plan (CAP), or alternatively, an explanation of why there is no need for a CAP. If a CAP(s) is developed by the RTA, the WisDOT SSO program will review, approve and adopt the CAP(s) (in the same manner as any other investigation report), including a formal review of the CAP(s). Any investigations for allegation of noncompliance with the RTA will be designated as a state-reportable investigation and follow standard record-keeping for that type of investigation.

Wisconsin Department of Transportation (WisDOT) Rail Transit State Safety Oversight (SSO) Program

Procedure SSO-010: Investigation Reporting Process.

Current Version: 4/10/2018

Scope: This procedure describes the WisDOT SSO Program process for safety event investigations.

Safety Event Investigations Requirements:

49 CFR § 674.35 – Investigations

- (a) An SSOA [State Safety Oversight Agency] must investigate or require an investigation of any accident and is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate an accident, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the accident or incident, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.
- (b) Within a reasonable time, an SSOA must issue a written report on its investigation of an accident or review of an RTA's accident investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of an accident and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

49 CFR § 674.39 – State Safety Oversight Agency annual reporting to FTA

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- (b) These materials must be submitted electronically through a reporting system specified by FTA [This includes investigation reports and corrective actions from these investigations]

Scope of Safety Event Investigations: The WisDOT SSO program has notification and investigation requirements using criteria from both 49 CFR Part 659 and Part 674, and based on “significant hazardous conditions” as defined in Procedure SSO-003 and Section 6 of the WisDOT SSO Program Standard – safety event investigations are covered in Section 7.

Safety Event Investigation Procedure: Each Wisconsin RTA has developed standard investigation procedures, and those procedures are adopted and approved by the WisDOT SSO program to allow the RTA to complete these investigations on behalf of WisDOT. These investigation procedures are designated as minimum standards for safety, and the most current version is tracked as follows: in Appendix K for Kenosha Area Transit (KAT); and in Appendix M for the Milwaukee Streetcar System (MSS).

The WisDOT SSO program has authority to lead (or otherwise join) any such investigation, and will follow the local (KAT or MSS) investigation procedures and reporting requirements, per Section 7 of WisDOT’s SSO Program Standard.

As an investigation proceeds from notification, start of investigation, and completion of the investigation, the WisDOT SSO program requires progress and final reports as follows:

- An initial facts report within one working day, which includes all key information regarding the event compiled at the scene by the RTA.
- A status report identifying the preliminary cause of the event, once this preliminary cause is established, and updates of progress every 30 days until the draft final investigation report is submitted, including corrective action plans (CAPs) with assignments and due dates

The WisDOT SSO program requires that an RTA investigation report be standardized, and include at least the following topics (or as-needed, based on the event and investigation):

Investigation Report General Outline

- Event description
- Notification, Incident Response, and Incident Command
- Initiating Event
- Immediate Corrective Actions
- Operator Information – Fatigue Evaluation and Training
- Investigation:
 - Operator event report
 - Field supervision report

- Employee record/history
- Post-accident safety inspection
- Video analysis
- Communications analysis
- Findings, Potential Causal Factors, and Recommendations (including CAPs)
- Investigator
- Date of Report
- Distribution

If the WisDOT SSO program staff is the lead investigator, progress and investigation reports will follow the same process and content. The RTA can provide input and comments based on the progress and investigation reports before WisDOT's investigation report is finalized. This may require a meeting between the WisDOT SSO program and RTA staff to resolve any discrepancies or otherwise address comments or concerns.

If the RTA completed the draft final investigation report, the WisDOT SSO program is required to independently review and agree to the content and conclusions of the investigation report, including primary cause and contributing factors of the safety event being investigated. The WisDOT SSO program also independently reviews and approves any CAPs developed and requires additional evaluation if it is determined that additional or different CAPs are needed.

Once the RTA (or the WisDOT SSO program) indicates that the investigation report is ready for final review, the WisDOT SSO program is required to complete any independent review, discussions with the RTA about content and any changes with the investigation or CAPs, and provide the adoption and approval letter and documentation within 90 days of completion/receipt of the draft final report. The final adopted and approved investigation report and CAPs are the source of required data reporting to FTA on an annual basis, usually by March 15th of the following year. De-identification of that information for the annual report to FTA follows Procedure SSO-006 and is applied prior to the final report being complete.