

WisDOT SSO Program Standard

List of Appendices

Version Date	Title
4/10/2018	Appendix A – Federal Authorizing Documents
3/10/2021	Appendix B – State Authorizing Documents
3/10/2021	Appendix C – Technical Training Plan (TTP)
3/10/2021	Appendix D – Organization Chart (WisDOT and RTAs)
4/10/2018	Appendix E – WisDOT SSO Program Investigation Procedure
4/10/2018	Appendix F – Interim PTASP Requirements
4/10/2018	Appendix G – Interim PTASP Checklist
4/10/2018	Appendix H – Security Plan Assessment
4/10/2018	Appendix I – Process for Conducting Internal Safety Audits
4/10/2018	Appendix J – State of Wisconsin Open Records Law
4/21/2022	Appendix K – Kenosha Area Transit – KAT
4/10/2018	Appendix L – Procedure for Conducting Triennial Audit of an RTA
7/18/2022	Appendix M – Milwaukee Streetcar System – MSS

Federal Authorizing Documents

49 U.S.C. § 5330 (repealed)

49 CFR Part 659 (rescinded)

49 U.S.C. § 5329(e)

49 CFR Part 674

§5330. State safety oversight

- (a) Application.-This section shall only apply to-
- (1) States that have rail fixed guideway public transportation systems that are not subject to regulation by the Federal Railroad Administration; and
 - (2) States that are designing rail fixed guideway public transportation systems that will not be subject to regulation by the Federal Railroad Administration.
- (b) General Authority.-The Secretary of Transportation may withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under [section 5307 of this title](#) for a fiscal year beginning after September 30, 1994, if the State in the prior fiscal year has not met the requirements of subsection (c) of this section and the Secretary decides the State is not making an adequate effort to comply with subsection (c).
- (c) State Requirements.-A State meets the requirements of this section if the State-
- (1) establishes and is carrying out a safety program plan for each fixed guideway public transportation system in the State that establishes at least safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the system; and
 - (2) designates a State authority as having responsibility-
 - (A) to require, review, approve, and monitor the carrying out of each plan;
 - (B) to investigate hazardous conditions and accidents on the systems; and
 - (C) to require corrective action to correct or eliminate those conditions.
- (d) Multistate Involvement.-When more than one State is subject to this section in connection with a single public transportation authority, the affected States shall ensure uniform safety standards and enforcement or shall designate an entity (except the public transportation authority) to ensure uniform safety standards and enforcement and to meet the requirements of subsection (c) of this section.
- (e) Availability of Withheld Amounts.-
- (1) An amount withheld under subsection (b) of this section remains available for apportionment for use in the State until the end of the 2d fiscal year after the fiscal year for which the amount may be appropriated.
 - (2) If a State meets the requirements of subsection (c) of this section before the last day of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the Secretary, on the first day on which the State meets the requirements, shall apportion to the State the amount withheld that remains available for apportionment for use in the State. An amount apportioned under this paragraph remains available until the end of the 3d fiscal year after the fiscal year in which the amount is apportioned. An amount not obligated at the end of the 3-year period shall be apportioned for use in other States under [section 5336 of this title](#).
 - (3) If a State does not meet the requirements of subsection (c) of this section at the end of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the amount shall be apportioned for use in other States under [section 5336 of this title](#).

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 831 ; Pub. L. 109–59, title III, §§3002(b)(4), 3029(a), Aug. 10, 2005, 119 Stat. 1545 , 1625.)

REPEAL OF SECTION

Pub. L. 112–141, div. B, §20030(e), July 6, 2012, 126 Stat. 731 , provided that, effective 3 years after the effective date of the final rules (Apr. 15, 2016) issued by the Secretary of Transportation under section 5329(e) of this title (see 81 F.R. 14230), this section is repealed.

Historical and Revision Notes

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5330(a)	49 App.:1624(d).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §28; added Dec. 18, 1991, Pub. L. 102–240, §3029, 105 Stat. 2116 .
5330(b)	49 App.:1624(a).	
5330(c)	49 App.:1624(b)(1), (2).	
5330(d)	49 App.:1624(b)(3).	
5330(e)	49 App.:1624(c).	
5330(f)	49 App.:1624(e).	

In subsection (e)(1), the words "under subsection (a) of this section from apportionment for use in any State in a fiscal year" are omitted as surplus.

In subsection (e)(2) and (3), the words "from apportionment" and "for apportionment for use in a State" are omitted as surplus.

AMENDMENTS

2005-Pub. L. 109–59, §3029(a)(1), substituted "State safety oversight" for "Withholding amounts for noncompliance with safety requirements" in section catchline.

Subsec. (a). Pub. L. 109–59, §3029(a)(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: "This section applies only to States that have rail fixed guideway mass transportation systems not subject to regulation by the Federal Railroad Administration."

Subsec. (c)(1). Pub. L. 109–59, §3002(b)(4), substituted "public transportation" for "mass transportation".

Subsec. (d). Pub. L. 109–59, §3029(a)(2), substituted "shall ensure uniform safety standards and enforcement or shall designate" for "may designate".

Pub. L. 109–59, §3002(b)(4), substituted "public transportation" for "mass transportation" in two places.

Subsec. (f). Pub. L. 109–59, §3029(a)(3), struck out heading and text of subsec. (f). Text read as follows: "Not later than December 18, 1992, the Secretary shall prescribe regulations stating the requirements for complying with subsection (c) of this section."

EFFECTIVE DATE OF REPEAL

Pub. L. 112–141, div. B, §20030(e), July 6, 2012, 126 Stat. 731 , provided that the repeal of this section is effective 3 years after the effective date of the final rules (Apr. 15, 2016) issued by the Secretary of Transportation under section 5329(e) of this title (see 81 F.R. 14230).

[http://uscode.house.gov/view.xhtml?req=\(title:49 section:5330 edition:prelim\) OR \(granuleid:USC-prelim-title49-section5330\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:49 section:5330 edition:prelim) OR (granuleid:USC-prelim-title49-section5330)&f=treesort&edition=prelim&num=0&jumpTo=true)

Subpart A—General Provisions

§659.1 Purpose.

This part implements 49 U.S.C. 5330 by requiring a state to oversee the safety and security of rail fixed guideway systems through a designated oversight agency.

§659.3 Scope.

This part applies only to states with rail fixed guideway systems, as defined in this part.

§659.5 Definitions.

Contractor means an entity that performs tasks required on behalf of the oversight or rail transit agency. The rail transit agency may not be a contractor for the oversight agency.

Corrective action plan means a plan developed by the rail transit agency that describes the actions the rail transit agency will take to minimize, control, correct, or eliminate hazards, and the schedule for implementing those actions.

FRA means the Federal Railroad Administration, an agency within the U.S. Department of Transportation.

FTA means the Federal Transit Administration, an agency within the U.S. Department of Transportation.

Hazard means any real or potential condition (as defined in the rail transit agency's hazard management process) that can cause injury, illness, or death; damage to or loss of a system, equipment or property; or damage to the environment.

Individual means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

Investigation means the process used to determine the causal and contributing factors of an accident or hazard, so that actions can be identified to prevent recurrence.

New Starts Project means any rail fixed guideway system funded under FTA's 49 U.S.C. 5309 discretionary construction program.

Oversight Agency means the entity, other than the rail transit agency, designated by the state or several states to implement this part.

Passenger means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.

Passenger Operations means the period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers.

Program Standard means a written document developed and adopted by the oversight agency, that describes the policies, objectives, responsibilities, and procedures used to provide rail transit agency safety and security oversight.

Rail Fixed Guideway System means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:

- (1) Is not regulated by the Federal Railroad Administration; and
- (2) Is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); or
- (3) Has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).

Rail Transit Agency means an entity that operates a rail fixed guideway system.

Rail Transit-Controlled Property means property that is used by the rail transit agency and may be owned, leased, or maintained by the rail transit agency.

Rail Transit Vehicle means the rail transit agency's rolling stock, including but not limited to passenger and maintenance vehicles.

Safety means freedom from harm resulting from unintentional acts or circumstances.

Security means freedom from harm resulting from intentional acts or circumstances.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

System Safety Program Plan means a document developed and adopted by the rail transit agency, describing its safety policies, objectives, responsibilities, and procedures.

System Security Plan means a document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures.

Subpart B—Role of the State

§659.7 Withholding of funds for noncompliance.

- (a) The Administrator of the FTA may withhold up to five percent of the amount required to be distributed to any state or affected urbanized area in such state under FTA's formula program for urbanized areas, if:
 - (1) The state in the previous fiscal year has not met the requirements of this part; and
 - (2) The Administrator determines that the state is not making adequate efforts to comply with this part.
- (b) The Administrator may agree to restore withheld formula funds, if compliance is achieved within two years (See 49 U.S.C. 5330).

§659.9 Designation of oversight agency.

- (a) General requirement. Each state with an existing or anticipated rail fixed guideway system regulated by this part shall designate an oversight agency consistent with the provisions of this section. For a rail fixed guideway system that will operate in only one state, the state must designate an agency of the state, other than the rail transit agency, as the oversight agency to implement the requirements in this part. The state's designation or re-designation of its oversight agency and submission of required information as specified in this section, are subject to review by FTA.

- (b) Exception. States which have designated oversight agencies for purposes of this part before May 31, 2005 are not required to re-designate to FTA.
- (c) Timing. 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; or
 - (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).
- (d) Notification to FTA. Within (60) days of designation of the oversight agency, the state must submit to FTA the following:
- (1) The name of the oversight agency designated to implement requirements in this part;
 - (2) Documentation of the oversight agency's authority to provide state oversight;
 - (3) Contact information for the representative identified by the designated oversight agency with responsibility for oversight activities;
 - (4) A description of the organizational and financial relationship between the designated oversight agency and the rail transit agency; and
 - (5) A schedule for the designated agency's development of its State Safety Oversight Program, including the projected date of its initial submission, as required in §659.39(a).
- (e) Multiple states. In cases of a rail fixed guideway system that will operate in more than one state, each affected state must designate an agency of the state, other than the rail transit agency, as the oversight agency to implement the requirements in this part. To fulfill this requirement, the affected states:
- (1) May agree to designate one agency of one state, or an agency representative of all states, to implement the requirements in this part; and
 - (2) In the event multiple states share oversight responsibility for a rail fixed guideway system, the states must ensure that the rail fixed guideway system is subject to a single program standard, adopted by all affected states.
- (f) Change of designation. Should a state change its designated oversight agency, it shall submit the information required under paragraph (d) of this section to FTA within (30) days of its change. In addition, the new oversight agency must submit a new initial submission, consistent with §659.39(b), within (30) days of its designation.

§659.11 Confidentiality of investigation reports and security plans.

- (a) A state may withhold an investigation report that may have been prepared or adopted by the oversight agency from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.
- (b) This part does not require public availability of the rail transit agency's security plan and any referenced procedures.

Subpart C—Role of the State Oversight Agency

§659.13 Overview.

The state oversight agency is responsible for establishing standards for rail safety and security practices and procedures to be used by rail transit agencies within its purview. In addition, the state oversight agency must oversee the execution of these practices and procedures, to ensure compliance with the provisions of this part. This subpart identifies and describes the various requirements for the state oversight agency.

§659.15 System safety program standard.

- (a) General requirement. Each state oversight agency shall develop and distribute a program standard. The program standard is a compilation of processes and procedures that governs the conduct of the oversight program at the state oversight agency level, and provides guidance to the regulated rail transit properties concerning processes and procedures they must have in place to be in compliance with the state safety oversight program. The program standard and any referenced program procedures must be submitted to FTA as part of the initial submission. Subsequent revisions and updates must be submitted to FTA as part of the oversight agency's annual submission.
- (b) Contents. Each oversight agency shall develop a written program standard that meets the requirements specified in this part and includes, at a minimum, the areas identified in this section.
 - (1) Program management section. This section shall include an explanation of the oversight agency's authority, policies, and roles and responsibilities for providing safety and security oversight of the rail transit agencies within its jurisdiction. This section shall provide an overview of planned activities to ensure on-going communication with each affected rail transit agency relating to safety and security information, as well as FTA reporting requirements, including initial, annual and periodic submissions.
 - (2) Program standard development section. This section shall include a description of the oversight agency's process for the development, review, and adoption of the program standard, the modification and/or update of the program standard, and the process by which the program standard and any subsequent revisions are distributed to each affected rail transit agency.
 - (3) Oversight of rail transit agency internal safety and security reviews. This section shall specify the role of the oversight agency in overseeing the rail transit agency internal safety and security review process. This includes a description of the process used by the oversight agency to receive rail transit agency checklists and procedures and approve the rail transit agency's annual reports on findings, which must be submitted under the signature of the rail transit agency's top management.
 - (4) Oversight agency safety and security review section. This section shall lay out the process and criteria to be used at least every three years in conducting a complete review of each affected rail transit agency's implementation of its system safety program plan and system security plan. This section includes the process to be used by the affected rail transit agency and the oversight agency to manage findings and

recommendations from this review. This also includes procedures for notifying the oversight agency before the rail transit agency conducts an internal review.

- (5) Accident notification section. This section shall include the specific requirements for the rail transit agency to notify the oversight agency of accidents. This section shall also include required timeframes, methods of notification, and the information to be submitted by the rail transit agency. Additional detail on this portion is included in §659.33 of this part.
- (6) Investigations section. This section contains the oversight agency identification of the thresholds for incidents that require an oversight agency investigation. The roles and responsibilities for conducting investigations shall include: coordination with the rail transit agency investigation process, the role of the oversight agency in supporting investigations and findings conducted by the NTSB, review and concurrence of investigation report findings, and procedures for protecting the confidentiality of investigation reports.
- (7) Corrective actions section. This section shall specify oversight agency criteria for the development of corrective action plan(s) and the process for the review and approval of a corrective action plan developed by the rail transit agency. This section shall also identify the oversight agency's policies for the verification and tracking of corrective action plan implementation, and its process for managing conflicts with the rail transit agency relating to investigation findings and corrective action plan development.
- (8) System safety program plan section. This section shall specify the minimum requirements to be contained in the rail transit agency's system safety program plan. The contents of the system safety plan are discussed in more detail in §659.19 of this part. This section shall also specify information to be included in the affected rail transit agency's system safety program plan relating to the hazard management process, including requirements for on-going communication and coordination relating to the identification, categorization, resolution, and reporting of hazards to the oversight agency. More details on the hazard management process are contained in §659.31 of this part. This section shall also describe the process and timeframe through which the oversight agency must receive, review, and approve the rail transit agency system safety program plan.
- (9) System security plan section. This section shall specify the minimum requirements to be included in the rail transit agency's system security plan. More details about the system security plan are contained in §§659.21 through 659.23 of this part. This section shall also describe the process by which the oversight agency will review and approve the rail transit agency system security program plan. This section also shall identify how the state will prevent the system security plan from public disclosure.

§659.17 System safety program plan: general requirements.

- (a) The oversight agency shall require the rail transit agency to develop and implement a written system safety program plan that complies with requirements in this part and the oversight agency's program standard.

- (b) The oversight agency shall review and approve the rail transit agency system safety program plan.
- (c) After approval, the oversight agency shall issue a formal letter of approval to the rail transit agency, including the checklist used to conduct the review.

§659.19 System safety program plan: contents.

The system safety plan shall include, at a minimum:

- (a) A policy statement signed by the agency's chief executive that endorses the safety program and describes the authority that establishes the system safety program plan.
- (b) A clear definition of the goals and objectives for the safety program and stated management responsibilities to ensure they are achieved.
- (c) An overview of the management structure of the rail transit agency, including:
 - (1) An organization chart;
 - (2) A description of how the safety function is integrated into the rest of the rail transit organization; and
 - (3) Clear identification of the lines of authority used by the rail transit agency to manage safety issues.
- (d) The process used to control changes to the system safety program plan, including:
 - (1) Specifying an annual assessment of whether the system safety program plan should be updated; and
 - (2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval.
- (e) A description of the specific activities required to implement the system safety program, including:
 - (1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and
 - (2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format.
- (f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:
 - (1) Hazard identification;
 - (2) Hazard investigation, evaluation and analysis;
 - (3) Hazard control and elimination;
 - (4) Hazard tracking; and

- (5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.
- (g) A description of the process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification but which may have safety impacts.
- (h) A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.
- (i) A description of the process used to collect, maintain, analyze, and distribute safety data, to ensure that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program.
- (j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including:
 - (1) Notification thresholds for internal and external organizations;
 - (2) Accident investigation process and references to procedures;
 - (3) The process used to develop, implement, and track corrective actions that address investigation findings;
 - (4) Reporting to internal and external organizations; and
 - (5) Coordination with the oversight agency.
- (k) A description of the process used by the rail transit agency to develop an approved, coordinated schedule for all emergency management program activities, which include:
 - (1) Meetings with external agencies;
 - (2) Emergency planning responsibilities and requirements;
 - (3) Process used to evaluate emergency preparedness, such as annual emergency field exercises;
 - (4) After action reports and implementation of findings;
 - (5) Revision and distribution of emergency response procedures;
 - (6) Familiarization training for public safety organizations; and
 - (7) Employee training.
- (l) A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the system safety program plan, including:
 - (1) Identification of departments and functions subject to review;
 - (2) Responsibility for scheduling reviews;

- (3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings;
 - (4) Review of reporting requirements;
 - (5) Tracking the status of implemented recommendations; and
 - (6) Coordination with the oversight agency.
- (m) A description of the process used by the rail transit agency to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:
- (1) Identification of operating and maintenance rules and procedures subject to review;
 - (2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing;
 - (3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and
 - (4) Process for documenting results and incorporating them into the hazard management program.
- (n) A description of the process used for facilities and equipment safety inspections, including:
- (1) Identification of the facilities and equipment subject to regular safety-related inspection and testing;
 - (2) Techniques used to conduct inspections and testing;
 - (3) Inspection schedules and procedures; and
 - (4) Description of how results are entered into the hazard management process.
- (o) A description of the maintenance audits and inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.
- (p) A description of the training and certification program for employees and contractors, including:
- (1) Categories of safety-related work requiring training and certification;
 - (2) A description of the training and certification program for employees and contractors in safety-related positions;
 - (3) Process used to maintain and access employee and contractor training records; and
 - (4) Process used to assess compliance with training and certification requirements.
- (q) A description of the configuration management control process, including:
- (1) The authority to make configuration changes;
 - (2) Process for making changes; and
 - (3) Assurances necessary for formally notifying all involved departments.

- (r) A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements, including:
 - (1) Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency property; and
 - (2) Processes for ensuring the employees and contractors know and follow the requirements.
- (s) A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.
- (t) A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.
- (u) A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency's procurement process.

§659.21 System security plan: general requirements.

- (a) The oversight agency shall require the rail transit agency to implement a system security plan that, at a minimum, complies with requirements in this part and the oversight agency's program standard. The system security plan must be developed and maintained as a separate document and may not be part of the rail transit agency's system safety program plan.
- (b) The oversight agency may prohibit a rail transit agency from publicly disclosing the system security plan.
- (c) After approving the system security plan, the oversight agency shall issue a formal letter of approval, including the checklist used to conduct the review, to the rail transit agency.

§659.23 System security plan: contents.

The system security plan must, at a minimum address the following:

- (a) Identify the policies, goals, and objectives for the security program endorsed by the agency's chief executive.
- (b) Document the rail transit agency's process for managing threats and vulnerabilities during operations, and for major projects, extensions, new vehicles and equipment, including integration with the safety certification process;
- (c) Identify controls in place that address the personal security of passengers and employees;
- (d) Document the rail transit agency's process for conducting internal security reviews to evaluate compliance and measure the effectiveness of the system security plan; and
- (e) Document the rail transit agency's process for making its system security plan and accompanying procedures available to the oversight agency for review and approval.

§659.25 Annual review of system safety program plan and system security plan.

- (a) The oversight agency shall require the rail transit agency to conduct an annual review of its system safety program plan and system security plan.
- (b) In the event the rail transit agency's system safety program plan is modified, the rail transit agency must submit the modified plan and any subsequently modified procedures to the oversight agency for review and approval. After the plan is approved, the oversight agency must issue a formal letter of approval to the rail transit agency.
- (c) In the event the rail transit agency's system security plan is modified, the rail transit agency must make the modified system security plan and accompanying procedures available to the oversight agency for review, consistent with requirements specified in §659.23(e) of this part. After the plan is approved, the oversight agency shall issue a formal letter of approval to the rail transit agency.

§659.27 Internal safety and security reviews.

- (a) The oversight agency shall require the rail transit agency to develop and document a process for the performance of on-going internal safety and security reviews in its system safety program plan.
- (b) The internal safety and security review process must, at a minimum:
 - (1) Describe the process used by the rail transit agency to determine if all identified elements of its system safety program plan and system security plan are performing as intended; and
 - (2) Ensure that all elements of the system safety program plan and system security plan are reviewed in an on-going manner and completed over a three-year cycle.
- (c) The rail transit agency must notify the oversight agency at least thirty (30) days before the conduct of scheduled internal safety and security reviews.
- (d) The rail transit agency shall submit to the oversight agency any checklists or procedures it will use during the safety portion of its review.
- (e) The rail transit agency shall make available to the oversight agency any checklists or procedures subject to the security portion of its review, consistent with §659.23(e).
- (f) The oversight agency shall require the rail transit agency to annually submit a report documenting internal safety and security review activities and the status of subsequent findings and corrective actions. The security part of this report must be made available for oversight agency review, consistent with §659.23(e).
- (g) The annual report must be accompanied by a formal letter of certification signed by the rail transit agency's chief executive, indicating that the rail transit agency is in compliance with its system safety program plan and system security plan.
- (h) If the rail transit agency determines that findings from its internal safety and security reviews indicate that the rail transit agency is not in compliance with its system safety program plan

or system security plan, the chief executive must identify the activities the rail transit agency will take to achieve compliance.

- (i) The oversight agency must formally review and approve the annual report.

§659.29 Oversight agency safety and security reviews.

At least every three (3) years, beginning with the initiation of rail transit agency passenger operations, the oversight agency must conduct an on-site review of the rail transit agency's implementation of its system safety program plan and system security plan. Alternatively, the on-site review may be conducted in an on-going manner over the three year timeframe. At the conclusion of the review cycle, the oversight agency must prepare and issue a report containing findings and recommendations resulting from that review, which, at a minimum, must include an analysis of the effectiveness of the system safety program plan and the security plan and a determination of whether either should be updated.

§659.31 Hazard management process.

- (a) The oversight agency must require the rail transit agency to develop and document in its system safety program plan a process to identify and resolve hazards during its operation, including any hazards resulting from subsequent system extensions or modifications, operational changes, or other changes within the rail transit environment.
- (b) The hazard management process must, at a minimum:
 - (1) Define the rail transit agency's approach to hazard management and the implementation of an integrated system-wide hazard resolution process;
 - (2) Specify the sources of, and the mechanisms to support, the on-going identification of hazards;
 - (3) Define the process by which identified hazards will be evaluated and prioritized for elimination or control;
 - (4) Identify the mechanism used to track through resolution the identified hazard(s);
 - (5) Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and
 - (6) Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency.

§659.33 Accident notification.

- (a) The oversight agency must require the rail transit agency to notify the oversight agency within two (2) hours of any incident involving a rail transit vehicle or taking place on rail transit-controlled property where one or more of the following occurs:
 - (1) A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;
 - (2) Injuries requiring immediate medical attention away from the scene for two or more individuals;

- (3) Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds \$25,000;
 - (4) An evacuation due to life safety reasons;
 - (5) A collision at a grade crossing;
 - (6) A main-line derailment;
 - (7) A collision with an individual on a rail right of way; or
 - (8) A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.
- (b) The oversight agency shall require rail transit agencies that share track with the general railroad system and are subject to the Federal Railroad Administration notification requirements, to notify the oversight agency within two (2) hours of an incident for which the rail transit agency must also notify the Federal Railroad Administration.
- (c) The oversight agency shall identify in its program standard the method of notification and the information to be provided by the rail transit agency

§659.35 Investigations.

- (a) The oversight agency must investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in §659.33(a).
- (b) The oversight agency must use its own investigation procedures or those that have been formally adopted from the rail transit agency and that have been submitted to FTA.
- (c) In the event the oversight agency authorizes the rail transit agency to conduct investigations on its behalf, it must do so formally and require the rail transit agency to use investigation procedures that have been formally approved by the oversight agency.
- (d) Each investigation must be documented in a final report that includes a description of investigation activities, identified causal and contributing factors, and a corrective action plan.
- (e) A final investigation report must be formally adopted by the oversight agency for each accident investigation.
 - (1) If the oversight agency has conducted the investigation, it must formally transmit its final investigation report to the rail transit agency.
 - (2) If the oversight agency has authorized an entity other than itself (including the rail transit agency) to conduct the accident investigation on its behalf, the oversight agency must review and formally adopt the final investigation report.
 - (3) If the oversight agency does not concur with the findings of the rail transit agency investigation report, it must either:
 - (i) Conduct its own investigation according to paragraphs (b), (d) and (e)(1) of this section; or

- (ii) Formally transmit its dissent to the findings of the accident investigation, report its dissent to the rail transit agency, and negotiate with the rail transit agency until a resolution on the findings is reached.
- (f) The oversight agency shall have the authority to require periodic status reports that document investigation activities and findings in a time frame determined by the oversight agency.

§659.37 Corrective action plans.

- (a) The oversight agency must, at a minimum, require the development of a corrective action plan for the following:
 - (1) Results from investigations, in which identified causal and contributing factors are determined by the rail transit agency or oversight agency as requiring corrective actions; and
 - (2) Findings from safety and security reviews performed by the oversight agency.
- (b) Each corrective action plan should identify the action to be taken by the rail transit agency, an implementation schedule, and the individual or department responsible for the implementation.
- (c) The corrective action plan must be reviewed and formally approved by the oversight agency.
- (d) The oversight agency must establish a process to resolve disputes between itself and the rail transit agency resulting from the development or enforcement of a corrective action plan.
- (e) The oversight agency must identify the process by which findings from an NTSB accident investigation will be evaluated to determine whether or not a corrective action plan should be developed by either the oversight agency or rail transit agency to address NTSB findings.
- (f) The rail transit agency must provide the oversight agency:
 - (1) Verification that the corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to oversight agency review and approval; and
 - (2) Periodic reports requested by the oversight agency, describing the status of each corrective action(s) not completely implemented, as described in the corrective action plan.
- (g) The oversight agency must monitor and track the implementation of each approved corrective action plan.

§659.39 Oversight agency reporting to the Federal Transit Administration.

- (a) Initial submission. Each designated oversight agency with a rail fixed guideway system that is in passenger operations as of April 29, 2005 or will begin passenger operations by May 1, 2006, must make its initial submission to FTA by May 1, 2006. In states with rail fixed guideway systems initiating passenger operations after May 1, 2006, the designated oversight agency must make its initial submission within the time frame specified by the state in its designation submission, but not later than at least sixty (60) days prior to initiation of

passenger operations. Any time a state changes its designated oversight agency to carry out the requirements identified in this part, the new oversight agency must make a new initial submission to FTA within thirty (30) days of the designation.

- (b) An initial submission must include the following:
 - (1) Oversight agency program standard and referenced procedures; and
 - (2) Certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.
- (c) Annual submission. Before March 15 of each year, the oversight agency must submit the following to FTA:
 - (1) A publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the causal factors of investigated accidents, status of corrective actions, updates and modifications to rail transit agency program documentation, and the level of effort used by the oversight agency to carry out its oversight activities.
 - (2) A report documenting and tracking findings from three-year safety review activities, and whether a three-year safety review has been completed since the last annual report was submitted.
 - (3) Program standard and supporting procedures that have changed during the preceding year.
 - (4) Certification that any changes or modifications to the rail transit agency system safety program plan or system security plan have been reviewed and approved by the oversight agency.
- (d) Periodic submission. FTA retains the authority to periodically request program information.
- (e) Electronic reporting. All submissions to FTA required in this part must be submitted electronically using a reporting system specified by FTA.

§659.41 Conflict of interest.

The oversight agency shall prohibit a party or entity from providing services to both the oversight agency and rail transit agency when there is a conflict of interest, as defined by the state.

§659.43 Certification of compliance.

- (a) Annually, the oversight agency must certify to the FTA that it has complied with the requirements of this part.
- (b) The oversight agency must submit each certification electronically to FTA using a reporting system specified by FTA.
- (c) The oversight agency must maintain a signed copy of each annual certification to FTA, subject to audit by FTA.

<https://ecfr.io/Title-49/pt49.7.659>

§5329. Public transportation safety program

...

- (e) State Safety Oversight Program.-
- (1) Applicability.-This subsection applies only to eligible States.
 - (2) Definition.-In this subsection, the term "eligible State" means a State that has-
 - (A) a rail fixed guideway public transportation system within the jurisdiction of the State that is not subject to regulation by the Federal Railroad Administration; or
 - (B) a rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration.
 - (3) In general.-In order to obligate funds apportioned under section 5338 to carry out this chapter, effective 3 years after the date on which a final rule under this subsection becomes effective, an eligible State shall have in effect a State safety oversight program approved by the Secretary under which the State-
 - (A) assumes responsibility for overseeing rail fixed guideway public transportation safety;
 - (B) adopts and enforces Federal and relevant State laws on rail fixed guideway public transportation safety;
 - (C) establishes a State safety oversight agency;
 - (D) determines, in consultation with the Secretary, an appropriate staffing level for the State safety oversight agency that is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the eligible State;
 - (E) requires that employees and other designated personnel of the eligible State safety oversight agency who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under subsection (c); and
 - (F) prohibits any public transportation agency from providing funds to the State safety oversight agency or an entity designated by the eligible State as the State safety oversight agency under paragraph (4).
 - (4) State safety oversight agency.-
 - (A) In general.-Each State safety oversight program shall establish a State safety oversight agency that-
 - (i) is financially and legally independent from any public transportation entity that the State safety oversight agency oversees;
 - (ii) does not directly provide public transportation services in an area with a rail fixed guideway public transportation system subject to the requirements of this section;
 - (iii) does not employ any individual who is also responsible for the administration of rail fixed guideway public transportation programs subject to the requirements of this section;
 - (iv) has the authority to review, approve, oversee, and enforce the implementation by the rail fixed guideway public transportation agency of the public transportation agency safety plan required under subsection (d);

- (v) has investigative and enforcement authority with respect to the safety of rail fixed guideway public transportation systems of the eligible State;
 - (vi) audits, at least once triennially, the compliance of the rail fixed guideway public transportation systems in the eligible State subject to this subsection with the public transportation agency safety plan required under subsection (d); and
 - (vii) provides, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems the State safety oversight agency oversees to-
 - (I) the Federal Transit Administration;
 - (II) the Governor of the eligible State; and
 - (III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.
- (B) Waiver.-At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that-
- (i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or
 - (ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.
- (5) Programs for multi-state rail fixed guideway public transportation systems.-An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall-
- (A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uniform safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or
 - (B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.
- (6) Grants.-
- (A) In general.-The Secretary shall make grants to eligible States to develop or carry out State safety oversight programs under this subsection. Grant funds may be used for program operational and administrative expenses, including employee training activities.
 - (B) Apportionment.-
 - (i) Formula.-The amount made available for State safety oversight under section 5336(h) shall be apportioned among eligible States under a formula to be established by the Secretary. Such formula shall take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems not subject to regulation by the Federal Railroad Administration within each eligible State.

- (ii) Administrative requirements.-Grant funds apportioned to States under this paragraph shall be subject to uniform administrative requirements for grants and cooperative agreements to State and local governments under part 18 of title 49, Code of Federal Regulations, and shall be subject to the requirements of this chapter as the Secretary determines appropriate.
- (C) Government share.-
 - (i) In general.-The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.
 - (ii) In-kind contributions.-Any calculation of the non-Government share of a State safety oversight program shall include in-kind contributions by an eligible State.
 - (iii) Non-government share.-The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by-
 - (I) any Federal funds;
 - (II) any funds received from a public transportation agency; or
 - (III) any revenues earned by a public transportation agency.
 - (iv) Safety training program.-Recipients of funds made available to carry out sections 5307 and 5311 may use not more than 0.5 percent of their formula funds to pay not more than 80 percent of the cost of participation in the public transportation safety certification training program established under subsection (c), by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.
- (7) Certification process.-
 - (A) In general.-Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall determine whether or not each State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.
 - (B) Issuance of certifications and denials.-The Secretary shall issue a certification to each eligible State that the Secretary determines under subparagraph (A) adequately meets the requirements of this subsection, and shall issue a denial of certification to each eligible State that the Secretary determines under subparagraph (A) does not adequately meet the requirements of this subsection.
 - (C) Disapproval.-If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection and denies certification, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.
 - (D) Failure to correct.-If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to certify the program, the Secretary-
 - (i) shall notify the Governor of the eligible State of such denial of certification and failure to adequately modify the program, and shall request that the Governor take all possible actions to correct deficiencies in the program to ensure the certification of the program; and

- (ii) may-
 - (I) withhold funds available under paragraph (6) in an amount determined by the Secretary;
 - (II) withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under [section 5307 of this title](#), until the State safety oversight program has been certified; or
 - (III) require fixed guideway public transportation systems under such State safety oversight program to provide up to 100 percent of Federal assistance made available under this chapter only for safety-related improvements on such systems, until the State safety oversight program has been certified.
- (8) Federal safety management.-
 - (A) In general.-If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.
 - (B) Temporary federal oversight.-In making a determination under subparagraph (A), the Secretary shall-
 - (i) transmit to the eligible State and affected recipient or recipients, a written explanation of the determination or subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notice of a withdrawal of State safety oversight program approval; and
 - (ii) require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.
 - (C) Failure to correct.-If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may-
 - (i) withhold funds available under paragraph (6) in an amount determined by the Secretary;
 - (ii) beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under [section 5307](#), until the State safety oversight program or modification has been certified; and
 - (iii) use any other authorities authorized under this chapter considered necessary and appropriate.
 - (D) Administrative and oversight activities.-To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.

- (9) Evaluation of program and annual report.-The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, and shall submit on or before July 1 of each year to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on-
- (A) the amount of funds apportioned to each eligible State; and
 - (B) the certification status of each State safety oversight program, including what steps a State program that has been denied certification must take in order to be certified.
- (10) Federal oversight.-The Secretary shall-
- (A) oversee the implementation of each State safety oversight program under this subsection;
 - (B) audit the operations of each State safety oversight agency at least once triennially; and
 - (C) issue rules to carry out this subsection.
- (f) Authority of Secretary.-In carrying out this section, the Secretary may-
- (1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;
 - (2) make reports and issue directives with respect to the safety of the public transportation system of a recipient or the public transportation industry generally;
 - (3) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if-
 - (A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and
 - (B) the Attorney General-
 - (i) determines that the subpoena will not interfere with an ongoing criminal investigation; or
 - (ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A);
 - (4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;
 - (5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;
 - (6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and
 - (7) issue rules to carry out this section.
- (g) Enforcement Actions.-
- (1) Types of enforcement actions.-The Secretary may take enforcement action against a recipient that does not comply with Federal law with respect to the safety of the public transportation system, including-
 - (A) issuing directives;
 - (B) requiring more frequent oversight of the recipient by a State safety oversight agency or the Secretary;

- (C) imposing more frequent reporting requirements;
 - (D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects; and
 - (E) withholding not more than 25 percent of financial assistance under section 5307.
- (2) Use or withholding of funds.-
- (A) In general.-The Secretary may require the use of funds or withhold funds in accordance with paragraph (1)(D) or (1)(E) only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the public transportation system.
 - (B) Notice.-Before withholding funds from a recipient, the Secretary shall provide to the recipient-
 - (i) written notice of a violation and the amount proposed to be withheld; and
 - (ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.
- (h) Restrictions and Prohibitions.-
- (1) Restrictions and prohibitions.-The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.
 - (2) Notice.-The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.
 - (3) Continued authority.-Nothing in this subsection shall be construed as limiting the Secretary's authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.
- (i) Consultation by the Secretary of Homeland Security.-The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.
- (j) Actions Under State Law.-
- (1) Rule of construction.-Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with-
 - (A) a Federal standard of care established by a regulation or order issued by the Secretary under this section; or
 - (B) its own program, rule, or standard that it created pursuant to a rule or order issued by the Secretary.
 - (2) Effective date.-This subsection shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012.
 - (3) Jurisdiction.-Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.

- (k) National Public Transportation Safety Report.-Not later than 3 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that-
- (1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented using grants under this section; and
 - (2) describes the effect on public transportation safety of activities carried out using grants under this section.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 830 ; Pub. L. 109–59, title III, §3028(a), Aug. 10, 2005, 119 Stat. 1624 ; Pub. L. 112–141, div. B, §20021(a), July 6, 2012, 126 Stat. 709 ; Pub. L. 114–94, div. A, title III, §3013, Dec. 4, 2015, 129 Stat. 1476 .)

Historical and Revision Notes

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5329(a)	49 App.:1618(a).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §22(a); added Jan. 6, 1983, Pub. L. 97–424, §318(b), 96 Stat. 2154 ; Dec. 18, 1991, Pub. L. 102–240, §3026(1), 105 Stat. 2114 .
5329(b)	49 App.:1618(b).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §22(b); added Dec. 18, 1991, Pub. L. 102–240, §3026(2), 105 Stat. 2114 .

In subsection (a), the words "manner of" are omitted as surplus. The word "how" is substituted for "the means which might best be employed" to eliminate unnecessary words. The words "or eliminating" and "from the local public body" are omitted as surplus. The words "a plan is approved and carried out" are substituted for "he approves such plan and the local public body implements such plan" to eliminate unnecessary words.

In subsection (b)(1) and (2), the words "a description of" are added for clarity.

REFERENCES IN TEXT

Section 3020 of the Federal Public Transportation Act of 2015, referred to in subsec. (b)(2)(D)(ii)(IV), is section 3020 of Pub. L. 114–94, Dec. 4, 2015, 129 Stat. 1491 , which is not classified to the Code.

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsecs. (c)(2), (d)(2), (3)(B), (e)(7)(A), (j)(2), and (k), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under [section 101 of Title 23, Highways](#).

AMENDMENTS

2015-Subsec. (b)(2)(D), (E). Pub. L. 114–94, §3013(1), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (e)(8) to (10). Pub. L. 114–94, §3013(2), added par. (8) and redesignated former pars. (8) and (9) as (9) and (10), respectively.

Subsec. (f)(2). Pub. L. 114–94, §3013(3), which directed insertion of "or the public transportation industry generally" after "recipients", was executed by making the insertion after "recipient", to reflect the probable intent of Congress.

Subsec. (g)(1). Pub. L. 114–94, §3013(4)(A), substituted "a recipient" for "an eligible State, as defined in subsection (e)," in introductory provisions.

Subsec. (g)(1)(E). Pub. L. 114–94, §3013(4)(B)–(D), added subpar. (E).

Subsec. (g)(2)(A). Pub. L. 114–94, §3013(5), inserted "or withhold funds" after "use of funds" and "or (1)(E)" after "paragraph (1)(D)".

Subsec. (h). Pub. L. 114–94, §3013(6), added subsec. (h) and struck out former subsec. (h), which related to cost-benefit analysis.

2012-Pub. L. 112–141 amended section generally. Prior to amendment, section related to investigations of safety hazards and security risks.

2005-Pub. L. 109–59 amended section catchline and text generally, substituting provisions relating to investigations of safety hazards and security risks for provisions relating to investigation of safety hazards.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under [section 5313 of Title 5](#), Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under [section 101 of Title 23](#), Highways.

IMPROVED PUBLIC TRANSPORTATION SAFETY MEASURES

Pub. L. 114–94, div. A, title III, §3022, Dec. 4, 2015, 129 Stat. 1493 , provided that:

"(a) Requirements.-Not later than 90 days after publication of the report required in section 3020, the Secretary [of Transportation] shall issue a notice of proposed rulemaking on protecting public transportation operators from the risk of assault.

"(b) Consideration.-In the proposed rulemaking, the Secretary shall consider-

"(1) different safety needs of drivers of different modes;

"(2) differences in operating environments;

"(3) the use of technology to mitigate driver assault risks;

"(4) existing experience, from both agencies and operators that already are using or testing driver assault mitigation infrastructure; and

"(5) the impact of the rule on future rolling stock procurements and vehicles currently in revenue service.

"(c) Savings Clause.-Nothing in this section may be construed as prohibiting the Secretary from issuing different comprehensive worker protections, including standards for mitigating assaults."

[http://uscode.house.gov/view.xhtml?req=\(title:49 section:5329 edition:prelim\) OR \(granuleid:USC-prelim-title49-section5329\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscode.house.gov/view.xhtml?req=(title:49 section:5329 edition:prelim) OR (granuleid:USC-prelim-title49-section5329)&f=treesort&edition=prelim&num=0&jumpTo=true)

Subpart A—General Provisions

§674.1 Purpose.

This part carries out the mandate of 49 U.S.C. 5329(e) for State safety oversight of rail fixed guideway public transportation systems.

§674.3 Applicability.

This part applies to States with rail fixed guideway public transportation systems; State safety oversight agencies that oversee the safety of rail fixed guideway public transportation systems; and entities that own or operate rail fixed guideway public transportation systems with Federal financial assistance authorized under 49 U.S.C. Chapter 53.

§674.5 Policy.

- (a) In accordance with 49 U.S.C. 5329(e), a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have sufficient authority, resources, and qualified personnel to oversee the number, size, and complexity of rail fixed guideway public transportation systems that operate within a State.
- (b) FTA will make Federal financial assistance available to help an eligible State develop or carry out its State safety oversight program. Also, FTA will certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of the public transportation safety programs codified at 49 U.S.C. 5329.

§674.7 Definitions.

As used in this part:

Accident means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause. An accident must be reported in accordance with the thresholds for notification and reporting set forth in Appendix A to this part.

Accountable Executive means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Administrator means the Federal Transit Administrator or the Administrator's designee.

Contractor means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.

Corrective action plan means a plan developed by a Rail Transit Agency that describes the actions the Rail Transit Agency will take to minimize, control, correct, or eliminate risks and hazards, and

the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require a Rail Transit Agency to develop and carry out a corrective action plan.

Event means an Accident, Incident or Occurrence.

FRA means the Federal Railroad Administration, an agency within the United States Department of Transportation.

FTA means the Federal Transit Administration, an agency within the United States Department of Transportation.

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a rail fixed guideway public transportation system; or damage to the environment.

Incident means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in Appendix A to this part. If a rail transit agency or State Safety Oversight Agency later determines that an Incident meets the definition of Accident in this section, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in Appendix A to this part.

Investigation means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

NTSB means the National Transportation Safety Board, an independent Federal agency.

Occurrence means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a rail transit agency.

Person means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

Public Transportation Agency Safety Plan (PTASP) means the comprehensive agency safety plan for a transit agency, including a Rail Transit Agency, that is required by 49 U.S.C. 5329(d) and based on a Safety Management System. Until one year after the effective date of FTA's PTASP final rule, a System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 will serve as the rail transit agency's safety plan.

Public Transportation Safety Certification Training Program means either the certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 U.S.C. 5329(c)(2), or the program authorized by 49 U.S.C. 5329(c)(1).

Rail fixed guideway public transportation system means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to

the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail Transit Agency (RTA) means any entity that provides services on a rail fixed guideway public transportation system.

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk mitigation means a method or methods to eliminate or reduce the effects of hazards.

Safety risk management means a process within a Rail Transit Agency's Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

Serious injury means any injury which:

- (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;
- (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
- (3) Causes severe hemorrhages, nerve, muscle, or tendon damage;
- (4) Involves any internal organ; or
- (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State Safety Oversight Agency (SSOA) means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in this part.

Vehicle means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

§674.9 Transition from previous requirements for State safety oversight.

- (a) Pursuant to section 20030(e) of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) (“MAP-21”), the statute now codified at 49 U.S.C. 5330, titled “State safety oversight,” will be repealed three years after the effective date of the regulations set forth in this part.
- (b) No later than three years after the effective date of the regulations set forth in this part, the regulations now codified at part 659 of this chapter will be rescinded.
- (c) A System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 shall serve as the rail transit agency's safety plan until one year one year after the effective date of the Public Transportation Agency Safety Plan final rule, which will be codified in part 673 of this chapter.

Subpart B—Role of the State

§674.11 State Safety Oversight Program.

Within three years of April 15, 2016, every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(9). At minimum, an SSO program must:

- (a) Explicitly acknowledge the State's responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State;
- (b) Demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems;
- (c) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329(e) and this part;
- (d) Demonstrate that the State has determined an appropriate staffing level for the State safety oversight agency commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the State, and that the State has consulted with the Administrator for that purpose;
- (e) Demonstrate that the employees and other personnel of the State safety oversight agency who are responsible for the oversight of rail fixed guideway public transportation systems are qualified to perform their functions, based on appropriate training, including substantial progress toward or completion of the Public Transportation Safety Certification Training Program; and
- (f) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.

§674.13 Designation of oversight agency.

- (a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329(e) must also establish a SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:
 - (1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee;
 - (2) The SSOA does not directly provide public transportation services in an area with a rail fixed guideway public transportation system the SSOA is obliged to oversee;
 - (3) The SSOA does not employ any individual who is also responsible for administering a rail fixed guideway public transportation system the SSOA is obliged to oversee;
 - (4) The SSOA has authority to review, approve, oversee, and enforce the public transportation agency safety plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d);
 - (5) The SSOA has investigative and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State;

- (6) At least once every three years, the SSOA audits every rail fixed guideway public transportation system's compliance with the public transportation agency safety plan required by 49 U.S.C. 5329(d); and
 - (7) At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the board of directors, or equivalent entity, of the rail fixed guideway public transportation system.
- (b) At the request of the Governor of a State, the Administrator may waive the requirements for financial and legal independence and the prohibitions on employee conflict of interest under paragraphs (a)(1) and (3) of this section, if the rail fixed guideway public transportation systems in design, construction, or revenue operations in the State have fewer than one million combined actual and projected rail fixed guideway revenue miles per year or provide fewer than ten million combined actual and projected unlinked passenger trips per year. However:
- (1) If a State shares jurisdiction over one or more rail fixed guideway public transportation systems with another State, and has one or more rail fixed guideway public transportation systems that are not shared with another State, the revenue miles and unlinked passenger trips of the rail fixed guideway public transportation system under shared jurisdiction will not be counted in the Administrator's decision whether to issue a waiver.
 - (2) The Administrator will rescind a waiver issued under this subsection if the number of revenue miles per year or unlinked passenger trips per year increases beyond the thresholds specified in this subsection.

§674.15 Designation of oversight agency for multi-state system.

In an instance of a rail fixed guideway public transportation system that operates in more than one State, all States in which that rail fixed guideway public transportation system operates must either:

- (a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator; or
- (b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator.

§674.17 Use of Federal financial assistance.

- (a) In accordance with 49 U.S.C. 5329(e)(6), FTA will make grants of Federal financial assistance to eligible States to help the States develop and carry out their SSO programs. This Federal financial assistance may be used for reimbursement of both the operational and administrative expenses of SSO programs, consistent with the uniform administrative requirements for grants to States under 2 CFR parts 200 and 1201. The expenses eligible for reimbursement include, specifically, the expense of employee training and the expense of establishing and maintaining a SSOA in compliance with 49 U.S.C. 5329(e)(4).

- (b) The apportionments of available Federal financial assistance to eligible States will be made in accordance with a formula, established by the Administrator, following opportunity for public notice and comment. The formula will take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems within each eligible State not subject to the jurisdiction of the FRA.
- (c) The grants of Federal financial assistance for State safety oversight shall be subject to terms and conditions as the Administrator deems appropriate.
- (d) The Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.
- (e) The non-Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency.

§674.19 Certification of a State Safety Oversight Program.

- (a) The Administrator must determine whether a State's SSO program meets the requirements of 49 U.S.C. 5329(e). Also, the Administrator must determine whether a SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans.
- (b) The Administrator must issue a certification to a State whose SSO program meets the requirements of 49 U.S.C. 5329(e). The Administrator must issue a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e).
- (c) In an instance in which the Administrator issues a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e), the Administrator must provide a written explanation, and allow the State an opportunity to modify and resubmit its SSO program for the Administrator's approval. In the event the State is unable to modify its SSO program to merit the Administrator's issuance of a certification, the Administrator must notify the Governor of that fact, and must ask the Governor to take all possible actions to correct the deficiencies that are precluding the issuance of a certification for the SSO program. In his or her discretion, the Administrator may also impose financial penalties as authorized by 49 U.S.C. 5329(e), which may include:
 - (1) Withholding SSO grant funds from the State;
 - (2) Withholding up to five percent of the 49 U.S.C. 5307 Urbanized Area formula funds appropriated for use in the State or urbanized area in the State, until such time as the SSO program can be certified; or
 - (3) Requiring all rail fixed guideway public transportation systems governed by the SSO program to spend up to 100 percent of their Federal funding under 49 U.S.C. chapter 53 only for safety-related improvements on their systems, until such time as the SSO program can be certified.
- (d) In making a determination whether to issue a certification or a denial of certification for a SSO program, the Administrator must evaluate whether the cognizant SSOA has sufficient

authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State, or will attain the necessary authority, resources, and expertise in accordance with a developmental plan and schedule set forth to a sufficient level of detail in the SSO program.

§674.21 Withholding of Federal financial assistance for noncompliance.

- (a) In making a decision to impose financial penalties as authorized by 49 U.S.C. 5329(e), and determining the nature and amount of the financial penalties, the Administrator shall consider the extent and circumstances of the noncompliance; the operating budgets of the SSOA and the rail fixed guideway public transportation systems that will be affected by the financial penalties; and such other matters as justice may require.
- (b) If a State fails to establish a SSO program that has been approved by the Administrator within three years of the effective date of this part, FTA will be prohibited from obligating Federal financial assistance apportioned under 49 U.S.C. 5338 to any entity in the State that is otherwise eligible to receive that Federal financial assistance, in accordance with 49 U.S.C. 5329(e)(3).

§674.23 Confidentiality of information.

- (a) A State, an SSOA, or an RTA may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.
- (b) This part does not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.

Subpart C—State Safety Oversight Agencies

§674.25 Role of the State safety oversight agency.

- (a) An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.
- (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 a 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(d).
- (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.
- (e) An SSOA may enter into an agreement with a contractor for assistance in overseeing accident investigations; performing independent accident investigations; and reviewing incidents and occurrences; and for expertise the SSOA does not have within its own organization.
- (f) All personnel and contractors employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program as applicable.

§674.27 State safety oversight program standards.

- (a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:
 - (1) Program management. The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.
 - (2) Program standard development. The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.
 - (3) Program policy and objectives. The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.
 - (4) Oversight of Rail Public Transportation Agency Safety Plans and Transit Agencies' internal safety reviews. The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's accountable executive. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its rail fixed guideway public transportation system.

- (5) Triennial SSOA audits of Rail Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.
 - (6) Accident notification. The SSO program standard must establish requirements for an RTA to notify the SSOA of accidents on the RTA's rail fixed guideway public transportation system. These requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.
 - (7) Investigations. The SSO program standard must identify thresholds for accidents that require the RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.
 - (8) Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a Corrective Action Plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP, and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.
- (b) At least once a year an SSOA must submit its SSO program standard and any referenced program procedures to FTA, with an indication of any revisions made to the program standard since the last annual submittal. FTA will evaluate the SSOA's program standard as part of its continuous evaluation of the State Safety Oversight Program, and in preparing FTA's report to Congress on the certification status of that State Safety Oversight Program, in accordance with 49 U.S.C. 5329.

§674.29 Public Transportation Agency Safety Plans: general requirements.

- (a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system, an SSOA must evaluate whether the Public Transportation Agency Safety Plan is consistent with the regulations implementing such Plans; is consistent with the National Public Transportation Safety Plan; and is in compliance with the program standard set by the SSOA.
- (b) In determining whether a Public Transportation Agency Safety Plan is compliant with 49 CFR part 673, an SSOA must determine, specifically, whether the Public Transportation Agency Safety Plan is approved by the RTA's board of directors or equivalent entity; sets forth a sufficiently explicit process for safety risk management, with adequate means of risk

mitigation for the rail fixed guideway public transportation system; includes a process and timeline for annually reviewing and updating the safety plan; includes a comprehensive staff training program for the operations personnel directly responsible for the safety of the RTA; identifies an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the RTA; includes adequate methods to support the execution of the Public Transportation Agency Safety Plan by all employees, agents, and contractors for the rail fixed guideway public transportation system; and sufficiently addresses other requirements under the regulations at 49 CFR part 673.

- (c) In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation, and allow the RTA an opportunity to modify and resubmit its Public Transportation Agency Safety Plan for the SSOA's approval.

§674.31 Triennial audits: general requirements.

At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

§674.33 Notifications of accidents.

- (a) Two-hour notification. In addition to the requirements for accident notification set forth in an SSO program standard, an RTA must notify both the SSOA and the FTA within two hours of any accident occurring on a rail fixed guideway public transportation system. The criteria and thresholds for accident notification and reporting are defined in a reporting manual developed for the electronic reporting system specified by FTA as required in §674.39(b), and in appendix A.
- (b) FRA notification. In any instance in which an RTA must notify the FRA of an accident as defined by 49 CFR 225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA.

§674.35 Investigations.

- (a) An SSOA 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.

- (c) All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.
- (d) The Administrator may conduct an independent investigation of any accident or an independent review of an SSOA's or an RTA's findings of causation of an accident.

§674.37 Corrective action plans.

- (a) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.
- (b) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

§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.

§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.

Appendix to Part 674—Notification and Reporting of Accidents, Incidents, and Occurrences

Event/threshold	Human factors	Property damage	Types of events (examples)	Actions
Accident: Rail Transit Agency (RTA) to Notify State Safety Oversight Agency (SSOA) SSO and Federal Transit Administration (FTA) within two hours	—Fatality (occurring at the scene or within 30 days following the accident) —One or more persons suffering serious injury (Serious injury means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.)	—Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle	—A collision between a rail transit vehicle and another rail transit vehicle —A collision at a grade crossing resulting in serious injury or fatality —A collision with a person resulting in serious injury or fatality —A collision with an object resulting in serious injury or fatality —A runaway train. —Evacuation due to life safety reasons. —A derailment (mainline or yard). —Fires resulting in a serious injury or fatality.	—RTA to notify SSOA and FTA within 2 hours; Investigation required. —RTA to report to FTA within 30 days via the National Transit Database (NTD). —RTA to record for SMS Analysis.
Incident: RTA to Report to FTA (NTD) within 30 days	—A personal injury that is not a serious injury —One or more injuries requiring medical transportation away from the event	—Non-collision-related damage to equipment, rolling stock, or infrastructure that disrupts the	—Evacuation of a train into the right-of-way or onto adjacent track; or customer self-evacuation —Certain low-speed collisions involving a	—RTA to report to FTA within 30 days via the National Transit Database (NTD). —RTA to record for SMS Analysis.

		operations of a transit agency	<ul style="list-style-type: none"> rail transit vehicle that result in a non-serious injury or property damage —Damage to catenary or third-rail equipment that disrupts transit operations —Fires that result in a non-serious injury or property damage —A train stopping due to an obstruction in the tracks/“hard stops” —Most hazardous material spills. 	
Occurrence: RTA to record data and make available for SSO and/or FTA review	—No personal injury	<ul style="list-style-type: none"> —Non-collision-related damage to equipment, rolling stock, or infrastructure that does not disrupt the operations of a transit agency 	<ul style="list-style-type: none"> —Close Calls/Near Misses —Safety rule violations. —Violations of safety policies. —Damage to catenary or third-rail equipment that do not disrupt operations. —Vandalism or theft. 	<ul style="list-style-type: none"> —RTA will collect, track and analyze data on Occurrences to reduce the likelihood of recurrence and inform the practice of SMS.

<https://ecfr.io/Title-49/pt49.7.674>

State Authorizing Documents

Wis. Stats. s. 85.066 (2015)
Wis. Admin. Code Trans 10 (2018)
Delegation Letters (2000-2015)

85.066 Transit safety oversight program.

(1) DEFINITION. In this section, "rail fixed guideway transportation system" means a public transportation system being designed, engineered, constructed, or operated that is intended to operate upon a fixed guideway, including a railway, and that is not subject to regulation by the federal railroad administration.

(2) PROGRAM AND FUNDING. The department shall develop and administer a transit safety oversight program. Under the program, the department may oversee, enforce, investigate, and audit all safety aspects of rail fixed guideway transportation systems.

(3) EXPENDITURES RELATED TO CERTAIN TRANSPORTATION SYSTEMS IN A FIRST CLASS CITY. The following may not incur any direct or indirect expenses, including the forfeiture of any revenue, relating to the operation or construction of a rail fixed guideway transportation system in a 1st class city unless the expense incurred or revenue forfeited will be fully reimbursed by the 1st class city:

- (a) Except as required to comply with the requirements under [49 USC 5329](#), the state.
- (b) An agency, as defined in [s. 16.52 \(7\)](#).
- (c) A county in which the 1st class city is located.

(4) REIMBURSEMENT. If a person restricted from incurring expenses under sub. (3), with the approval of the 1st class city, incurs a direct or indirect expense, including the forfeiture of any revenue, relating to the operation or construction of a rail fixed guideway transportation system in a 1st class city, the 1st class city shall fully reimburse the person for the expense.

History: 2015 a. 55; 2017 a. 59.

Wisconsin Admin. Code – Chapter Transportation 10

Trans 10.01 Purpose and scope.

- (1) **STATUTORY AUTHORITY.** This chapter interprets and implements s. 85.066(2), Stats., and establishes the administrative policies and procedures for the transit safety oversight program for rail fixed guideway transportation systems in the state, in accordance with 49 U.S.C. § 5329 and 49 CFR Part 674.
- (2) **APPLICABILITY.** This chapter applies to the department and any person that owns, operates, or provides services on a rail fixed guideway transportation system in the state.

Trans 10.02 Definitions.

In this chapter:

- (1) “Agency safety plan” means the document or documents describing a rail transit agency’s safety policies, objectives, responsibilities, and procedures.¹
- (2) “Department” means the Wisconsin department of transportation.
- (3) “FTA” means the federal transit administration, an agency within the United States department of transportation.
- (4) “National public transportation safety plan” means the federal plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.²
- (5) “Person” means any natural person, partnership, corporation, business entity, or governmental body.
- (6) “Public transportation safety certification training program” means either the federal interim provisions made in accordance with 49 U.S.C. § 5329(c)(2), or the federal program authorized by 49 U.S.C. § 5329(c)(1).³
- (7) “Rail fixed guideway transportation system” or “rail transit system” has the same meaning given in s. 85.066(1), Stats.⁴
- (8) “Rail transit agency” means any person who provides services on a rail fixed guideway transportation system.⁵

Trans 10.03 Transit safety oversight program.

- (1) **DESIGNATION OF OVERSIGHT AGENCY.** The department is the designated state safety oversight agency for the state, and shall develop and administer the transit safety oversight program for rail fixed guideway transportation systems in the state, as authorized by s. 85.066(2), Stats., and as required by 49 U.S.C. § 5329 and 49 CFR Part 674.
- (2) **REQUIREMENTS OF OVERSIGHT AGENCY.** The department shall, per requirements under 49 CFR Part 674, do all of the following:
 - (a) Unless relieved of such requirement by federal waiver, the department shall do all of the following:
 1. Remain financially and legally independent from any rail transit agency under the department’s oversight under this chapter.

¹ Note: Refers to the same document or documents defined in 49 CFR 647.7.

² Note: Refers to the same plan defined in 49 CFR 647.7.

³ Note: Refers to the same training program defined in 49 CFR 647.7.

⁴ Note: Refers to the same systems as “rail fixed guideway public transportation system” defined in 49 CFR 674.7.

⁵ Note: Refers to the same agencies as “rail transit agency” defined in 49 CFR 674.7.

2. Prohibit any rail transit agency under the department's oversight under this chapter from providing funds to the department.
 3. Prohibit department provision of direct public transportation services in an area with a rail fixed guideway transportation system under the department's oversight.
 - (b) Prohibit departmental employment of any individual who administers, provides services to, or serves as a contractor for, a rail fixed guideway transportation system under the department's oversight.
 - (c) Determine whether departmental employees or other personnel responsible for safety oversight of rail fixed guideway transportation systems under the department's oversight are qualified to perform their functions by ensuring compliance with requirements of the public transportation safety certification training program, as applicable.
- (3) **AUTHORITY OF OVERSIGHT AGENCY.** The department shall oversee, enforce, investigate, and audit all safety aspects of all rail fixed guideway transportation systems in the state, in accordance with the program standard established under this chapter and applicable federal and state law, by doing all of the following:
- (a) Reviewing and approving the agency safety plan of each rail transit agency for all rail fixed guideway transportation systems under the department's oversight.
 - (b) Overseeing and enforcing 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.
 - (c) Auditing a rail transit agency's compliance with its agency safety plan at least once every three years.
 - (d) Conducting, or causing to be conducted, inspections, audits, or investigations, of safety-related events and deviations in compliance by a rail transit agency from its agency safety plan.
 - (e) Adopting and enforcing minimum standards for the safety of rail fixed guideway transportation systems under the department's oversight.

Trans 10.04 State safety oversight program standard.

The department shall adopt and distribute a written state safety oversight program standard, as required by 49 CFR 674.27 and consistent with the national public transportation safety plan. The department shall annually submit to FTA any revisions of its program standard, and shall distribute the most recent version of the program standard evaluated by FTA to all rail transit agencies under the department's oversight.⁶

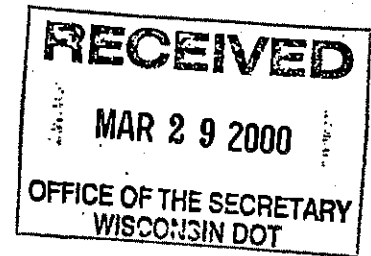
⁶ Note: The current version of the state safety oversight program standard is Revision 4.0, dated January 15, 2013, which is on file with the department's Public and Specialized Transit Section and available by accessing the department's public website or upon request.

Delegation Letters



TOMMY G. THOMPSON

**Governor
State of Wisconsin**



March 22, 2000

Charles H. Thompson, Secretary
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Rm. 120B
P.O. Box 7910
Madison, WI 53707

Dear Secretary Thompson:

Federal Transit Administration (FTA) regulations require states that have FTA funded rail systems to designate a state agency responsible for rail safety oversight for these transit systems.

While Wisconsin currently has no urban passenger rail or fixed guideway systems that qualify under the rule, the downtown circulator currently under construction in Kenosha will qualify when completed later this year. Design and construction costs for this system were FTA funded, and Kenosha is intending to use FTA funds to offset operating costs.

The designated agency is responsible for overseeing rail fixed guideway systems' safety practices. The oversight agency's initial responsibility will be to establish standards to be used by the transit system in preparing a rail system safety program plan, and to review and approve this plan. On an ongoing basis, the oversight agency's responsibility is to ensure that the transit system is complying with the plan. Specific tasks include investigating accidents and unacceptable hazardous conditions, reviewing corrective action plans prepared by the transit system, conducting safety reviews every three years, and preparing reports to submit to the Federal Transit Administration.

With this letter, I am designating the Wisconsin Department of Transportation as the state agency responsible for administering the state safety oversight program for urban passenger rail fixed guideway systems in Wisconsin that do not fall under the authority of the Federal Railroad Administration. In this role, the Department of Transportation will be responsible for all activities necessary to comply with title 49 of the Code of Federal Regulations, Part 659.

Sincerely,


TOMMY G. THOMPSON
Governor

cc: R. Field, FTA
J. Ettinger, FTA



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of the Secretary
4802 Sheboygan Ave., Rm. 120B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-1113
FAX: 608-266-9912
E-Mail: sec.exec@dot.state.wi.us

April 19, 2000

Ernie Wittwer, Administrator
Division of Transportation
Investment Management
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Rm. 951
Madison, WI 53707

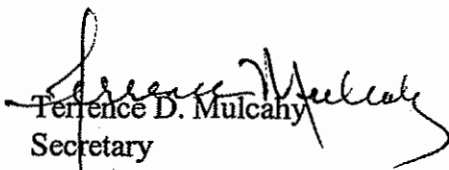
Dear Mr. Wittwer:

As you know, Governor Thompson has designated the Wisconsin Department Of Transportation as the state agency responsible for administering the state safety oversight program for urban passenger rail fixed guideway systems in Wisconsin that do not fall under the authority of the Federal Railroad Administration. In this role, the Department is responsible for all activities necessary to comply with title 49 of the Code of Federal Regulations, Part 659.

The federal regulations require the designated agency to oversee rail fixed guideway systems' safety practices. The Department's initial responsibility will be to establish standards to be used by the transit system in preparing a rail system safety program plan, and to review and approve this plan. On an ongoing basis, the Department's responsibility is to ensure that the transit system is complying with this plan. Specific tasks include investigating accidents and unacceptable hazardous conditions, reviewing corrective action plans prepared by the transit system, conducting safety reviews every three years, and preparing reports to submit to the Federal Transit Administration.

With this letter, I am delegating all responsibilities associated with safety oversight of urban passenger rail fixed guideway systems in Wisconsin that are not regulated by the Federal Railroad Administration to the Division of Transportation Investment Management, Bureau of Transit and Local Roads. Public Transit Section.

Sincerely,


Terrence D. Mulcahy
Secretary



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

February 20, 2014

Mark Gottlieb, P.E., Secretary
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 120B
P.O. Box 7910
Madison, WI 53707

Dear Secretary Gottlieb:

A new State Safety Oversight Program authorized by 49 U.S.C. § 5329(e) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), contains substantial change in the way in which public transportation safety will be addressed by states and the Federal Transit Administration (FTA). The rail safety provisions of MAP-21 apply to every state that has a rail fixed guideway public transportation system already in operation, or in engineering or construction, which is not subject to regulation by the Federal Railroad Administration (FRA). MAP-21 requires that each state with a rail fixed guideway transit system establish a State Safety Oversight (SSO) agency.

The designated agency serving as SSOA will:

- Be legally and financially independent of the rail transit systems it will oversee;
- Have adequate authority to oversee those systems including enforcement of each systems' safety plan; and
- Have adequate resources for appropriate staffing to carry out these responsibilities.

MAP-21 authorizes approximately \$44 million in FFY2013 and FFY2014 funding to assist 30 states in meeting the rigorous requirements of the law. Under this provision, FTA may issue grants for up to 80% of the reasonable costs of an SSO program.

With this letter, I am designating the Wisconsin Department of Transportation as the agency responsible for administering the State Safety Oversight Program for rail fixed guideway public transportation systems in Wisconsin that do not fall under the authority of the FRA. In this role, the Department will be responsible for all activities necessary to transition from the current 49 CFR part 659 rail safety provisions to a new MAP-21 compliant program. As the State Safety Oversight Agency for Wisconsin, the Department will be the recipient of the MAP-21 5329(e) funds available to Wisconsin.

Sincerely,

Scott Walker
Governor

cc: Marisol Simón, FTA
Duana Love, FTA



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Scott Walker
Governor

Mark Gottlieb, P.E.
Secretary

Office of the Secretary
4802 Sheboygan Avenue, Room 120B
P O Box 7910
Madison, WI 53707-7910

Telephone: 608-266-1113
FAX: 608-266-9912
E-mail: sec.exec@dot.wi.gov

February 21, 2014

Aileen Switzer, Administrator
Division of Transportation Investment Management
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Rm. 951
Madison, WI 53707

Dear Ms. Switzer:

Governor Walker has designated the Wisconsin Department of Transportation as the state agency responsible for administering the State Safety Oversight Program for rail fixed guideway public transportation systems in Wisconsin that do not fall under the authority of the Federal Railroad Administration. In this role as State Safety Oversight Agency (SSOA), the Department is responsible for all activities necessary to comply with the rail safety provisions of MAP-21.

To meet the MAP-21 requirements and adequately promote the purposes of safety in public transportation, appropriate steps will be taken to ensure the SSOA will:

- Be legally and financially independent of the rail transit systems it will oversee;
- Have adequate authority to oversee those systems including enforcement of each systems' safety plan; and
- Have adequate resources for appropriate staffing to carry out these responsibilities.

Federal Transit Administration grant funds will be available to assist in meeting the rigorous requirements of the law.

With this letter, I am delegating all responsibilities associated with the State Safety Oversight Program to the Division of Transportation Investment Management, Bureau of Transit, Local Roads, Railroads and Harbors, Transit Section.

Sincerely,

A handwritten signature in black ink that reads "Mark Gottlieb".

Mark Gottlieb, P.E.
Secretary

WisDOT SSO Technical Training Plan (TTP)

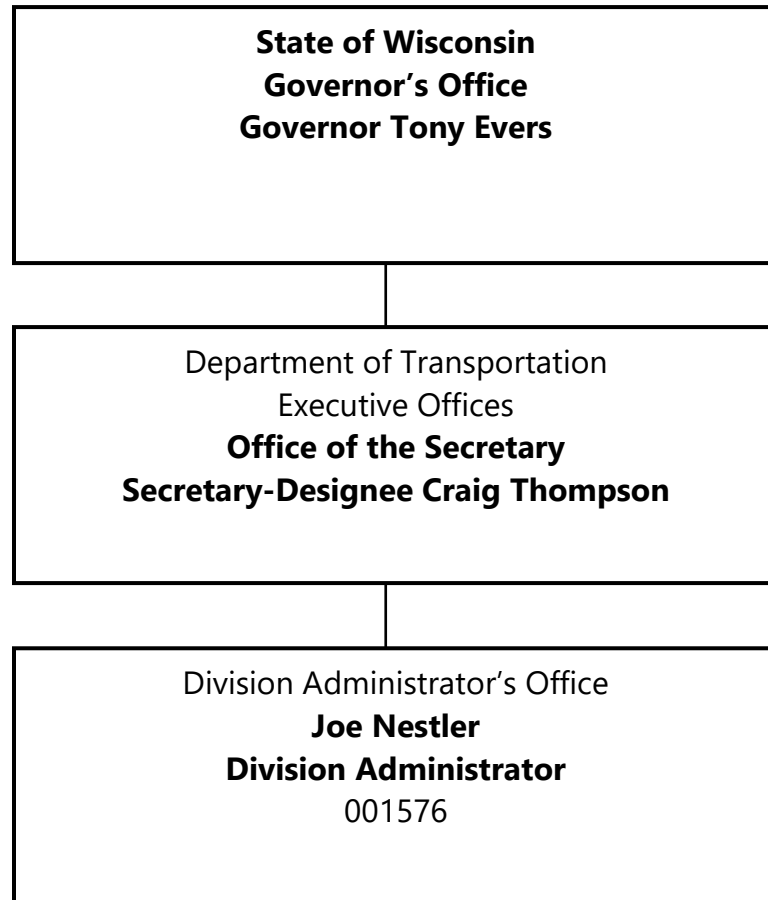
The WisDOT SSO Technical Training Plan (TTP) is a spreadsheet, linked here:



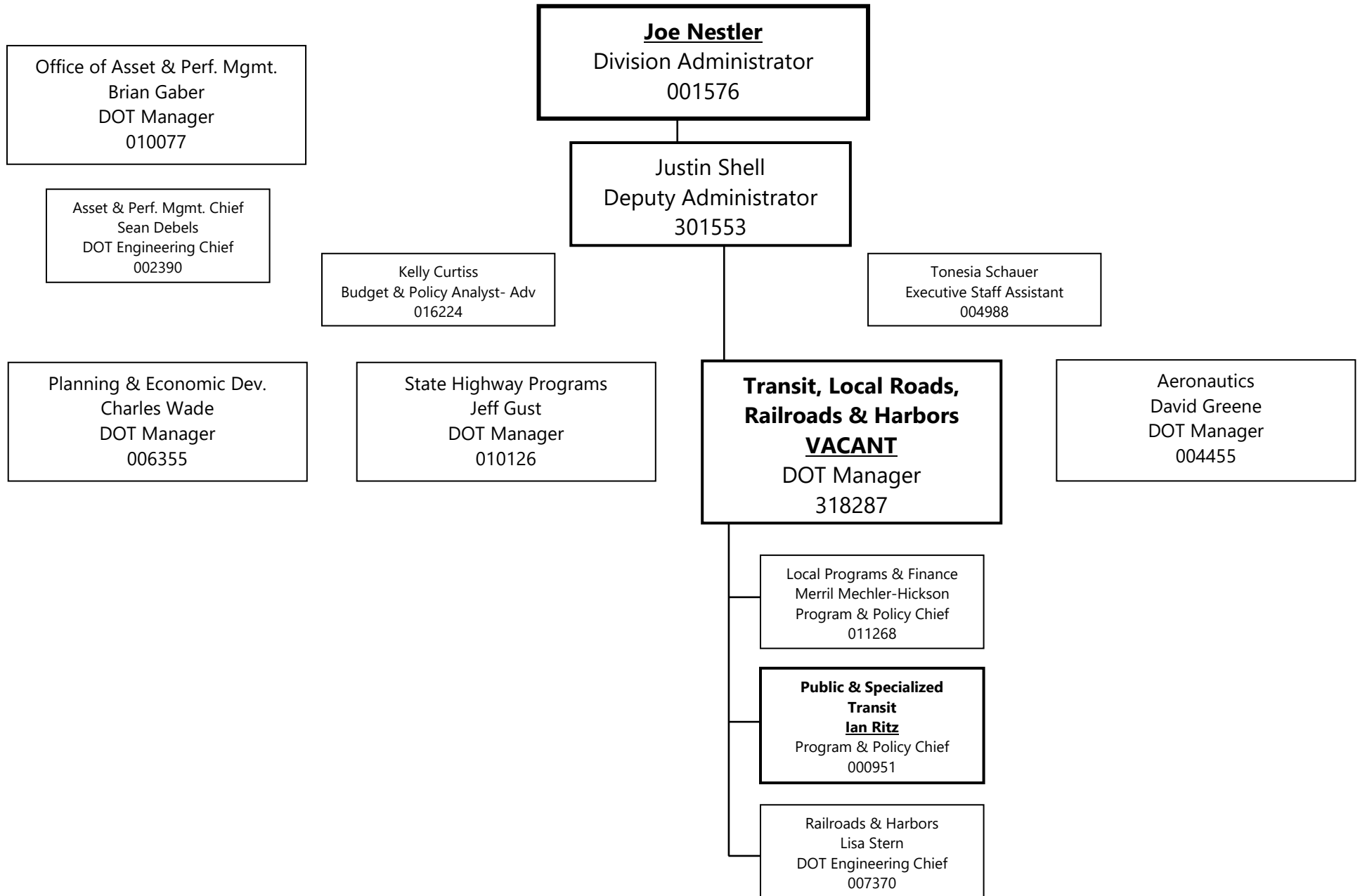
WI SSOA Technical
Training Plan 4-13-18.

For purposes of WisDOT's application for certification under 49 CFR Part 674, this spreadsheet was included as a separate file for ease of review by FTA – it will not be included in the published copy of WisDOT SSO Program Standard, but can be made available upon request to the WisDOT SSO program manager or Public and Specialized Transit Section.

WisDOT SSO Organization Chart (WisDOT and RTAs)



Department of Transportation (DOT)
Division of Transportation Investment Management (DTIM)
3/2/2021



Division of Transportation Investment Management (DTIM)
Bureau of Transit, Local Roads, Railroads & Harbors (BTLRRH)

3/2/2021

VACANT
DOT Manager – Bureau Director
318287

Kia Her
PPA Adv
321551

Local Transport Programs & Finance
Merrill Mechler-Hickson
Program & Policy Chief
011268

Public & Specialized Transit
Ian Ritz
Program & Policy Chief
000951

Railroads & Harbors
Lisa Stern
DOT Engineering Chief
007370

Fin. Admin & Compliance

Prog Develop & Analysis

Katie Patterson
PPA Adv – Lead
015915

Judy Egnor
PPA Adv
000659

Steve Hirshfeld
PPA Adv
335894

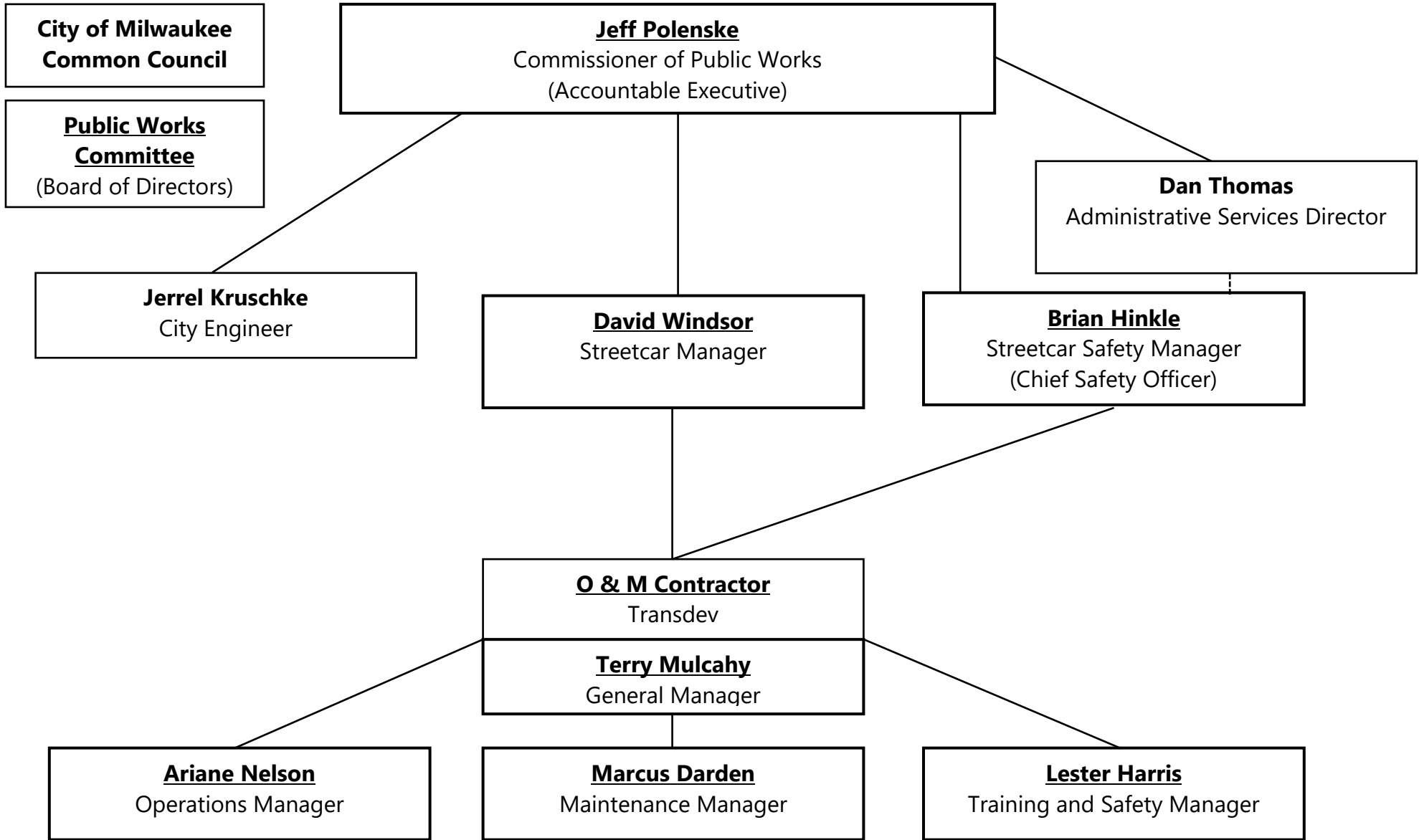
Eric Stoegbauer
PPA Adv
015909

Becky Soderholm
PPA Adv
333059

Lorrie Olson
PPA Adv
040782

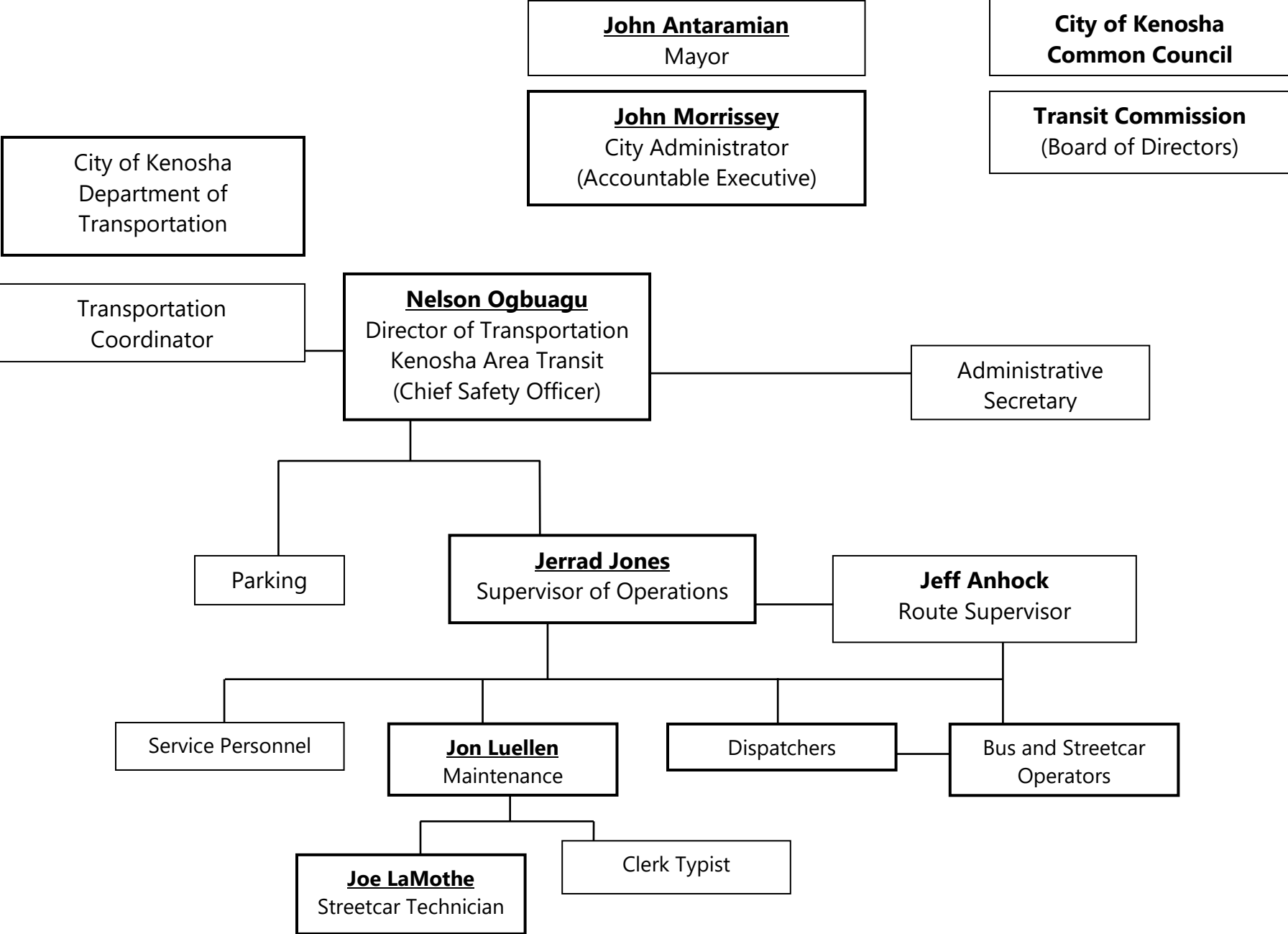
ORGANIZATION CHART – MILWAUKEE STREETCAR SYSTEM

City of Milwaukee – Department of Public Works



ORGANIZATION CHART – KENOSHA AREA TRANSIT

City of Kenosha – Transportation Department



WisDOT SSO Program Investigation Procedure

The WisDOT SSO program may choose to participate in or lead an investigation at an Wisconsin Rail Transit Agency (RTA). In all cases, it is assumed that the RTA will be at least the initial investigator, even if the WisDOT SSO program joins or leads the investigation. If-and-when the WisDOT SSO program team participates or leads an investigation, the adopted and approved investigation procedures from the RTA will be used, as well as applicable RTA safety procedures, as documented in the minimum safety standards.

In establishing these procedures, FTA expects that the SSO agency will address the following:

- Options to observe RTA investigation activities. The SSO agency may observe RTA staff during portions of the investigation, such as on-scene response or records reviews, attend and observe all meetings of the investigation team, and review all versions of reports and briefs resulting from investigation into safety events.
- Performing a checklist-based review of all accident investigations to ensure all required elements are included in the report.
- Performing an audit of accident investigations to examine: how evidence collected during the investigation is reflected in content of the final investigation report, strength of causal analysis determinations, and comprehensiveness of investigations.
- Performing an audit of the investigation process, including adherence to notification protocols, submission of draft reports, status updates, and final reports within required timeframes, and record keeping of final reports among other items.

There are several technical rail system and vehicle topics for which the WisDOT SSO team (including contractors and/or Wisconsin Federal Railroad Administration [FRA] Inspectors) might provide technical assistance and/or investigation services (as needed and resources allow), for topics such as the following:

- Track
 - Rails, ties, road bed, switches
- Structures, Tunnels, and supporting infrastructure
 - Including ventilation, end-of-line devices, braking strategies
- Stations and access areas
- Substations/power
 - Including grounding issues and safety placarding
- Power/Load Control/SCADA
- Overhead catenary/contact system (OCS)
- Radio control and communications
- Signals and control systems

- Including wayside signal huts and rooms
- Rail vehicles
- Rail vehicle maintenance facilities and special maintenance equipment
 - Including yard movement and control
- Rules and procedures for operations, maintenance, and command and control
 - Including Right-of-Way Worker Protection (RWP)
- Capital projects and safety and security certification and auditing/inspections

Notification

1. The WisDOT SSO program will inform the RTA of its decision to conduct or participate in an investigation, using investigation personnel distinct from the RTA staff.
2. The WisDOT SSO program will advise the RTA as to the personnel who will be participating or leading the investigation.
3. All WisDOT SSO program authorized investigation personnel have access to records, materials, data, analysis, and other information which is pertinent to the investigation. The RTA is expected to provide the WisDOT SSO program investigation team with the resources and information necessary to conduct the investigation in an effective and efficient manner.
4. The WisDOT SSO program investigation team will arrive at the RTA as soon as practicable, which will generally be within 5-6 hours. The WisDOT SSO program investigation team will not commence participation in the investigation until the RTA or other emergency response personnel have secured the scene. However, the WisDOT SSO program reserves the right to request that the RTA preserve the scene, to the maximum extent feasible, until arrival and start of participation in the investigation.

Information Collection and Analysis

1. The WisDOT SSO program investigation team will observe or participate in field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation.
2. The WisDOT SSO program investigation team will observe or participate in assessing physical evidence of the scene and document the environmental and physical factors of the scene through measurements, diagrams, and photographs.
3. As part of the investigation, the WisDOT SSO program investigation team will observe or participate in assessing compliance with operating rules and procedures; conducting follow-up interviews (if required); analyzing employee

records and the results of post-accident drug and alcohol tests; and conducting vehicle and equipment inspections.

4. If the WisDOT SSO program investigation team requires information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this information or analysis in a written request to the RTA.

Reporting and Recommendations

1. Upon completion of the on-site and off-site investigation requirements, the WisDOT SSO program investigation team will participate or lead in preparing a draft investigation report.
2. All information gathered from the investigation will be documented and included in the investigation report.
3. The WisDOT SSO program investigation team and the RTA will coordinate review and completion of the investigation report. The progress and final reports will follow the process described in Section 7 of the WisDOT SSO Program Standard. Any disagreements between the WisDOT SSO program investigation team and the RTA will be either resolved through discussion or documented as part of the investigation report.
4. A final investigation report will be adopted and approved or issued by the WisDOT SSO program and shared with the RTA.

Follow-up

1. The final investigation report may contain findings and recommendations for addressing all deficiencies or unsafe conditions identified during the investigation process. The RTA will be responsible for developing appropriate CAPs for these issues from the investigation report, and the WisDOT SSO program will adopt and approve the agreed-to CAPs.

Interim PTASP Requirements

Appendix F Table of Contents

1. Executive Approval (Policy Statement)	6
2. Purpose, Goals and Objectives	6
2.1 Purpose.....	6
2.2 Goals.....	6
2.3 Objectives.....	7
3. Management Structure	8
3.1 Overview.....	8
3.1.1 General Overview and History of Transit Agency.....	8
3.1.2 Scope of Transit Services.....	8
3.1.3 Physical Plant.....	8
3.1.4 Operations.....	8
3.1.5 Maintenance.....	8
3.2 Integration of Safety Function.....	9
3.3 Lines of Authority for Safety.....	9
4. Plan Review and Modification	9
4.1 Annual SSPP Review.....	9
4.2 SSPP Control and Update Procedures.....	10
4.3 SSPP Review and Approval by the State Oversight Agency.....	10
4.4 SSPP Change Management.....	11
5. SSPP Implementation – Tasks and Activities	11
5.1 Overview.....	11
5.2 System Safety Function.....	11
5.2.1 Methodology Used by the System Safety Unit.....	11
5.3 Safety Responsibilities of Other Departments.....	12
5.4 Safety Task Responsibility Matrix (Or Narrative Description).....	12
6. Hazard Management Process	15
6.1 Overview.....	15
6.2 Hazard Management Process – Activities and Methodologies.....	15
6.3 Coordinating with the State Oversight Agency.....	20
7. Safety Certification	22
8. Managing Safety in System Modifications	24
9. Safety Data Acquisition	24
9.1 Data Acquisition Process.....	24
9.2 Access to Data.....	25
10. Accident/Incident Notification, Investigation and Reporting	25
10.1 Overview.....	25
10.2 Accident/Incident Investigation Criteria.....	25
10.3 Accident/Incident Investigation Procedures.....	26
10.4 Internal Notification Procedure.....	26
10.5 External Notification Procedure.....	26
10.6 Accident/Incident Reporting and Documentation.....	27
10.7 Corrective Action Resulting from Accident Investigation.....	27
10.8 Coordination with State Oversight Agency.....	28
11. Emergency Response Planning/Coordination/Training	28

11.1	<i>Responsibilities for Emergency Preparedness</i>	28
11.2	<i>Coordinated Schedule</i>	29
11.3	<i>Emergency Exercises</i>	30
11.4	<i>Emergency Procedures</i>	30
11.5	<i>Emergency Training</i>	31
11.6	<i>Familiarization Training</i>	31
12.	Internal Safety Audit Process	31
12.1	<i>Overview</i>	31
12.2	<i>Scope of Activities</i>	32
12.3	<i>Audit Process</i>	33
12.3.1	<i>Integrity of Audit Process</i>	33
12.3.2	<i>Cycle/Schedule</i>	33
12.3.3	<i>Checklists and Procedures</i>	33
12.3.4	<i>Audit Reporting</i>	34
12.3.5	<i>Annual Audit Report</i>	35
12.3.6	<i>Coordination with the Oversight Agency</i>	35
12.3.7	<i>Audit Completeness</i>	36
13.	Rules Compliance/Procedures Review	36
13.1	<i>Overview</i>	36
13.2	<i>Review of Rules and Procedures</i>	36
13.3	<i>Process for Ensuring Rules Compliance</i>	37
13.4	<i>Compliance Techniques – Operations and Maintenance Personnel</i>	37
13.5	<i>Compliance Techniques – Supervisory Personnel</i>	38
13.6	<i>Documentation</i>	38
14.	Facilities and Equipment Inspections	38
14.1	<i>Facilities and Equipment Subject to Inspection</i>	38
14.2	<i>Regular Inspection and Testing</i>	38
14.3	<i>Checklists</i>	39
14.4	<i>Coordination with Hazard Management Process</i>	40
15.	Maintenance Audits/Inspections	40
15.1	<i>Systems and Facilities Subject to Maintenance Program</i>	40
15.2	<i>Resolution of Audit/Inspection Findings</i>	40
15.3	<i>Checklists</i>	41
16.	Training and Certification Review/Audit	41
16.1	<i>Overview</i>	41
16.2	<i>Employee Safety</i>	41
16.3	<i>Contractor Safety</i>	42
16.4	<i>Record Keeping</i>	43
16.5	<i>Compliance with Training Requirements</i>	43
17.	Configuration Management	43
17.1	<i>Overview</i>	43
17.2	<i>Process for Changes</i>	44
17.3	<i>Authority for Change</i>	45
18.	Compliance with Local, State and Federal Requirements	45
18.1	<i>Employee Safety Program</i>	45
18.2	<i>Working on or near Rail Transit Controlled Property</i>	46
18.3	<i>Compliance with Required Safety Programs</i>	46

Appendix F

19.	Hazardous Materials	47
20.	Drug & Alcohol Abuse	47
21.	Procurement	49

1. Executive Approval (Policy Statement)

- **Element:** *A policy statement is developed for the System Safety Program Plan (SSPP).*

A policy statement must be provided which establishes the System Safety Program Plan (SSPP) as an operating document that has been prepared for, and approved by, rail transit agency top management.

- **Element:** *The policy statement describes the authority that establishes the SSPP, including statutory requirements and relationship with the oversight agency.*

The policy statement should define, as clearly as possible, the authority for the establishment and implementation of the SSPP. As appropriate, reference should be made to the authority provided by state and local statutes to develop and safely operate the rail transit system. The role of the oversight agency in requiring the SSPP and monitoring its establishment and implementation should be clearly described.

- **Element:** *The policy statement is signed and endorsed by the rail transit agency's chief executive.*

Reference should be made to management's approval, either by referencing the enabling signature on the title page or by other means.

2. Purpose, Goals and Objectives

2.1 PURPOSE

- **Element:** *The purpose of the SSPP is defined.*

This section must explain the purpose of the SSPP. The SSPP establishes the activities that must be performed by all departments within the rail transit agency to ensure safe operations and work practices. The SSPP establishes the safety philosophy of the rail transit agency and provides the means and authority for implementing that philosophy.

2.2 GOALS

- **Element:** *Goals are identified to ensure that the SSPP fulfills its purpose.*

This section of the SSPP should identify the goals developed by the rail transit agency to meet the purpose established for the SSPP. Goals are broad statements of ideal future conditions for the safety program that are desired by the rail transit agency, endorsed by top management, and are supported by specific objectives to aid in their attainment. Goals must be realistic and generally are presented in qualitative terms.

Sample goals may include the following:

- Identify, eliminate, minimize, and/or control safety hazards and their risks.
- Provide a superior level of safety in transportation operations.
- Achieve and maintain a superior level of safety in the agency's work environment.
- Comply with applicable requirements for regulatory agencies.
- Maximize the safety of future operations through the design and procurement process.

2.3 OBJECTIVES

- **Element:** *Objectives are identified to monitor and assess the achievement of goals.*

Objectives are the working elements of the SSPP, the means by which the identified goals are achieved. Unlike goals, objectives must be easily quantifiable. They must provide a framework for guiding the day-to-day activities that provide for a safe rail transit operation.

Sample objectives may include the following:

- Establish safety policies, procedures, and requirements that integrate safety into decision-making and operations.
 - Assign responsibilities related to safety policies, procedures, and requirements.
 - Verify adherence to safety policies, procedures, and requirements.
 - Thoroughly investigate all accidents, fires, injuries, and incidents as warranted.
 - Identify, analyze, and resolve all hazards in a timely manner.
 - Meet or exceed safety requirements in specifications; facility construction; equipment installation; and system testing, operations, and maintenance.
 - Meet or exceed safety requirements in vehicle operations and maintenance.
 - Evaluate and verify operational readiness of new transportation systems.
 - Establish standards, and procedures for safety training, and performance.
 - Evaluate routes and scheduling from a safety perspective.
- **Element:** *Stated management responsibilities are identified for the safety program to ensure that the goals and objectives are achieved.*

The SSPP should identify the titles and departments of persons responsible for developing and monitoring these goals and objectives. Quarterly, semi-annual, or annual reporting on the performance of the rail transit agency in meeting its goals and objectives should also be specified. Reports should be provided to the rail transit agency's executive leadership.

3. Management Structure

The primary purpose of this section is to provide organizational information and operating parameters for both those outside the organization that need to understand the rail transit system, and those inside the organization to have clearly defined lines of report and responsibility delineation. The information presented should be sufficient to allow non-technical and non-transit persons to understand the system and its basic operations.

3.1 OVERVIEW

- **Element:** *An overview of the management structure of the rail transit agency is provided including an organization chart.*

This section should provide a narrative description of the organization of the rail transit agency and include an organization chart. All major departments/functions should be introduced.

- **Element:** *Organizational structure is clearly defined and includes a brief description of: system history and scope of service, physical characteristics, operations, and maintenance.*

3.1.1 General Overview and History of Transit Agency

This section should describe when and how the rail transit agency was established, a brief history of service delivery, and major milestones in the rail transit agency's history.

3.1.2 Scope of Transit Services

This section should describe the various modes of transportation provided by the transit organization, including the number of passengers, the number of routes, the day and hours of service provided, and operational characteristics that could affect safety and security.

3.1.3 Physical Plant

This section should describe the size, location, and function of the transit agency's physical assets including: maintenance facilities, offices, stations, vehicles, signals, and structures for all modes.

3.1.4 Operations

The section should include a description of the role, the responsibilities and the organization of the operating departments.

3.1.5 Maintenance

This section should describe the role, the responsibilities, and the organization of the various maintenance departments. The type of maintenance required by each of the major systems and facilities should be briefly described.

3.2 INTEGRATION OF SAFETY FUNCTION

- **Element:** *A description of how the safety function is integrated into the rest of the rail transit organization is provided.*

This section of the SSPP should describe the organization of the rail transit safety function, and its relationship to the rail transit agency organization. An organizational chart of the system safety function should be provided as well as an organizational chart(s) demonstrating the relationship of the system safety function to the other rail transit agency departments/functions.

3.3 LINES OF AUTHORITY FOR SAFETY

- **Element:** *Clear identification of the lines of authority used by the rail transit agency to manage safety issues is provided.*

This section of the SSPP should describe the authority of the safety function to work with rail transit departments and executive leadership to receive information, identify safety concerns, conduct internal audits and inspections, develop recommendations and corrective action plans to address safety concerns, track and verify the implementation of recommendations and corrective action plans, and report, on a regular basis, to executive management.

4. Plan Review and Modification

4.1 ANNUAL SSPP REVIEW

- **Element:** *An annual assessment of whether the system safety program plan should be updated is specified.*

Once developed, the SSPP is vulnerable to becoming out-of-date if it is not revised to:

- Reflect changes in organizational structure or system characteristics;
- Review progress on tasks accomplished;
- Refine and improve the current task descriptions and activities;
- Identify new tasks required as the system grows or in response to new regulations; and
- Identify additional or emerging safety- and fire/life safety-related tasks and responsibilities.

On-going review and revision ensures the status of the SSPP as a “living document” at the rail transit agency.

As specified in 49 CFR Part 659 (§ 659.25), state oversight agencies must now require an annual review of the rail transit agency's SSPP to determine if it should be updated. This section of the SSPP should clarify that the rail transit agency will conduct a complete and thorough review of its SSPP annually. If an established schedule is in place to manage this annual review process, it should also be mentioned in this section. Any time-frames specified by the state oversight agency for this review should also be addressed.

4.2 SSPP CONTROL AND UPDATE PROCEDURES

- **Element:** *The process used to control changes to the system safety program plan is described.*

This section of the SSPP should describe the rail transit agency's process for updating the SSPP. For many rail transit agencies, revision of the SSPP is conducted through a committee devoted to safety issues. The revision process is typically led by a designated member of the system safety function. Inputs for revisions are solicited from all rail transit agency staff, contractors, and the state oversight agency. At some rail transit agencies, the SSPP may be classified as a controlled document. As such, it is subject to formal document control procedures, including designation of control copies which are issued to individuals within rail transit agency by name and/or job title.

Whatever process is used by the rail transit agency to prepare revisions, once the revised version of the SSPP is complete, it typically must be reviewed and accepted by a designated committee or set of departments/functions. The accepted version of the SSPP is then usually forwarded on to the General Manager for approval and signature.

4.3 SSPP REVIEW AND APPROVAL BY THE STATE OVERSIGHT AGENCY

- **Element:** *Required coordination with the oversight agency regarding plan modification, including timeframes for submission, revision, and approval, is addressed.*

This section should explain how the rail transit agency will interface with the state oversight agency regarding the review and approval of the SSPP. Requirements should be detailed regarding how the rail transit agency will notify the state oversight agency regarding its performance of the annual review to determine whether the SSPP should be updated. In the event that an update is necessary, the rail transit agency will conform to its SSPP update process, and the timeframes and requirements specified by the state oversight agency in its Program Standard. In the event that an update is not needed for that year, the rail transit agency will notify the state oversight using the method and timeframe specified in the oversight agency's Program Standard.

This section should also explain how the rail transit agency will respond to requests from the state oversight agency for revisions, additional information or other items, and how conflicts will be resolved regarding differences in opinion between the rail transit agency and the state oversight agency. Finally, this section should also explain how the rail transit agency will receive the completed SSPP review checklist and formal correspondence letter from the state oversight agency, and adopt as final the SSPP that is approved by the state oversight agency.

4.4 SSPP CHANGE MANAGEMENT

- **Element:** *Specific departments and persons responsible for initiating, developing, approving, and issuing changes to the SSPP are identified.*

This section should identify the departments and persons responsible for each of the steps in reviewing, revising, approving and issuing changes to the SSPP. In addition, designated personnel within the system safety function should be identified with responsibility for coordinating with the state oversight agency.

5. SSPP Implementation – Tasks and Activities

5.1 OVERVIEW

- **Element:** *A description of the specific activities required to implement the SSPP is included.*

This section of the SSPP should provide an overview of the approach followed by the rail transit agency in managing the specific activities performed to implement the SSPP and provide on-going safety in rail transit operations and maintenance activities. To ensure that rail operations are conducted in the safest manner possible, all transit system personnel will have been assigned safety responsibilities. In addition, within the rail transit agency, each department/function provides distinct roles and carries out specific responsibilities to ensure the protection of passengers, employees, local responders, the community served by the system, and the agency's property. These responsibilities and roles should be summarized in this section of the SSPP.

5.2 SYSTEM SAFETY FUNCTION

- **Element:** *Tasks to be performed by the rail transit safety function, by position and management accountability, are identified and described.*

The responsibilities and tasks of each position in the system safety function should be described. Tasks may include activities required to: establish the organization of safety activities and outline employee responsibilities with respect to those activities; promote and maintain safety and training programs as mandated by federal, state, and local regulatory agencies; set and implement established safety goals, objectives, and practices; provide the mechanisms for identifying and assessing safety hazards during the operation and maintenance of the system; provide the methods to eliminate, minimize, or control the identified hazards and/or other concerns; define the formal requirements necessary for maintaining insurance coverage; define the requirements and procedures for conducting standard safety audits; and coordinate with the state oversight agency.

5.2.1 Methodology Used by the System Safety Unit

- **Element:** *A description of the methodologies used by the system safety function to achieve their safety responsibilities should be provided.*

This section should describe the different methodologies used by the system safety function to ensure a proactive approach to safety. Examples include data collection and analysis, hazard management and resolution, periodic inspections, compliance checks, and internal audits.

5.3 SAFETY RESPONSIBILITIES OF OTHER DEPARTMENTS

- **Element:** *Safety-related tasks to be performed by other rail transit departments, by position and management accountability, are identified and described.*

The safety responsibilities and tasks of other rail transit departments should be described. For example, the role of operating departments, human resources, planning, customer services, etc. in the creation of a safe rail transit agency should be described. This description should include a brief overview of the department and a discussion of the department's safety responsibilities. As appropriate, and if not already addressed in Section 3, organizational charts showing the relationship of those units with major safety responsibilities to the rail transit agency and system safety should be provided.

5.4 SAFETY TASK RESPONSIBILITY MATRIX (OR NARRATIVE DESCRIPTION)

- **Element:** *A task matrix showing: all identified safety responsibilities, interfaces among all rail transit units responsible for each task, and the key reports or actions required, should be provided (or an equivalent narrative description).*

A safety task responsibility matrix (or a narrative equivalent) showing interfaces among the system safety unit and other rail transit units for identified safety responsibilities and the key reports or actions required, should be provided in the SSPP. An example of an integrated safety task matrix is displayed in Figure 1. This matrix depicts the roles and responsibilities of both the rail transit agency safety function and the other rail transit departments. As used in this figure:

- P Primary Task Responsibility.** The identified participant(s) is (are) responsible for the preparation of the specified documentation.
- S Secondary or Support Responsibility.** The identified participant(s) is (are) to provide the necessary support to accomplish and document the task.
- R Review/Comment Responsibility.** The identified participant(s) may review and provide comment on the task or requirement.
- A Approval Responsibility.** The identified participant is to review, comment and subsequently approve the task or requirement.

Figure 1: Sample Integrated Safety Task Matrix										
TASK/ACTIVITY	State Oversight Agency	Management	Operations	Maintenance	Safety	Training	Engineering	Human Resources	Risk Management	Transit Police
Management Commitment & Directive/Policy	A	A	R	R	P	R	R	R	R	
Development of SSPP										
Summary Statement	A	A	S	S	P	S	S	R	R	
Authority	A	A	S	S	P	S	S	R	R	
Purpose	A	A	S	S	P	S	S	R	R	
Goals & Objectives	A	A	S	S	P	S	S	R	R	
Scope	A	A	S	S	P	S	S	R	R	
SSPP Controls & Revisions	A	A	S	S	P	S	S	R	R	
System Description										
Operations & Maintenance		R	P	P	P	R	P	R	R	
Operations		R	P	P	P	R	p	R	R	
Maintenance of Physical Plant & Equipment		R	P	P	P	R	S	R	R	
Facilities & Systems Description		R	P	P	P	R	p	R	R	
Safety Management										
Organizational Structure	R	P	P	P	P	P	P	R	R	R
Interagency Coordination	R	P	P	P	P	R	R	R	R	R
Interdepartmental Coordination	R	P	P	P	P	P	P	R	R	R
Safety Committees	R	P	P	P	P	R	P	R	R	R
Change Order Review Committee	R	P	P	P	P	R	P	R	R	R
Fire/Life Safety Committee	R	P	P	P	P	R	P	R	R	R
Safety Review Committee	R	P	P	P	P	R	P	R	R	R
Employee Safety Awards Committee	R	P	P	P	P	R	P	R	R	R
Security Program Committees	R	P	P	P	P	R	P	R	R	R
Proactive Security Committee	R	P	P	P	P	R	P	R	R	R
Security Breach Review Committee	R	P	P	P	P	R	P	R	R	R
System Safety Program Activities										
Hazard Management	R	P	P	P	P	R	P	R	R	R
Safety & Fire/Life Safety Implementation	R	P	P	P	P	R	P	R	R	R
Hazard Identification, Analysis & Resolution	A	R	P	P	P	S	S	R	R	
User Requirements		R	S	S	P	S	P			
Equipment and System Design		A	R	R	P	R	P			
Safety Certification Program	R	A	P	S	P	R	P			
Acceptance Testing and Inspection		A	P	P	S		P			
Configuration Management		A	R		R		P			
Computer Software Configuration Management		A	R		R		P			
Configuration Control		A	R		R		P			
Investigating Accidents, Incidents & Hazardous Conditions	R	R	P	P	P	S	S		R	
Internal Investigations	R	A	P	P	P	S	S		R	

Figure 1: Sample Integrated Safety Task Matrix										
TASK/ACTIVITY	State Oversight Agency	Management	Operations	Maintenance	Safety	Training	Engineering	Human Resources	Risk Management	Transit Police
Supervisor Investigations	R	A	P	P	S	S	S		R	
Accident/Incident Investigation Team - Internal	R	A	P	P	P	S	S		R	
External Investigation	R	A	P	P	S	S	S		R	
State Oversight Agency	P	S	S	S	S	S	S		R	
NTSB	R	S	S	S	S	S	S		R	
Safety Inspections			P	P	P	R	R		R	
Facilities Inspections			P	P	P	R	R		R	
Equipment Inspections			P	P	P	R	R		R	
Operations Safety			P	P	P				R	
Emergency Operating (Response) Procedures			P	P	P				R	
Operational Documents			P	P	P				R	
Rules & Procedures Review			P	P	P				R	
Occupational Safety & Health Programs		R	R	R	P	R		R	R	
Industrial Hygiene Program		R	R	R	P	R		R	R	
Hazardous Material Management Program		R	R	R	P	R		R	R	
Personal Protective Equipment Protection		R	R	R	P	R		R	R	
Medical Surveillance Program		R	R	R	P	R		R	R	
Construction Safety Program		S	S	S	P		P	R		
Contractor Safety Program		S	S	S	P		P	R		
Safety & Security Data Acquisition, Analysis & Reporting		R	S	S	P	R	R		R	R
Data Acquisition		R	S	S	P	R	R		R	R
Data Analysis & Tracking		R	S	S	P	R	R		R	R
Reports		R	S	S	P	R	R		R	R
Training		R	P	P	P	P	R	R	R	
Safety/Industrial Hygiene Training & Education		R	P	P	P	P	R	R	R	
Operationally Related Safety Training		R	P	P	P	P	R	R	R	
LRV Operator		R	P	P	P	P	R	R	R	
LRV Supervisor		R	P	P	P	P	R	R	R	
Maintenance Personnel		R	P	P	P	P	R	R	R	
Emergency Response Personnel		R	S	S	P	S	R			S
Emergency Exercises & Drills		R	S	S	P	S	R			S
Public Awareness Program	R	R	P		S					S
Environmental Protection Program		S	S	P	S	S	P			
Hazardous Waste Management Program		S	S	P	S	S	P			
Waste Water Abatement Program		S	S	P	S	S	P			
Internal Audit Program	R	S	S	S	P	S	S	R	R	
External Audits	P	S	S	S	S	S	S	R	R	R
Drug & Alcohol Abuse Program/Policy		P	S	S	P	R		R		
System Safety Program Verification	R	A	P	P	P	S	P			

6. Hazard Management Process

6.1 OVERVIEW

- **Element:** *The process used by the rail transit agency to implement its hazard management program, including the role of the oversight agency in providing on-going monitoring, is described.*

This section of the SSPP should provide an overview of the hazard management process developed by the rail transit agency. The hazard management process must, at a minimum:

1. Define the rail transit agency's approach to hazard management and the implementation of an integrated system-wide hazard resolution process.
2. Specify the sources of, and the mechanisms to support, the on-going identification of hazards.
3. Define the process by which identified hazards will be evaluated and prioritized for elimination or control.
4. Identify the mechanism used to track through resolution the identified hazard(s).
5. Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies.
6. Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency. This activity may include weekly, monthly or quarterly meetings with the rail transit agency to discuss hazard management issues.

6.2 HAZARD MANAGEMENT PROCESS – ACTIVITIES AND METHODOLOGIES

- **Element:** *The hazard management process includes activities for: hazard identification, hazard investigation, evaluation, and analysis, hazard control and elimination, and hazard tracking.*

In this section of the SSPP, the rail transit agency should provide a detailed description of its approach to addressing each required element of the hazard management process. Each rail transit agency may use a variety of methodologies, including informal processes, such as review of reports from operations and maintenance personnel, results from rules compliance checks and employee evaluations, the mining of maintenance data, results from facilities and vehicles inspections, findings from internal safety and security audits, and daily review of the rail transit agency's unusual occurrences log, as well as more formal approaches, such as trend analysis, hazard classification and resolution using the Mil-Std 882 process, hazard analyses using inductive processes (Preliminary Hazard Analysis, Failure Modes and Effects Analysis, Job Hazard Analysis, etc.) and hazard analysis using deductive processes (Fault Tree Analysis). These methods should be identified and described in this section of the SSPP.

For example, the rail transit agency may state the following:

The hazard management process is the primary tool used by the rail transit agency to ensure the safety of rail transit agency activities, passengers, employees, facilities and vehicles. This process is accessible to all levels of the organization and is the means by which hazards are identified, analyzed for potential impacts on the transit system and resolved in a manner acceptable to management. This process will follow the guidelines listed in the five sub-sections below.

I. Hazard identification is a process whereby an attempt is made to discover conditions in the system that, if not altered, has the potential to cause accidents, injuries, or other losses. Where reasonably feasible, all employees are charged with the responsibility of identifying and reporting conditions that have the potential to cause accidents, injuries, or other losses. These conditions may be found in the form of physical hazards, unsafe actions, and policies that create or fail to recognize hazards. There may also be certain employees who, through periodic field observations, review of incident data, performance and complaint records, are identified as needing counseling, re-training, termination or other action as deemed appropriate.

Potentially hazardous conditions may also be identified through other means, including those listed below:

- Reports from passengers and other individuals through contact with customer service, field personnel, or management personnel.
- Reports from operators and other field personnel regarding hazards associated with agency vehicles, schedules, routes, policies and procedures.
- Reports from maintenance personnel regarding equipment and facilities hazards.
- Review of the rail transit agency's 24-hour unusual occurrences log.
- Investigation and review of accidents and incidents by safety personnel.
- Collection and analysis of accident statistics and risk management information system data regarding safety, accident rates, and claims reports, including trend analysis.
- Audits performed by knowledgeable safety personnel.
- Checklist audits performed by rail transit agency supervision.
- Information, experiences, and ideas from support departments.
- Observations of facilities and operations hazards, by administrative personnel.
- Results from drills, exercises and emergency response to accidents and incidents.
- Formal hazard analyses using the inductive process by analyzing system components to identify failure modes and effects on the system and personnel. Failure modes include conditions such as doors or switches failing to open or close, or acting improperly or inadequately. Examples of formal hazard analyses include Preliminary Hazard Analysis, Failure Modes and Effects Analysis.

Appendix F

- Formal hazard analysis using the deductive process to identify sequential and concurrent conditions which are required to support a specific operation or task. An example of this type of analysis is the Fault Tree Analysis.

II. Hazard classification for severity ensures that hazards are rated in terms of their effects on employees, passengers and/or the transit system. Severity categories are defined below.

- *Category I - Catastrophic:* Operating conditions are such that human error, environment, design deficiencies, element, sub-system or component failure or procedural deficiencies may cause death or major system loss, thereby requiring immediate cessation of the unsafe activity or operation.
- *Category II - Critical:* Operating conditions are such that human error, environment, design deficiencies, element, sub-system or component failure or procedural deficiencies may cause severe injury or illness or major system damage thereby requiring immediate action including immediate cessation of the unsafe activity or operation.
- *Category III – Marginal:* Operating conditions may cause minor injury or illness or minor system damage such that human error, environment, design deficiencies, element, sub-system or component failure or procedural deficiencies can be counteracted or controlled without serious injury, illness or major system damage.
- *Category IV – Negligible:* Operating conditions are such that human error, environment, design deficiencies, element, sub-system or component failure or procedural deficiencies will result in no, or less than minor, illness, injury or system damage.

III. Hazard classification for probability ensures that the probability that a hazard will occur can be described in potential occurrences per unit of time, events, population items or activity. A qualitative hazard probability may be derived from research, analysis, and evaluation of safety data from the operating experience of the rail transit agency or other similar transit authorities. A depiction of a hazard probability rating system is described below.

DESCRIPTIVE WORD	LEVEL	SPECIFIC INDIVIDUAL ITEM	FLEET OR INVENTORY
Frequent	A	Likely to occur frequently	Continuously experienced
Reasonably Probable	B	Will occur several times in life of an item	Will occur frequently
Occasional	C	Likely to occur sometime in life of an item	Will occur several times
Remote	D	Unlikely, but possible to occur in life of an item	Unlikely, but can reasonably be expected to occur
Improbable	E	So unlikely, it can be assumed occurrence may not be experienced	Unlikely to occur, but possible

IV. Risk assessment determines the acceptability of assuming a risk associated with a hazard, the necessity of implementing corrective measures to eliminate or reduce the hazard, or a combination of

Appendix F

both. Hazard risk assessment involves categorization of hazard severity and probability of occurrence. A Risk Assessment Index, or Hazard Rating Table, is shown below.

HAZARD FREQUENCY	Hazard Severity			
	CATEGORY I	CATEGORY II	CATEGORY III	CATEGORY IV
Frequent (A)	1A	2A	3A	4A
Probable (B)	1B	2B	3B	4B
Occasional (C)	1C	2C	3C	4C
Remote (D)	1D	2D	3D	4D
Improbable (E)	1E	2E	3E	4E

Hazard Risk Index	Criteria by Index
1A, 1B, 1C, 2A, 2B, 3A	Unacceptable
1D, 2C, 2D, 3B, 3C	Undesirable
1E, 2E, 3D, 3E, 4A, 4B	Acceptable with review
4C, 4D, 4E	Acceptable without review

- **Unacceptable Hazardous Conditions** means a condition that may endanger human life or property. This condition cannot remain as-is, and must be mitigated.
- **Undesirable** means that the hazard should be mitigated, if at all possible within fiscal constraints; however, it may be mitigated at a later time.
- **Acceptable with review** means the system safety function must determine the risk associated with not mitigating the hazard, with continued monitoring.
- **Acceptable without review** means that the hazard can remain, with monitoring.

After assessment of the severity and probability of a hazard, and where reasonably feasible, the key departments, safety committee, and the system safety function will make a standard analysis. A determination will be made regarding acceptance of the risk or taking corrective action. Risk assessment issues of significant impact or those where there is a lack of consensus will be submitted to the executive leadership for resolution.

Executive leadership will reach a consensus to accept, modify, or reject the recommendation. If modified or rejected, the safety committee is called into session for further review and recommendation. Upon final approval by executive leadership, the resolution is placed into the hands of the responsible department(s) for implementation.

V. Hazard Resolution refers to activities taken to eliminate or mitigate the hazard. Where reasonably feasible, a hazard that has been submitted by an individual for resolution shall be handled as follows:

- A written Hazard I.D. will be submitted to the system safety function for input into the Hazard I.D. Workflow System.

- The safety staff member will forward the Hazard I.D. to the immediate supervisor (in each case) and/or to other management (as appropriate) who shall initiate a resolution if possible.
- If unable to resolve, the supervisor shall forward the Hazard I.D. form along with their response to the appropriate department/function or committee for review and resolution. The decision on where best to forward the Hazard I.D. will be based on the best judgment of the supervisor/manager.
- As requested, the appropriate department/function or committee shall review and initiate a recommendation for resolution whenever possible.
- If the submitting employee is not satisfied with the response from the supervisor or the committee, they may appeal the decision directly to the safety committee.
- The safety committee may either accept the recommendations as presented, or may initiate their own resolution to the hazard.

When the risks are assessed, a plan is developed for resolution. There are four choices in the hazard resolution process:

- **Design for Minimum Risk:** From the first, design to eliminate hazards through design selection.
- **Safety Devices:** Hazards that cannot be eliminated or controlled through design selection shall be controlled to an acceptable level through the use of fixed, automatic or other protective safety design features or devices. Provisions shall be made for periodic functional checks of safety devices.
- **Warning Devices:** When either design or safety devices cannot effectively eliminate or control an identified hazard, devices shall be used to detect the condition and to generate an adequate warning signal to correct the hazard or provide for personnel evacuation. Warning signals and their application shall be designed to minimize the probability of incorrect personnel reaction to the signals and shall be standardized within like types of systems.
- **Procedures and Instruction:** Where it is impossible to eliminate or adequately control a hazard through design selection or use of safety and warning devices, procedures and training shall be used to control the hazard. Procedures may include the use of personal protective equipment. Precautionary notations shall be standardized as specified by management. Safety critical tasks and activities may require certification of personnel deficiency.

6.3 COORDINATING WITH THE STATE OVERSIGHT AGENCY

- **Element:** *Requirements for on-going reporting to the oversight agency relating to hazard management activities and status are specified.*

In this section of the SSPP, the rail transit agency should document its approach for providing on-going hazard management information to the state oversight agency. Examples of these activities include: submission of monthly or weekly logs and reports documenting the implementation of the rail transit agency's hazard management process and the conduct of monthly or quarterly meetings with the oversight agency to review results from the hazard management process. In addition, the role of the oversight agency in coordinating with the rail transit agency regarding the investigation of certain categories of hazardous conditions and the development, review and approval of corrective actions plans (as appropriate) should be specified.

To complete this section of the SSPP, the rail transit agency may state the following:

To ensure an on-going role in the oversight of the rail transit agency's hazard management process, the rail transit agency will establish a **Hazard Tracking Log** which reflects the consolidation of information in the hazard management process. The Hazard Tracking Log will contain all hazards identified through the various methods applied by the rail transit agency. The Hazard Tracking Log may be organized by the hazard number assigned by the rail transit agency, or by the type of hazard, the source from which it was identified, or the element of the rail transit agency's operation affected by the hazard (i.e., facilities, vehicles, track and signal, communications/SCADA, tunnel ventilation, personnel training and procedures, etc.). A sample log appears on the next page.

The proposed Hazard Tracking Log will be submitted monthly to the state oversight agency's designated point-of-contact. The state oversight agency will review the Monthly Hazard Tracking Log and forward any questions or requests for information to the rail transit agency.

In addition, the rail transit agency will conduct quarterly meetings with the oversight agency to review the Hazard Tracking Log and the other rail transit agency activities associated with the hazard management process. The rail transit agency will submit to the state oversight agency a proposed date and location for the quarterly meeting and a proposed agenda. The state oversight agency will review and approve the agenda, making any modifications as appropriate, and schedule the quarterly meeting with the rail transit agency. During the quarterly meetings, the rail transit agency will attempt to provide any documents and to answer any requests that the state oversight agency may have. If these records are not available at the quarterly meetings, they will be transmitted to the state oversight agency after the conclusion of the quarterly meeting.

7. Safety Certification

- **Element:** *A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.*

The rail transit agency may undertake major projects and modifications that require safety certification. In this section, the rail transit agency should define those projects which require certification. Examples may include: new rail systems and extensions, the acquisition and integration of new rail vehicles and safety critical technologies into existing service, and major safety critical redesign projects, excluding functionally similar replacements.

In addressing these projects, this section of the SSPP should state that the goals of the rail transit agency's safety certification program are to verify that identified safety and security requirements have been met and to provide evidence that the new operating segments/phases are safe and secure for use in revenue service.

This section should clarify that for each such project, the rail transit agency will develop a Safety and Security Certification Plan (SSCP) during the preliminary design phase of the project. Prior to revenue service, a Safety and Security Verification Report (SCVR) will be developed, documenting the agency's compliance with its SSCP.

The rail transit agency should briefly describe its process in implementing its safety certification program, including the following:

1. Develop a certifiable items list (CIL);
2. Identify safety and security requirements for each certifiable element;
3. Verify compliance;
4. Issue certificates of compliance for each certifiable element; and
5. Issue rail transit agency certification.

This section should also identify final authority to approve the certification of rail transit agency major projects, extensions, etc. The role of the system safety function should also be described, including activities to be performed to ensure that:

1. Facilities and equipment have been constructed, manufactured, inspected, installed, and tested, in accordance with safety and security requirements in the design criteria and contract specifications;
2. Operations and maintenance procedures and rules have been developed and implemented to ensure safe and secure operations;
3. Training documents have been developed for the training of operating personnel, and emergency response personnel;
4. Transportation and maintenance personnel have been trained and qualified/certified;

5. Emergency response agency personnel have been prepared to respond to emergency situations in or along the right-of-way;
6. Safety and security-related system integration tests have been conducted; and
7. Security for the segments in operation and the yard and shop are addressed.

This section should also clarify that each critical certifiable system element receives a written safety and security certificate of conformance. When all required certifiable system elements are certified, a system safety certification statement, signed by the General Manager, is issued along with a Safety Certification Verification Report. These documents verify the readiness for revenue service for each operational phase of the system in regards to the safety and security requirements of the system. If the state oversight agency has additional authorities, beyond the scope of 49 CFR Part 659, for reviewing or approving this report, they should be stated here.

Finally, the rail transit agency should also identify the major components that form the baseline for certification. These typically include:

1. Manuals of design criteria and standard and directive drawings which determine the safety and security requirements to be incorporated in the contract specifications;
2. The contract final design which determines that the safety and security features of facilities, systems, and equipment are in compliance; and
3. The System Verification Report and Test Plans which form the basis for determining that safety and security-related inspections and tests have been performed in compliance with codes and guidelines, and that all facilities, vehicles, equipment, and procedures can function in a safe and secure manner.

Once the SSCP is adopted, a formal process should specify what happens when a portion of the system will not be available on time, or equipment which will be placed in service is not complete. Issuance of such directives as "work-arounds" or "exceptions" should occur only when top management determines that they are absolutely necessary. If such exceptions prove to be necessary, all departments involved need to sign off on the process to indicate they fully understand the nature of the exception and what temporary measures are in place to mitigate any potential side effects.

The exceptions in place must also be monitored constantly to ensure that neither the procedure nor the spirit of the mitigating factors are bypassed or removed during the life of the respective exception. If any type of coordinating committee or communication process is maintained by a respective rail transit agency, regular reports should be included to ensure all organizational entities are thoroughly familiar with both the procedure and necessity for each exception.

8. Managing Safety in System Modifications

- **Element:** *The process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification, but which may have safety impacts, is described.*

This section should clearly specify the rail transit agency's processes and procedures regarding those maintenance and construction activities that do not require formal safety certification, but that do require safety inspections and sign-offs prior to placement of the facility, equipment, part, or vehicle in service (i.e., replacements or repair in kind, etc.). To avoid confusion and to clarify roles and responsibilities, the rail transit agency system safety function should coordinate with the maintenance function to develop a formal procedure, if one does not already exist. This procedure should be referenced in this section.

In addressing this activity, the rail transit agency may require a sign-off prior to the placement of the modification in revenue service. In this case, coordination and compatibility with the existing system, construction efforts under operating conditions, and testing and break-in phases must all be managed as part of the ongoing system safety effort.

The rail transit agency may also include operating and safety department personnel in the design review process for certain modification activities. Sign-off procedures may be established for the appropriate departments.

Finally, the rail transit agency may identify the department and person in the organization with responsibility for ensuring that hazards associated with system modifications are included in the Hazard Management Process. One function of the organization, usually system safety, should be delegated with the responsibility of ensuring that any hazards associated with system modifications of any kind are worked into the Hazard Management Process. In this way any accepted risks associated with such system changes will be documented and tracked from the outset.

9. Safety Data Acquisition

9.1 DATA ACQUISITION PROCESS

- **Element:** *The process used to collect, maintain, analyze, and distribute safety data is clearly defined.*

This section should clearly describe the process used by the rail transit agency to collect and analyze safety data to support improvements in the agency's safety performance and to monitor compliance with the agency's safety goals and objectives. This data can come from multiple sources, such as daily unusual occurrence logs, operator and supervisor reports, mining of maintenance data, analysis of vehicle and personnel records, and procurement contracts.

One of the most important services the safety unit provides for the transit organization is the collection, maintenance, and distribution of safety data relative to system operation. This data includes

information gathered from not only within the respective system on various operating characteristics relative to safety, but also from other rail transit agencies, the state oversight agency, and the FTA. This section should describe the sources of this data, ensuring that all required reports from all departments within the agency are identified.

As described in the Hazard Management Process section of this SSPP, analysis of this system specific data can be used to determine trends and patterns in system operation. Used as part of the hazard management process, data collection and analysis can identify hazards before they cause accidents by such techniques as trend analysis. It thus becomes a vital component of efforts to improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public.

9.2 ACCESS TO DATA

- **Element:** *The management process for ensuring that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program is clarified.*

In addition to describing the safety data acquisition process, the SSPP must address the management process used to ensure that other departments within the rail transit agency provide required data to the system safety function. This section of the SSPP should clarify which departments are responsible for reporting what types of data, and also identify management controls in place to ensure that this data is delivered to the safety department in a timely manner and is appropriately validated.

10. Accident/Incident Notification, Investigation and Reporting

10.1 OVERVIEW

- **Element:** *A description is provided regarding the process used by the rail transit agency to perform accident notification, investigation and reporting.*

This section of SSPP should describe the process used by the rail transit agency to conduct accident investigations, and to notify appropriate external agencies, including the state oversight agency, the National Transportation Safety Board (NTSB), and the Federal Railroad Administration (FRA). In addition, there should be clear links specified between the accident/incident notification, investigation and reporting process and the hazard management process. Finally, this section should address the process used by the rail transit agency to develop corrective action plans to prevent recurrences, and to coordinate review and approval of these plans with the state oversight agency.

10.2 ACCIDENT/INCIDENT INVESTIGATION CRITERIA

- **Element:** *Criteria for determining what accidents/incidents require investigation, and who is responsible to conduct specific investigations are developed.*

A formal policy needs to exist and be fully understood by all organizational elements on exactly how accidents/incidents will be classified, and how different classifications of accidents/incidents will be investigated, by whom, and to what level of detail. This policy should include a pre-determination regarding such things as thresholds for automatic activation of an investigation, guidelines on whether incidents should be investigated immediately or after the fact, and who is in charge of each specific level of investigation. The SSPP should describe these criteria in detail.

10.3 ACCIDENT/INCIDENT INVESTIGATION PROCEDURES

- **Element:** *A description of the procedures for performing investigations, including proper documentation and reporting of findings, conclusions reached, use of hazard resolution process to develop corrective action recommendations, and follow-up to verify corrective action implementation is provided.*

Preparation of appropriate procedures, formats, and approaches for performing investigations must be documented and properly implemented. Verification of full understanding and compliance with such procedures by all organizational elements is also required. The SSPP should describe and reference these procedures. The rail transit agency should also submit these procedures to the state oversight agency with the SSPP for review and approval.

10.4 INTERNAL NOTIFICATION PROCEDURE

- **Element:** *Notification thresholds for internal departments/functions are defined.*

Predetermination of appropriate notification of accidents and participation in accident investigations should be understood and available to all involved rail transit personnel. The SSPP should clearly describe the internal notification procedures and the technology or methods used to support internal notification.

10.5 EXTERNAL NOTIFICATION PROCEDURE

- **Element:** *Criteria are specified for notifying external agencies (NTSB, state oversight agency) of accidents and incidents.*

49 CFR Part 659 mandates that each rail transit agency report accidents meeting specific thresholds to the state oversight agency. The rail transit agency system safety function must notify the state oversight agency within two hours of the occurrence of an accident or incident meeting the thresholds specified in FTA's 49 CFR Part 659. These thresholds include the following:

1. A fatality (death at the scene or where an individual is confirmed dead within 30 days).
2. Two or more injuries requiring immediate medical attention away from the scene.
3. Property damage in excess of \$25,000.
4. Any evacuation due to life safety reasons.
5. Any collision at a grade crossing, regardless of injuries or property damage.
6. Any main-line derailment.

7. Any collision with an individual on a rail right of way.
8. Any collision between a rail transit vehicle and another rail transit vehicle or a rail transit non-revenue vehicle.

Notification must occur through the means specified in the state oversight agency Program Standard. In addition, 49 CFR Part 659 requires that the state oversight agency investigate each accident meeting these thresholds. In the event that the state oversight agency intends to authorize the rail transit agency to conduct investigations upon its behalf, it will formally review, approve and adopt the rail transit agency's accident investigation procedures and submit them to FTA. In addition, the state oversight agency must formally (in writing) transmit its request to the rail transit agency, which must receive it. In the event that the state oversight agency plans to conduct independent investigations, using its own personnel or contractors, the state oversight agency coordinate this investigation with the rail transit agency.

This section of the SSPP should also identify the criteria utilized to notify other outside agencies. For example, the NTSB must be notified within two hours for any occurrence involving a passenger/employee fatality, two or more injuries to employees or passengers requiring admission to a hospital, an evacuation on the mainline, or a fatality at a rail grade crossing. The NTSB will be notified within 4 hours for any occurrence that totals or exceeds \$25,000. The system safety function will make these notifications.

FRA thresholds are more inclusive than the FTA thresholds, and only apply to those rail transit systems with waivers in place for shared track systems or that connect to the general railroad system. In the event the rail transit agency notifies FRA, it should also notify the state oversight agency. In addition, if the information is available, the rail transit agency should also notify the state oversight agency of the NTSB's intent to investigate the accident. The details for notifying the state oversight agency are described in the agency's accident investigation procedure.

10.6 ACCIDENT/INCIDENT REPORTING AND DOCUMENTATION

- **Element:** *Procedures are established for documenting and reporting on accident investigations.*

It is important that the rail transit agency have a procedure in place for the development, review and approval of reports and other materials documenting the results of the accident investigation. This section of the SSPP should reference the appropriate procedure or provide an outline of the required elements of a rail transit agency investigation activities and reports. The state oversight agency may also specify certain accident investigation reporting requirements. These requirements should also be included.

10.7 CORRECTIVE ACTION RESULTING FROM ACCIDENT INVESTIGATION

- **Element:** *Process used to develop, implement, and track corrective actions that address investigation findings is specified.*

The SSPP needs to describe the process used to develop, track, report and verify implementation of all recommendations and identified needs for corrective actions. The agency should have a process in place to ensure all necessary corrective actions are completed. The corrective action process and the parties responsible for the corrective action process should be clearly described and identified in the SSPP.

10.8 COORDINATION WITH STATE OVERSIGHT AGENCY

- **Element:** *Coordination with the oversight agency is specified.*

In this section, the rail transit agency should describe its process for coordinating the conduct of accident investigations with the oversight agency, including the delivery of accident investigation reports and corrective action plans, working with the state oversight agency to receive approvals on corrective action plans, and providing the oversight agency with status updates.

11. Emergency Response Planning/Coordination/Training

11.1 RESPONSIBILITIES FOR EMERGENCY PREPAREDNESS

- **Element:** *The agency's emergency planning responsibilities and requirements are identified.*

In this section of the SSPP, the rail transit agency must identify its responsibilities for ensuring its readiness to respond to an emergency on its system or to support response to an emergency in its service area. Responsibilities typically include:

- Developing an internal emergency operations plan (EOP), which includes the rail transit agency's incident management organization (IMO) for responding to emergencies and integrating with the incident command system (ICS) established by local responders;
- Ensuring that the internal EOP is appropriately coordinated with the SSPP and the System Security Plan;
- Developing a continuity of operations plan (COOP);

- Coordinating with local/county emergency management agencies (EMAs) and other regional emergency planning groups and committees, to support the integration of rail transit agency resources and emergency response requirements into the regional emergency planning and preparedness program;
- Working with the local/county EMAs and public safety agencies to support regional programs for addressing requirements specified by the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) for the National Response Plan (NRP) and the National Incident Management System (NIMS);
- Ensuring that any emergency preparedness requirements specified in the terms of rail transit agency's participation in the Department of Homeland Security, Transit Security Grant Program (TSGP) or Homeland Security Exercise and Evaluation Program (HSEEP) are addressed;
- Coordinating with local public safety agencies and other transportation agencies to develop memorandum of understanding/agreement;
- Developing emergency procedures and training for transit employees;
- Developing emergency awareness training and signage/outreach for passengers and others who use the system;
- Conducting emergency exercises to validate and reinforce implementation of procedures and training; and
- Supporting familiarization of local responders with the rail transit agency system and vehicles.

11.2 COORDINATED SCHEDULE

- **Element:** *A description of the process used by the rail transit agency to develop an approved, coordinated schedule for emergency management program activities is provided.*

Emergency response is a primary component of any rail transit SSPP. This component must include an approved, coordinated schedule for all emergency response activities. This section of the SSPP must describe the process through which the rail transit agency develops, distributes and maintains this schedule. Specific responsibility should be identified by department and job title.

- **Element:** *Required meetings with external agencies regarding the emergency management program are specified.*

Meetings with outside agencies, participation in training and emergency exercises sponsored by other agencies, and revision and distribution of the rail transit agency's Emergency Operations Plans and emergency response procedures can all be scheduled on an annual basis, with necessary approvals and checks for completion built in. The process in place for managing this coordination should be documented in the SSPP.

Frequently the system safety function is responsible for coordination of these types of emergency preparedness functions. As part of the regular reports to general management issued by the system safety function, status reports on emergency preparedness items can automatically be included.

11.3 EMERGENCY EXERCISES

- **Element:** *The process used to evaluate emergency preparedness, such as annual emergency field exercises, is documented.*

Emergency exercises form the backbone of the process for determining whether emergency response plans are adequate. While no exercise can recreate the urgency of a real emergency, they still provide indispensable training and familiarization opportunities for both emergency response personnel and rail transit agency staff. Flaws in the planned process are also frequently discovered during the conduct of these exercises and their subsequent debriefings. It should be noted that emergency exercises need not always be full blown "mock" disasters, but can also be conducted as simple "walk-throughs" of how employees would respond to a specific set of circumstances, as well as targeted training opportunities.

In this section of the SSPP, the rail transit agency must describe its process for developing, scheduling, conducting and evaluating emergency exercises and drills. Coordination with the DHS, G&T Transit Security Grant Program and the G&T Homeland Security Exercise and Evaluation Program should be documented as appropriate.

- **Element:** *After action reports and implementation of findings are required.*

The rail transit agency must describe its process for ensuring the preparation and dissemination of after action reports to document the findings and recommendations from the emergency exercise or drill. In addition, the rail transit agency must document its approach to tracking the implementation of recommendations. Integration of relevant findings into the hazard management process should also be discussed. Finally, coordination with the DHS, G&T Transit Security Grant Program and the G&T Homeland Security Exercise and Evaluation Program should be documented as appropriate.

11.4 EMERGENCY PROCEDURES

- **Element:** *The process is explained to be used by the rail transit agency for the revision and distribution of emergency response procedures.*

The SSPP must reference or describe up-to-date emergency procedures that are accessible to transit agency emergency response units and external agencies, and explain how revised procedures are disseminated and communicated to employees and external agencies.

11.5 EMERGENCY TRAINING

- **Element:** *The agency's responsibilities for providing employee training are identified.*

An important consideration for handling of emergency situations is internal staff training. It is imperative that rail transit agency staff have absolute knowledge of both the standard and emergency operating characteristics of their rail transit agency. This can only be accomplished through proper initial and refresher training at all operational levels, as well as specifically targeted training for those staff members who may be involved in handling of emergency situations, while not necessarily involved in day to day operations. This section of the SSPP should provide an overview of the rail transit agency's training program for ensuring proficiency in the response to the full range of emergencies possible at the system.

11.6 FAMILIARIZATION TRAINING

- **Element:** *The agency's responsibilities for providing familiarization training to local public safety organizations are identified.*

Emergency response by its very nature implies significant involvement by outside agencies. Fire department, police, emergency medical services, and those local agencies involved in handling of terrorist activities (e.g., bomb threats) must be coordinated by the rail transit agency in order to ensure the best possible response to emergency situations, as well as realization of maximum benefit from the expertise contained within these external agencies.

12. Internal Safety Audit Process

12.1 OVERVIEW

- **Element:** *A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the SSPP is included.*

This section of the SSPP must describe the rail transit agency's approach to developing, implementing and reporting an internal safety audit process or ISAP. The ISAP is a critical component of the rail transit agency's SSPP. Following the procedures developed for the ISAP, over a three-year period, every one of the 21 elements specified in the rail transit agency's SSPP will be reviewed and evaluated for its implementation. During this review, the ISAP process will determine if all organizational elements, equipment, procedures, and functions are performing as intended from a safety perspective. In addition, the ISAP measures effectiveness of the SSPP.

The SSPP must document the process and procedures used to plan, schedule, conduct, evaluate, and report on the internal safety audits and to ensure that reports are issued, with recommendations to address any deficiencies or findings. In addition, the revised 49 CFR Part 659 requires additional involvement of the state oversight agency in this process. These requirements must be addressed as well.

12.2 SCOPE OF ACTIVITIES

- **Element:** *Identification of departments and functions subject to review is performed.*

The objectives of the internal safety audit process are to provide a mechanism for determining the effectiveness of the rail transit agency SSPP and to assess its level and quality of implementation. Specifically, internal safety audit objectives are to:

- Verify that safety programs have been developed/implemented in accordance with SSPP requirements;
- Assess the effectiveness of the rail transit agency's system safety programs;
- Identify program deficiencies;
- Identify potential hazards in the operational system and weaknesses in the system safety programs;
- Verify that corrective actions are being developed, implemented and tracked to closure to address deficiencies and potential hazards;
- Recommend improvements to the rail transit agency SSPP;
- Provide management with an assessment of the status and adequacy of the system safety program; and
- Assure continuing evaluation of safety-related programs, issues, awareness and reporting.

Based on a careful review of these objectives and the activities addressed in the SSPP, the rail transit agency should identify the organizational units and functions which are subject to the internal audit process. A list of these organizational units and functions should be included in the SSPP.

A thorough ISAP must provide top management with a mechanism for documenting the fact that key elements of the organization are performing specified functions. These organizational elements must include all key elements with identified system safety responsibilities as specified in the SSPP.

12.3 AUDIT PROCESS

12.3.1 Integrity of Audit Process

- **Element:** *Auditors must be independent from the first line of supervision responsible for the activity being audited.*

This section of the SSPP must identify the rail transit agency personnel responsible for performing the ISAP, and specify requirements to protect against individuals auditing their own work. Required interfaces with the system safety function must also be specified.

In some instances, the system safety function of the rail transit agency will be responsible for implementation and oversight of the ISAP, however, each rail transit agency must be able to tailor such responsibilities to its own unique organizational structure. The overriding philosophy which must be protected regardless of structure is the independent nature of the audit process. The unit in charge of auditing must not be the unit in charge of implementation of the items being audited.

12.3.2 Cycle/Schedule

- **Element:** *A three-year audit schedule must be developed, reviewed, maintained and updated to ensure that all 21 SSPP elements are reviewed during the audit cycle.*

This section of the SSPP must specify the requirement to develop a three-year schedule depicting all 21 audits to be performed. This schedule must be disseminated within the rail transit agency, and also delivered to the state oversight agency. Responsibility for scheduling audits must be clearly identified, by department and job title. Regular dissemination of the audit schedule will support awareness of the ISAP throughout the rail transit agency. Annual schedule updates of this schedule must be provided to the state oversight agency with the Annual Audit Report (see Section 12.3.5).

Audited departments must know when to expect audits. Audits must be scheduled so that they are as unobtrusive as possible. Unannounced inspections or spot audits must be approved as part of the overall audit process with concurrence of general management.

12.3.3 Checklists and Procedures

- **Element:** *The process for conducting reviews, including the development of checklists, and procedures for conducting audits and issuing of findings is described.*

To guide the performance of the ISAP, and to ensure its integrity, a set of ISAP procedures and checklists must be developed for all 21 audits. The procedures and checklists must be reviewed and approved by the rail transit agency, and submitted to the state oversight agency. The procedures must include the new requirement, specified in 49 CFR Part 659, that the rail transit agency must notify the oversight agency no less than thirty days prior to the conduct of each internal audit. The oversight agency retains the authority to observe each internal safety audit.

This requirement ensures that a list of items to be audited will be prepared in advance and that the methodology for conducting the audit will be clearly specified. When necessary, audited departments should be given time to produce necessary documentation. This does not preclude spot check of individual records, such as maintenance records or personnel qualification records, however, the cooperative nature of the audit process must be maintained.

12.3.4 Audit Reporting

- **Element:** *The process for resolving problems and disagreements, report distribution, and follow-up on corrective action procedures is described.*

In order for an internal audit to be effective, the results of the audit must be used for positive, all-encompassing corrective actions. This does not occur if the audit report is not an official document which is automatically provided to all appropriate levels of management. This section of the SSPP must specify that an audit report will be prepared to document the results of each internal audit. At a minimum, this report should contain a brief overview of the activities performed, the completed checklists, and any findings, recommendations or concerns identified. This report may be delivered in draft to the audited department for a period of review and comment prior to finalization.

Each ISAP report, or an executive summary, should be provided to the chief executive officer and the individual, respective departments. To support discussion of results and the development of action plans to address findings, various techniques such as audit coordination meetings and management briefings can be used to make the process as unobtrusive as possible, while still providing valuable input to each respective department being audited as to areas of concern and possible corrective actions.

It is also important to design the process so that it is construed as a positive force in the organization. While the internal audit should be as cooperative as possible, there must also be an administrative process to deal with any problems or disagreements which develop. It should be emphasized that the audit process is only a management tool which provides assistance in discovering possible problem areas. By itself, it should not be considered an internal regulatory or decision making process. Final authority for all decisions always rests within the management structure as prescribed by the individual organization.

The SSPP must specify that a summary of recommended corrective actions, if any, must be included in each audit report. Corrective actions approved by management must then be formally tracked for compliance. In addition, a tracking log must be maintained by the system safety function, documenting the status of all recommended corrective actions.

12.3.5 Annual Audit Report

- **Element:** *The SSPP must describe the requirement of an annual audit report that summarizes the results of individual audits performed during the previous year and includes the status of required corrective action items. This report must be submitted to the state oversight agency for review and approval.*

This section of the SSPP must state that the rail transit agency will prepare an annual audit report documenting its activities and findings over the last year, and submit this report to the state oversight agency for review and approval. To support preparation of this report and its review by the state oversight agency, formal documentation of all aspects of the internal audit process must be maintained. Included in this documentation, should be all necessary reports to general management, respective departments, and the state oversight agency.

As specified by the state oversight agency, the annual report may include the following information:

- A listing of the internal safety and security audits conducted for that year;
- A discussion of where the RTA is in meeting its three-year internal audit schedule, including the identification of any obstacles in meeting the schedule and any proposed mitigation measures;
- An updated schedule for the next year's audits;
- The status of all findings, recommendations and corrective actions resulting from the audits conducted that year; and
- Any challenges or issues experienced by the RTA system safety function or security/police function in obtaining action from/compliance with these findings, recommendations and corrective actions during that year.

12.3.6 Coordination with the Oversight Agency

- **Element:** *The ISAP process and reporting must be coordinated with the state oversight agency.*

The SSPP must identify the role of the state oversight agency in monitoring and overseeing implementation of the ISAP at the rail transit agency. In this capacity, the state oversight agency may request completed reports and status updates regarding the implementation of recommendations. In addition, results from the ISAP may feed into the hazard management process, which is also overseen by the state oversight agency.

12.3.7 Audit Completeness

- **Element:** *The ISAP process should be comprehensive.*

The SSPP should identify the types of documentation that may be required to ensure audit completeness: Maintenance Procedures, Training Manuals, Proceedings of Meetings, Equipment Specifications, Rules/Regulations, Management Program Plans, System Safety Program Plan, Standard Operating Procedures, Emergency Procedures, Configuration Management Plan, Hazardous Materials Management Plan, Administrative Procedures, Rule Book, Safety Rules, Fire Codes, and Engineering Design Criteria.

While ongoing inspections may be conducted on an unannounced basis, actual audits should be done on a coordinated basis, with full management support. Once schedules are approved by general management, all involved departments must provide absolute cooperation.

13. Rules Compliance/Procedures Review

13.1 OVERVIEW

- **Element:** *Operating and maintenance rules and procedures that affect safety are identified.*

All rail transit systems should have a written expression of their policies and practices. These policies and practices are conveyed in various general and specialized rulebooks, operating bulletins, special orders, standard operating procedures and/or other similar documents, generally referred to as rules and procedures. Operating rules and procedures are created to promote safe, efficient, timely, and customer-oriented transit operations. Adherence to these operating rules is necessary to achieve these objectives. A rules compliance program is needed to verify adherence to operating rules.

The SSPP should identify all of the rules and procedures that affect passenger and employee safety, and, as such, are subject to compliance monitoring activities. These rules and procedures may also be reviewed during the ISAP, and/or the rail transit agency's activity to update its SSPP. This identification should include all safety-critical operating and maintenance rules and procedures.

13.2 REVIEW OF RULES AND PROCEDURES

- **Element:** *Operating and maintenance rules and procedures that affect safety are reviewed for their effectiveness and determinations are made regarding their need to be updated.*

The SSPP should describe the process used by the rail transit agency system safety function and supporting committees to review safety-critical operations and maintenance rules and procedures and to make determinations regarding whether they need updating. Procedures for document control and the methods for disseminating updates should also be described. Roles and responsibilities should be identified, by department and job title.

13.3 PROCESS FOR ENSURING RULES COMPLIANCE

- **Element:** *Description of process for developing, maintaining, and ensuring compliance with operating and maintenance rules and procedures.*

The benefits of rules and procedures come from their implementation and use, which can only be assured through periodic review and follow-up. Each rail transit agency shall develop a formal process of observations to evaluate and verify that rules are followed. Each rail transit agency must define its Rule Compliance program to verify and evaluate that its rules are followed. This program must be described in the SSPP.

13.4 COMPLIANCE TECHNIQUES – OPERATIONS AND MAINTENANCE PERSONNEL

- **Element:** *Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing/compliance checks.*

While each rail transit agency shall develop its own requirements for assessing compliance with rules, the following elements must be included:

1. **Evaluation Process:** The rail transit agency must define which job classifications and job functions will be evaluated.
2. **Organizational Responsibility:** The rail transit agency must define which part or parts of the organization/departments or areas will administer the rule compliance process. This includes monitoring the compliance program to verify if it is being followed according to established policies and standards. The rail transit agency must establish the minimum level of qualification required to perform the function of an evaluator.
3. **Evaluation Cycle / Definition of the Frequency of Compliance Checks:** The rail transit agency must determine the evaluation frequency. The rail transit agency should consider the size and complexity of its operation in establishing the evaluation cycles.
4. **Method of Verification:** In determining the method, the rail transit agency must consider characteristics such as various times of the day, days of the week, geographic locations, system features and/or other appropriate practices/conditions. Compliance Checks will be observations of operational personnel performing their jobs/duties. Observations will be performed in a methodical, objective manner. The means of collecting data (i.e., forms, electronic, other) shall be standardized along with specific instructions for conducting the compliance checks. Observers must be trained in the methods of collection and proper documentation of the observations.
5. **Automated Verification:** Some rail transit agencies have automated means of monitoring rule compliance. The following elements should be monitored to the extent possible of the rail transit agency's capabilities: on-time terminal dispatches; unauthorized train operation;

improper train operations; proper vehicle speed; signal conformance; and nullification of operating / safety device.

13.5 COMPLIANCE TECHNIQUES – SUPERVISORY PERSONNEL

- **Element:** *Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules.*

In the SSPP, the rail transit agency must also describe its process for ensuring the effectiveness of supervisors in implementing operating and maintenance rules. This process may be similar to the one used for operations and maintenance personnel as described above or may be based on other methodologies.

13.6 DOCUMENTATION

- **Element:** *Process for documenting results and incorporating them into the hazard management program.*

In the SSPP, the rail transit agency must describe its process for maintaining records of compliance observations and corrective actions. The rail transit agency must also determine acceptable levels of compliance and have defined corrective actions or guidelines to address non-compliance.

14. Facilities and Equipment Inspections

14.1 FACILITIES AND EQUIPMENT SUBJECT TO INSPECTION

- **Element:** *Identification of the facilities and equipment that are subject to regular safety related-inspection and testing is provided.*

The SSPP must specify the general categories of facilities and equipment with safety-related characteristics and corresponding inspection requirements. In addition the SSPP must describe the process for developing and maintaining a custom list at the rail transit agency.

14.2 REGULAR INSPECTION AND TESTING

- **Element:** *A description of how safety-related equipment and facilities are included in a regular inspection and testing program is provided.*

The SSPP should describe the rail transit agency's approach to implementing a regular cycle of inspections for facilities and safety-related equipment along with a list of exactly which items are to be inspected. Observations of defective or missing equipment of course should be reported whenever observed.

For example, the SSPP may specify that all rail transit agency operating and maintenance facilities undergo a complete inspection by the system safety function at least once a year to ensure the safety and health of employees. Individual maintenance shops within the maintenance facilities are formally inspected on a monthly basis. These inspections are conducted using inspection forms, and include inspections to verify OSHA compliance, personal protective protection utilization, inspections of equipment, housekeeping inspections, inspections to verify industrial hygiene practices, etc. However, informal inspections may be conducted at any time. Inspection reports are issued which list the hazards and the safety and health problems found during the inspection. Follow-up inspections and reports are completed within 30 days. The department responsible for the inspected area is required to provide a schedule of corrective actions within 30 days. Follow-up inspections and reports are made 30 to 60 days after the initial inspection.

For equipment inspections, the SSPP may require that equipment inspections are made in accordance with manufacturer guidelines, industry-accepted standards and practices. The SSPP may also specify that track inspections will conform to FRA standards, such as: walking inspections twice a week; riding inspections by track inspectors twice a week; ultrasonic inspection once a year; and gage and other geometry measurements twice each year. Also, a sweep of the alignment will be performed by the first train each morning. The yard & shop areas are inspected monthly. Routine inspections of the structures, bridges, inverts, and aerial guideways are performed at established cycles using approved guidelines.

The system elements such as train control/signaling, grade crossing equipment, traction power, SCADA, and OCS are inspected at established cycles based on the manufacturer guidelines and industry experience. The periodicity of these inspections may be varied based on climatic conditions and corrective maintenance demands.

Rail vehicle inspections are made in accordance with industry-accepted procedures including periodic inspections specified by the Maintenance and Servicing Manual and the Heavy Maintenance Manual. Operators also perform visual inspections and relevant systems checks prior to service-start.

14.3 CHECKLISTS

- ***Element:*** *Use of a written checklist for conducting facility inspections.*

The SSPP should require use of a written checklist when conducting facility inspections. This checklist will ensure a more uniform and complete audit.

14.4 COORDINATION WITH HAZARD MANAGEMENT PROCESS

- **Element:** *Descriptions of how identified hazardous conditions are entered into the Hazard Resolution Process.*

The SSPP must require that results from facilities and equipment inspections are closely coordinated with the rail transit agency's hazard management process. The SSPP should provide a description of how hazards identified during these inspections are integrated into the hazard management process.

15. Maintenance Audits/Inspections

15.1 SYSTEMS AND FACILITIES SUBJECT TO MAINTENANCE PROGRAM

- **Element:** *A list of systems and facilities subject to a maintenance program, along with established maintenance cycle and required documentation of maintenance performed for each item, is provided.*

This section of the SSPP needs to list all of the systems and facilities subject to the rail transit agency's maintenance program. The maintenance cycle, a description of the maintenance to be conducted, and the required documentation of the maintenance to be performed needs to be detailed. The SSPP also needs to include a description of the type of maintenance audits the rail transit agency will conduct. This description should include the audits/inspections conducted by the front line maintenance employees and by the system safety function. The audits conducted should be a comprehensive process and including auditing whether the correct procedures are being followed, and the quality and timeliness of the work performed.

15.2 RESOLUTION OF AUDIT/INSPECTION FINDINGS

- **Element:** *A description of the process for tracking and resolving problems identified during inspections is provided.*

This section of the SSPP must describe the process used to ensure that all issues identified during maintenance audits/inspections are addressed and/or resolved. It is imperative that proper corrective actions be prescribed, implemented, and tracked as part of this process. Such audit records become extremely valuable tools in establishing that the respective management organization is reasonable and prudent in discharging its professional responsibilities. Since accidents are prevented by such preparation and double checking, the audit/inspection process should be considered an excellent way of minimizing costly litigation.

Safety critical systems, such as track, structures, train control, transit vehicles, tunnel ventilation and flood control, elevators, escalators, and communications are inspected/tested and/or serviced on a scheduled, periodic basis. Should such systems be found in a failed or to be in an out-of-tolerance condition, in such a manner that would present a hazard, the SSPP should state that applicable operations will be restricted to maintain safety until such time a appropriate remedial action has been completed. Equipment found to be in a failed or out of tolerance condition are recorded and tracked

by the responsible maintenance department. These discrepancies are not to be closed out until repairs are completed. In the case of transit vehicle maintenance, should a vehicle not receive the prescribed preventive maintenance within the required maintenance schedule, the vehicle is to be withheld from revenue service.

15.3 CHECKLISTS

- **Element:** *Use of a written checklist for conducting maintenance audits is required.*

A checklist should be used to document the maintenance audits conducted by System Safety and by maintenance employees. This checklist helps ensure a more uniform and complete audit, and will direct maintenance audits/inspections to focus on adherence to schedule, application of standards and procedures, and record keeping.

16. Training and Certification Review/Audit

16.1 OVERVIEW

- **Element:** *A description of the training and certification program for employees and contractors is provided.*

The SSPP should provide a description of the program in place for rail transit agency employees and contractors to ensure their consistent and complete training and their capabilities to perform their job activities safely and in compliance with rail transit agency rules and procedures. Such a program requires employees to have a base knowledge that is consistent across their particular job. The program also ensures that the rail transit agency provides initial certification and refresher training.

- **Element:** *Categories of safety-related work requiring training and certification are identified.*

Proper qualification of operating and maintenance personnel is a vital part of a safe transit environment. The SSPP should describe the categories of safety-related work that require training and certification.

16.2 EMPLOYEE SAFETY

- **Element:** *Description of the training and certification program for employees and contractors in safety-related positions is provided.*

The SSPP should describe each of the agency's training and certification programs including general course content and grading procedures. For example, each rail transit agency should develop initial qualification and refresher training programs to ensure that employees demonstrate an understanding and proficiency in the application of rules, procedures, and equipment.

Such characteristics as consistency over several classes, and effective and equitable testing of personnel in both initial and recurrent training should be part of the evaluation process. While the training program elements and content will be specific to the rail transit agency, the SSPP should describe the process applied to ensure that training staff, designated by the rail transit agency, are qualified by training and/or experience. Training staff shall be responsible for the preparation, maintenance, and provision of the training program.

As described in the SSPP, the qualification training program should include the following forms of instruction. Refresher and familiarization training/training for change can use any combination of the following forms: classroom instruction; field instruction (e.g., set up a train with a problem to simulate a unique situation); and on-the-job instruction (e.g., in revenue or non-revenue conditions or both).

The rail transit agency should establish durations for its training programs. The rail transit agency should also conduct periodic internal reviews of the complexity and types of its equipment, system characteristics, and performance to verify the adequacy of the time period allocated for training. The length of the training program is flexible. The rail transit agency shall allow adequate time in the training program for daytime and nighttime, and peak hour practice train operation. The SSPP should also specify that employee training is coordinated with the rail transit agency's Employee Safety Program (discussed in Section 18).

16.3 CONTRACTOR SAFETY

- **Element:** *Description of the training and certification program for contractors is provided.*

While employees of contractors do not come under the direct jurisdiction of rail transit agencies, when contractors work on transit property, especially under operating conditions, certain requirements must be applied to all members of the contractor work force. This is essential for the safety of passengers, transit employees, contractor employees, and protection of transit property. The contractor and all contractor employees must be clear right from the outset that the rail transit agency is in charge and all necessary rules and procedures will be followed without exception.

The rail transit agency, and the responsible units, must ensure that all contractor personnel: 1) are instructed on the procedures, 2) know the procedures, and 3) follow the procedures. Sanctions which will be imposed must be spelled out from the beginning, and if possible, included in the contract.

16.4 RECORD KEEPING

- **Element:** *The process used to maintain and access employee and contractor training records is described.*

The SSPP should describe the way in which a permanent file of personnel training records are maintained by the transit agency.

16.5 COMPLIANCE WITH TRAINING REQUIREMENTS

- **Element:** *The process used to assess compliance with training and certification requirements is described.*

The SSPP needs to describe the process utilized to assess compliance with training and certification requirements. This process may include reviews of records and observations of training courses to evaluate: familiarization of equipment, operating conditions, procedures and practices, classroom training, performance/practice training, testing with established scores based on the nature, complexity and safety sensitivity of the material, application of standardized criteria for all elements such as length and type of training, locations (e.g., yards, routes, etc.), rail vehicle equipment, and specific topics to be included, (e.g., use of fire extinguishers, yard operations, signal tests, troubleshooting, etc.), post-qualification review of employee performance, including employee records and in-person interviews.

17. Configuration Management

17.1 OVERVIEW

- **Element:** *A description of the configuration management control process is provided and appropriate references are made to other rail transit agency documents governing this process.*

Configuration Management is a process which ensures, as much as possible, that all rail transit property, equipment, systems design elements, etc., are documented as to configuration accurately and completely. Any changes to an individual sub-system, or a fleet/inventory wide change should be recorded on as-built drawings in a timely and effective manner.

For most rail transit agencies, configuration management requirements are established in separate Configuration Management Plans (CMP) or procedures. These requirements are included in major contracts to assure that changes to design of equipment and facilities are adequately documented and approved. Contractors are required to submit "as-built" drawings and update manuals and procedures. Changes to designs, after completion of design reviews, are coordinated with the rail transit agency.

The SSPP should reference the CMP or configuration management procedure, and provide a brief description of the process used by the agency. In most cases, rail transit agencies use baseline management to ensure that the technical baseline (as established at the time of Safety Certification for Revenue Service for New Starts or at another time for existing systems) is defined and controlled throughout maintenance and operations, and that the end products satisfy the technical and

operational requirements derived from the system needs. At specific points in time, selected documentation is formally designated and approved as part of the technical baseline. The operations and maintenance technical baseline is the final as-built documentation and system performance requirements. In this manner, configuration management includes certain specified contractual documents, operations and maintenance documents, and safety and security documents.

17.2 PROCESS FOR CHANGES

- ***Element:*** *Process for making changes is described.*

The rail transit agency establishes policy, responsibility and procedures for configuration control to ensure the continued design integrity of the system, subsystems, equipment and facilities. Achieving this integrity requires that configuration changes to the defined system elements are properly coordinated, reviewed, approved, documented, and implemented. The SSPP must describe this process.

In general, system changes are changes to the configuration and supporting documentation that are precipitated by need for new or revised: alignment extensions/upgrades, equipment extensions; systems; quality improvement initiatives; unforeseen conditions discovered during operations; and maintenance activities which require a re-design of a system or its component(s) and so on.

System and/or element changes which affect design and/or operations and maintenance of rail transit agency are reviewed and recommendations are made by a designated committee or function within the rail transit agency regarding requests for configuration management changes. System modifications to the operating system or design extensions are controlled by a systematic review and approval process which includes representatives from a variety of committees and functions, including the system safety function. The SSPP should describe this process, including the committees and functions and their roles and responsibilities.

Special processes may be in place for addressing issues such as computer software configuration management. Because of its significance, computer software may be managed and controlled in accordance with a designated software management process or applicable procedures, which may be separate from, or referenced in, the rail transit agency's CMP. These processes may apply to software and firmware that is developed in-house, licensed or procured from a commercial vendor, obtained from another organization, or otherwise acquired and used in rail transit agency applications. The SSPP should also describe these processes.

17.3 AUTHORITY FOR CHANGE

- **Element:** *Authority to make configuration changes is described and assurances are provided for formal notification of all involved departments.*

The SSPP should describe the process used to make changes using the rail transit agency's configuration management process. At a minimum, this should include: procedures for the authority to make configuration changes, the process for incorporating these changes into all appropriate documentation, and the process for ensuring that all necessary units, including the system safety function, are formally made aware of such changes. It is also recommended that the process be coordinated or combined with the System Modification Review and Approval Process and the Safety Certification Process, described in Sections 7 and 8 of the SSPP. Notification of changes, especially individual unit changes, cannot always occur in advance. It should be a requirement, however, that all units be informed of such changes as expeditiously as possible.

18. Compliance with Local, State and Federal Requirements

18.1 EMPLOYEE SAFETY PROGRAM

- **Element:** *A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements is provided.*

The SSPP should describe the rail transit agency's Employee Safety Program. While it is difficult to develop a generic program, at a minimum, those elements required by local, state or federal law must be incorporated into the Employee Safety Program. These include such elements as Employee Right To Know requirements for hazardous materials and Occupational Safety & Health requirements promulgated by the Occupational Health and Safety Administration (OSHA) or state and local authorities. It is emphasized that these are only minimum programs, and that efforts should be made to maintain a thorough Employee Safety Program above and beyond these minimums.

For many rail transit agencies, Occupational, Environmental, Safety and Health (OES&H) programs are high priorities. The system safety function may be responsible for monitoring implementation of these programs, while designated safety officers or supervisors/managers within Rail Operations, Maintenance and Construction may be responsible for ensuring compliance with safety programs, all applicable OSHA standards and local codes. Generally, it is the responsibility of each department manager and supervisor to ensure a safe and healthy work environment for all employees under their direction. The rail transit agency Human Relations function may have the responsibility for ensuring that employee information bulletin boards are posted and maintained.

The rail transit agency may also conduct regular industrial hygiene studies such as air quality, noise level, hazardous materials, including wastes, and environmental stresses, to evaluate the degree of employee or patron exposure to chemical and physical agents encountered in the work environment, including the office environment. The survey results are utilized to determine the necessary corrective

action, including engineering and administrative controls and/or the required use of personal protective equipment. Reports of the industrial hygiene study are submitted to all affected departments.

Industrial hygiene studies may be performed on a hazard priority basis to identify and eliminate exposures that exceed the Threshold Limit Value (TLV) and Permissible Exposure Level (PEL). These priority levels are typically established by the system safety function through an evaluation of the work processes, including type of work performed, types of chemicals or hazardous materials used to which persons are exposed, frequency and duration of exposure, and number of employee (or patrons) exposed. Examples of high priority exposures include: airborne concentrations of lead, silica and other toxic particulates and aerosols, organic solvents and excessive noise levels.

In addition, physical examinations may be coordinated through the system safety function to monitor the health and welfare of employees, and to identify workplace conditions which may jeopardize their safety and health.

Finally, for construction projects, specific procedures are in place to ensure worker protection and public safety by fostering an awareness and concern for safety on the job site. Implementation of these procedures is the responsibility of the rail transit agency. The Construction function, in coordination with the system safety function, administers a program to address these procedures and their use in the field. Referenced documents for this program also contain requirements concerning contractor and subcontractor safety programs and implementation requirements. Manuals and training courses have been developed and include communication requirements including applicable federal, state and local OSHA requirements. Activities include: (i) providing basic E, S&H training to employees, (ii) training in fire prevention, industrial hygiene and environmental compliance, and (iii) administering the Substance Abuse Prevention and Security programs for E, S&H staff. All accident reports are reviewed and processed by appropriate rail transit agency staff and management.

18.2 WORKING ON OR NEAR RAIL TRANSIT SYSTEM PROPERTY

- **Element:** *Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit system property.*

The SSPP must describe the safety program established for employees and contractors working on, or in close proximity to, rail transit system property. Typically, the system safety function, working with the construction function, administers this program. Contractors are required to comply with all applicable OSHA standards for the safety of their own employees as well as to safeguard rail transit agency employees, contractors, passengers and the public. All employees and contractors working on, or interfacing with, the rail transit agency are required to attend safety training while working on the operating system. This training course may be developed jointly by the operating function and the system safety function. The rail transit agency's Operating and Safety Rules and Procedures are typically included in each construction contract, and these rules and procedures bind contractors and employees performing work on the operating system.

18.3 COMPLIANCE WITH REQUIRED SAFETY PROGRAMS

- **Element:** *Processes for ensuring the employees and contractors know and follow the requirements are described.*

The SSPP must describe the rail transit agency's process for supporting compliance with the Employee and Contractor Safety Programs. Each rail transit manager and supervisor is typically responsible for having knowledge of, and enforcing compliance with, all applicable federal and state OSHA laws, standards and regulations. Although OSHA stipulates that employees are responsible for complying with OSHA standards, many rail transit agencies consider that it is responsible for the employees' compliance. As a result, the rail transit agency may ensure that procedures are established by all departments that facilitate disciplinary action against those individuals who fail to comply with applicable OSHA laws, standards, and regulations.

Examples of types of employee actions that require disciplinary action are: failure to use/wear required personal protective equipment, failure to follow appropriate chemical handling procedures, and the unauthorized modification of safety equipment and devices.

19. Hazardous Materials

- **Element:** *A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements is provided.*

Transit agencies must have a process to ensure that the appropriate employees are familiar with the Hazardous Material Program and the Employee Safety Program. This process should be described in the SSPP.

Most rail transit agencies come under the jurisdiction of either state or federal Environmental Protection Agencies. It is incumbent on each system to determine which regulations it must follow and then ensure all organizational elements are aware of these requirements and how they must be followed. Fundamental requirements of the Right-To-Know laws/standards are included in basic training and the rail transit agency's Hazard Communication Program. The system safety function enforces procedures that ensure compliance with the standards by employees of all departments.

Material Safety Data Sheets (MSDS) for all chemicals and other hazardous materials that are being considered for purchase and use are reviewed and evaluated by the system safety function for approval, prior to use. The user will furnish the manufacturer's MSDS for hazardous products, and information on the planned use and application methods. The rail transit agency procurement department will ensure that the system safety function has submitted written approval of requested materials prior to procurement.

The rail transit agency trains its employees in the use of chemicals and hazardous materials. Follow-up are conducted on the field use of approved products to ensure that safe, proper handling methods are utilized. Appropriate personal protective equipment (PPE) is also provided and its use is required, as specified, by the rail transit agency. Rail transit agency management and supervisory personnel are responsible for providing the necessary PPE and enforcing its use by employees.

20. Drug & Alcohol Abuse

- **Element:** *A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements is provided.*

The abuse of legal drugs, the misuse of alcohol, and/or the use of illegal drugs by rail transit agency employees poses a serious risk of harm to the health and safety of the public and to other employees. Moreover, the use of illegal drugs, on or off duty, is inconsistent with the law-abiding behavior expected of all citizens, and with the special trust placed in such employees as public servants in the field of transportation.

Since virtually all rail transit agencies require federal funds for continued growth and operation, the Drug Testing Requirements of the FTA now form the basis for the drug and alcohol abuse programs. The SSPP must describe the Drug and Alcohol Abuse Program of the agency and must explain that the Drug and Alcohol Abuse Program includes FTA and US DOT requirements (49 CFR Parts 40, 653, and 654). The Drug and Alcohol Abuse Program of the transit agency must also comply with the Drug Free Workplace Act and the SSPP should acknowledge this compliance.

In addition, in this section of the SSPP, the rail transit agency should describe its Employee Assistance Program (EAP) and/or Substance Abuse Program (SAP). Through these programs, rail transit agencies provide an opportunity for employees to deal with drug and alcohol-related problems. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through the EAP and/or SAP in complete confidence and without jeopardizing his/her employment with rail transit agency solely because of the request for assistance. Other treatment programs for drug and alcohol problems are available through the health and welfare provider selected by rail transit agency. The immediate discontinuation of any involvement with alcohol or drugs is an essential requisite for participation in any treatment program. Although employees are encouraged to receive help for drug or alcohol problems, participation in an EAP and/or SAP will not excuse an employee's failure to comply with the requirements of the Policy.

21. Procurement

- **Element:** *A description of the measures, controls, and assurances in place to ensure that safety principles, requirements, and representatives are included in the rail transit agency procurement process.*

System safety should encompass the routine procurement of supplies, materials, and equipment. Procedures must be in place and enforced to preclude the introduction into the transit environment of unauthorized hazardous materials and supplies, as well as defective or deficient equipment. The SSPP must describe the process that is used to prevent inadvertent acceptance of unauthorized materials or defective items.

In addition, the SSPP must describe the process used by the rail transit agency to ensure that all hazardous materials are procured in a safe and controlled manner. The procurement of hazardous materials must follow all state and federal regulations. The SSPP must describe the measures used to ensure safe procurement of these hazardous materials, and where appropriate, reference other procedures or manuals.

The transit agency must also have a quality assurance program in place to assure that new materials used for maintenance or construction activities have been assessed for safety concerns or safety hazards. The SSPP must describe and/or reference this quality assurance program.

Interim PTASP Checklist

Checklist for Reviewing the Rail Transit Agency Safety Plan

Rail Transit Agency (RTA) _____

State Oversight Agency Reviewer _____

Date _____

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
1.	Policy Statement	<ul style="list-style-type: none"> • A polycstatement is developed for the System Safety Program Plan (SSPP). • The policy statement describes the authoritythat establishes the system safety programplan. • The policy statement is signed and endorsed by the rail transit agency's chiefexecutive. 			
2.	Purpose, Goals and Objectives	<ul style="list-style-type: none"> • The purpose of the SSPP is defined. • Goals are identified to ensure that the SSPP fulfillits purpose. • Objectives are identified to monitor and assess the achievement of goals. • Stated management responsibilities are identified forthe safety program to ensure that the goals and objectives are achieved. 			
3.	Management Structure	<ul style="list-style-type: none"> • An overview of the management structure of the rail transit agency is provided including an organization chart. • Organizational structure is clearly defined and includes: <ul style="list-style-type: none"> ○ History and scope of service, ○ Physical characteristics, and ○ Operations and Maintenance. • A description of how the safety function is integrated into the rest of the rail transit organization is provided. • Clear identification of the lines of authority used by the rail transit agency to manage safety issues is provided. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	<p style="text-align: center;">PLAN REQUIREMENTS</p> <p style="text-align: center;">Does the PLAN contain or provide for the following:</p>	<p style="text-align: center;">INCLUDED</p> <p style="text-align: center;">Yes — No</p>	PAGE REF.	COMMENTS
4.	Plan Review and Modification	<ul style="list-style-type: none"> • An annual assessment of whether the systemsafety program plan should be updated is specified. • The process used to control changes to thesystem safety program plan is described. • Specific departments and persons responsible for initiating, developing, approving, and issuing changes to the SSPP are identified. • Required coordination with the oversight agency regarding plan modification, including timeframes for submission, revision, and approval, is addressed. 			
5.	Plan Implementation	<ul style="list-style-type: none"> • A description of the specific activities required to implement the system safety program plan is included. • Tasks to be performed by the rail transit safetyfunction, by position and management accountability, are identified and described. • A description of the methodologies used bythe system safety function to achieve their safety responsibilities should be provided. • Safety-related tasks to be performed by other railtransit departments, by position and management accountability, are identified and described. • A task matrix (or an equivalent narrative description) showing: all identified safety responsibilities, interfaces among all rail transit units responsible for each task,and the key reports or actions required, should be provided. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
6.	Hazard Management Process	<ul style="list-style-type: none"> • The process used by the rail transit agency to implement its hazard management program, including the role of the oversight agency in providing on-going communication, is described. • The hazard management process includes activities for: hazard identification, hazard investigation, evaluation, and analysis, hazard control and elimination, hazard tracking. • Requirements for on-going reporting to the oversight agency relating to hazard management activities and status are specified. 			
7.	Safety Certification Process	<ul style="list-style-type: none"> • A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment. 			
8.	System Modifications	<ul style="list-style-type: none"> • The process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification, but which may have safety impacts, is described. 			
9.	Safety Data Acquisition	<ul style="list-style-type: none"> • The process used to collect, maintain, analyze, and distribute safety data is clearly defined. • The management process for ensuring that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program is clarified. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
10.	Incident Notification, Investigation, and Reporting	<ul style="list-style-type: none"> • A description is provided regarding the process used by the rail transit agency to perform accident notification, investigation and reporting. • Criteria for determining what accidents/incidents require investigation, and who is responsible to conduct specific investigations are developed. • A description of the procedures for performing investigations, including proper documentation and reporting of findings, conclusions reached, use of hazard resolution process to develop corrective action recommendations, and follow-up to verify corrective action implementation is provided. • Notification thresholds for internal departments/functions are defined. • Criteria are specified for notifying external agencies (NTSB, state oversight agency) of accidents and incidents. • Procedures are established for documenting and reporting on accident investigations. • Process used to develop, implement, and track corrective actions that address investigation findings is specified. • Coordination with the oversight agency is specified. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
11.	Emergency Management Program	<ul style="list-style-type: none"> • The agency's emergency planning responsibilities and requirements are identified. • A description of the process used by the rail transit agency to develop an approved, coordinated schedule for emergency management program activities is provided. • Required meetings with external agencies regarding the emergency management program are specified. • The process used to evaluate emergency preparedness, such as annual emergency field exercises, is documented. • After action reports and implementation of findings are required. • The process is explained to be used by the rail transit agency for the revision and distribution of emergency response procedures. • The agency's responsibilities for providing employee training are identified. • The agency's responsibilities for providing familiarization training to local public safety organizations are identified. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
12.	Internal Safety Audit Program	<ul style="list-style-type: none"> • A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety audits are performed to evaluate compliance with the SSPP is included. • Identification of departments and functions subject to audit is performed. • Auditors must be independent from the first line of supervision responsible for the activity being audited. • A three-year audit schedule must be developed, reviewed, maintained and updated to ensure that all 21 SSPP elements are reviewed during the audit cycle. • The process for conducting audits, including the development of checklists, and procedures for conducting audits and issuing of findings is described. • The SSPP must describe the requirement of an annual audit report that summarizes the results of individual audits performed during the previous year and includes the status of required corrective action items. This report must be submitted to the state oversight agency for review and approval. • The process for resolving problems and disagreements, report distribution, and follow-up on corrective action procedures is described. • The ISAP process and reporting must be coordinated with the state oversight agency. • The ISAP process should be comprehensive. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
13.	Rules Compliance	<ul style="list-style-type: none"> • Operating and maintenance rules and procedures that affect safety are identified. • Operating and maintenance rules and procedures that affect safety are reviewed for their effectiveness and determinations are made regarding their need to be updated. • Description of process for developing, maintaining, and ensuring compliance with operating and maintenance rules and procedures. • Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing/compliance checks. • Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules. • Process for documenting results and incorporating them into the hazard management program. 			
14.	Facilities and Equipment Inspections	<ul style="list-style-type: none"> • Identification of the facilities and equipment that are subject to regular safety related- inspection and testing is provided. • A description of how safety-related equipment and facilities are included in a regular inspection and testing program is provided. • Use of a written checklist for conducting facility inspections. • Descriptions of how identified hazardous conditions are entered into the Hazard Resolution Process. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
15.	Maintenance Audit and Inspection Program	<ul style="list-style-type: none"> • A list of systems and facilities subject to a maintenance program, along with established maintenance cycle and required documentation of maintenance performed for each item, is provided. • A description of the process for tracking and resolving problems identified during inspections is provided. • Use of a written checklist for conducting maintenance audits is required. 			
16.	Training and Certification Program	<ul style="list-style-type: none"> • A description of the training and certification program for employees and contractors is provided. • Categories of safety-related work requiring training and certification are identified. • Description of the training and certification program for employees and contractors in safety-related positions is provided. • Description of the training and certification program for contractors is provided. • The process used to maintain and access employee and contractor training records is described. • The process used to assess compliance with training and certification requirements is described. 			

Checklist for Reviewing the Rail Transit Agency Safety Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
17.	Configuration Management Process	<ul style="list-style-type: none"> • A description of the configuration management control process is provided and appropriate references are made to other rail transit agency documents governing this process. <ul style="list-style-type: none"> • Process for making changes is described. • Authority to make configuration changes is described and assurances are provided for formal notification of all involved departments. 			
18.	Compliance with Local, State and Federal Safety Requirements	<ul style="list-style-type: none"> • A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements is provided. • Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency controlled property are identified. • Processes for ensuring the employees and contractors know and follow the requirements are described. 			
19.	Hazardous Materials Program	<ul style="list-style-type: none"> • A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements is provided. 			
20.	Drug and Alcohol Program	<ul style="list-style-type: none"> • A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements is provided. 			
21.	Procurement	<ul style="list-style-type: none"> • A description of the measures, controls, and assurances in place to ensure that safety principles, requirements, and representatives are included in the rail transit agency procurement process. 			

SSP/SSEPP Assessment Guide

Checklist for Reviewing the System Security and Emergency Preparedness Plan

Rail Transit Agency (RTA) _____

State Oversight Agency Reviewer _____ Date _____

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
1.	Policy Statement	<ul style="list-style-type: none"> • A policy statement should be developed for the System Security and Emergency Preparedness Plan. • The policy statement should describe the authority that establishes the SSEPP, including statutory requirements and the rail transit agency's relationship with the oversight agency. • The policy statement is signed and endorsed by the rail transit agency's chief executive. 			
1.1	Purpose	<ul style="list-style-type: none"> • The SSEPP should identify the purpose of the security program endorsed by the agency's chief executive. • The SSEPP should introduce the concept of "system security." • The SSEPP introduces the concept of "emergency preparedness." 			
1.2	Goals and Objectives	<ul style="list-style-type: none"> • The SSEPP should identify the goals of the SSEPP program endorsed by the agency's chief executive. • The SSEPP should identify the objectives of the SSEPP program endorsed by the agency's chief executive. 			
1.3	Scope	<ul style="list-style-type: none"> • Describe the scope of the SSEPP and Program. 			
1.4	Security and Law Enforcement	<ul style="list-style-type: none"> • Describe the security and law enforcement functions that manage and support implementation of the SSEPP. 			
1.5	Management Authority and Legal Aspects	<ul style="list-style-type: none"> • Describe the authority which oversees the operation and management of the rail transit agency, including its security/police function. 			

Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
1.6	Government Involvement	<ul style="list-style-type: none"> • Describe how the SSEPP interfaces with local, state and federal authorities to ensure security and emergency preparedness for the system. 			
1.7	Security Acronyms and Definitions	<ul style="list-style-type: none"> • Provide a listing of acronyms and definitions used in the SSEPP. 			
2.1	Background and History	<ul style="list-style-type: none"> ▪ A description of the agency including general overview, a brief history and scope of rail transit services provided. 			
2.2	Organizational Structure	<ul style="list-style-type: none"> • Organizational charts showing the lines of authority and responsibility as they relate to security and emergency preparedness. 			
2.3	Human Resources	<ul style="list-style-type: none"> • Provide a categorization and break-down of all employees and contractors who work for/on the rail transit agency. 			
2.4	Passengers	<ul style="list-style-type: none"> • Provide a description of the rail transit agency's ridership. 			
2.5	Services and Operations	<ul style="list-style-type: none"> • Describe the rail transit agency's operations and services. 			
2.6	Operating Environment	<ul style="list-style-type: none"> • Describe the rail transit agency's operating environment. 			
2.7	Integration with Other Plans	<ul style="list-style-type: none"> • Describe how the SSEPP integrates with other plans and programs maintained by the rail transit agency. 			
2.8	Current Security Conditions	<ul style="list-style-type: none"> • Description of the current security conditions at the rail transit agency and the types of security incidents experienced by the transit system and their frequency of occurrence. 			
2.9	Capabilities and Practices	<ul style="list-style-type: none"> • Summary description of methods and procedures, devices, and systems utilized to prevent or minimize security breaches, including passenger education, campaigns, delay, detection, and assessment devices, and others that may be applicable. 			

Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
3.1	Responsibility for Mission Statement	<ul style="list-style-type: none"> • Identification of the person(s) responsible for establishing a transit system security and emergency preparedness policy and for developing and approving the SSEPP. 			
3.2	Management of the SSEPP Program	<ul style="list-style-type: none"> • Identification of the person(s) with overall responsibility for transit security and emergency preparedness, including day-to-day operations, SSEPP-related internal communications, liaison with external organizations, and identifying and resolving SSEPP-related concerns. 			
3.3	Division of Security Responsibility	<ul style="list-style-type: none"> • Listing of SSEPP-related responsibilities of the personnel who work within the transit agency security/police function. • Listing of SSEPP-related responsibilities of other departments/functions, including their relationship to the security/police function. • Listing of security-related responsibilities for other (non-security/police) rail transit agency employees, including their relationship to the employee's other duties. • A SSEPP Program Roles and Responsibilities Matrix should be developed showing interfaces with other transit system departments/functions and the key reports or actions required. • The responsibilities of external agencies for supporting SSEPP development and implementation should be identified. • The committees developed by the rail transit agency to address security issues should be identified. 			
4.1	Planning	<ul style="list-style-type: none"> • Identification of SSEPP activities and programs in place at the rail transit agency to support planning for system security and emergency preparedness. 			
4.2	Organization	<ul style="list-style-type: none"> • Identification of the organization of SSEPP-related activities and programs and the ability to coordinate with external response agencies. 			

Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	<p style="text-align: center;">PLAN REQUIREMENTS</p> <p style="text-align: center;">Does the PLAN contain or provide for the following:</p>	<p style="text-align: center;">INCLUDED</p> <p style="text-align: center;">Yes — No</p>	<p style="text-align: center;">PAGE REF.</p>	<p style="text-align: center;">COMMENTS</p>
4.3	Equipment	<ul style="list-style-type: none"> • Description of the equipment used to support implementation of the SSEPP program. 			
4.4	Training and Procedures	<ul style="list-style-type: none"> • Description of SSEPP-related training and procedures available to ensure employee proficiency. 			
4.5	Exercises and Evaluation	<ul style="list-style-type: none"> • Description of SSEPP-related activities to ensure the conduct of emergency exercises and evaluation. 			
5.1	Threat and Vulnerability Identification	<ul style="list-style-type: none"> • Description of the rail transit agency's activities to identify security and terrorism-related threats and vulnerabilities. 			
5.2	Threat and Vulnerability Assessment	<ul style="list-style-type: none"> • Description of the rail transit agency's activities to assess the likely impacts of identified threats and vulnerabilities on the system and to identify particular vulnerabilities which require resolution. 			
5.3	Threat and Vulnerability Resolution	<ul style="list-style-type: none"> • Description of how response strategies (both short- or long-term strategies) are developed for prioritized vulnerabilities, including the decision process used to determine whether to eliminate, mitigate, or accept security problems. 			
6.1	Required Tasks for Goals and Objectives	<ul style="list-style-type: none"> • Identification of tasks to be performed to implement the goals and supporting objectives required to implement the SEPP. 			
6.2	Task Schedule	<ul style="list-style-type: none"> • General schedule with specific milestones for implementation of the security program, threat and vulnerability analyses, staff security training, and regular program reviews during the implementation process. 			
6.3	Evaluation	<ul style="list-style-type: none"> • Description of the types of internal management reviews to be conducted, the frequencies of the reviews, and the person(s) responsible. 			

Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
7.1	Initiation of SSEPP Revisions	<ul style="list-style-type: none"> • Description of process used to initiate revisions to the security plan, gather input for the revisions, procedures for updating the security plan, and identification of responsible person(s). 			
7.2	Review Process	<ul style="list-style-type: none"> • Description of the process used to review and revise the security plan as necessary, including frequency of reviews, and responsible person(s). 			
7.3	Implement Modifications	<ul style="list-style-type: none"> • Description of process used to communicate and disseminate new and revised procedures and other elements of the security plan to appropriate transit agency staff. 			

Internal Safety Audit Process

Purpose

This process provides guidelines by which the rail transit agencies (RTAs) conduct functional internal safety and security compliance reviews/audits. These compliance reviews ensure the implementation of the RTA's System Safety Program Plan (SSPP) and System Security Plan (SSP)/Security Emergency Preparedness Plan (SEPP) and evaluates whether or not the implementation of these programmatic activities are performing as intended. The results of internal safety and security reviews are reviewed and approved by the Wisconsin Department of Transportation (WisDOT) State Safety Oversight (SSO) program. Among the purposes of this procedure is that the RTA complies with 49 CFR Part 659 subsections 659.23, 659.25 and 659.27.

Scope

The scope of this procedure requires the RTA to conduct annual internal safety and security audits/reviews to evaluate compliance with the SSPP and SSP/SEPP, measure their effectiveness, and summarize in a report safety and security activities that have been undertaken, on an ongoing basis throughout the year. The RTA submits a copy of its Annual Safety Activities Report and Safety and Security Audit Report to the WisDOT SSO program by February 12th of the following year. The report includes the results of the internal safety and security audit/review process and includes other audits performed during the preceding year. The safety and security annual reports may be separate documents.

Internal Safety and Security Audit/Review Process

Requiring the Internal Safety and Security Audit/Review Process

The Internal Safety and Security Audit/Review Process, a formal process of managing a safety and security program ensures that all elements in a given transit system's environment are in place and performing as specified. The internal safety and security audit/review process is used to determine if all organizational elements, equipment, procedures, and functions are performing as intended from a safety and security perspective. As described in the RTA's SSPP and SSP/SEPP, the process is a part of the overall safety and security programs implemented to provide safe and secure transportation of fixed guideway transit system passengers, employees, operations, maintenance personnel, contractor programs, and the protection of property. The RTA describes its process to ensure that planned and scheduled internal safety and security reviews are performed to evaluate compliance with the SSPP and SSP/SEPP including:

- Identification of RTA Departments and functions subject to review

- Responsibility for scheduling reviews
- Process for conducting reviews, including the development of checklists and procedures and the issuing of findings
- Review of reporting requirements
- Tracking the status of implemented recommendations
- Coordination with the WisDOT SSO program

Conducting the Internal Safety and Security Audit/Review

The RTA should notify the WisDOT SSO program at least thirty (30) days before conducting an audit/review and provide the checklist. The WisDOT SSO program may attend the audits so the SSO program staff must be advised of any schedule changes date and time of audits. All elements of the safety and security programs are to be completed within a three-year cycle. An annual report documenting the safety and security audit/review activities and the status of subsequent findings, recommendations and corrective actions must be provided to the WisDOT SSO program.

Audit/Review Responsibility

The RTA identifies the unit or divisions of responsibility for oversight of the internal safety and security audit/review process. The unit responsible for the conduct of the audit/review should not be the unit in charge of the implementation of the SSPP and SSP/SEPP items being audited. The same audit team does not have to be used for all of the audits and may vary depending on the department being audited. All members of the audit team(s) should have their name listed on the audit checklist(s). A consultant or contractor may do the audit but the Safety or Security department management are responsible for the respective internal audits. The WisDOT SSO program staff are required to be invited to each audit and may be represented by SSO or consultant staff.

Employee and Contractor Safety and Security Programs

Verification of employee compliance with the requirements of the safety and security programs is accomplished through surveys, inspections and analysis of injury and illness reports, and incident reports.

Verification of Contractor compliance is accomplished through reviews of contract specifications, testing, and inspection of contractor performed work activities at the RTA, and at sites controlled or owned by the RTA.

Internal Safety and Security Audit/Review Procedures

Schedule: A three-year audit/review schedule must be developed by the RTA which addresses all required 24 elements of the SSPP and all five (5) required topics of the SSP/SEPP. The safety and security elements and topics should be generally equally divided over the three years. It is the RTA's General Manager's/chief executive officer's responsibility for internal safety and security audits for the year to be completed before the start of the WisDOT SSO program Triennial review/audit.

Checklists

The RTA Department conducting the audit/review prepare a list of items from the approved SSPP and SSP/SEPP that will be the subject of the audit/review. The items are provided on a checklist to the department under audit/review, which then produces the necessary documentation. Checklists should be developed to ensure that each of the 21 SSPP elements and 5 SSP/SEPP elements and topics audited clearly identified and sufficient criteria to assess compliance are included. A requirement for the spot checking of individual records, such as maintenance records or personnel qualifications and certifications can be included.

For the security program developed checklists which require the review and/or release of security-sensitive information, the required precautions to ensure the protection of this information must be followed.

Audit checklists are part of the permanent record of the agency together with the audit corrective actions/tracking and the annual report(s).

Reporting of the Internal Safety and Security Audit/Review Process

The RTA Department conducting the audit/review receives the formal documentation of the audit/review. Results of audits/reviews are reported to General Management and relevant departments impacted by the audit. Audit/Review reports must list the observations and findings and required corrective actions. Corrective actions are to be developed and tracked by the assigned RTA Department for compliance and in accordance with an identified schedule to completion. Over the course of the year, the WisDOT SSO program should be sent a copy of each signed audit check list, the report, supporting documentation and corrective actions when each individual audit is completed. If necessary, the WisDOT SSO program will request additional information, clarifications or revisions from the RTA. This report should be sent to the WisDOT SSO program even if the WisDOT SSO program staff attended the audit.

Audit corrective actions are to be shown in the monthly reports to the WisDOT SSO program.

The WisDOT SSO program should receive copies of all audits, reviews and inspections and any corrective actions necessary.

Internal Safety and Security Audit/Review Annual Report is (separate safety and security annual reports may be submitted) submitted to the WisDOT SSO program not later than February 12th of the following year. Contents of this report relevant to the safety and security audit/review process include, but are not limited to:

- A listing of the internal safety and security audits/reviews conducted that year
- A discussion of where the RTA is in meeting its three-year internal safety and security audit/review schedule, including any issues regarding meeting the schedule and any proposed mitigation measures
- An updated schedule for the next year's audits/reviews
- The status of all findings, recommendations and corrective actions resulting from the suits/reviews conducted that year
- Any challenges or issues experienced by the RTA in obtaining action from or compliance with the findings, recommendations and corrective actions during that year. This applies to both safety and security related program elements.

The WisDOT SSO program will review and approve annual report(s) within thirty days of submission of the report(s). If necessary, the WisDOT SSO program will request additional information, clarifications or revisions from the RTA. The WisDOT SSO program will accommodate meeting with the representatives of the RTA to address any issues identified by the WisDOT SSO program during its review of the report.

The annual report(s) must be accompanied by a formal letter of certification signed by the RTA's General Manager or chief executive indicating the RTA is performing in compliance with the SSPP and SSP/SEPP. If areas of noncompliance are identified, the chief executive must identify the activities the RTA will take to achieve compliance. The certification is reviewed and approved by the WisDOT SSO program.

State of Wisconsin Open Records Law

Open Records Policy Requirements

Authority and Subject Records

The WisDOT Secretary is officially the authority with legal custody of WisDOT records under the Open Records Law. The Secretary has designated each division administrator and office director as the deputy legal custodian for all public records maintained by each respective division or office. For purposes of WisDOT's SSO program, the DTIM Administrator and BTLRRH Director are the appropriate custodians, respectively. Authorities are also required to post a notice of access to records on all WisDOT offices open to the public.

As defined by law, records (or data) have many forms, including: written, drawn, spoken, visual, and electromagnetic. Records (or data) are preserved in a medium compatible with WisDOT's record-keeping and operational needs. As defined by s. 19.32(2) Wis. Stats, 'records' include (but are not limited to): handwritten, typed, or printed pages; maps; charts; photographs; films; recordings; tapes (including computer tapes); computer printouts; electronic information; databases; and optical disks kept by an authority.

Overall Requirement to Provide Access to Records

The Open Records Law has a strong presumption of access. According to s. 19.35(1)(a), Wis. Stats., "any requester has a right to inspect any record", except where provided by law. Reasonable access must be provided to the public to view or receive copies of records maintained by WisDOT – records shall be provided as soon as practicable. If records are improperly withheld, the requester may seek a court order for disclosure, and penalties in such cases can include reasonable attorney fees (plus costs and forfeiture), up to \$1,000.

Exceptions and Limitations on Access

All records for which WisDOT is the legal custodian, including electronic records, are subject to disclosure under the Open Records Law, unless protected by law. However, some records must be excluded from a response because of statutory limitations, such as those in s. 19.36, Wis. Stats. Creation of records or reports "tailored to meet the needs of the requestor" are not required under the Open Records Law and will not normally be provided if they do not already exist. An exception is the Traffic Accident Section in the Division of Motor Vehicles which receives federal funds for the specific purpose of providing special reports from the accident system.

Records custodians must use the balancing test to determine whether personnel records should be disclosed. If, after applying the balancing test, it is determined that personnel

record disclosure is proper, it is WisDOT practice to notify the employee about WisDOT's intent to disclose the record(s). For requests for records of completed disciplinary investigations of WisDOT employees – not RTA employees or contractors – WisDOT is required, under s. 19.356 Wis. Stats., to inform the subject(s) of the request, and this statute allows the employee to attempt to obtain a court order to prevent the release of the record(s). WisDOT employees who receive requests for personnel records must consult with WisDOT's Bureau of Human Resource Services before providing any requested records.

The Open Records Law specifies that the legal custodian of information must suppress or redact protected/confidential information prior to the release of a record – this includes personally identifiable information (PII). Redaction of protected or confidential information is defined in secs. 19.32(1r) and 19.62(5), Wis. Stats., and applies as follows:

1. Where the record subject (or their authorized representative) requests the record; and
2. Where one of the circumstances set out in s. 19.35(1)(am), Wis. Stats. is present.

WisDOT cannot charge for the time spent to separate, protect, or redact confidential information prior to release of records.

If an open records request is denied, either completely or in part (including redaction of non-disclosable information), WisDOT must inform the requester in writing. The writing must include an explanation of WisDOT's legal basis for the denial (or redaction), and the requester's legal appeal rights under s. 19.35(4)(b), Wis. Stats.

Exclusions

Wis. Stats. s. 19.32(2) provides that records do not include materials:

1. That are purely the personal property of the custodian and have no relation to his or her office;
2. Materials to which access is limited by copyright, patent or bequest; and
3. Published materials in the possession of an authority other than a public library that are available for sale, or which are available for inspection at a public library.

Such materials are not to be provided in responding to an open records request. In addition, the definition of 'record' in s. 19.32(2), Wis. Stats. does not include ". . . drafts . . . and like materials prepared for the originator's personal use or prepared . . . in the name of a person for whom the originator is working . . .". Materials that satisfy this definition of a 'draft' are not provided in response to an open records request.

Procedures

Responding to Open Records Requests

The process to respond to open records requests requires WisDOT staff to determine the type of request received and the resources that may be needed to fulfill the request in a responsive manner, using up-to-date policy and guidance.

Once the request is defined, WisDOT staff work with the program areas to procure the records needed to fulfill the request and provide them to the requestor as soon as practicable and without delay. While referring the requester to a record that is already posted online can often resolve the matter if the requester agrees, such posting is not a substitute for responding to a record request. Thus, if the requester insists on a copy of a record instead of being referred to a website, WisDOT staff will provide a copy of the actual requested record.

WisDOT will fulfill open record requests within 10 business days, unless the request is large, complex, or it is not practicable to meet that deadline. In such cases, WisDOT staff should communicate promptly to the requester on the status and expected response time.

Simple or Routine Requests – Requests that are not complex or sensitive in nature and that can be completed by program area staff without additional assistance. They are usually fulfilled by working with the business area staff or assigned records coordinator and following available guidance.

Complex Requests – Requests that may involve records held in multiple program areas or locations. In almost all cases they will need to be tracked, and the divisions or programs need to confer to decide which one is lead and responsible for providing the records to the requester and for tracking.

Sensitive Requests – Requests are sensitive if they involve or are received from the following sources:

- Journalists, reporters, publishers or other media representatives
- Attorneys (unless the request is for routine information)
- Federal, state, and local agencies
- Federal, state, and local elected officials
- Requests on topics that are high profile, drawing significant media or public scrutiny
- Requests on topics that are controversial
- Requests related to personnel records or issues

- Requests regarding issues on which a lawsuit has been filed (or may be filed)

No authority may destroy any applicable record:

1. Upon the receipt of a request for inspection or copying of the record until after the request is granted and expiration of the approved retention period;
2. Upon the receipt of a request for inspection or copying of the record until at least 60 days after the date that the request is denied and expiration of the approved retention period; or
3. If a legal action is initiated which involves the record, until the case has been resolved and expiration of the approved retention period.

Fees and Instructions

Common Department Inquiries and Related Fees

Section 19.35(3), Wis. Stats. authorizes WisDOT to impose fees in responding to open records requests. Fees imposed for copies of records may not exceed the actual, necessary, and direct cost of record location and reproduction. WisDOT's fee for photocopies is 15 cents per printed page, or 7 cents per page where paper records are converted to electronic format.

For electronic records, no reproduction fee will be charged where requested records already exist. Search fees (staff hourly pay rate x time spent to locate records) may be charged when they exceed \$50. However, the hourly staff pay must be that of the lowest-paid WisDOT staff qualified to perform the search (no matter who actually does the search); in addition, the hourly staff pay charged may not exceed \$30 per hour. Costs of mailing may also be charged reflecting the actual, necessary and direct cost of shipping or mailing a record.

Prepayment may be required if copy fees will exceed \$5, or if search fees exceed \$50. Copies may be provided without charge or at a reduced charge, if the custodian determines that waiver or reduction of the fee is in the public interest. Fees cannot be charged for the time taken by WisDOT staff to separate, suppress, or redact confidential or non-disclosable information from materials provided in response to open records requests.

All content in Appendix J is adapted from:

WisDOT's Transportation Administrative Manual (TAM), directive FRM 103 on public records, last issued on 12/27/16.

Kenosha Area Transit – KAT

KAT Points-of-Contact

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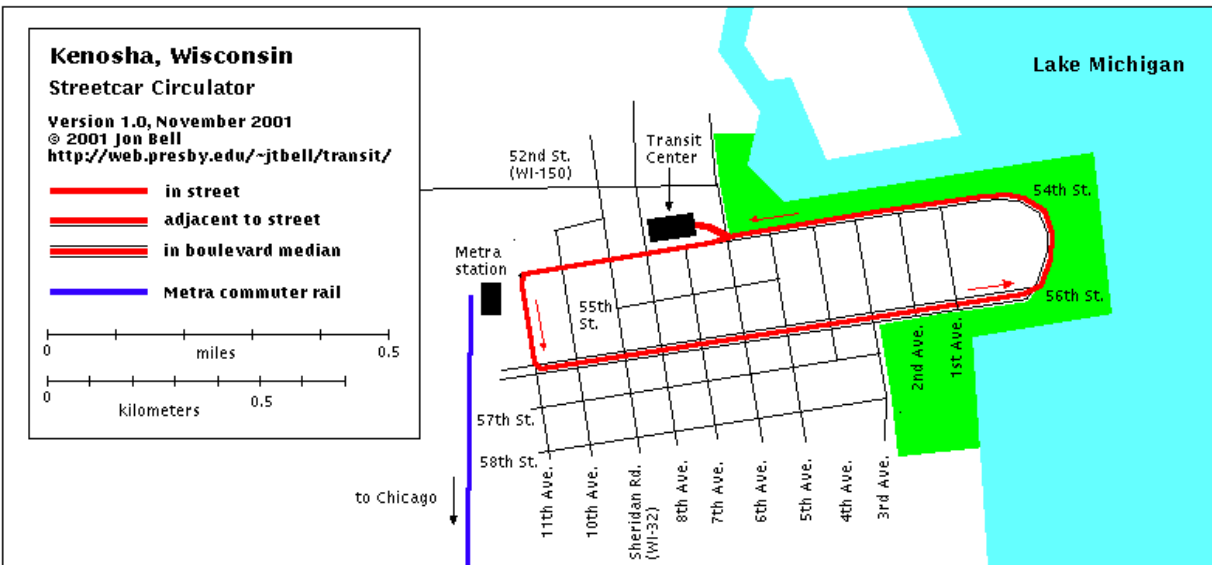
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Kenosha Area Transit Streetcar System Description

KAT Streetcar Service Map



The system overview

Started in 2000, the KAT Streetcar system line is operated by a 600 volt direct current overhead contact system, which consists primarily of bracket suspension line poles spaced approximately 100 feet apart throughout the two miles of the system route. The two-mile route is in downtown Kenosha and is largely within boulevards.

The line is operated manually, with no automatic train operations equipment or wayside signals. At intersections the streetcar is governed by traffic signals or other traffic control devices.

The operations and maintenance facility, known as the "Streetcar Barn", provides inside storage for the operating fleet, and has the requisite pit and ample space for inspections and running repairs.

KAT Streetcar facilities:

The Streetcar Barn, constructed and owned by KAT, includes the streetcar yard, maintenance area, and office space for operations-related functions for the Streetcar system. The Streetcar Barn address is 724 54th Street, Kenosha, Wisconsin. The facility was built in 2000.

The facility building includes offices, lockers, rest room facilities, storage space for supplies, a pit, hydraulic jacks and equipment to maintain the fleet. KAT provides all of the specialized equipment needed to clean and maintain the vehicles. KAT maintains a supply of spare parts to support day-to-day maintenance needs. Additional facility assets include tools, office furniture, lockers, telephones, radio equipment, fare collection equipment, and computer equipment.

Triennial Audit Process

The Part 674 approach to the RTA triennial audit is essentially the same as the intended full triennial review required under Part 659 and described in FTA's best practices document "Recommended Best Practice for States Conducting Three-Year Safety Reviews (March 2009)" (RBP), which can be found by following this link:

<https://www.transit.dot.gov/oversight-policy-areas/sso-three-year-review-recommended-best-practices-march-26-2009-final>

The RBP (pages 4 and 5) identifies eight (8) distinct verification methods that are currently used by SSO agencies during their Three-Year Safety Reviews:

- **Document Review:** Sampling the RTA's SSPP and referenced and/or supporting procedures to ensure that each required element of the State's Program Standard and 49 CFR Part 659 is addressed.
- **Rules Review:** Sampling the RTA's operating rules and bulletins and maintenance rules and procedures to determine if they have been reviewed and updated on a regular basis, if they have been distributed to appropriate RTA personnel as specified in the SSPP, if training has been offered, and if this process has been tracked.
- **Records Review:** Sampling of the RTA's records for evidence of implementation of the SSPP and referenced or supporting procedures. Records reviewed and/or sampled may include, but are not limited to, training records, records of employee rules compliance checks, internal safety audit reports, maintenance inspection reports, minutes of safety committee meetings, etc.
- **Interviews with RTA Senior Management:** Discussions held with senior RTA management, including the RTA's Chief Executive Officer (CEO), to assess their knowledge of the RTA's safety program, as specified in the SSPP and referenced or supporting procedures, and to gauge their commitment to the safety program.
- **Interviews with RTA Safety Personnel:** Discussions held with RTA safety personnel, including the Chief Safety Officer, to assess implementation of the RTA's safety program, to identify issues in its implementation, and to highlight areas of compliance and non-compliance with Part 659 requirements.
- **Interviews with Other RTA Personnel:** Discussions held with other RTA personnel (including a representative sample of rank and file operations and maintenance personnel) to verify their understanding of requirements specified in SSPP and referenced or supporting procedures.
- **Field Observations:** Observations and sampling conducted on-site at the RTA to observe implementation of the processes and procedures described in the SSPP and supporting or referenced documents, procedures and materials related to the RTA's safety program.
- **Inspections and Measurements:** Inspections and measurements conducted on-site at the RTA to ensure that the RTA's infrastructure and equipment is

maintained to the specifications identified in the RTA's standards, procedures, and manuals.

Each of these verification methods has specific strengths and limitations. To adequately assess implementation of each of the 21 SSPP elements required in § 659.19, FTA believes that more than one verification method should be used.

Sampling Rate

The RBP indicates that a sampling approach should be developed, but it does not indicate what that sampling rate should be. The audit process is not expected to be 100% of the rail transit system, and generally, the higher the sampling rate, the higher the cost will be for the triennial audit. The triennial audit approach described here addresses all of FTA's verification methods described in the RBP focused on the interim Public Transportation Agency Safety Plan (PTASP), which is the Part 659-compliant RTA SSPP. In the future, this process will mature, along with risk monitoring described in the program standard and procedure SSO-008, and focus on the PTASP and safety management system (SMS), as these processes are developed and implemented at the RTA.

The point of this full triennial audit will be to address Part 659 compliance, and then build on that experience to make future triennial audit cycles more sophisticated and effective at measuring the risk environment and identifying potentially unmitigated risk at the RTA. As a focus in developing this proposed triennial audit process, there is a need to build "corporate knowledge" of the RTA rail transit systems' safety performance and risk environment through experience, data collection, and analysis of risk-related information. This information includes experience with investigations, internal audits, close calls/hazards, and completion of CAPs. At first, these analyses will be used to corroborate lagging indicators and then can be developed into leading indicators to be used in preventing future safety events. Further, the results of this data and information analyses will be used in targeting/developing the audit sample sets, focused on safety events that have occurred (rather than based on a random sample principle) and explore the effectiveness of CAPs implementing mitigations to control risk experienced within the rail transit system.

This sampling approach allows the triennial audit process to be systematic and provide a programmatic feedback loop to address any remaining unmitigated risk or address mitigations that are not fully successful in managing risk to a level as low as reasonably practicable (ALARP). This approach also enables the SSO program to get a jump-start on developing the Part 674 compliant risk monitoring data and information analysis tools

and activities, including verification of CAPs implementation evidence and effectiveness (risk monitoring also discussed in procedure SSO-008).

Triennial Audit Approach

The triennial audit of the RTA's rail transit system requires the successful completion of the following tasks, which are summarized in the following subsections:

1. Building Knowledge and Tools
2. Planning and Preparation
3. Completing Onsite Activities
4. Reporting and Corrective Actions

This triennial audit approach is intended to be transparent as well as efficient, effective, and sustainable, allowing the required activities to be completed within current grant funding levels now and for future triennial audits and ongoing risk monitoring activities (as required in Part 674) at each RTA.

Building Knowledge and Tools

1. **Triennial Audit Plan.** The SSO program audit team will meet with WisDOT SSO staff to go over the preparation and analysis activities, and develop the triennial audit plan. Once the triennial audit activities commence, the plan will be used to manage schedule and resources, tracking progress of all planned activities to completion.
2. **Audit Scope.** The WisDOT SSO program defines the triennial time-period to match the RTA three-year cycle of internal safety program audits. The WisDOT SSO program triennial audit will occur the year following the completion of the RTA three-year internal safety audit cycle, so that all audits, investigations, and resolution of CAPs can be reviewed and physically checked for appropriate resolution. This audit scope is intended to be synergistic with ongoing risk monitoring activities at the RTA.
3. **RTA Notification.** In the year that the triennial audit is due, the WisDOT SSO program will communicate with the RTA to determine an appropriate timeframe for the triennial audit. The WisDOT SSO program will notify and schedule with the RTA for the planned on-site portion of the triennial audit, at least 60 days in advance of the on-site activities. This is typically done as part of existing on-site quarterly meetings.
4. **Documentation Collection.** A list of documents will be collected to be reviewed and analyzed for the triennial audit. Primary documents of interest include RTA rail transit programmatic and process level documents related to operations,

maintenance, infrastructure and vehicle issues, and safety (and security), with a focus on the RTA's minimum standards for safety.

Documentation List

- a. System Safety Program Plan (SSPP)
 - b. System Security Plan / System Security and Emergency Preparedness Plan (SSP / SSEPP)
 - c. Organizational Chart
 - d. Safety and Security Policy Statements
 - e. Operating Rulebooks
 - f. Emergency Response Procedures
 - g. System safety and security statistics for the most recent three-year period prior to the review.
 - h. Inspection and Maintenance Manuals, including standards (this request would be targeted to the rail systems and infrastructure being audited)
 - i. SOPs related to the rail systems and infrastructure being audited, including command and control
 - j. Other relevant documentation, as determined by the analyses activities and discussions with WisDOT.
5. **Complete Document Review Verification for Triennial Audit.** Once the documentation is collected, it is reviewed and analyzed to address the requirements of the RBP for the document review verification method across all 21 elements of the SSPP.
6. **Collect Risk Data and Analysis.** The WisDOT SSO program collects significant safety information from the RTA rail systems. The following data and information will be collected, reviewed, and analyzed to support the sampling used in the triennial audit:
- a. All RTA investigations, including reports and related CAPs for the previous three years, as well as the current year.
 - b. All safety/security program related internal audits for the current and previous three-year cycle, including all Audit Reports and CAPs. This includes the related findings and recommendations.
 - c. The previous triennial audit report, completed templates, and CAPs.
 - d. All Investigation and audit CAP closure data and evidence for the previous three years.
 - e. Close call/Occurrence/Hazard data and information for the previous three years.
 - f. The RTA's safety data and information analyses from the previous three years, such as from the executive safety committee meetings.

attend. All of this information is a part of the triennial audit plan. The WisDOT SSO program audit team typically coordinates with RTA safety department staff for all scheduling.

11. **Coordination with the RTA.** The WisDOT SSO program audit team continues to communicate with the RTA as the triennial audit on-site week approaches to share information about any changes, to provide the list of team members that will attend, and to update the interview times and personnel schedule for each interview/inspection. The on-site activities will be planned ahead of time, but will need to be flexible because of conflicting schedules and activities at the RTA during the on-site visit.
12. **Complete Update of Triennial Audit Plan.** The triennial audit plan will be a living document, providing flexibility as some activities are completed and other activities are scheduled/re-scheduled until all required triennial audit reviews, interviews, and inspections are completed.

Completing Onsite Activities

13. **Track Access Training.** All members of the WisDOT SSO program audit team will need to have current track access training from the RTA. Typically, the RTA will need to be available on the first day to provide track safety training to all of the team members prior to the start of the data collection on-site inspections and interview events that require access to the RTA facilities and right-of-way locations.
14. **On-site Briefings.** The WisDOT SSO program on-site audit team will provide opening and closing briefings for the RTA staff during the on-site visit. These briefings will be focused on sharing activities to be completed and any observations from the preparation and completion of the on-site interviews and inspections. The entire triennial audit is intended to be transparent, with all aspects shared with the RTA management and staff.
15. **Complete Interviews** (senior, safety, and other staff); **Field Observations; and Inspections and Measurements Verification for Triennial Audit.** The triennial audit team will complete all on-site activities based on an approved schedule and checklists. This will include a team of 3-to-5 people (WISDOT and contractor staff). The audit team typically covers all interviews and inspections in two groups to assure that all topics and issues can be covered. Each audit team member is responsible for taking notes, collecting documentation, and taking photos of all activities completed. This documentation is then added to the templates each evening of the on-site activities. At least one person on the audit team will be responsible for consolidating all notes and documentation for each topic of the on-site audit activities. An additional trip may be required to follow up on questions or rescheduled activities.

Reporting and Corrective Actions

16. **Complete Triennial Audit Draft Report.** The draft triennial audit report will be completed and shared internally with WisDOT management and with the RTA for review, input, and edit. The report will include both findings and recommendations. The effort to draft this report typically takes 30-to-45 days after the on-site visit, and is done at the offices of the WisDOT SSO program team.
17. **Draft Triennial Audit Report for RTA Review.** If there is a need to meet to discuss issues or questions from the draft report, this will be completed either via teleconference or in person as scheduled by the RTA and the WisDOT SSO program team. Any disputes of specific findings or recommendations will either be resolved via communications between the parties or will be documented in the report if not resolved. Any changes or corrections from the RTA will be incorporated into the triennial audit report at this point.
18. **Final Triennial Audit Report and CAPs.** Once the triennial review and audit report is finalized (including internal approval by WisDOT management), it is delivered to all parties: the WisDOT SSO program team; RTA staff; and any other participants (FTA staff, etc.). With the delivery of the final triennial report, the WisDOT SSO program team will request that the RTA develop appropriate CAPs to address all findings and recommendations. This is usually accomplished within 30 days after delivery of the final triennial report.
19. **CAPs Approval.** The RTA will submit the CAPs developed from the final triennial report for the WisDOT SSO program team to review and approve. If there are any issues or questions with these CAPs, the WisDOT SSO program team will contact the RTA staff to share specific comments and issues. A CAP tracking table will be developed and include the recommendation/finding, CAP developed by the RTA, any comments from the WisDOT SSO program, RTA person assigned responsibility, and date CAP is due to be resolved. Once the CAPs are agreed to, the WisDOT SSO program will formally approve the RTA CAPs by letter. At that point, the CAPs will be added to the RTA monthly CAP status document and tracked until completion and evidence of completion collected.

WisDOT SSO Program Triennial Audit Report Outline Example

- Executive Summary of Triennial Audit Results
- Introduction
 - Scope
 - Objectives and Approach
 - Preparation Activities
- Rail System Description
- Summary of Observations and Findings
- Triennial Process and Schedule
- Document Analysis for Triennial Audit
- Review of Safety Program Documents and Activities
- Next Steps
 - Recommendations
 - Findings
- Appendices
 - Three Year Review/Audit Checklists
 - Reviewed Documents List
 - Schedule On-Site Triennial Activities
 - Triennial Review and Audit Forms

Corrective Actions Table Headings

- CAP Number
- Recommendation
- Corrective Action
- WisDOT SSO Comments
- Responsibility
- Due Date

Milwaukee Streetcar System – MSS

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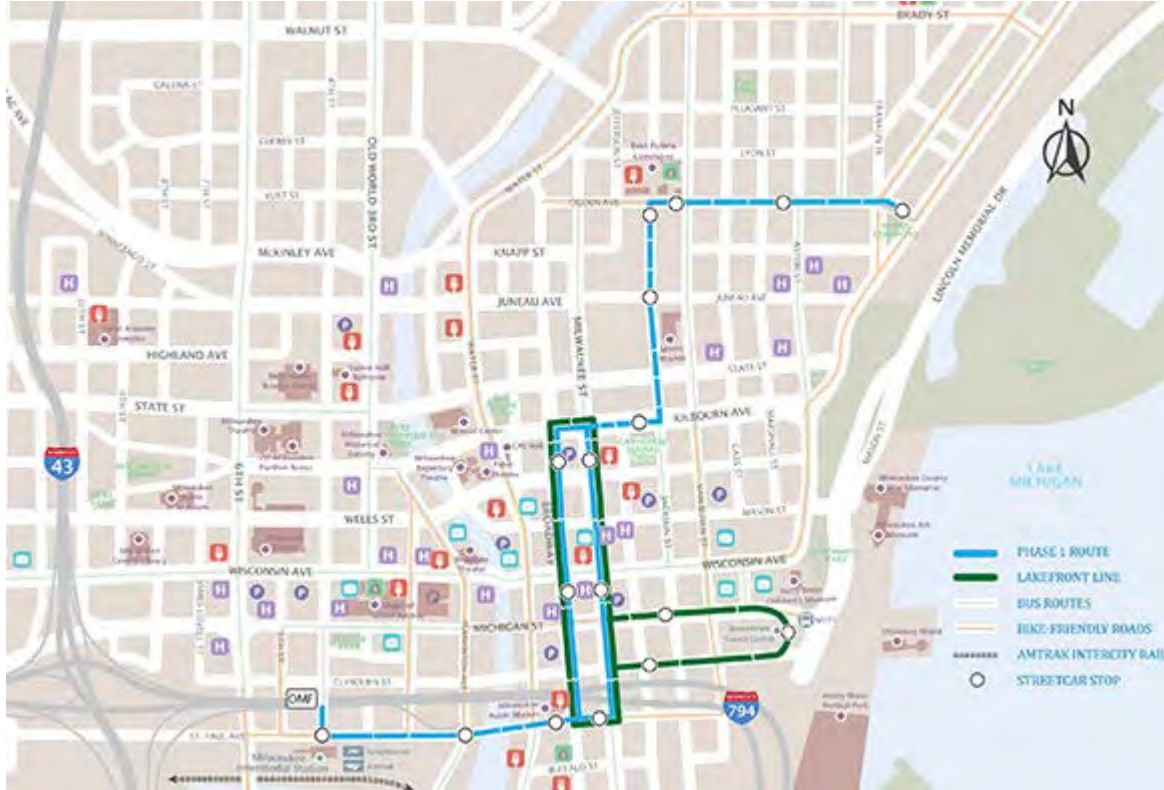
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Milwaukee Streetcar System Description

Milwaukee Streetcar Route Map



The system overview

The Phase 1 Route includes 3.91 roundtrip miles and 17 stations. It operates in both directions on Ogden Avenue from Burns Commons to Jackson Street and on Jackson to Kilbourn. At Broadway and Milwaukee, the tracks separate to form a one-way couplet on adjacent streets, operating southbound on Broadway to St. Paul Avenue, and northbound on Milwaukee to Kilbourn. At the south end of the couplet, the streetcar operates in both directions on St. Paul Avenue, with the alignment traveling west from the couplet to the Milwaukee Intermodal Station at 4th Street. The primary terminus is the Operations and Maintenance Facility (OMF), located on 4th Street, ½ blocks north of St. Paul Avenue.

The Lakefront Line will include 1.91 miles of roundtrip operations, with 8 stops. Approximately 2/3 of the track and 5 of the 8 stations are shared with the Phase 1 Route. The Lakefront line will operate in the downtown on the Milwaukee and Broadway couplet track, interlined with the Phase 1 Route. At the south end of the couplet off

Milwaukee, the Lakefront Line will turn east on Michigan Street toward the waterfront and the Downtown Transit Center, looping around to Clybourn Street and connecting back to Milwaukee Street.

MSS Streetcar facilities

The Operations and Maintenance (OMF) is located on the route at St. Paul and 4th Street, beneath the elevated I-794 freeway. The terminus of the Phase 1 Route is at the OMF. Operators will turn into the tail track at 4th Street and layover at this location.