Washington State
Department of Transportation

Washington State Rail Safety Oversight Program Standard

M 3138

Version 8.0
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Public Transportation Division

ENGLISH

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at 360-705-7090.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

ESPAÑOL

Notificación de Titulo VI al Público

La política del Departamento de Transporte del Estado de Washington (Washington State Department of Transportation, WSDOT) es garantizar que ninguna persona, por motivos de raza, color u origen nacional, según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964, sea excluida de la participación, se le nieguen los beneficios o se le discrimine de otro modo en cualquiera de sus programas y actividades. Cualquier persona que considere que se ha violado su protección del Título VI puede presentar una queja ante la Oficina de Equidad y Derechos Civiles (Office of Equity and Civil Rights, OECR) del WSDOT. Para obtener más información sobre los procedimientos de queja del Título VI o información sobre nuestras obligaciones contra la discriminación, comuníquese con el coordinador del Título VI de la OECR al 360-705-7090.

Información de la Ley sobre Estadounidenses con Discapacidades (ADA, por sus siglas en inglés)

Este material puede estar disponible en un formato alternativo al enviar un correo electrónico a la Oficina de Equidad y Derechos Civiles a wsdotada@wsdot.wa.gov o llamando a la línea sin cargo 855-362-4ADA(4232). Personas sordas o con discapacidad auditiva pueden solicitar la misma información llamando al Washington State Relay al 711.

한국어 – KOREAN

제6조 관련 공지사항

워싱턴 주 교통부(WSDOT)는 1964년 민권법 타이틀 VI 규정에 따라, 누구도 인종, 피부색 또는 출신 국가를 근거로 본 부서의 모든 프로그램 및 활동에 대한 참여가 배제되거나 혜택이 거부되거나, 또는 달리 차별받지 않도록 하는 것을 정책으로 하고 있습니다. 타이틀 VI에 따른 그/그녀에 대한 보호 조항이 위반되었다고 생각된다면 누구든지 WSDOT의 평등 및 민권 사무국(OECR)에 민원을 제기할 수 있습니다. 타이틀 VI에 따른 민원 처리 절차에 관한 보다 자세한 정보 및/또는 본 부서의 차별금지 의무에 관한 정보를 원하신다면, 360-705-7090으로 OECR의 타이틀 VI 담당자에게 연락해주십시오.

미국 장애인법(ADA) 정보

본 자료는 또한 평등 및 민권 사무국에 이메일 wsdotada@wsdot.wa.gov 을 보내시거나 무료 전화 855-362-4ADA(4232)로 연락하셔서 대체 형식으로 받아보실 수 있습니다. 청각 장애인은 워싱턴주 중계 711로 전화하여 요청하실 수 있습니다.

русский – RUSSIAN

Раздел VI Общественное заявление

Политика Департамента транспорта штата Вашингтон (WSDOT) заключается в том, чтобы исключить любые случаи дискриминации по признаку расы, цвета кожи или национального происхождения, как это предусмотрено Разделом VI Закона о гражданских правах 1964 года, а также случаи недопущения участия, лишения льгот или другие формы дискриминации в рамках любой из своих программ и мероприятий. Любое лицо, которое считает, что его средства защиты в рамках раздела VI были нарушены, может подать жалобу в Ведомство по вопросам равенства и гражданских прав WSDOT (OECR). Для дополнительной информации о процедуре подачи жалобы на несоблюдение требований раздела VI, а также получения информации о наших обязательствах по борьбе с дискриминацией, пожалуйста, свяжитесь с координатором OECR по разделу VI по телефону 360-705-7090.

Закон США о защите прав граждан с ограниченными возможностями (ADA)

Эту информацию можно получить в альтернативном формате, отправив электронное письмо в Ведомство по вопросам равенства и гражданских прав по адресу wsdotada@wsdot.wa.gov или позвонив по бесплатному телефону 855-362-4ADA(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.

tiếng Việt – VIETNAMESE

Thông báo Khoản VI dành cho công chúng

Chính sách của Sở Giao Thông Vận Tải Tiểu Bang Washington (WSDOT) là bảo đảm không để cho ai bị loại khỏi sự tham gia, bị từ khước quyền lợi, hoặc bị kỳ thị trong bất cứ chương trình hay hoạt động nào vì lý do chủng tộc, màu da, hoặc nguồn gốc quốc gia, theo như quy định trong Mục VI của Đạo Luật Dân Quyền năm 1964. Bất cứ ai tin rằng quyền bảo vệ trong Mục VI của họ bị vi phạm, đều có thể nộp đơn khiếu nại cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng (OECR) của WSDOT. Muốn biết thêm chi tiết liên quan đến thủ tục khiếu nại Mục VI và/hoặc chi tiết liên quan đến trách nhiệm không kỳ thị của chúng tôi, xin liên lạc với Phối Trí Viên Mục VI của OECR số 360-705-7090.

Thông tin về Đạo luật Người Mỹ tàn tật (Americans with Disabilities Act, ADA)

Tài liệu này có thể thực hiện bằng một hình thức khác bằng cách email cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng wsdotada@wsdot.wa.gov hoặc gọi điện thoại miễn phí số, 855-362-4ADA(4232). Người điếc hoặc khiếm thính có thể yêu cầu bằng cách gọi cho Dịch vụ Tiếp âm Tiểu bang Washington theo số 711.

ARABIC – العَرَبِيّة

العنوان 6 إشعار للجمهور

تتمثل سياسة وزارة النقل في ولاية واشنطن (WSDOT) في ضمان عدم استبعاد أي شخص، على أساس العرق أو اللون أو الأصل القومي من المشاركة في أي من برامجها وأنشطتها أو الحرمان من الفوائد المتاحة بموجبها أو التعرض للتمييز فيها بخلاف ذلك، كما هو منصوص عليه في الباب السادس من قانون الحقوق المدنية لعام 1964. ويمكن لأي شخص يعتقد أنه تم انتهاك حقوقه التي يكفلها الباب السادس تقديم شكوى إلى مكتب المساواة والحقوق المدنية (OECR) التابع لوزارة النقل في ولاية واشنطن. للحصول على معلومات إضافية بشأن إجراءات الشكاوى و/أو بشأن التزاماتنا بعدم التمييز بموجب الباب السادس، يرجى الاتصال بمنسق الباب السادس في مكتب المساواة والحقوق المدنية على الرقم 360-705-7090.

معلومات قانون الأمريكيين ذوي الإعاقة (ADA)

يمكن توفير هذه المواد في تنسيق بديل عن طريق إرسال رسالة بريد إلكتروني إلى مكتب المساواة والحقوق المدنية على wsdotada@wsdot.wa.gov أو عن طريق الاتصال بالرقم المجاني: 855-362-4ADA (4232). يمكن للأشخاص الصم أو ضعاف السمع تقديم طلب عن طريق الاتصال بخدمة Washington State Relay على الرق 711.

中文 – CHINESE

《权利法案》Title VI公告

<華盛頓州交通部(WSDOT)政策規定，按照《1964 年民權法案》第六篇規定，確保無人因種族、膚色或國籍而被排除在WSDOT任何計畫和活動之外，被剝奪相關權益或以其他方式遭到歧視。如任何人認為其第六篇保護權益遭到侵犯，則可向WSDOT的公平和民權辦公室(OECR)提交投訴。如需關於第六篇投訴程式的更多資訊和/或關於我們非歧視義務的資訊，請聯絡OECR的第六篇協調員，電話360-705-7090。

《美国残疾人法案》(ADA)信息

可向公平和民權辦公室發送電子郵件wsdotada@wsdot.wa.gov或撥打免費電話 855-362-4ADA(4232)，以其他格式獲取此資料。听力丧失或听觉障碍人士可拨打711联系Washington州转接站。

Af-soomaaliga – SOMALI

Ciwaanka VI Ogeysiiska Dadweynaha

Waa siyaasada Waaxda Gaadiidka Gobolka Washington (WSDOT) in la xaqiijiyo in aan qofna, ayadoo la cuskanaayo sababo la xariira isir, midab, ama wadanku kasoo jeedo, sida ku qoran Title VI (Qodobka VI) ee Sharciga Xaquuqda Madaniga ah ah oo soo baxay 1964, laga saarin ka qaybgalka, loo diidin faa'iidooyinka, ama si kale loogu takoorin barnaamijyadeeda iyo shaqooyinkeeda. Qof kasta oo aaminsan in difaaciisa Title VI la jebiyay, ayaa cabasho u gudbin kara Xafiiska Sinaanta iyo Xaquuqda Madaniga ah (OECR) ee WSDOT. Si aad u hesho xog dheeraad ah oo ku saabsan hanaannada cabashada Title VI iyo/ama xogta la xariirta waajibaadkeena ka caagan takoorka, fadlan la xariir Iskuduwaha Title VI ee OECR oo aad ka wacayso 360-705-7090.

Macluumaadka Xeerka Naafada Marykanka (ADA)

Agabkaan ayaad ku heli kartaa qaab kale adoo iimeel u diraaya Xafiiska Sinaanta iyo Xaquuqda Madaniga ah oo aad ka helayso wsdotada@wsdot.wa.gov ama adoo wacaaya laynka bilaashka ah, 855-362-4ADA(4232). Dadka naafada maqalka ama maqalku ku adag yahay waxay ku codsan karaan wicitaanka Adeega Gudbinta Gobolka Washington 711.

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Glossary 1

Change log

Version	Date	Chapter	Section	Description
4.0	September 2020	N/A	N/A	Significant revision to address guidance from the Federal Transit Administration for the Washington State Safety Oversight program and agency safety plan requirements. This version adds a separate reference guide to supplement the program standard as a reference. As of publication, the reference guide is in draft form.
5.0	February 2022	4 – Oversight of agency safety plans and internal safety reviews	N/A	• Removed language referring to system safety program plan, which was superseded by the agency safety plan • Included new language regarding new starts; in particular, added reference to 49 CFR part 673
		6 – Accident Notification	Notification Process	Added additional information to be included in the initial notification to the Washington State Safety Oversight program and/or the Federal Transit Administration.
		7 - Investigations	Required Milestones	Changed time to submit an Initial Accident Report from "two working days" to "48 hours" for consistency with Chapter 6.
		8 – Corrective Action Plans	Sources of corrective action plans	Clarified which data sources *shall* result in a corrective action plan vs. which data sources I result in a corrective action plan.
6.0	January 2023	Signature Pages		Updated signatories to new Accountable Executives for Sound Transit and Seattle Streetcar.
		2 – Program standard development	Safety Certification Plan	• Specified which activities require completion of safety certification • Added main topics of a safety certification plan
		4 – Oversight of agency safety plans and internal safety reviews	Interim agency safety plan revisions	Altered language to include digital submissions as links or attachments.
			Safety certification requirement for rail property expansions	• Clarified that the Washington State Safety Oversight program requires properties to develop plans that address both safety and security for all phases of rail projects • Added language regarding the requirement that rail properties must submit a security certification verification report to the Washington State Safety Oversight program and receive program concurrence before revenue service begins
		6 – Accident notification	Additional state 2-hour notification standards	• Added specification that the SSO may request information regarding major security events
			Thirty-day notification of safety events to SSO	• Added "near-misses" as equivalent to close calls • Included "between a rail vehicle and a pedestrian" as an example

Version	Date	Chapter	Section	Description
6.0	January 2023	New Chapter 8 – Inspections		Added overview of inspections processes.
		Formerly Chapter 8, now Chapter 9) – Corrective Action Plans		Refined language to indicate that rail transit agencies should follow their internal timelines to develop Corrective Action Plans following an internal audit.
		Formerly Chapter 9, now Chapter 10) – Annual reporting		Clarified the timeline for the WSDOT "Annual Status of Rail Safety" Governor's report.
		Appendix F: Sound Transit Link Light Rail System description and safety program-related control documents	Sound Transit Contacts List	Updated contact information
		Appendix G: Sound Transit Tacoma Link System description and safety program-related control documents	Sound Transit Contacts List	Updated contact information
		Appendix H: Seattle Streetcar System description, contacts, and safety-program-related control documents	Seattle Streetcar Contacts List	Updated contact information
		Glossary		• Added NTD definition of "assault" • Added OSHA definition of "close call/near miss"

Version	Date	Chapter	Section	Description
7.0	January 2024	9 – Corrective Action Plans		• Added language that specifies that findings resulting from investigation reports conducted by all entities, including NTSB investigations and investigations of pre- revenue FTA-reportable safety events (such as derailments) will be tracked in the CAP Log.
		Appendix E: SSO Information and Contacts	SSO Contacts	• Updated contact information
		Appendix F: Sound Transit Link Light Rail System description and safety program-related control documents	Sound Transit Contacts List	• Updated contact information
		Appendix G: Sound Transit Tacoma Link System description and safety program-related control documents	Sound Transit Contacts List	• Updated contact information
		Appendix H: Seattle Streetcar System description, contacts, and safety-program-related control documents	Seattle Streetcar Contacts List	• Updated contact information

Version	Date	Chapter	Section	Description
8.0	March 2025	1- Program management	- Authority - WAC - Program responsibilities - Policies and procedures - Rail property and SSO reporting on training to FTA - Access and coordination - Risk monitoring and hazard management activities	• Added new bullet to expand on SSO oversight authority. • Added 468-550-071 • Added responsibility to conduct risk-based inspections. • Page 1-6 added reference to RBI, chapter 9 • New reporting requirement for PTSCTP participants • Page 1-7 added RBI access • Page 1-9 reference for RBI data collection • Added RBI activity
		2-Program Standard Development	- Safety Certification Plan - Minimum standards for safety - Right of Way or Roadway Worker Protection Plan - Safety and Security Certification Plan	• Clarification of expectations on Safety Certification main topics • Page 2-1 updated CFR reference • Added industry standard sources • Page 2-5 added ROW and RWP placeholder • Page 2-6 Added certification examples
		4- Oversight of Agency Safety Plans and Internal Safety Reviews	- Safety Certification Requirements for Rail Property Expansions - Auditor Independence	• Clarification of expectations • Added verbiage on auditor independence expectations
		5- Triennial audits	Audit plan On-site phase Audit report	• Page 5-1 Added requirements for an RTA to conduct an audit • Page 5-2 Added procedural change • Page 8-1 Added statement that SSO may request CAPs
		6- Safety Event Notification	Safety event table	• Chapter name change from *Accident notifications* • Pre revenue notification policy part of 49CFR 674.25 (C) • Page 7-1 Updated Safety Event table policy and language

Version	Date	Chapter	Section	Description
8.0	March 2025	7- Investigations	Inspections Final report format Procedures Training	• Removed section due to redundancy • Page 7-8 added additional detail for final report requirements • Page 7-10 added specific information on expectations for investigations and SMEs. • Page 7-11 added best practice reference.
		9- Risk Based Inspections	Risk Based Inspection Program	• Added Risk Based Inspection section
		Appendix A: FTA state safety oversight regulations and authority	CFRs 671, 672, 673, 674 49 U.S.C 5329 WAC	• Added new and updated definitions, new regulatory language, updated CFR references. • Updated regulation to include cost-benefit analysis • Added new SSO authority to access RTA WAC 468-550-071 per RBI program
		Appendix B: State of Washington state safety oversight regulations and authority	WAC 468-550-071	• Added WAC 468-550-071 Access and implementation of risk-based inspections.
		Appendix D: SSO training plan	Refresher training requirements SSO technical training plan	• Added accepted refresher training courses for contractors and staff • Updated SSO technical knowledge categories
		Appendix E: SSO Information and Contacts	SSO Contacts	• Updated contact information
		Appendix E-1 ORG Chart	PTD Org Chart	• Updated to 5/2024 version
		Glossary		• Updated definitions to align with 49 CFR definitions and other references

Signature pages

Washington State Department of Transportation

Signature: _____ Date: 9/3/2025

Julie Meredith, Secretary of Transportation

Signature: _____ Date: 8/8/25

Molly Hughes, Director, Public Transportation Division

Signature: _____ Date: 8/8/25

Molly Hughes, Washington State Rail Safety Oversight Program Manager

Central Puget Sound Regional Transit Authority (Sound Transit)

Link and Tacoma Link Light Rail

Signature: _____ Date: 8/13/2025

Dow Constantine, Accountable Executive

Signature: _____ Date: 8/13/2025

Andrea Trepadean, Chief Safety Officer

City of Seattle

Seattle Streetcar

Signature: _____ Date: 08/21/25

Adiam Emery, Accountable Executive

Signature: _____ Date: 8/21/25

Curtis Ailes, Chief Safety Officer

Seattle Center Monorail

Signature: _____ Date: 8/12/2025

Marshall Foster, Accountable Executive

Signature: _____ Date: 8/25/2025

Megan Ching, Chief Safety Officer

Introduction

The *Washington State Rail Safety Oversight Program Standard* is for the Washington State Department of Transportation (WSDOT) State Safety Oversight Program (SSO).

The Federal Transit Administration (FTA) requires the program standard.

The program standard applies to rail properties[1] in Washington state not solely regulated by the Federal Railroad Administration (FRA).

From system safety to safety management systems

In 1996, FTA authorized rail state safety oversight programs in 49 United States Code (U.S.C.) Section 5330, State safety oversight. Prior to this, FTA had published their state safety oversight rule in December 1995 as 49 Code of Federal Regulations (CFR) Part 659. In April 2005, FTA published a revised version of 49 CFR Part 659.

In 2012, as part of Moving Ahead for Progress in the 21st Century Act (MAP-21), Congress set higher expectations and responsibilities for safety oversight and safety performance for transit agencies, states, and FTA in 49 U.S.C. Section 5329. The new expectations and responsibilities required transit agencies to move from system safety programs to transit-specific safety management systems.

Safety management systems are formal, top-down, organization-wide approaches to managing safety risk and ensuring the effectiveness of a transit agency's safety risk mitigation. Safety management systems include systematic procedures, practices, and policies for managing risks and hazards.

In 2021, as part of Bipartisan Infrastructure Law the Federal Transit Administration (FTA) issued special directives to all SSOAs to develop and implement risk-based inspection programs consistent with these changes.

The authorities for the regulations and requirements below are in 49 U.S.C. Section 5329. For more information, see Appendix A. The Bipartisan Infrastructure Law will enhance state safety oversight programs by strengthening rail inspection practices, protecting transit workers and riders from injuries, and ensuring safe access to transit. FTA's Public Transportation Safety Program is updated to reinforce State Safety Oversight (SSO) programs, including strengthening rail inspection practices. Additional SSO updates will improve safety training, work to reduce assaults on vehicle operators, encourage development of transit agency safety plans, and institute measures to reduce vehicular and pedestrian accidents involving buses.

[1] For the purposes of this document, the term "Rail Property" is used interchangeably with the definition of Rail Fixed Guideway Public Transportation System as defined in 49 CFR Part 674

49 CFR Part 674, State safety oversight

This is a final rule first published by FTA in 2016 and revised in late 2025 based on 49 U.S.C. Section 5329, which strengthens a state safety oversight agency's authority to investigate accidents and oversee rail properties' implementation of its Public Transportation Agency Safety Plan (PTASP).

Under the 2016 Final Rule, state safety oversight agencies must certify their programs as 49 CFR Part 674 compliant and receive approval from FTA three years from the regulations' effective date, or before beginning the engineering or construction phase in the case of a newly formed SSO program.

49 CFR Part 670, Public transportation safety program

These are procedural rules published by FTA in 2016 for the administration of the comprehensive safety program to improve safety at transit agencies in coordination with states.

The rules include FTA's authority to take over audits and inspections for a state safety oversight agency or transit agency.

The rules also include FTA's authority and process to provide Safety Advisories (SA), General Directives (GD), and Special Directives (SD) to transit agencies, states, and state safety oversight agencies.

49 CFR Part 670, National Public Transportation Safety Plan

FTA issued the first National Public Transportation Safety Plan in 2017.

The plan introduced a transit-specific safety management system framework, safety performance management, and concepts of managing risks and ensuring safety performance proactively at transit agencies.

The plan also introduced FTA's minimum safety performance criteria on which transit agencies must base their safety performance measures and targets for improvements. Transit agencies must document their safety performance measures and targets for improvements in their public transportation agency safety plans.

In addition, the revisions in 2024 elevate the reporting requirements to 14 key performance indicators.

49 CFR Part 672, Public Transportation Safety Certification Training Program (PTSCTP)

This is a final rule published by FTA in 2018 and revised in late 2024 requiring safety-related training for safety and oversight for designated FTA, state safety oversight agency, and rail property staff.

The rule includes requirements that designated safety oversight agency and rail property staff complete training from FTA and the Transportation Safety Institute (TSI), or equivalent competency as determined by FTA. Under the rule, newly designated staff have three years to complete the public transportation safety certification training program.

The rule also requires the development of a state safety oversight agency Technical Training Plan (TTP) that is specific to each rail system to which a state provides safety oversight. FTA updated this rule in 2024. New revisions to the 49 CFR Part 672 require rail properties to establish a contact with FTA-TSO for purposes of biannual reporting of the compliance with the PTSCTP and includes a 1-hr refresher course developed by the FTA-TSO as a requirement for the recertification with an employee's PTSCTP.

49 CFR Part 673, Public transportation agency safety plan

This is a final rule published by FTA in 2018 that requires rail properties to use the transit-specific Safety Management System framework through Public Transportation Agency Safety Plans (PTASP). Rail properties must have approved plans by July 20, 2020[2].

Approval of a plan includes assignment of an accountable executive and an adequately trained chief safety officer. The rail property's board of directors (or equivalent) and, for rail transit agencies, the state safety oversight agency must also approve the plan as part of the approval process.

The newly revised rule also requires a Safety Committee comprised of rail property leadership and a plurality of the bargain unit staff to review and approve the PTASP before being approved by the SSOA. The regulation also defines the Risk-based reduction program and was accompanied by an enhanced PTASP approval checklist.

49 CFR Part 625 and 630, Transit asset management plan

These are final rules published by FTA in 2016 for FTA's transit asset management processes. The processes include state of good repair, data collection, prioritization, and data delivery to the National Transit Database (NTD).

The rules highlight the understanding that the condition of transit assets and adequate performance of maintenance have a direct impact on the safety performance of rail properties.

The transit asset management final rule is 49 CFR Part 625. Requirements for transit asset management in the NTD are in 49 CFR Part 630.

Transition to 49 CFR Part 674 and certification

The current state safety oversight rule, 49 CFR Part 674, was authorized by 49 U.S.C. 5329(e). The rule applies to states with rail fixed guideway public transportation systems, state safety oversight agencies, and the entities that operate rail fixed guideway public transportation systems and receive financial assistance from FTA (i.e., rail properties).

Note that in this program standard, the terms rail fixed guideway public transportation systems (used in Part 674), rail fixed guideway system (used in Part 659), and rail transit agency are used interchangeably to mean a rail property that is under the jurisdiction of a state safety oversight program, and specifically the SSO.

SSO modified the *Washington State Rail Safety Oversight Program Standard* to meet the requirements of 49 CFR Part 674 per FTA guidance. FTA certified that SSO had completed its programmatic conversion to 49 CFR Part 674 on July 10, 2018, with a letter to Gov. Jay Inslee (49 CFR Part 674.19).

49 CFR Part 674 required all state safety oversight programs to be certified by April 15, 2019. FTA completed this task with the last state safety oversight program certified in March 2019. For that status and the guidance material used for this effort, see FTA's state safety oversight program certification status.

Source: *49 CFR Part 674.1, Purpose; 49 CFR Part 674.3, Applicability; 49 CFR Part 674.5, Policy; 49 CFR Part 674.9, Transition from previous requirements for state safety oversight; 49 CFR Part 674.19, Certification of a state safety oversight program.*

[2] FTA issued a notice of enforcement discretion effectively extending the public transportation agency safety plan compliance deadline from July 20-Dec. 31, 2020 due to operational challenges presented by the COVID-19 public health emergency. However, that moratorium is no longer in effect at the time this program standard was revised.

Program standard organization and crosswalk

Organization

The *Washington State Rail Safety Oversight Program Standard* includes the nine sections required for program standards in 49 CFR Part 674.27, as well as an introduction, appendices, and glossary:

- Introduction
- Chapter 1: Program management
- Chapter 2: Program standard development
- Chapter 3: Program policy, objectives, and enforcement authority
- Chapter 4: Oversight of Rail PTASP and ISR
- Chapter 5: Triennial audits
- Chapter 6: Safety Event Notification
- Chapter 7: Investigations
- Chapter 8: Corrective action plans
- Chapter 9: Risk Based Inspections
- Appendices
- Appendix A: FTA state safety oversight regulations and authority
- Appendix B: State of Washington state safety oversight regulations and authority
- Appendix C: Washington state governor's designation and FTA's certification of state safety oversight agency
- Appendix D: SSO Training Plan
- Appendix E: SSO description and contacts
- Appendix F: Sound Transit Link Light Rail System description, contacts, and safety-program-related control documents
- Appendix G: Sound Transit Tacoma Link System description, contacts, and safety-program-related control documents
- Appendix H: Seattle Streetcar System description, contacts, and safety-program-related control documents
- Appendix I: Seattle Center Monorail System description, contacts, and safety-program-related control documents
- Appendix J: Acronyms
- Glossary

The Washington State Rail Safety Oversight Program Reference Guide also accompanies the program standard. The reference guide is a companion document to the program standard. The program standard provides the regulatory requirements and expectations for SSO and rail properties. The reference guide provides descriptions of SSO and rail property's processes and activities.

The program standard is available online at wsdot.wa.gov/engineering-standards/all-manuals-and-standards/manuals/rail-safety-oversight-program-standard. The reference guide is available from SSO upon request.

Crosswalk

Below is a crosswalk of the *Washington State Rail Safety Oversight Program Standard* and 49 CFR Part 674.

Crosswalk: 49 CFR Part 674, State safety oversight to *Washington State Rail Safety Oversight Program Standard*	
49 CFR Part 674, State safety oversight	***Washington State Rail Safety Oversight Program Standard***
Subpart A – General provisions	-
674.1, Purpose	Introduction
674.3, Applicability	Introduction
674.5, Policy	Introduction
674.7, Definitions	Glossary
674.9, Transition from previous requirements for state safety oversight	Introduction
Subpart B – Role of the state	-
674.11, State safety oversight program	Chapter 1
674.13, Designation of the oversight agency	Chapter 1 (Waiver process not applicable)
674.15, Designation of oversight agency for multi-state system	Not applicable
674.17, Use of Federal financial assistance	Chapter 1
674.19, Certification of a state safety oversight program	Introduction, Appendix C
674.21, Withholding of federal financial assistance for noncompliance	Chapter 1
674.23, Confidentiality of information	Chapter 1
Subpart C – State safety oversight agencies	-
674.25, Role of the state safety oversight agency	Chapters 1, 2, 3, and 4
674.27, State safety oversight program standards, including Risk-Based Inspection program	Introduction, chapters 1-9
674.29, Public transportation agency safety plans: General requirements	Appendix D
674.31, Triennial audits: General requirements	Chapter 5
674.33, Notifications of accidents	Chapter 6
674.35, Investigations	Chapter 7
674.37, Corrective action plans	Chapter 8
674.39, State safety oversight agency annual reporting to FTA	Chapter 1
674.41, Conflicts of interest	Chapter 1

Chapter 1 Program management

Program management is addressed in 49 CFR Part 674 in four topic areas:

- The state safety oversight agency's authority to oversee the rail property safety program and related activities
- Policies that govern safety oversight activities
- Reporting and data collection requirements
- Communication and coordination between the state safety oversight program and rail properties

This chapter elaborates on each topic.

Source: *49 CFR Part 674.27(a)(1), State safety oversight program standards.*

Authority

Through 49 CFR Part 674, FTA requires the SSO to have the following authorities:

- Promulgate and enforce state rules, including establishing enforcement and investigative authorities
- Enforce federal laws and regulations
- Establish and carry out legal and financial obligations independent of the rail properties in the state
- Hire and develop staff and contract support, as needed and required
- Manage federal and state grant programs
- Implement an active oversight program sufficient to meet the safety oversight needs of the rail properties in the state
- Explicitly acknowledge the States responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the state

The State of Washington established SSO in 1997 when then Gov. Gary Locke designated WSDOT as the state safety oversight agency. In 2018, FTA certified SSO as compliant with 49 CFR Part 674 with a letter to Gov. Jay Inslee. For Gov. Locke's letter designating WSDOT as the SSO agency in the state and FTA's letter to Gov. Inslee certifying SSO as compliant with 49 CFR Part 674, see Appendix C.

The State of Washington established its authority to implement SSO in the Revised Code of Washington (RCW). Washington Administrative Code (WAC) also provides SSO with administrative rules.

The following text box shows RCW and WAC related to SSO. For more information about the RCW and WAC, see Appendix B.

RCW and WAC related to SSO
RCW
• RCW 35.21.228 (city or town) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan • RCW 35A.21.300 (code city) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan • RCW 36.01.210 (county) – Rail fixed guideway public transportation – Safety program plan and security and emergency preparedness plan • RCW 36.57.120 (county transportation authority) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan • RCW 36.57A.170 (public transportation benefit area) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan • RCW 81.104.115 – Definitions • RCW 81.112.180 (regional transit authority) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan
WAC
Chapter 468-550 Safety oversight of rail fixed guideway systems rules • WAC 468-550-010 – Purpose • WAC 468-550-015 – Effective date • WAC 468-550-020 – Applicability • WAC 468-550-030 – Definitions • WAC 468-550-040 – Requirements for agency safety plans • WAC 468-550-050 – Procedures for the submittal, review, approval, and filing of agency safety plans • WAC 468-550-060 – Annual internal safety audits and reports • WAC 468-550-061 – Triennial safety program audits conducted by the department • WAC 468-550-062 – Additional external audits conducted on rail fixed guideway public transportation system safety programs and plans • WAC 468-550-063 – Audits conducted of department's state safety oversight program • WAC 468-550-070 – Notifying of, investigating, and reporting accidents and unacceptable hazardous conditions • WAC 468-550-071 – Access and implementation of risk-based inspections • WAC 468-550-080 – Notifying of and applying financial penalties • WAC 468-550-090 – Suspension of service, modification of service, or the removal of equipment due to failure to mitigate to hazardous conditions • WAC 468-550-100 – Safety program annual report • WAC 468-550-110 – Special provisions for rail fixed guideway public transportation systems crossing state lines and operating in both Washington and a bordering state

Program oversight of rail properties

SSO has oversight responsibilities for the following rail properties in Washington state:

- City of Seattle (owner)
  - Seattle Streetcar
  - Seattle Center Monorail
- Sound Transit (owner)
  - Link Light Rail
  - Tacoma Link Light Rail

SSO also has safety oversight authority over:

- Any rail system capital project related to the above rail properties
- Any new rail transit system capital project planned or built with FTA funding, or any such system in engineering or construction that uses rail and falls within the jurisdiction of the state.

SSO does not have authority over the general freight rail system, which is under FRA jurisdiction.

Source: *49 CFR Part 674.11, State safety oversight program; 49 CFR Part 674.13, Designation of oversight agency.*

Program staff and training

The WSDOT Public Transportation Division houses SSO. FTA certified SSO with 6.8 full-time-equivalent staff. SSO also uses contracted consultants to carry out the program's responsibilities.

FTA's safety certification training program sets training requirements for SSO and contractor staff. SSO tracks staff and contractor progress toward meeting training requirements in its technical training plan, which the program coordinates with each of the rail properties under its oversight.

The technical training plan also addresses SSO access to any rail expertise that program and contractor staff may need to complete investigations, examinations, or audits of the rail properties under the program's oversight.

Program responsibilities

SSO's responsibilities include, but are not limited to:

- Requiring rail properties to develop and implement an agency safety plan (ASP) that complies with the *Washington State Rail Safety Oversight Program Standard* and federal regulations or guidance
- Requiring rail properties to develop and follow minimum safety standards by way of the properties' safety program-related control documents. Rail properties must base minimum safety standards on an all-hazards approach for operations, command and control, and maintenance of the rail systems
- Requiring rail properties to develop, document, and administer a process for performing internal safety program audits

- Conducting audits of the rail properties' safety program at least once every three years. The audit will assess a rail property's implementation of its safety programs based on its agency safety plan
- At the conclusion of the audit, preparing and issuing a report with findings and recommendations that include, at a minimum, an analysis of the effectiveness and accuracy of the agency safety plan and a determination of whether the rail property should update the plan
- Requiring rail properties to notify SSO and FTA of any reportable event or significant hazard within the required timeframe, as defined in the *Washington State Rail Safety Oversight Program Standard* and federal regulations or guidance
- Requiring rail properties that share track with the general railroad system and are subject to FRA notification requirements to notify SSO and FTA, within the time for which the rail property must notify the FRA, of any reportable event or significant hazard
- Investigating, or requiring a rail property to investigate, at a minimum, any reportable event or significant hazard as defined in the *Washington State Rail Safety Oversight Program Standard*
- Requiring rail properties to develop corrective action plans as defined by the *Washington State Rail Safety Oversight Program Standard*. SSO will also track rail properties' progress toward completion of corrective action plans and approve rail properties' closure of corrective action plans
- Monitoring identified safety risks at rail properties on a regular basis. To carry out this monitoring, SSO will use monthly status reports and quarterly on-site meetings (when possible), as well as ad-hoc visits to rail properties, as needed
- Providing required and requested information, data, and reports to FTA
- Participating in safety-related aspects of transit capital projects[1] for the following phases:
  - Engineering and construction
  - Safety and security certification
  - Transition to operations and maintenance
- Conducting risk-based inspections in accordance with special directive 22-51 and the requirements of the Bipartisan Infrastructure Law (BIL) and the FTA requirements for developing a risk-based approach to oversight.
  - Development and implementation of a Risk Based Inspection program, including enhancing WSDOT administrative code, as required.
  - Certification of the RBI Program by FTA.

Source: *49 CFR Part 674.25, Role of the state safety oversight agency.*

[1] For this program standard, capital projects include extension of existing transit lines, new rail transit system capital projects, significant upgrades to rail stations, purchases of new or refurbished rail vehicles, or other projects that meet the requirements of the WSDOT SSO Program.

Program grant funding

In 2012, the U.S. Congress passed MAP-21, which included funding for state safety oversight programs at an 80 percent federal to 20 percent state match.

49 CFR Part 674.17 describes FTA's grant funding and the apportionment strategy the agency uses to allocate available grant funding to state safety oversight programs.

FTA's authority to withhold grant funding from state safety oversight programs for noncompliance is located in 49 CFR Part 674.21.

The table below summarizes SSO's grant funding from FTA and the program's 20 percent state match for fiscal years 2013 through 2024. Note the increase in funding for Fiscal Year 2021 as the enhanced requirements of the Bipartisan Infrastructure Law (BIL) requirements take effect.

SSO grant funding		
Fiscal year	**FTA grant funding (80 percent)**	**20 percent match - Transportation Development Credits (Toll Credits)**
2015	$547,204	$136,801
2016	$558,433	$139,608
2017	$559,445	$111,889
2018	$600,480	$120,096
2019	$643,561	$128,712
2020	$661,067	$132,213
2021	$774,302	$154,860
2022	$1,312,566	$262,513
2023	$1,349,381	$269,876
2024	$1,634,166	$326,833

Source: *FTA grant funding amounts are at www.transit.dot.gov/state-safety-oversight. The state match amounts are calculated based on the FTA grant funding amount.*

Policies and procedures

The *Washington State Rail Safety Oversight Program Standard* addresses the following policies and procedures in the following chapters and sections:

- *Triennial audits*, Chapter 5
- *Investigations*, Chapter 7
- Meetings with the Washington rail properties, Chapter 1, Communication and coordination with rail properties 1-8
- Risk-based inspections, Chapter 9

Policies and procedures for protection of information and conflicts of interest based on 49 CFR Part 674 are below:

- **Protection of reports and information related to investigations and audits:** 49 CFR Part 674.23 allows SSO to protect investigation reports and related safety program information as well as any protected security information from the rail properties

  SSO will provide information required by the FTA safety program in a de-identified form.
- **Conflict of interest management:** SSO has also developed *Washington State Rail Safety Oversight Program Reference Guide*, *Section 07. Program Policy and Objectives*, which provides a process for considering conflicts of interest and requiring a record of the decisions made to manage any perceived significant conflict of interest that falls under the requirements of 49 CFR Part 674.41

Additionally, the *Washington State Rail Safety Oversight Program Reference Guide* provides all SSO procedures.

Source: *49 CFR Part 674.23*, *Confidentiality of information; 49 CFR Part 674.41*, *Conflicts of interest*.

Reporting requirements

SSO annual report to FTA

By March 15 annually, or as allowed by FTA, SSO must submit its annual report to FTA via the State Safety Oversight Reporting System (SSOR).

For more information about the data and information for this report, see *Washington State Rail Safety Oversight Program Reference Guide* sections 06 and 09.

SSO annual report to the governor, FTA, and boards of directors

Annually, SSO must prepare and deliver a report on each rail property's safety performance to the governor, FTA, and the board of directors or equivalent of each rail property (49 CFR Part 674.13(a)(7) and RCW 81.104.115(9)).

For more information on this requirement, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 03.

Rail property reporting to FTA and SSO

As events arise, and dependent upon whether events meet a reporting threshold, rail properties may be required to notify and report to SSO and FTA.

In the event of FTA inquiry into a safety event, it is expected that the rail transit property and SSO will cooperate with FTA requests to the fullest extent practicable.

For more information on this requirement, see chapters 1, 4, 6, and 7, as well as *Washington State Rail Safety Oversight Program Reference Guide*, Section 13.

Rail property and SSO reporting on training to FTA

Semiannually, **between January 1 and January 31st and between July 1st and July 31st**, the POC for the RTA and SSO must submit electronically to FTA documentation that identifies all employees and contractors who are designated as PTSCTP participants and the courses required for training and recertification.

Communication and coordination with rail properties

Access and coordination

SSO expects and requires full access to and the cooperation of each rail property in Washington state.

- Access includes rail property and system:
- Planning
- Design and Engineering
- Construction
- Testing
- Pre-revenue
- Maintenance
- Operations
- Assets (i.e., vehicles, trackway/right-of-way, overhead catenary system, substations, signals, signal buildings, maintenance facilities, command and control systems, data information systems, standard operating procedures, standards/rules, capital project construction sites)
- Staff at all levels (i.e., executives, directors, middle management, supervisors, line staff, contracted staff)

When accessing facilities and systems, SSO staff will follow all rail property operations, maintenance, and safety requirements and procedures, including having a current track access training card or certificate where applicable.

A rail property's Office of Safety (Chief Safety Officer) will be the SSO's primary contact for safety oversight. SSO may coordinate and plan safety program oversight with a rail property's safety program manager, or other safety staff as agreed to by the RTA.

SSO also expects contact and coordination with rail-related departments and crafts within the rail property (i.e., rail, engineering, command and control, training, internal audit, contractors).

A rail property's chief safety officer and designated staff may act as an extension of SSO during investigations, audits, and the development and tracking of corrective action plans at the rail property. Ultimately, the SSOA is responsible for the sufficiency and thoroughness of the investigation and must conduct an independent review of the findings of causation. (49 CFR part 674.35(b))

For specific coordination activities and personnel involved in SSO safety oversight, see appendices A, E, F, G, H, I,

- SSO oversees the rail properties under its jurisdiction through various means, including:
- Ad hoc meetings
- Quarterly meetings
- Review of meeting minutes and handouts from executive-level safety and risk-related meetings
- Monthly status updates with the rail property's chief safety officer and rail property staff
- SSO may also coordinate training opportunities with rail property staff, as appropriate
- On-site examinations of equipment, infrastructure, rolling stock, and interviews with staff
- Risk-based inspections, including data collection and analysis of data provided regularly by the transit agency

Data collection, tracking, and analysis

SSO collects and tracks the status of the following from submission through evidence and closure:

- Reportable event notifications and investigations
- Internal audits
- Triennial safety program audits
- Corrective action plans

Other data that SSO collects and tracks includes hazards; daily safety event logs; and access to the rail property's database systems for operations, maintenance, and command and control related to the rail systems. SSO also tracks some investigations that are not reportable to FTA because of ongoing monitoring of safety performance at the rail property.

SSO maintains data sets to track and analyze all the above. SSO uses this data to support its annual submission to FTA and to conduct safety risk monitoring of the safety program at the rail properties. This safety risk management monitoring supports risk-based, data-driven decision-making for additional investigation, inspection, or audit of the rail property safety program and related all- hazards minimum safety standards by SSO.

Information on data collection and analysis for risk-based inspections can be found in Chapters 7 through 9 in this program standard

Federal information requests to rail properties

SSO requires that rail properties notify and share the results of information requests about the safety program at the rail property from federal agencies, such as:

- FTA's Office of Safety and Oversight (FTA-TSO)
- The National Transportation Safety Board (NTSB)
- FRA
- The Transportation Security Administration (TSA)

At a minimum, rail properties should copy SSO on all correspondence and attachments to such information requests. Ideally, the rail property will discuss the material they intend to supply before submission, however that is not a requirement.

SSO may also support a rail property's responses to such information requests by providing input to and review of the rail property's responses.

SSO intends to share any communications from and responses to information requests from federal agencies that include or directly affect the rail properties in the state (e.g., communications from FTA investigators or TSA surface transportation security inspectors).

Risk monitoring and hazard management activities

The table below shows risk monitoring and hazard management to ensure:

- Active involvement of all parties
- Monitoring of all safety-related activities identified at rail properties

Risk monitoring and hazard management activities	
Activity	***Output***
Notification and investigation of reportable events and hazardous conditions	*Rail property* ◻ Notification ◻ Initial safety event report ◻ (also known as the "48-Hour Report") ◻ Draft final investigation report ◻ Approved and adopted final report ◻ Reviewed and approved corrective action plans
Annual internal safety audits	*Rail property* ◻ Reviewed and approved checklists and procedures for internal safety audits ◻ Submitted annual safety audit report ◻ Developed and approved corrective action plan from audit findings
Monthly status logs for all open or recently closed corrective action plans, hazards, and daily safety events	*Rail property* ◻ Monthly status report ◻ Hazard tracking ◻ Daily safety event tracking *SSO* ◻ Summary quarterly report based on the rail property's information
Monthly rail property executive-level and other safety-related meetings (e.g., executive safety committee, configuration management committee)	*Rail property* ◻ Meeting minutes ◻ Handouts
On-site or virtual quarterly meetings at rail properties to review open and recently closed corrective action plans and safety program topics	*SSO* ◻ Agenda ◻ Handouts ◻ Meeting minutes *Rail property and SSO* ◻ Discussion of open and recently closed corrective action plans ◻ Review of SSO and NTD reportable events to ◻ ensure the data sets are synchronized

Risk monitoring and hazard management activities	
Activity	***Output***
Risk-based inspections at rail properties	*SSO* □ Share risk-based inspection plan in January □ Conduct both announced and unannounced inspections at each rail property □ Prepare report for each inspection containing identified issues or exceptions *Rail property* □ Provide safety, maintenance, inspection, operational, and personnel data. □ Access within two hours for unannounced inspections □ Develop corrective action plans based on inspection results.
Technical training plan for SSO staff	*SSO* □ Rail property awareness training □ On-site activities (e.g., riding the rail system, participating in rail property safety efficiency and enforcement activities)
SSO review and approval of annual rail property agency safety plan update (completed as part of the rail property annual report)	*Rail property* □ Annual update/internal approval for agency safety plan, including approval from board of directors or equivalent
SSO program review and approval of rail property minimum safety standards	*Rail property* □ Track minimum standards for safety in rail property appendix □ Provide SSO access to minimum standards for safety □ Update minimum standards for safety based on investigations, audits, and industry experience
SSO program triennial safety program audit of rail properties	*SSO* □ Checklists □ Draft audit report □ Final audit report *Rail property and SSO* □ Corrective action plans, developed by rail properties and approved by SSO

Risk monitoring at rail propertiesSSO conducts safety oversight by:

- Meeting with rail property staff
- Examinations and Observations of rail property facilities and infrastructure
- Riding the rail system

For more information about safety oversight activities, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 17.

SSO uses the data and information collected at each rail property to understand the property's risk environment. The SSO goal as a program is to conduct safety risk management monitoring and ensure that rail properties are also following their risk management processes, similar to how safety assurance, under a safety management systems framework, monitors safety performance measures and data to help ensure continuous improvement.

Transit industry risk monitoring data and information

The following text box shows transit industry risk monitoring data and information.

Transit industry risk monitoring data and information
Existing safety performance measures (under the NTD)

• **Casualties**
  – Fatalities (i.e., customers, employees, and the public)
  – Injuries (i.e., customers, employees, and the public)
• **Property damage**
• **Reportable events (safety events)**
  – Train derailments (i.e., mainline, yard, side tracks)
  – Collisions (i.e., vehicle-to-vehicle, vehicle-to-person, vehicle-to-object)
  – Collisions at grade-crossings
  – Fires
  – Evacuations for life safety reasons

Results from reportable event (safety event) investigations
• Probable cause/root cause • Contributing factors • Corrective actions
Audit results
• Findings • Corrective actions
Safety risk management and monitoring information
• Safety and security reporting from all levels of the organization • Violations of operations and maintenance rules • Job-based certification and awareness training • All-hazards preparedness analyses • Operations and maintenance performance, including state of good repair and transit asset management • Monitoring of hazard logs • Crime trends, such as trespassing, perimeter breaches, and fare evasion • Fitness for duty, including drug/alcohol program results and hours of service • Liability losses • Customer complaint information • Changes to management, operations, or maintenance • Studies of hazardous materials, spills, and environmental concerns • Ad hoc studies of hazards, threats, and vulnerabilities

All-hazards evaluation/analysis and prioritization model

Under an all-hazards evaluation/analysis and prioritization model, rail properties and SSO complete the following separate analyses/assessments to address safety, security, and emergency preparedness for risk management:

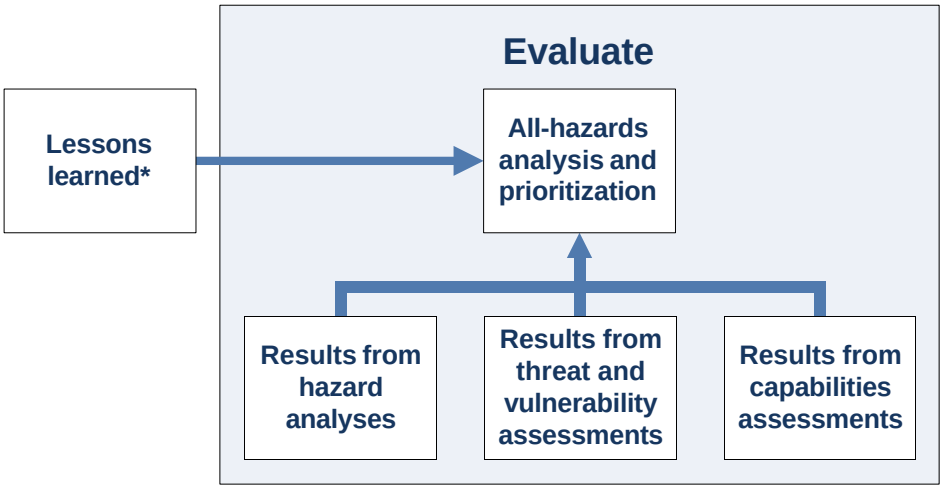
- Safety: hazard analyses
- Security: threat and vulnerability assessments
- Emergency preparedness: capabilities assessments

Each analysis/assessment has different objectives. The outputs of the analyses/assessments are corrective action items for new risks, or enhanced risk controls or mitigations to manage existing risks within the transit agency.

The rail property prioritizes results from the assessments from an all-hazards perspective through management-level consideration of lessons learned from ongoing operations and maintenance of the transit system.

The figure below provides a process map for an all-hazards evaluation/analysis and prioritization model.

All-hazards risk management and prioritization model



* Lessons learned from recent safety event investigations, drills and exercises, self-assessments, etc.

Triennial audit of the SSO by FTA

49 U.S.C. Section 5329(e)(10)(B) requires FTA's TSO to complete an audit of each state's safety oversight program at least once every three years to ensure compliance with 49 CFR Part 674 and 49 U.S.C. Section 5329(e).

Prior to the on-site portion of an audit, TSO's audit team requests documentation that SSO collects from the program and rail property files. The on-site portion typically includes interviews with SSO staff and visits to one or more of the rail properties. The purpose of the onsite portion is for TSO's audit team to confirm its understanding of the documentation and seek clarification, if needed.

SSO will work directly with rail property staff and TSO's audit team to schedule and coordinate the on-site portion and any inspections, examinations, or observations of rail properties.

SSO will respond to all findings and recommendations in FTA's final triennial audit report. SSO will also address corrective actions and track these to completion.

For more information about triennial audits, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 12.

Chapter 2 Program standard development

The *Washington State Rail Safety Oversight Program Standard's* purpose is to provide guidance for how SSO and rail properties work together to meet the expectations and requirements for state safety oversight as defined in federal and state law.

SSO must develop the program standard to establish processes and procedures that govern the conduct of its state oversight program (49 CFR Part 674.27(a)). The program standard must also provide guidance to rail properties about the processes and procedures that they must implement to comply with SSO.

Additionally, 49 CFR Part 674(a) requires the program standard to be consistent with 49 CFR Part 672, Safety certification training program, and 49 CFR Part 673, Public transportation agency safety plan.

Source: *49 CFR Part 674.27(a), State safety oversight program standards.*

Updates to the program standard and annual review

The WSDOT SSO program manager is responsible for changes to the *Washington State Rail Safety Oversight Program Standard*. Changes may result from:

- Internal or external audits
- Policy changes
- Changes to federal or state requirements
- Organizational changes

SSO must review the program standard at least annually for any needed revisions or additions (49 CFR Part 674.27(b) and FTA Program Standard Technical Assistance Guide). During this review, which will generally occur during the fourth quarter of the year but subject to change, rail properties are welcome to offer revisions or additions to the program standard. SSO will review each revision or addition that participants propose in a timely manner, however the final decision to make changes is at the discretion of the WSDOT SSO Program.

Prior to finalizing a new program standard version, SSO will circulate a draft program standard with proposed changes to the subject rail properties for a 30-day comment period, per 49 CFR Section 674.27(a)(3), Disposition of RTA comments.

https://www.ecfr.gov/current/title-49/subtitle-B/chapter-VI/part-674/subpart-C/section-674.27

Following the comment period, the SSO program manager should adjudicate and incorporate accepted proposed changes into a final version of the program standard. WSDOT will approve the final version with the signatures of the following individuals:

- Washington State Secretary of Transportation
- WSDOT Public Transportation Division director
- SSO program manager

Once WSDOT approves the final Program Standard, each rail property's Chief Safety Officer will receive a review copy. The Accountable Executive and Chief Safety Officer of each rail property must acknowledge the final program standard by signing the signature page and sending the signed pages back to the WSDOT SSO program.

As a final step, SSO will distribute the final program standard electronically in an accessible PDF format. The program will also post the finalized program standard to https://wsdot.wa.gov/engineering-standards/all-manuals-and-standards/manuals/rail-safety-oversight-program-standard.

Once SSO has finalized the program standard, rail properties are responsible for communicating the program standard's requirements to appropriate staff or contractors.

SSO follows an abbreviated update process for revisions to the program standard's appendices, procedures, and the *Washington State Rail Safety Oversight Program Reference Guide*. Under this process, rail properties will have an opportunity for review and comment on revisions. However, SSO will not require the rail properties' executives and chief safety officers to formally sign revisions to these sections.

The SSO program manager will distribute updates to the appendices, procedures, and the reference guide electronically to the rail properties and post updates to wsdot.wa.gov/engineering-standards/all-manuals-and-standards/manuals/rail-safety-oversight-program-standard.

The program standard contains a **Change log** to ensure SSO program participants have the most current version.

For more information about the annual review and update of the program standard, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 02.

Minimum standards for safety

SSO must address minimum standards for safety[1] at rail properties (49 CFR Part 674.25(a)).

SSO defines minimum standards for safety as standards rail properties adopt to govern the safety of the following of rail systems, including facilities, infrastructure, and rail-related vehicles:

- Planning
- Design
- Construction
- Testing
- Operations
- Command and control
- Inspection and maintenance

1 Also referred to as control documents, safety related standards, et. al

Examples of minimum standards for safety include rail-safety-related practices and procedures such as a rail property's agency safety plan, security plan, and other documents and procedures associated with the property's safety program. Minimum safety standards are typically industry-based and customized by the rail properties through their documented policies, program documents, plans, and procedures. These documents record the minimum standards for safety at rail properties.

Minimum standards for safety should exist at all rail properties. Rail properties should update minimum safety standards based on the results of event investigations, inspections, audits, or if new safety standards arise in the transit industry. Corrective actions defined by the rail property and approved by SSO may also lead to new or updated minimum standards for safety. Each document related to minimum standards has its own process for update based on requirements or experience.

Rail properties should base their safety-related standards on existing transit industry standards and guidance including:

- The American Public Transportation Association (APTA)
- The National Fire Protection Association (NFPA)
- The American Railway Engineering and Maintenance of Way Association (AREMA)
- The Federal Transit Administration (FTA)
- Transit Cooperative Research Program (TCRP)
- Center for Urban Transportation Research (CUTR)
- Institute of Electrical and Electronic Engineers (IEEE)
- And others as necessary

SSO requires all rail properties to track and provide SSO with access to the property's minimum standards for safety. SSO and rail properties must mutually agree to new or updated minimum standards for safety through discussions and meetings.

SSO tracks the current versions of the documents. For a version list of each rail property's minimum standards for safety, see appendices F, G, H, and I.

Source: *49 CFR Section 674.25(a), Role of the State safety oversight agency; 49 CFR Section 674.27(a)(2), State safety oversight program standards.*

The following sections provide a general list of minimum standards for safety tracked by SSO.

Washington State Rail Safety Oversight Program Standard

The *Washington State Rail Safety Oversight Program Reference Guide* provides a description of the oversight processes used by SSO and the requirements that rail properties must follow. These requirements establishing, documenting, distributing, and tracking their minimum standards for safety.

Public Transportation Agency Safety Plan (PTASP)

This document contains the requirements for a rail property's safety program and safety management system-related activities.

For more information about agency safety plans, see Chapter 4.

System Security Plan (SSP) and Emergency Management Plan (EMP)

This security program document describes the requirements for system security at the rail property.

While 49 CFR Section 674 no longer defines the content of system security and emergency preparedness plans, SSO considers this security program document a minimum safety standard because of its overlap with the safety program as it deals with personal safety. As such, the SSO requires that rail properties develop a System Security Plan and an Emergency Management Plan. The WSDOT SSO will oversee the SSP and the EMP as they intersect with a rail property's safety program from an "all-hazards" perspective. For example, SSO may observe a rail property's tabletop exercises related to operational emergency management.

Emergency Operations Plan (EOP)

This document provides the coordination and preparedness activities inside and outside of the rail property.

Rail operating rule book

This document contains the rules that operators and others working around the rail system must follow.

Right-of-Way (ROW) or Roadway Worker Protection (RWP) plan

This document is related to the rail operating rulebook from the perspective of the protections and procedures for workers on the rail right-of-way. As of January 1, 2025, the revised 49 CFR Part 674 and new 49 CFR Part 671 requires the SSO to be involved in the development of this document and also to audit its implementation and effectiveness at each transit agency it oversees.

Command and control/train control Standard Operating Procedures (SOP)

These are standard operating procedures that command and control staff use to manage operations on the rail system for usual and unusual operations. The procedures also include guidance for managing maintenance and workers on the right-of-way.

These procedures must include the function of power load control and power management as well as troubleshooting information for frequent problems and emergency management on the rail system.

Safety event and hazard investigation procedures

These procedures include:

- Descriptions of the types of safety events and hazards that require notification and investigation
- Identification of who will perform investigations

- Procedures for causal and contributing factor analysis
- Procedures for hazard analysis
- Procedures for the development of recommendations and corrective actions

SSO must also formally adopt and approve these procedures to authorize the rail property to be the lead investigator for the SSO program.

For more information about these procedures, see chapters 6 and 7.

Procedure requiring review of standard operating procedures related to safety

This procedure could require the rail property's Chief Safety Officer or designated staff to review and approve all minimum standards for safety.

Operational Hazard Assessment, Safety Risk Management plan, and safety risk register

These documents help to:

- Track existing and potential hazards in the operations and maintenance of transit service
- Assess hazards
- Aid in the consideration and selection of mitigations

Rail properties update these documents based on risk monitoring from their safety-assurance activities.

Safety and Security Certification Plan

This plan provides the required activities from the rail property safety program for ensuring that the rail property completes safety certification for:

- Capital projects
- Purchases of new equipment or infrastructure
- System refurbishments and/or modifications that affect safety and that SSO deems necessary

The main topics of the safety certification plan are:

- Related design criteria
- Participation of the Chief Safety Officer and/or Accountable Executive
- The rail property's process for ensuring that all safety design criteria exist, comply with federal guidelines (NFPA 130), are comprehensive, and properly address the process an agency will follow to plan, develop and open a new extension or other major capital project. This includes:
  - systems integration testing
  - preliminary and operating hazard assessments (including sub hazard assessments)
  - configuration management, and
  - exceptions with mitigations and estimated closure dates formally accepted by the transit agency's Accountable Executive

Configuration Management Plan

This plan documents the process the rail property uses to:

- Define what modifications to the rail systems and infrastructure must follow this plan
- Define how rail property staff will implement and document system modifications
- Identify roles and responsibilities for determining the acceptability of system modifications
- Define record-keeping requirements

Transit Asset Management plan

With a nexus to the configuration management plan, this plan focuses on the state of good repair of transit assets and prioritization of planned projects and replacements.

Field Supervision Standard Operating Procedures

These procedures are for supervision on the rail system, including:

- Support of service delivery
- Responsiveness to passengers
- Safety

Field supervisors are often the first supervision to arrive at the scene of a safety event on a rail system. As such, field supervisors provide at least initial investigation of safety events on the rail system.

Inspection and Maintenance manuals, Standard Operating Procedures, and industry standards for Inspection and Maintenance practices

These documents provide the requirements for inspection and maintenance of the rail system, including facilities, infrastructure, and related vehicles.

These documents should contain the customized requirements and standards for preventive maintenance, inspection, and troubleshooting for equipment problems.

Drug and Alcohol (D&A) program policy

This policy includes a description of the rail property's drug and alcohol program implementation, policy, and processes.

Occupational safety related activities

This document includes a description of the rail property's occupational safety requirements, processes, and activities.

Chapter 3 Program policy, objectives, and enforcement authority

The following sections contain SSO's program policy, objectives, and enforcement authority.

Source: *49 CFR Section 674.27(a)(3), State safety oversight program standards.*

Policy

The WSDOT SSO seeks to provide proactive and progressive oversight to address emerging or uncontrolled safety risk at rail properties. The WSDOT SSO intends to be collaborative with rail properties and the FTA to help ensure efficient and effective management of safety risk to a level as low as reasonably practicable.

Objectives

- Provide safety oversight compliant with 49 CFR Part 674 and the *Washington State Rail Safety Oversight Program Standard*
- Ensure SSO staff have the necessary qualifications and training to provide safety oversight
- Provide strategic, dynamic, transparent, and flexible safety oversight of rail properties in Washington state
- Maintain and improve safety performance at rail properties through safety oversight and technical assistance
- Collaborate with chief safety officers and their staff in executing the requirements of SSO and rail property safety programs
- Create a relationship of responsiveness and transparency with rail property executives and rail-related management to fulfill SSO requirements in accordance with federal and state law, the *Washington State Rail Safety Oversight Program Standard*, and rail properties' minimum standards for safety
- Take responsibility for the sufficiency and thoroughness of safety event-related investigations and internal safety audits at rail properties[1]
- Participate in and technically review safety event-related investigations and internal audits, as needed
- Complete independent investigations and audits, such as the triennial safety program audit, and make recommendations for improvement, provide input, and provide technical assistance, as needed or requested
- Provide periodic and triennial audits of rail property safety programs, as required and necessary
- Maintain an awareness of the safety risk environment at each rail property
- Provide annual and periodic information and data to the FTA, as required and appropriate

[1] SSO has granted Washington state rail properties authority for safety-related investigations and internal audits. SSO may, at its discretion, directly participate in or lead safety-related activities, including independent or cooperative onsite investigations or audits at rail properties (see objective 8). Rail properties must submit corrective actions resulting from safety-related investigations and internal safety audits to SSO for approval.

Enforcement authority

SSO codified its authority to escalate enforcement up to and including halting rail operations at rail properties based on safety deficiencies (WAC 468-550-090).

For more information about SSO's enforcement authority, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 07.

Chapter 4 Oversight of agency safety plans and internal safety reviews

This section describes the requirements of the agency safety plans and internal safety reviews for each rail property.

Requirements for rail property's agency safety plans are in 49 CFR Part 674.25(b), 49 CFR Part 674.27(a)(4), and 49 CFR Part 674.29.

Washington State Rail Safety Oversight Program Reference Guide, Section 03 provides an outline for agency safety plans based on 49 CFR Part 673. The section also integrates the current safety program description with the previous system safety program plan.

Source: *49 CFR Part 674.25(b), Role of the State safety oversight agency; 49 CFR Part 674.27(a)(4), State safety oversight program standards; 49 CFR Part 674.29, Public transportation safety plans: general requirements.*

Agency safety plan requirements

A rail property's agency safety plan must contain all requirements established in 49 CFR Part 673. The following list highlights some of those requirements. Plans must:

- Document the processes and activities related to a rail property's safety management system implementation
- Include performance targets based on the safety performance measures established in the National Public Transportation Safety Plan[1]
- Address all applicable requirements and standards in FTA's Public Transportation Safety Program (49 CFR Part 670) and the National Public Transportation Safety Plan
- Establish a process and timeline for an annual review and update of the plan
- Include or incorporate by reference an emergency preparedness and response plan, or procedures that addresses, at a minimum:
  - Assignment of employee responsibilities during an emergency
  - Coordination with federal, state, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area
- Certify that the plan complies with 49 CFR Part 673
- Follow the recordkeeping requirements provided in 49 CFR Part 673.31
- Be signed by the accountable executive and approved by the board of directors or equivalent and SSO[2]
- Each rail transit provider must establish in cooperation with the frontline workers a committee that meets the requirements of 49 CFR Part 673.19 that formally reviews and approves the agency safety plan and its updates.

Source: *49 CFR Part 673.11, General requirements; 49 CFR Part 673.13, Certification of compliance; 49 CFR Part 673.15, Coordination with metropolitan, statewide, and non-metropolitan planning processes.*

[1] Additionally, to the maximum extent practicable, rail properties must coordinate with state and metropolitan planning organizations in the selection of state and metropolitan planning organization safety performance targets.

[2] This requirement includes subsequent updates to the plan.

Components of safety management systems

Rail properties must establish and implement safety management systems that are appropriately scaled to the size, scope, and complexity of the property (49 CFR Part 673).

Safety management systems include the following components:

- Safety management policy
- Safety risk management
- Safety assurance
- Safety promotion

Safety plan documentation underpins these components.

The figure below illustrates the relationship between the components.

The following sections describe requirements for safety management system components and safety plan documentation.

Source: *49 CFR Part 673.21, General requirements.*

Safety management policy

The safety management policy must be a written statement that includes the agency's safety objectives. The rail property must communicate to all levels of its staff. Related to this policy, rail properties must:

- Establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals:
  - Accountable executive
  - Chief safety officer or safety management system executive
  - Agency leadership and executive management
  - Key staff
- Establish organizational accountabilities and responsibilities
- Establish and implement a process that allows employees to report safety conditions to senior management
- Establish protections for employees who report safety conditions
- Identify employee behaviors that may result in disciplinary action

Source: *49 CFR Part 673.23, Safety management policy.*

Safety risk management policy

The safety risk management policy must include the following:

- Safety risk management process
- Safety hazard identification
- Safety risk assessment
- Safety risk mitigation

Source: *49 CFR Part 673.25, Safety risk management policy.*

Safety assurance

Safety assurance includes the following:

- Safety assurance process
- Safety performance monitoring and measurement
- Management of change
- Continuous improvement

Source: *49 CFR Part 673.27, Safety assurance.*

Safety promotion

Safety promotion includes the following:

- Competencies and training
- Safety communication

Source: *49 CFR Part 673.29, Safety promotion.*

Safety plan documentation

Safety plan documentation addresses all records generated as part of the safety-management-system-related tasks and activities.

Source: *49 CFR Part 673.31, Safety plan documentation.*

Submission, review, and approval of agency safety plans

Initial agency safety plan submission

All rail properties must establish an agency safety plan that meets the requirements of 49 CFR Part 674 and SSO must review and approve each rail property's plan prior to submission to the FTA.

Annual agency safety plan submission, review, and approval

Rail properties must review agency safety plans at least annually and make any modifications, as needed (49 CFR Parts 674 and 673). The purpose of the review is for rail properties to assess whether the plans are current, accurate, and effective in improving safety performance.

By March 1 of each year, rail properties must submit to SSO for review and approval:

- A revised agency safety plan based on updates from the previous calendar year

  --OR--

- A letter signed by its chief safety officer that the rail property reviewed its agency safety plan and determined that it did not need to make any revisions for that year

If the rail property submits a revised agency safety plan, it should include a summary that identifies and explains the changes from the previous version.

SSO will review the revised agency safety plan using the checklist in *Washington State Rail Safety Oversight Program Reference Guide*, Section 04 to determine if the plan meets federal and state requirements. If the plan does not meet state or federal requirements, SSO will provide the rail property with comments in the checklist and negotiate changes with the property to the plan. SSO or the rail property may request a meeting to ensure understanding of the changes and negotiate the amount of time the rail property has to make the changes.

After the rail property makes the agreed upon changes to the revised agency safety plan, SSO will review the changes. SSO will notify the rail property of its approval of the changes and provide the checklist used for the review.

After SSO's final approval of changes, the rail property may finalize the revised agency safety plan with the required signatures (for more information, see Agency safety plan requirements in this chapter). The rail property must submit the final agency safety plan to SSO with a transmission letter explaining any changes made sense SSO's final review. SSO will issue written approval to the rail property of its final agency safety plan within **30 calendar days** of receipt of the plan and transmission letter.

Interim agency safety plan revisions

Rail properties may revise their agency safety plans throughout the year for reasons such as:

- Revisions to the *Washington State Rail Safety Oversight Program Standard*
- Updates to 49 CFR Part 674 or 49 CFR Part 673
- Audit results
- Corrective actions resulting from investigations
- Changing trends in safety data and information analysis

SSO will communicate revisions the program requires to an agency safety plan via written notification to the rail property. After this initial communication, the rail property and SSO will negotiate a deadline for completing revisions.

If the rail property significantly revises its agency safety plan outside of the annual revision window, the rail property must submit the revised plan to SSO for review and approval within **30 calendar days** of the effective date of the revisions.

When a rail property submits a revised agency safety plan to SSO for review, the property should also ensure that SSO has access to all current operating rules, procedures, and materials referenced in the plan. If the rail property submits these documents to SSO via a web-based system (e.g., SharePoint), the property should submit a list of the documents with the SharePoint links, if available, and their revision dates to ensure SSO's efficient and complete review of the rail property's safety program.

Safety plan requirements for new rail properties[3]

If an entity plans to open a rail property in Washington state, the entity must submit an initial agency safety plan to SSO at least **180 calendar days** before beginning revenue service operations.

SSO will review and approve the initial agency safety plan in writing as part of the new rail property capital project safety certification process (for more information, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 18. The review and approval process for initial plans generally follows the process in Annual agency safety plan submission, review, and approval in this chapter, but may require more revision cycles to complete.

Additionally, prior to the start of passenger service, SSO must receive and accept a letter from the new rail property's chief executive officer or accountable executive declaring that the rail property certified its system safe and ready to carry passengers. If SSO does not accept this determination, the new rail property must revise its safety plan and implement corrective action plans to address identified hazards.

SSO strongly encourages new rail properties to provide SSO with ongoing updates during the safety certification process to ensure SSO acceptance prior to the scheduled start of passenger service.

[3] If WSDOT participated in funding of the rail property capital project, other entities associated with WSDOT (e.g., regional transportation planning organizations) may participate in the rail property's readiness-for-service assessment with the FTA project management oversight.

Safety certification requirements for rail property expansions[4]

The *Washington State Rail Safety Oversight Program Standard* is effective for system expansions or major enhancements to existing rail properties from preliminary design, final design, engineering, construction, and through testing and start of operations. Additionally, the SSO requires rail properties to develop plans that address safety and security for every rail project phase of every rail transit system and facility, such as SSMPs and SSCPs, as prescribed by the FTA requirements for capital projects.

Before new expansions can begin revenue service, rail properties must submit a readiness review assessment (i.e., SSCVR) to the SSO and receive SSO concurrence to begin revenue service. The SSO may participate in project site visits with the rail property to assess the service readiness, capabilities, and observable risks the rail property may encounter when implementing its agency safety plan during passenger operations for system expansion. For more information, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 18b.

Oversight of internal safety audits

Rail properties must conduct internal safety audits (49 CFR Part 674.27(a)(4) and 49 CFR Part 673.27(d)). Rail properties must also notify SSO before the property conducts an internal safety audit.

Within safety management systems, safety audits are part of safety assurance. Safety audits help ensure that a rail property's safety management system is working properly.

For internal safety auditing purposes, the *Washington State Rail Safety Oversight Program Standard* requires rail properties:

- Develop a three-year audit plan
- Address all aspects of a rail property's agency safety plan within the audit plan's three-year cycle
- Prepare a written report for each audit
- Ensure that safety auditors are appropriately independent

For more information on internal safety audits, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 14.

Three-year audit plan and audit notification

SSO requires rail properties to submit a three-year audit plan **by March 31** of the beginning each three-year cycle (i.e., 2025-2027).

The audit plan should address all aspects of the rail property's agency safety plan within the three-year cycle. The rail property may change the audit plan throughout the three-year cycle so long as the property completes all audits described in the initial audit plan.

SSO will track the rail property's progress as part of the program's monthly status tracking, as well as through the rail property's annual report to SSO.

[4] Ibid., footnote 7.

Rail properties must notify SSO at least **30 calendar** days before an audit is scheduled to begin. This notification should include:

- Audit date
- Audit scope
- Audit checklists
- Names of interviewees
- Names of auditors
- Audit procedures

SSO may request additional materials or clarification from rail properties based on the audit notification.

SSO will issue a letter of approval to rail properties confirming that the audit scope and checklists are consistent with the rail properties three-year audit schedule.

SSO may participate in a rail property's internal safety audits, as time and resources allow.

Safety audit topics

To comply with the *Washington State Rail Safety Oversight Program Standard*, rail properties must include the following topics in their three-year safety audit schedule.

Safety management system implementation

Annually, rail property internal safety audit staff should audit the rail property's implementation of its safety management system.

This audit could include:

- An accounting of progress towards safety performance targets
- Safety management system training
- Continuous improvement of minimum standards of safety record keeping

Annual agency safety plan review and safety management policy

Annually, rail property internal safety audit staff should audit the rail property's compliance with its safety management policy and the requirement to annually review and update its agency safety plan.

Safety assurance

Once throughout the three-year audit cycle, rail property internal audit staff should audit the rail property's compliance with its safety assurance processes as described in its agency safety plan. The rail property should report its progress toward completing this audit each year of the cycle until the property completes the audit.

Safety risk management

Once throughout the three-year audit cycle, rail property internal audit staff should audit the rail property's compliance with its safety risk management processes, described in its agency safety plan.

The rail property should also report its progress toward completing this audit each year of the cycle until the property completes the audit.

Safety promotion

Once throughout the three-year audit cycle, rail property internal audit staff should audit the rail property's compliance with its safety promotion processes described in its agency safety plan.

The rail property should report its progress toward completing this audit each year of the cycle until the property completes the audit.

Final internal audit report and SSO acceptance

Rail properties must prepare a written report documenting audit results for each internal safety audit conducted. Rail properties must submit audit reports to SSO for review within **30 calendar days** of an audit's closing conference.

Reports must document any findings, associated corrective actions, and recommendations for improvement.

Reports must also indicate whether a rail property could verify each audit element according to the property's audit checklists, approved by SSO. For audit elements where an auditor could not verify that the rail property complied with its agency safety plan or state and federal requirements, the report must describe corrective action plan must that addresses the finding. Rail properties must track corrective action plans developed as part of the internal audit process until resolution on a corrective action plan-tracking log, as described in Chapter 4.

For all audit reports, SSO may request clarification from rail property audit staff to verify audit staff's conclusions.

Within **30 calendar days** of receiving the final report, SSO will issue an acceptance letter indicating that:

- The program has evaluated all items on the previously approved audit checklist
- The program has verified the items to be in compliance, or that the rail property has addressed the items through a corrective action plan

If SSO finds the final audit report is lacking sufficient documentation to make this determination, it will request additional information from audit staff. SSO may also request that the rail property submit a revised audit report.

Findings and changes from internal safety audits may require a rail property to update program documentation or minimum standards for safety to reflect current activities. Additionally, the rail property may need to change or add activities to ensure alignment between documents and activities.

Auditor independence

Rail properties must ensure that the internal audit process allows for an objective review and assessment for all audit topics. This may require the property to audit some audit topics using a different individual.

Auditors must not audit any topics that fall within the scope of their ongoing job responsibilities. Additionally, auditors should follow general internal audit guidelines:

- Auditors should be free from any conflict of interest arising from professional or personal relationships, or other interests in an activity that is subject to audit
- Auditors should be free from undue influences that restrict or modify the scope or conduct of their work or overrule or significantly affect judgment as to the content of the audit report
- Auditors should not allow their objectivity to be impaired when auditing an activity for which they have had authority or responsibility

Rail properties should consult an internal auditor about significant proposed changes in the properties internal control system and the implementation of new systems. Internal auditors should make recommendations on the standards of control the rail property should apply.

To demonstrate auditor independence, rail properties must maintain a conflict-of-interest procedure that defines conflict-of-interest and requires an annual conflict of interest declaration for each auditor that conducts an internal safety audit.

Annual internal safety audit reporting

Each rail property must provide SSO with an annual internal safety audit report and certification letter of compliance with the property's current agency safety plan, the internal audit review activities, and the status of subsequent findings and corrective actions by March 1 of each year.

SSO intends this requirement to help address any issues with the internal audit findings and corrective action plans, and to streamline the approval of the rail property's annual report and certification letter.

For more information about the annual report, see Chapter 1.

Chapter 5 Triennial Audits

SSO must conduct an audit of each rail property in Washington state at least once every three years, beginning with initiation of a rail property's passenger operations.

The purpose of this audit is for SSO to verify implementation of a rail property's safety program and safety management system as documented in the property's agency safety plan.

Specifically, the audit verifies a rail property:

- Implements its agency safety plan as an integral part the property's overall management, planning, engineering, operating, and maintenance practices
- Reviews its agency safety plan, at a minimum, on an annual basis
- Regularly monitors compliance with the agency safety plan through ongoing internal safety program audit processes
- Identifies and implements measures to control potentially serious conditions, hazards, and public safety issues
- Conducts investigations following established procedures
- Maintains current employee training records as required, and that all records are made available upon request and required semiannual PTSCTP compliance reporting is conducted
- Carries out specific activities and tasks in its agency safety plan as specified in the plan and identifies deficiencies or areas requiring improvement in the agency safety plan

Source: *49 CFR Part 674.27(a)(5), State safety oversight program standards; 49 CFR Part 674.31 Triennial audits: general requirements.*

Triennial audit process

SSO will establish a review team and prepare an audit plan that includes a schedule of activities to guide the triennial audit process. The audit plan will provide a description how SSO plans to evaluate a rail property's implementation of its agency safety plan, minimum standards for safety, and other safety-related documents and procedures.

SSO intends triennial audit processes to be an open and collaborative process with rail properties. If rail property staff have concerns regarding the audit process, SSO encourages them to contact the program and share their professional concerns. If SSO does not satisfactorily address rail property staff concerns, rail property staff are encouraged to elevate their concerns to the WSDOT Public transportation Division director and deputy director.

If SSO staff or contractors on the audit team have concerns regarding the audit process from its end, they will engage with rail property staff up to and including the accountable executive to help alleviate these concerns.

The following sections outline SSO's triennial audit process.

Review team

The SSO program manager will determine the composition of the review team. The review team may be composed of WSDOT personnel, contractor staff, or a combination of both. Within the review team, the SSO program manager will designate a lead reviewer and supporting team members.

Audit notification and schedule

SSO will notify a rail property in writing of its intent to conduct a triennial audit at least **60 calendar days** in advance of the on-site phase of the audit.

The notification will include:

- A schedule for the audit, though details may be worked out at a later date with permission from the RTA
- The audit's objectives
- A list of interviews from the rail property
- A request for any documents that the SSO does not already have in its possession

The schedule for the audit will include a pre-audit meeting with the property staff to seek clarification of any questions and concerns. At the pre-audit meeting, SSO will coordinate daily schedules for the on-site portion of the audit with rail property staff.

Audit plan

SSO will create a risk-based audit plan for each rail property triennial audit.

To create the plan, SSO's audit review team will analyze data from the previous three years, including:

- Accident investigations
- Internal safety audits
- Corrective action plans
- Any outstanding findings from the previous triennial audit
- Other sources of data that are regularly reviewed within the scope of the RBI program

The review team will use the data analysis to perform a risk assessment across the rail property's safety management system and its compliance with state and federal requirements.

The goal of the review team is to develop an audit checklist that focuses on items that the risk assessment has identified as an audit priority. This will help ensure that the audit is conducted in an efficient and timely manner, with minimal impact on the RTAs operation.

The review team will share the audit checklists with the rail property at least **30 calendar days** in advance of the on-site phase of the audit.

On-site phase

Depending on the size of the rail property, during the on-site portion of the audit, SSO's review team will spend time at the rail property interviewing staff, discussing documentation, and observing rail property staff perform their functions. This process can take from a few days to several weeks, depending on the size and complexity of the property.

The review team will initiate the onsite phase of the audit with an entrance meeting. At the meeting, the review team will review the schedule, explain the planned on-site activities, and discuss any items that arose during the review team's planning work.

At the end of the on-site phase, the review team will schedule a closing meeting to summarize the work completed, discuss any outstanding items, and discuss next steps in the audit process. The review team will also highlight any preliminary findings and recommendations for improvement, but the findings and recommendations will not all be known until after the analysis phase of the report development.

The review team will give rail property staff an opportunity during the drafting of the audit report to provide additional evidence to resolve any issues identified in the on-site phase prior to SSO issuing the preliminary audit report. Generally, the timeframe between the on-site and the preliminary audit report is **45 days**, though this can vary.

Audit report

The SSO review team will analyze the information it has gathered and prepare a preliminary audit report within **45 calendar days** of the on-site phase of the audit. If the review team cannot meet this deadline, it will notify the rail property of the new date.

The preliminary audit report may include findings of non-compliance, observations, recommendations and opportunities for improvement, as well as areas where the rail property demonstrates exceptional performance.

Once the rail property receives the preliminary audit report, the property will have **30 calendar days** to respond and comment. The review team will also provide the rail property the opportunity to meet in person or electronically to discuss any concerns the property has with the preliminary audit report.

Based on the feedback it receives from the rail property to the preliminary audit report, the review team will make any revisions it deems necessary. The review team will communicate reasons with rail property staff if the review team does not make changes based on rail property feedback.

After completing the preceding steps, SSO will issue the final audit report to the rail property's accountable executive and chief safety officer.

Within **45 calendar days** of receiving the final audit report, the rail property must develop a corrective action plan for each finding of non-compliance. The SSO may request a corrective action plan for recommendations as well. SSO will formally review and approve each corrective action plan. Once approved, the rail property will add the corrective action plan to its log. For more information about the corrective action plan development and approval process, see Chapter 8 and *Washington State Rail Safety Oversight Program Reference Guide*, Section 15.

SSO will submit all final audit reports to FTA as part of its annual submission.

Chapter 6 Safety Event Notification

Rail properties must notify SSO and FTA when safety events meet particular thresholds.

As required by 49 CFR Part 674, the *Washington State Rail Safety Oversight Program Standard* establishes standards for such notification. These notification standards include thresholds established in federal law and additional state notification standards.

Source: *49 CFR Part 674.27(a)(6), State safety oversight program standards; 49 CFR Part 674.33 Notification of safety events.*

Thresholds for two-hour safety event notification to the Federal Transit Administration

Rail properties must notify SSO and FTA within two hours of any event identified as an safety event. The table below shows safety events that federal regulation defines as safety events.

Safety Events requiring two-hour notification to the FTA and SSO	
Accident	***Characteristics***
Fatalities	One or more fatalities within **30 calendar days** of safety event
Two or more injuries	Harm to persons as a result of a safety event that requires immediate medical attention away from the scene.
Derailment	All, both main line and yard, during pre-revenue and revenue operations[1]
Collision resulting in one or more injuries	Only those resulting in injuries that require immediate medical attention away from the scene.
Collision between two rail transit vehicles	All, except normal coupling of rail cars in a yard
Collision resulting in disabling damage to a rail transit vehicle	
Evacuations for life safety reasons	All
Unintended train movement	

The two-hour notification requirement excludes criminal actions that result in fatalities or injuries, such as homicides and assaults.

FTA has created a two-hour accident notification guide and two-hour accident notification quick reference checklist to help rail properties and SSO determine whether an event is reportable. (Please see Events Requiring Two-Hour Notifications table on page 7-3).

For initial assistance to determine whether an event is a safety event and meets the two-hour threshold, a rail property may contact the SSO program manager or SSO staff member. The rail property and SSO will determine jointly whether the safety event is a safety event and meets notification, investigation, and reporting thresholds. Rail properties may determine that some events become reportable safety events based on further information more than two hours after the safety event. Rail properties may also determine that some safety events they reported later do not meet the reportable threshold. In both cases, the rail property should notify FTA and SSO as soon as possible; this is to include the reasons for any late reporting or retraction.

[1] Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.

An SSOA has the responsibility to provide safety oversight of an RTA's project(s) in the engineering or construction phase to verify compliance with all applicable Federal and State safety requirements. For purposes of §§ 674.33 and 674.35, this is limited to safety events that involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity.

Notification process

If the safety event is a safety event and meets the two-hour threshold, the rail property must notify the FTA using the following process:

- Within two hours: The rail property must notify the FTA with the following descriptive information outlined via email at TOC-01@dot.gov or telephone at 202-366-1863:
  a. Rail transit agency with reportable event (i.e., owner)
  b. Job title of person who initially reports the event and their employee identifying number
  c. Event type (i.e., fatality, injuries, property damage, evacuation, derailment, other)
  d. Location, time, and date of event
  e. FTA notification date and time
  f. WSDOT notification date and time
  g. Additional agency notification date and time. Specify what agency was notified
  h. Fatalities
  i. Injuries
  j. Rail transit vehicle(s) involved (i.e., type, number, track, direction)
  k. Other vehicle(s) involved (i.e., type, direction, number)
  l. Rail property primary person (i.e., investigator) conducting or responsible for the investigation (i.e., name, title, phone and fax numbers, email address, agency)
  m. Short description of the event, including what threshold was met to make the event a notification event to the SSO or SSO/FTA

The rail property should include SSO in this initial notification via email at TransitSafety@wsdot.wa.gov. The SSO may request additional information if above items are missing or not listed. If the rail property is unable to send an email, they may use the primary contact number listed in Appendix E of the Program Standard.

The rail property should include the WSDOT SSO program on any subsequent communications with FTA regarding the event.

- **Within 48 hours:** The rail property must follow up the initial 2-hour notification by filling out an initial 48-hour safety event report form and submitting it to SSO within 48 hours of the incident via email at TransitSafety@wsdot.wa.gov. The reports must include the following: Who was provided with a notification (NTD, FTA, WSDOT) with date & times, and any additional information that an RTA wants to provide, as long as it meets the minimum reporting requirements.
- RTA Agency name
- Event Type
- Fatality
- Injury
- Property Damage (include estimated totals).

- Event date, time, location
- Event description
- Responding staff and additional agencies that may be investigating.
- When Normal operations resumed
- Inspections performed (Vehicle & Infrastructures).
- Any associated special orders.
- Any tow aways (including POV), tow away location if known.
- Any records requested
- Evacuations for life safety (including reasoning)
- Investigator: Agency, Title, Department, Contact
- Initial causal factors
- Associated initial contributing factors

Additional state 2-hour notification standards

WSDOT requires the same notification process as listed above for all additional state 2-hour notifications. In addition, the SSO may request a full investigation.

Rail properties must notify only SSO (not FTA) within two hours of the following events:

- Collision of a rail vehicle with a motor vehicle, or person resulting in non-serious injuries and less than substantial damage.
- Non-controlled evacuation of a rail vehicle for a non-life-safety reason into the right-of-way or street. This includes individuals who open an emergency door and exit the vehicle away from a platform for non-life-safety reasons.
- Substantial damage to all rail related assets exceeding $25,000.
- Split switch of a rail revenue vehicle or work vehicle.
- Near misses involving rail work equipment, or between a rail vehicle and a transit worker in the rail right-of-way
- Damage to the rail property's overhead catenary system that disrupts service. Includes significant damage, pull downs, and chipped or damaged pantographs
- Two or more persons transported for a medical assessment with no obvious serious injury
- An unacceptable hazardous condition determined by the Rail Transit Agency through its hazard management program as defined in its agency safety plan. (Use reference guide 13a for notification form)

To notify SSO of these events, rail properties must use the process in Notification process in this chapter, unless otherwise specified. This process includes an initial 48-hour safety event report to the SSO.

Additionally, SSO may request that rail properties report additional events that would not otherwise be reportable based on the program's risk monitoring activities. For example, a rail property de-boarded passengers to the track level without a rescue train in close proximity, or track or catenary maintenance related issues caused an in-service train to go out of service. SSO will communicate these new state reportable events to each rail property in a formal change to *Washington State Rail Safety Oversight Program Reference Guide*, Section 13. The SSO may request information regarding major security events that don't necessarily fall under the rail property's definition of a safety event, such as passenger assault.

Events Requiring Two-Hour Notification			
Event Type	**Qualifying Characteristic**	**FTA**	**SSO**
Close Calls	Close calls that are not collisions between two rail vehicles. Includes collisions between rail work equipment, or between a rail vehicle and a transit worker in the rail right-of-way.		X
Collision - rail transit vehicle at a grade crossing	Only those resulting in disabling damage, one or more injury, or fatality	X	X
Collision - rail transit vehicle vs. person, motor vehicle, or object	Only those resulting in disabling damage, one or more injury, or fatality	X	X
Collision - rail transit vehicle vs. rail transit vehicle	All (except normal coupling of rail cars in a yard)	X	X
Collision - rail transit vehicle with motor vehicle, bicycle, or person	Non-serious injuries and less than disabling damage		X
Damage	To the rail property's overhead catenary service that disrupts service. Includes significant damage, pull downs, and chipped or damaged pantographs.		X
Derailments	All (i.e., mainline or yard)	X	X
Evacuation	All (due to life safety reasons)	X	X
Evacuation	Due to non-life-safety reason into right-of-way or street		X
Fatality	One or more fatalities within 30 days of the safety event	X	X
Hazardous Condition	An unacceptable hazardous condition as determined by the Rail Property through its hazard management system.		X
Injury	Two or more injuries that require immediate medical attention away from the scene	X	X
Injury	One person transported for a medical assessment away from the scene		X
Property Damage	Only those with substantial damage due to collision with a person, object, or at a grade crossing	X	X
Unintended Train Movement	Any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service. X		X
Split Switch	Rail revenue vehicle or work vehicle		X
Substantial Damage	To all rail-related assets > $25,000. **Excludes collisions or derailments that fall under the FTAincluded categories above**		X

Thirty-day notification of safety events to SSO

Rail properties must track all significant rail related safety events in a safety event log. Rail properties must submit safety event logs to SSO at least monthly.

The table below shows safety events that rail properties should track in safety event logs.

Events tracked in safety event logs	
Event	***Example***
Reportable safety events	• Events meetings state notification standards
Significant hazardous conditions	• Hazards rated as significant through a rail property's hazard management program • Biohazards
Close calls/near-misses	• Rail vehicle and motor vehicle or object • Between rail vehicle and pedestrian
Safety rule violations	• Red signal violation • Rail vehicle doors open on wrong side at platform • Berthing train at platform not at proper • location • Wrong/unintended route (switch set in unexpected direction)
Rail system damage or problems that may disrupt service	• Broken rail or track buckle • Railcar braking system failure • Rail vehicle door(s) open while vehicle is in motion • Signal system failure or problems • Flooding or ice on or near the right of way • Damage to the overhead catenary system • Mirror strikes • Hard couple (less than substantial damage) in a yard • Fires
Emergency or hard braking of rail revenue vehicle	-
Vehicles blocking the right of way that is not a close call	-
Collision	• With a motor vehicle, not at a grade crossing, Add not requiring medical transportation from the scene. • With a person not requiring medical transportation from the scene. • With an object, one or more injuries not requiring medical attention away from the scene, and less than disabling damage.
Person(s) too close to rail dynamic envelope or trespassing on the right of way, not a close call	-
Patron at station platform too close to rail dynamic envelope, not a close call	-
Operator assaults	

Notifications to other federal agencies

Rail properties may be required to notify other federal agencies of safety events.

Events that may be reportable to NTSB and TSA are 49 CFR Part 840 and 49 CFR Part 1570. FRA notification requirements for commuter rail or shared track are in 49 CFR Part 225.9, 233.5, and 234.7.

For all notifications to other federal agencies, SSO requires that the rail property share those notifications and additional information requested by those other federal agencies with the SSO.

In some cases, rail properties may add notifications to other federal agencies to the initial notification form. Because the rail property's security department may be responsible for notifications to TSA, a notification to SSO is encouraged.

Source: *49 CFR Part 840.3, Notification of railroad accidents; significant security concerns 225.9- FRA Telephonic reports of certain accidents, incidents and other events, 233.5 - FRA accidents resulting in signal failures, 234.7 - FRA accidents involving grade crossing signal failures.*

Chapter 7 Investigations

State and federal regulations require SSO to investigate all reportable safety events at rail properties in Washington state.

For more information about thresholds for reportable events, see Chapter 6.

Source: *49 CFR Part 674.25, Role of the state safety oversight agency; 49 CFR Part 674.27(a)(7), Investigations; 49 CFR Part 674.35, Investigations.*

Rail property led investigations

In most cases, rail properties will act as lead investigators for FTA and state reportable safety events.

WSDOT reserves the right to conduct its own investigation at any time prior to adopting a rail property's final safety event investigation report.

Additionally, NTSB[1] or FTA may choose to conduct its own investigations.

SSO participation

SSO may participate in a rail property-led investigation as a resource or observer, depending on the severity of the event. SSO will notify and coordinate with the rail property staff when the program intends to participate in a rail property-led investigation.

Generally, it is the prerogative of the SSO to allow the RTA to perform their own investigations. The SSO will only take over and lead the investigations under unusual circumstances (e.g., the rail property's safety department cannot perform the safety event investigation due to a conflict of interest. For example: this would apply if the investigator is involved in the event.)

If SSO staff lead or participate in an investigation, staff will follow a rail property's approved investigation procedures, including following all the rail property's safety practices and procedures. SSO staff will also continue to include the rail property in the investigation as a resource. Additionally, SSO staff will follow the same process and content described in this section. Prior to SSO finalizing an investigation report, the rail property may provide input and comments based on the progress and investigation reports. SSO and rail property staff may meet as needed to resolve any discrepancies and comments. Ultimately, the SSO has final say in the investigation report, but will note the comments or concerns of the RTA as needed.

For more information on SSO's procedures for participating or leading an investigation, see *Washington State Rail Safety Oversight Program Reference Guide*, Section 13.

Federal participation

If FTA or NTSB take over or join an investigation, a rail property must support the federal agency's investigation in their party process.

Rail property and SSO staff will follow the rules and requirements of the federal agency's investigation. SSO and rail property staff will review the federal agency's findings, any draft reports, and the final report. The rail property and SSO will develop corrective action plans to implement any of the report's recommendations. SSO will review and approve these plans as outlined in Chapter 4.

1 Reportable safety events are generally safety-related but could also be security-related.

Required milestones

During rail property-led safety event investigations, rail properties must:

- **Submit an initial safety event report to SSO within 48 hours after the threshold for 2-hour notification is made**

  This initial report must include critical information gathered by the investigation team at the scene, as well as any immediate corrective actions taken by the rail property. SSO will review the initial report and follow up with the rail property with any questions
- **Submit a status report to SSO every 30 calendar days that identifies the preliminary cause of the event and any circumstances that may delay the final investigation report**

  A rail property must submit status reports to SSO until the property submits the final safety event investigation report to SSO. The 30-day report is only required if the RTA does not believe they will be able to meet the 45-day report deadline.
- **Submit a draft final investigation report within 45 calendar days of the safety event**

  If circumstances do not allow a rail property to meet this deadline, the property should communicate this to SSO through the status report described above

Failure to meet any of the safety event investigation reporting timelines may result in a letter of noncompliance from the SSO to the RTA. SSO tracks letters of noncompliance and will audit the letters as part of SSO's triennial audit of the rail property.

Final report format

SSO requires that rail properties submit standardized investigation reports that include the following topics and subtopics:

- Event description
- Notification, incident response, and incident command
- Immediate corrective actions
- Operator information, including fatigue and training evaluation
- Investigation:
  - Operator event report
  - Field supervision report
  - Employee record and history
  - Post-safety event safety inspection details
  - Video analysis
  - Communications analysis
- Findings; potential causal and contributing factors and root-cause analysis; and recommendations in the format of corrective action plans
- Investigator signature
- Date of report
- Persons included in report distribution
- All applicable SOPs relating to the event
- Documents reviewed
- Interviews
- Post event vehicle inspection
- Testing performed
- Post event communication

Review and adoption of final reports

Federal regulation gives SSO the ultimate responsibility for the sufficiency and thoroughness of all investigations, whether conducted by SSO or a rail property.

If a rail property investigates a safety event, SSO must conduct an independent review of the rail property's findings of causation.

If a rail property conducts its own internal investigation of a safety event or incident at the same time as SSO, SSO and the rail property must coordinate their investigations in accordance with the *Washington State Rail Safety Oversight Program Standard*.

SSO will review a rail property's draft final investigation report using the checklist and process described in *Washington State Rail Safety Oversight Program Reference Guide*, Section 13.

Following its review, SSO will either adopt and approve the report as final or request additional information from the rail property.

SSO may require revisions to an investigation report due to incomplete information or issues with corrective action plans that do not match and do not address all causes and contributing factors of the safety event. If SSO requires such revisions, SSO and the rail property will determine the timeframe for revising the report jointly.

Once the rail property addresses all revisions to SSO's satisfaction, SSO will adopt and approve the investigation report via written letter. The final report will serve as the document of record for SSO.

Procedures

RTA investigation plans and procedures must conform with the requirements in SSO program standard. Title 49 CFR § 674.27(a)(7) – Investigation states that the SSO program standard must identify thresholds for safety events that require the RTA to investigate. 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. It also includes the roles and responsibilities of RTA personnel, contractors, or others involved in the safety event review process, including the composition and organization of inter-departmental investigation teams and the criteria or thresholds for their deployment. Significant or complex investigations may require the assembly of an investigation team or committee. Typically, internal support for the investigative process includes agency Subject Matter Experts (SMEs) in specific areas that may include:

- Car equipment (mechanical)
- Track/infrastructure/power
- Signals/communication
- Power
- Transportation
- Safety and security
- Operating rules, procedures, practices, bulletins
- Training
- Human factors (medical, hours of service, training)
- Survival factors
- External expertise may also be required from vendors, manufacturers, or consultants.

SSO must review, approve, and adopt a rail property's safety event investigation procedures. The *Washington State Rail Safety Oversight Program Standard* designates safety event investigation procedures as a minimum safety standard for rail properties. Rail properties must track any updates to safety event investigation procedures and submit them to SSO for review and approval.

Training[2]

SSO requires rail properties to train investigators according to the FTA Public Transportation Safety Certification Training Program, the Rail Property Right of Way Worker Protection Plan, and other applicable procedures and requirements. Field supervisors are often the first supervision to arrive at the scene of a safety event on a rail system. As such, field supervisors provide at least initial investigation of safety events on the rail system.

Because an investigation team should include the appropriate rail system expertise to thoroughly investigate safety events, rail property investigators must also have the appropriate training and experience for performing investigations at a rail property.

The rail transit agency should have a process to list and approve required trainings/personnel who will be involved during the investigation process. The SSO needs to review and approve the required trainings and personnel. For additional information reference Appendix D.

Additional resources and best practices can be found within the Guidelines for Performing Rail Transit Agency Accident Investigations (dot.gov), 49 CFR Part 672.

[2] Rail Transit Accident/Incident Notification and Investigation Requirements, APTA RT-OP-S-002-02 Rev. 3, July 2018.

Chapter 8 Corrective Action Plans

Corrective action plans describe:

- The actions rail properties take to minimize, control, correct, or eliminate risks and hazards
- The schedule for taking such actions
- The individuals responsible for taking those actions

Typically, rail properties develop corrective action plans to eliminate hazards. However, SSO or FTA may require rail properties to develop correction action plans based on audits or risk monitoring activities.

The following sections describe how SSO and rail properties should develop, approve, track, and close out corrective action plans.

Source: *49 CFR Part 674.27(a)(11), State safety oversight program standards; 49 CFR Part 674.37 Corrective action plans.*

Sources of corrective action plans

The *Washington State Rail Safety Oversight Program Standard* requires rail properties to develop corrective action plans from the following sources:

- Findings resulting from investigation reports conducted by all entities, including NTSB investigations and investigations of pre-revenue FTA-reportable safety events (such as derailments).
- Findings resulting from internal safety audits conducted by rail properties
- Findings resulting from triennial safety program audits conducted by SSO or FTA

In addition, corrective action plans may result from:

- Hazard identification and analyses conducted by rail properties or SSO
- Risk assessments conducted by the rail properties or SSO
- Risk monitoring by rail properties
- Risk monitoring by SSO including risk-based inspections
- Emergency response drills and/or exercises

Based on SSO requirements or a joint decision by SSO and rail property, the rail property will develop any recommendations received from FTA or NTSB into corrective action plans. For recommendations from FTA or NTSB that apply to SSO, the program will consider and develop plans, as needed.

Elements of a corrective action plan

Each corrective action plan must identify:

- The hazard or programmatic deficiency
- The action the rail property will take
- An implementation schedule, including a due date
- The individuals and departments responsible for implementing the plan
- Any other critical information (i.e., interim steps the rail property will take ahead of longer-term mitigations the property plans to implement)

Submission and approval

The process rail properties use to develop and submit corrective action plans to SSO may vary depending on the source of the plan. For example, rail properties should develop corrective action plans (CAPs) that result from safety event investigations and submit them with the final event report. For internal audits, the rail property should follow its internal processes for creating CAPs following the conclusion of the audit.

Rail properties have **45 days** to develop and submit corrective action plans following the issuance of a Triennial Audit final report.

For a table that provides further detail on how the source of a corrective action plan affects its development and submission timeline, see *Washington State Rail Safety Oversight Program Reference Guide*, *Section 15*.

For most corrective action plans regardless of the source, SSO must approve a corrective action plan prior to a rail property adding the plan to the property's corrective action plan log.

As part of its review of a rail property, SSO may request changes or additions to submitted corrective action plans based on:

- Causes and contributing factors of the hazard
- Programmatic or organizational deficiencies identified for the hazard by the rail property
- Whether the corrective action plan will fully resolve the identified hazard as submitted

For emergency corrective actions that a rail property must take to ensure immediate safety, 49 CFR Part 674 allows rail properties to carry out a corrective action plan prior to approval by SSO. In such instances, the rail property must provide SSO with timely notification. Following notification, SSO must review and approve the emergency corrective action plan within **14 calendar days**.

SSO expects that rail properties reach agreement between responsible parties and establish a due date for corrective action plans prior to submitting the plan to SSO for approval.

If responsible parties disagree with a rail property's safety department on the content or due date of a corrective action plan, the property should note the disagreement with the submission of the plan to SSO.

Monitoring and closure

Rail properties must monitor their progress toward completing corrective action plans.

As described in Chapter 1, rail properties must provide SSO with a monthly, up to date, corrective action plan log. The log should include a monthly update for each corrective action plan. The updates should capture progress the rail property has made toward closure of the plan.

If a rail property anticipates that it cannot complete a corrective action by the due date, it should provide a revised due date with an explanation for the revision to SSO. Rail properties may not alter the content, scope, responsible parties, or due date of corrective action plans without SSO approval.

To close a corrective action plan, a rail property must provide SSO with written evidence or an explanation for actions the property took to mitigate or eliminate the hazard along with the corresponding dates it took those actions. SSO will review the evidence the rail property provided and determine whether the evidence is sufficient to close the corrective action plan.

In some cases, SSO may need to conduct interviews and inspections as part of the program's verification process to close a corrective action plan.

Once SSO has completed its verification process to close a corrective action plan, the program will provide the rail property with a letter signed by SSO program manager or their designee to document the official closure of the plan.

SSO will discuss all open or recently closed corrective action plans with rail property staff at quarterly meetings. SSO may agree to close corrective action plans at these quarterly meetings. SSO will document evidence or an explanation of closure of the plan as part of the meeting minutes and share these minutes with the rail property.

Additionally, SSO will use corrective action plan closure documentation as part of its risk monitoring. SSO will include the documentation in the annual internal data and information analysis report described in Chapter 1. During SSO's triennial safety audits of rail properties, the auditors will also verify appropriate corrective action plan closure documentation exists for all corrective action plans closed during the previous three-year internal audit cycle.

Finally, SSO may review any corrective action plan closures during any on-site visits as part of or between quarterly meetings.

Disputes

If there is a dispute between SSO and a rail property regarding implementation of the corrective action plan process described in this chapter, the SSO ultimately has the final decision-making authority. However, SSO encourages the rail property to explain their position.

Chapter 9 Risk Based Inspections, (Oversight of risk mitigations, Data Collection, Inspections, Vehicle Maintenance and Testing)

Risk-Based Inspection Program

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law, which amended 49 U.S.C § 5329 to require State Safety Oversight Agencies (SSOAs) to conduct risk-based inspections (RBIs) of rail fixed guideway public transportation systems. On October 21, 2022, the Federal Transit Administration (FTA) issued *special directives* to all SSOAs to develop and implement risk-based inspection programs consistent with these changes. This chapter details the Washington State Department of Transportation's (WSDOT's) Risk-Based Inspection Program, which is in accordance with 49 U.S.C. § 5329 (k) and Special Directive 22-51, Required Actions to Implement a Risk-Based Inspection Program at the Washington State Department of Transportation.

This RBI program is designed to be an ongoing process using both qualitative and quantitative data analysis to assess the safety of maintenance and operations at covered rail transit agencies (RTAs). Risk-based inspections allow the WSDOT SSOA to work collaboratively with their covered RTAs by using data to highlight trends, reveal areas of safety concern, prioritize inspections, and focus on hazards associated with the highest levels of risk.

This chapter outlines the following components of the risk-based inspection program:

- The authority and capability to conduct risk-based inspections, including access to the system to perform announced and unannounced inspections.
- Policies and procedures for how the SSO will conduct the risk-based inspections. This includes right sizing the number of inspections based on the RTAs size and complexity and ensuring the SSO staff and its consultants are properly qualified to conduct risk-based inspections.
- Data sources and collection methods.
- Methodology for how the SSO will risk rate the data to prioritize inspections on the highest risk areas.

The following risk-based inspection policies and procedures were developed in consultation with Sound Transit, Seattle Department of Transportation, and Seattle Monorail.

Authority to Perform Risk-Based Inspections

In addition to the authority established by 49 CFR Part 674, the Revised Code of Washington (RCW), Washington Administrative Code (WAC) outlined in Chapter 1 of the Program Standard, the State Safety Oversight has established additional authority in WAC 468-550-071 as it relates to RFGPTS access during announced and unannounced inspections:

> *WAC 468-550-071: Access and implementation of risk-based inspections. All WSDOT trained inspection personnel, including consultants hired for the purpose of conducting inspections, are granted authority under the state safety oversight program to conduct both announced and unannounced inspections of the rail fixed guideway public transportation system (RFGPTS). Each*

RFGPTS must allow WSDOT and/or consultants to do all things reasonable and necessary to conduct their inspections including, but not limited to, entering RTA facilities and other relevant locations, and inspecting infrastructure, equipment, records, personnel, and data, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks. It is expected that the RTA will provide the WSDOT inspection staff with the resources and information necessary to conduct the inspection in an effective and efficient manner.

WSDOT, in consultation with each rail fixed guideway public transportation agency that it oversees, will establish policies and procedures regarding the access to each RFGPTS for the purpose of conducting inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.

Access for Announced and Unannounced Inspections[1]

Each RTA that the SSO oversees will grant SSO inspectors' access to all system-specific infrastructure and equipment as outlined in Appendix K for both announced and unannounced inspections in both restricted and un-restricted areas.

Generally, un-restricted areas include stations, platforms, and rail cars that the public can access. In addition, un-restricted areas also include administrative office space at RTA facilities when SSO inspectors have access via RTA-issued badges or keys. On the other hand, restricted areas include dedicated right-of-way, maintenance bays, controls centers, and traction power substations. SSO inspectors cannot access restricted areas without an RTA escort and must follow agreed upon RTA- specific access procedures.

Figure 9-1 below describes overarching access and escort procedures applicable to the RTAs. Since each RTA does not have the same access infrastructure, RTA-specific access procedures will be included in the system-specific appendix to the Program Standard.

Figure 9-1 Access Capabilities for Restricted and Unrestricted RTA Areas

	Restricted Area	***Un-Restricted Area***
Planned Announced Inspection	• Immediate access • Minimum 14-day advanced notification • Onsite escort required • *Follow RTA-specific access procedure*	• Immediate access • Minimum 14-day advanced notification • Onsite escort optional
Unannounced Inspection	• Access within two hours of arrival • **No** advanced notification • Onsite escort required • *Follow RTA-specific access procedure*	• Immediate access • **No** advanced notification • Onsite escort optional

[1] Washington Administrative Code 468-550-071 Access and Implementation of Risk-Based Inspections.

Planned announced inspections—SSO inspectors will coordinate closely with RTA safety staff for all its planned announced risk-based inspections. Following the inspection notification, the SSO inspector will work with the RTA Chief Safety Officer (or designee) to identify a safety team escort for the planned inspection(s). From there, the access procedures will vary depending on whether the planned inspection will be performed in an un-restricted or restricted area. Specifically:

- **Un-restricted area—SSO** inspectors may access un-restricted areas as a member of the public would or through a RTA-issued badge for maintenance facilities and offices. No special permitting is necessary at these locations. Public areas including stations and rail cars in operation are also considered un-restricted areas.
- **Restricted area—SSO** inspectors will have arrange to meet an onsite escort at the inspection location for immediate access. SSO inspectors will follow all RTA access procedures for the inspection location such as obtaining a track access permit for any inspection on the dedicated right-of-way.

Unannounced inspections—As needed, SSO inspectors will perform unannounced inspections. SSO inspectors will not provide RTA staff with advanced written notice. SSO inspectors will follow two different access procedures for unrestricted and restricted areas at the rail property. Specifically:

- **Un-restricted areas—SSO** inspectors will utilize badge or key access to enter and inspect un- restricted areas such as operations and maintenance facilities and stations. Once on premises, SSO inspectors will present inspection notification form to RTA supervisors onsite. SSO inspectors may or may not request the use of an escort. The decision will vary based on the inspection type, whether there is a need for an escort, and the type and amount of personal protective equipment that is required. No special permitting is anticipated at these locations.
- **Restricted areas—SSO** inspectors will arrive onsite and present an inspection notification form to RTA supervisors onsite. SSO staff will also call the control center to inform them of the unannounced inspection. RTA staff onsite, in coordination with the control center, must grant.

SSO inspectors access to the inspection location immediately or within two hours of the request ensuring all the appropriate safety protocols are in place. For restricted areas that require right- of-way permits, SSO inspectors will follow agreed upon procedures established by the RTA in coordination with the SSO to accommodate unannounced inspections. Unannounced inspections that require a track access permit may be performed in tandem with an existing RTA permitted inspection.

Staffing, Qualifications, and Training

WSDOT SSO Program maintains the required levels of staffing, qualifications, and training to support its RBI program through an updated workload assessment and technical training plan.

SSO Workload Assessment

The SSO Workload Assessment determines the staffing levels needed based on the requirements of the SSO program. It estimates the number of hours that WSDOT will need to support all its annual oversight activities, including the RBI program, and includes hours to be provided by both WSDOT personnel and contractor support staff. SSO program manager will assess the workload annually to ensure that program resources remain sufficient to address program objectives given the dynamic nature of the size and complexity of the transit agencies overseen by the SSO. If necessary, the SSO program manager will adjust the workload assessment.

Technical Training Plan

WSDOT maintains a current Technical Training Plan (TTP) to comply with 49 CFR Part 674 and 49 CFR Part 672 for all designated personnel and contractor support. The TTP documents 22 specific competency areas and team members' progress toward meeting those competencies.

SSO program manager reviews the TTP annually, considering new requirements identified at specific RTAs or based on issues identified through the RBI program. This information will be used to identify current and future personnel and training needs. New items or requirements will be added to the TTP as needed and will also be incorporated into the SSO Program Workload Assessment.

Inspection Personnel Qualifications

To ensure that RBI program inspectors possess the skills and knowledge required to perform inspections, WSDOT requires at least one inspector to be "competent" in the equipment, infrastructure or practice under inspection. If the SSO program manager determines that the SSO inspectors lack the training or expertise to conduct a risk-based inspection, the SSO will obtain the necessary skills or expertise by either sending a SSO inspector to training or using its on-call safety consultant to lead or assist with the risk-based inspection.

SSO personnel and contractor support must enroll in and complete the Public Transportation Safety Certification Training Program (PTSCTP), offered through the Transportation Safety Institute (TSI), within three years. SSO staff who have not completed the PTSCTP must have an Individual Training Plan and be working toward completing it; those who have completed it must be current on all refresher training requirements, including, at minimum, one hour of safety oversight training every two years.

Roles and responsibilities

The WSDOT SSO staff has seven designated staff members: one program manager, five safety specialists, and one support specialist. The WSDOT SSO also has a consultant under contract to support their risk-based inspection program. The table below outlines SSO staff and contractor support roles and responsibilities as it relates to the risk-based inspection program.

Position	Roles and responsibilities
SSO program manager	• Ensures risk-based inspection program is adequately staffed. • Leads annual risk-based inspection planning for announced, unannounced, and ad-hoc inspections. • Oversees SSO safety analyst that perform inspections to ensure adherence to all SSO and RTA requirements and standards. • Tracks and ensures that RTAs develop corrective action plans as necessary based on risk-based inspections. • Appraises senior WSDOT leadership on significant hazards identified in inspection reports.
SSO safety specialist	• Schedules risk-based inspections based on annual risk-based inspection plan. • *For announced inspections*, transmits notification of inspection to RTA chief safety officer (or designee) and respective department manager. • *For unannounced inspections*, notifies RTA chief safety officer (or designee) and respective department manager upon arrival. • Conducts risk-based inspection with or without escort based on inspection location. • Transmits the inspection report to the RTA chief safety officer (or designee) within 48 hours. • Communicates any immediate safety concerns to RTA chief safety officer and SSO program manager immediately. • Ensures RTA staff take appropriate action based on risk-based inspection up to an including developing corrective action plans.
Contract support	• Provide support to SSO inspectors by developing programmatic elements such as inspection forms, participating in assess risk, reviewing completed inspection reports to assess their thoroughness and findings.
Support specialist	• Assists the WSDOT SSO staff in its implementation of its risk-based inspection program. • Evaluates whether SSO staff are following risk-based inspection program requirements. • Communicates with SSO program manager any areas for improvement with the risk-based inspection program.

Inspector Training and Verification

The SSO program manager must provide the RTA chief safety officer its technical training plan annually by February 1. This plan will demonstrate that SSO inspectors and any consultants have the necessary competencies to perform any inspections.

When performing announced and unannounced inspections in both restricted and un-restricted areas, SSO inspector(s) will follow all RTA safety guidelines and requirements. RTA escorts, when present, will conduct inspection-specific safety briefings prior to the inspection. RTA escorts will also verify whether the SSO inspectors have the necessary personal protective equipment to safety conduct the inspection. Should the RTA escort determine that the SSO inspector cannot conduct the inspection safety for any reason, they should pause the inspection and seek guidance from the RTA chief safety officer or designee. The SSO inspector must abide by the safety determinations made by the RTA and should reschedule the inspection if necessary.

Practices for Conducting Risk-Based Inspections

The SSO will adhere to the following descriptive policies and procedures to conduct risk-based inspections. The following policies and procedures address the inspection universe, scheduling inspections, minimum number of annual inspections, scalability of inspections based on RTA complexity, immediate safety concerns, inspection reports, defects and corrective or remedial actions, corrective action plan and safety risk mitigation verification, event verification, and ongoing monitoring.

Equipment, Infrastructure, and Practices under Inspection

Risk-based inspections may include, but are not limited to, an inspection of the following equipment, infrastructure, and practices:

- Vehicles (light rail, streetcars, monorail)
- Right-Of-Way
- Tracks
- Overhead Catenary System
- Substations
- Signals
- Facilities
- Platforms/Stations
- Command and control systems
- Data information systems
- Operating practices
- Records (General, Training, RTA Inspection)

SSO oversees three RTAs that operate multiple systems including light rail, streetcars, and a monorail. The inspection universe outlined above generally applies to all the systems that the SSO oversees. There may be instances where the highest rated system elements identified from the yearly risk assessment is not shared by all the systems. For example, the Seattle Center Monorail does not power their vehicles using an overhead catenary system, but Sound Transit and City of Seattle do. If the risk assessment approach identified an element, such as overhead catenary system, that was not shared by all the systems, SSO staff would substitute the next highest rated system element to replace it for the RTA where the inspection element was not applicable.

Appendix K of the Program Standard defines specific equipment and infrastructure specific to the four systems (Sound Transit 1 Line, Tacoma Link, Seattle Streetcar, Seattle Monorail) that are a part of the SSO Risk-Based Inspection program.

Scheduling Inspections

SSO inspector is responsible for scheduling announced risk-based inspections. Up to 14 days prior to the scheduled inspection, the SSO inspector will notify the RTA's chief safety officer (or designee) in writing of the scheduled inspection. For announced inspections, the written notification will include inspection date, inspection scope, inspection form(s), inspector's names, and any other supplemental information. For unannounced inspections, the SSO inspector will not notify RTA staff in advance of the inspection. The SSO inspector will furnish the written inspection notification form to the applicable RTA supervisor onsite and/or escort at the time of inspection.

SSO conducts at least one announced or unannounced risk-based inspection per quarter for each RTA it oversees. In January of each year, SSO program manager will communicate a risk- based inspection plan for the upcoming year. This plan will include the number and type of planned risk-based inspections for the upcoming year and a narrative summary of the risk assessment SSO staff performed to establish the number and types of inspections.

SSO also conducts ad hoc announced and unannounced inspections as necessary throughout the calendar year as outlined in the Program Standards to meet its commitment to safety risk monitoring and CAP verification approval.

Annual Inspection Frequency Plan

The following table gives annual inspection frequencies for the different types of SSO inspections.

	Announced (with notice)	Unannounced (without notice)
Risk-based Inspection	• 16 or more (1 per quarter per system)	• Up to 16 (As need based on risk- assessment results)
Ad hoc Inspection	• As necessary	• As necessary

SSO will follow the process and timeline outlined in this chapter for requesting access to the RTA for announced and unannounced inspections.

Scalability

WSDOT SSO will conduct risk-based inspections commensurate with the number, size and complexity of the RTA's in Washington State, as required by 49 U.S.C. 5329(k)(4)(A).

WSDOT SSO oversees four rail transit systems that vary in complexity. To rank the transit systems by complexity, the SSO assigned points across five categories. The system with the highest number (most complex) for the category received four points, the next highest number three points, the next highest number two points, and the system with the lowest number (least complex) in the category will receive one point. A tie will result in assigning the lowest point left.

Based on the analysis as shown in the table 1 below, Sound Transit Link Light Rail is the most complex system followed by Seattle Streetcar, and Sound Transit Tacoma Link. Seattle Monorail is the least complex system.

As a result of the complexity score, the SSO assigned the most complex system three additional inspections, the next complex system two additional inspections, the next complex system one additional inspection, and the least complex system zero additional inspections. For example, Link Light Rail has seven total planned inspections that is comprised of a minimum of four plus three additional because it is the most complex.

Table 9-1 Number of Planned Risk-Based Inspections Based on System Complexity

Transit System	Rail Stations (number)	Sub Stations (number)	Track Miles	Vehicles (number)	Maintenance Facilities	Revenue Vehicle Miles (2022)	Total Complexity Score	Total planned inspections (4 plus additional based on complexity)
Sound Transit-Link Light Rail	31	13	32	174	3	7,979,291		7
Points	*4*	*4*	*4*	*4*	*4*	*4*	*24*	*4 + 3*
Seattle Streetcar	17	8	3.8	10	2	180,369		6
Points	*3*	*3*	*2*	*3*	*3*	*2*	*16*	*4 + 2*
Sound Transit-Tacoma Link	12	7	4	8	1	60,824		5
Points	*2*	*2*	*3*	*2*	*2*	*1*	*12*	*4 + 1*
Seattle Monorail	2	2	.9	2	1	228,303		4
Points	*1*	*1*	*1*	*1*	*1*	*3*	*8*	*4 + 0*

The SSO updates Table 9-1 annually based on any changes to the size and complexity four transit system and adjust the number of total planned onsite risk-based inspections accordingly.

Immediate Safety Concerns

Immediate safety concerns are those that could cause substantial risk of death or injury to riders, employees, or significant impacts to infrastructure. SSO inspectors may identify immediate safety concerns through a variety of ways including data review, public comments, or physical inspection.

If the SSO discovers an immediate safety concern during a risk-based inspection or otherwise, the SSO inspector should stop the inspection and take necessary precautions to ensure their own safety and the safety of the rail property staff. As soon as is practicable, either the SSO inspector or rail property staff will call the RTA control center to report the immediate safety concern. The SSO inspector and rail property staff will follow directions from the control center and applicable RTA standard operating procedures to reduce the likelihood and severity of the hazard to an acceptable level. Interim mitigations may include removing equipment from service and/or requiring an immediate suspension of service. Following verification that the RTA has implemented interim mitigations, the RTA should follow the process for emergency corrective actions as described in Chapter 9 of the Program Standard.

If the RTA fails to mitigate the immediate safety concerns within the deadlines agreed to or outlined in the Program Standard, WSDOT may impose sanctions on the RTA owners or operators in accordance with WAC 468-550-080.

Inspection Reports

Inspection reports include the date and time of the inspection, the names of the inspector(s), the location(s) of the inspection, inspection items, an inspection status for each input (acceptable, exception, not applicable), criteria for any exceptions noted, actions taken for immediate safety concerns, use objective language, and use objective data, including measurements and photographs to document any identified exceptions. The inspection report will also include a general comments section where inspectors may note concerns that may not be explicitly covered under existing procedures, practices, or inspection forms. The SSO issues one inspection report for each inspection.

The inspection reports will include information regarding whether defects or violations inspectors observed in the field necessitate development of a CAP by the RTA. Should conditions warrant, the SSO may require the RTA to develop a CAP in accordance with Program Standard Chapter 9. Examples that may require corrective action plans include identification of an unacceptable hazardous condition or observation of a systemic issue that may result in an unacceptable hazardous condition.

Only SSO safety specialists and program manager can issue inspection reports. SSO staff may issue the inspection report to RTA staff prior to leaving the RTA system but generally not later than 48 hours after the completion of inspection activities in the field. If SSO staff takes longer than 48 hours to transmit the inspection report, they will notify RTA staff and provide an explanation. If the inspection report contains an inaccuracy, SSO will correct the inspection report and reissue it to RTA staff.

SSO will file risk-based and ad hoc inspection reports on the WSDOT server. The file naming convention for inspection reports will be YYYYMMDD_System_Location. The inspection form will distinguish risk-based inspections from standard inspections.

If the SSO inspector cannot complete an announced or unannounced inspection, the inspection report will note the reason and any necessary actions the SSO and RTA must take ensure that the SSO will be able conduct future inspections. If the RTA fails to take actions within the timeframes outlined inspection report and the SSO cannot conduct future inspections, WSDOT may impose sanctions on the RTA owners or operators in accordance with WAC 468-550-080.

Defects and Corrective or Remedial Actions

SSO tracks progress toward CAP completion on the CAP logs. Chapter 9 of the Program Standard describes how the SSO and rail properties develop, approve, track, and close out corrective action plans. The SSO will also monitor the RTA's progress in carrying out CAPs through unannounced or unannounced inspections.

The SSO focuses its efforts on significant RTA defects prioritized by severity and quantity. For ease of tracking and data analysis, the policies and procedures will establish basic defect categories and naming convention that clearly links each defect to its remedial action. SSO will consider tracking defects by a defect number when multiple similar defects are found in the same area to better track and categorize them.

Corrective Action Plan and Safety Risk Mitigation Verification

Chapter 9 of the Program Standard describes how the SSO and rail properties develop, approve, track, and close out corrective action plans. As part of this process, rail properties provide the SSO with written evidence or an explanation for actions the property took to mitigate or eliminate the hazard for each corrective action. In some cases, SSO may need to conduct interviews and inspections as part of the program's verification process to close a corrective action plan.

SSO procedure SSO-012 located in reference guide section 15 states, "The SSO program is required to complete a quality assurance check of closed CAPs based on the evidence provided and field visits (interviews, demonstrations, or inspections)."

Event Verification

SSO integrates its risk-based inspection program into its existing oversight of accident investigations conducted by the RTAs. Specifically, each year SSO inspectors will compare the list of planned inspections for the year with the list of reportable incidents and resulting investigations for the previous year. If SSO inspectors determine that there is overlap, SSO inspectors will add additional items to the inspection form to verify that RTA successfully implemented any immediate or long-term corrective actions.

As part of its existing data collection efforts, SSO collects and analyzes both quantitative and qualitative data from RTA accident investigations such as operator and supervisor event reports, post-accident safety inspection, and root-cause analysis. As part of its review and approval, SSO staff assess whether the RTA is leveraging this data to determine root-case and identify hazards. If the SSO staff determines that the RTA is deficient in this process, it may schedule an ad hoc inspection to review a sampling of recent incident investigation records.

SSO monitors post event scene repair through review and approval of final investigative reports as outlined in Chapter 7 "Investigations." If the SSO identifies that the RTA did not successfully repair the event scene after an event, it will initiate an ad-hoc announced or announced inspection of post-event scene repair protocols.

Further, as part of its risk-based inspection prioritization, SSO will evaluate whether contributing factors or environmental characteristics exist elsewhere in the system (i.e., disrepair of crossing gates, signal malfunctions, track defects, etc.) and include them in a risk evaluation to determine whether or not additional inspections are needed.

Ongoing Monitoring

SSO describes its approach to risk monitoring at rail properties in Chapter 1 of the Program Standards and Section 17 of the *Washington State Rail Safety Oversight Program Reference Guide* titled, "Risk Monitoring Process and Activities." Specifically, SSO observe RTA personnel performing their job functions when they attend meetings such as safety or internal audit meetings, ride the system, visit facilities, and attend training courses administered by the RTA. SSO staff document what they learn from these observations in logs and templates for each of the four systems (reference guide sections 17a – 17f). By monitoring ongoing task performance over time, SSO staff can document changes over time, offer advice to RTA staff to improve their performance, and learn about day-to-day operations and maintenance activities.

For inspection activities, SSO inspectors will use the risk-based inspection form to record inspection observations (Appendix L).

Each inspection will document a related rule or standard operating procedure to determine whether the functions are performed safely, to RTA standards, and at the required frequency.

SSO will use the qualitative and quantitative data it collects throughout the year monitoring RTA personnel as an input to its inspection prioritization described in subsequent sections.

Data Sources and Collection

The WSDOT SSO Program obtains relevant data from the RTAs it oversees. The RTAs shall collect data on an ongoing basis as part of their SMS activities. Each RTA shall inform the SSOA of their data systems used and provide information explaining how they use collected data to identify hazards.

The RTAs will provide SSO with safety data, maintenance data, inspection and operational data, and personnel data in the frequencies prescribed by this chapter. SSO also collects data from field observations and industry trends and will incorporate this information into its analyses. Additionally, SSO may request additional data or information as needed to fulfill its responsibilities; requests for data may be based on event trends or significant events; safety risk assessments; identified hazards; internal and external audits; industry trends; or the results of onsite observations, inspections, and investigations performed internally or by any external entity such as the SSOA, FTA, or NTSB.

All data the RTAs provide shall comply with FTA and SSOA guidelines and requirements for data reporting, as well as the internal policies. While WSDOT will not specify the way safety data must be submitted, it will provide recommendations and work with the RTAs to ensure data security protocols and privacy of information are met in both transmittal and storage.

As the RBI program matures, SSO will continue to advance their data collection, analysis, and storage processes. It will use lessons learned from initial implementation, information shared by peer SSO programs, and guidance provided by the FTA to support the development of future data management solutions.

The SSO will have access to raw data and flexibility to use RTA analysis results or conduct their own analysis.[2]

Each RTA that the SSO oversees has developed policies and procedures in their Agency Safety Plan that ensures full access to agency data electronic or hardcopy.

[2] Washington Administrative Code 468-550-071 Access and Implementation of Risk-Based Inspections.

The SSO will collect and analyze the following RTA data and sources:

1) **Safety Data:**
    a. Records of events, including primary source information from each RTA investigation if the RTA completes investigations on behalf of the SSOA.
    b. Hazard records, including hazard source, associated consequences, safety risk ratings, and the status of any mitigations.
    c. Safety risk mitigation records, including before and after risk ratings, and how the RTA monitors the implementation and effectiveness of safety risk mitigations.
    d. Corrective Action Plans
    e. 30-day report log
    f. Audits (Internal/external)
2) **Maintenance Data (vehicle and infrastructure), which includes:**
    a. Inspection and maintenance records and report forms
    b. Work orders
    c. Records of failures and defects
    d. Records of revenue vehicles out of service, including causal information
    e. Major maintenance activity schedule and progress
    f. Adherence to maintenance schedules, including reports and documentation of deferred maintenance.
3) **Inspection data, which includes:**
    a. Inspection records and report forms
    b. Records of failures and defects
    c. Records of speed restrictions
    d. Incident and Safety Risk Mitigation Verification
    e. Adherence to inspection schedules, including reports and documentation of inspections not performed.
    f. Capital project schedules and progress.

In addition, the SSO may request the below information:

4) **Personnel Data, which includes:**
    a. Training Records,
    b. Drug and Alcohol,
    c. Fatigue,
    d. Fitness for Duty
    e. Rule Violation
    f. SSO Field Observations (SSO to collect, no RTA input needed)
    g. Industry Trends (SSO to collect, no RTA input needed)

Data Collection Process

The SSO does not specify which way the RTAs will submit data. Data may be provided in the following formats:

- Sound Transit: Dropbox or sharedrive access, email, database access.
- Seattle Streetcar: Dropbox or sharedrive access, email.
- Seattle Monorail: Dropbox or sharedrive access, email, and physical records.

Data Collection Frequency

SSO will collect safety program data from the RTA monthly, no later than the last day of the month.

SSO will collect maintenance data from the RTA on a quarterly basis. Due dates for each quarter are as follows:

- Quarter 1 due date: April 30th
- Quarter 2 due date: July 31st
- Quarter 3 due date: October 31st
- Quarter 4 due date: January 31st the following year

SSO will collect inspection data from the RTA on a quarterly basis. Due dates for each quarter are as follows:

- Quarter 1 due date: April 30th
- Quarter 2 due date: July 31st
- Quarter 3 due date: October 31st
- Quarter 4 due date: January 31st the following year

Additionally, the SSO may request the following data on an ad hoc basis:

- Personnel Data
- SSO Field Observations
- Industry Trends

The SSO will allow the RTA at least 2 weeks to gather and submit documentation requested on an ad hoc basis.

Data Management

The SSO maintains its data management system for its RBI program within the electronic data infrastructure maintained by WSDOT that follows the State of Washington data management practices and information technology standards.

The SSO will store all data it collects electronically from the RTA on its WSDOT servers. There may be instances where the SSO can access the data on the RTA servers. In those instances, the SSO will ensure that it maintains access to RTA databases in the event of SSO staff turnover or changes in IT protocols at the RTA.

The SSO will use Windows explorer and save and organize all RBI data collected for RTAs. The file structure will be organized by system, type of data (safety, maintenance, inspection), and then timeframe. The SSO will follow the Washington State Government General Records Retention Schedule to retain these data for no less than six years after the end of the project. Once the SSO program manager determines that the data is no longer needed, they will follow record retention guidelines and destroy them.

Each SSO inspector will be assigned to a RTA and be responsible for managing all RBI data submissions, filing electronic records in the appropriate location, and adhering to data management standards outlined in this Program Standard. For example, SSO inspectors will perform quarterly and annual RBI data reviews for quality assurance, coordinated with the FTA SSOR system and data prior to annual FTA submission. RTAs have a chance to respond to any inaccuracies at quarterly meetings. Lastly, if the RTA submits RBI program data that contains personally identifiable information (PII) or sensitive security information (SSI), the PII or SSI must be redacted or protected prior to submission to the SSO in line with protocols at both organizations.

The Washington State Department of Transportation State Safety Oversight Administration acknowledges that the data management system currently in place will accurately store records according to established document control processes.

Inspection Prioritization

The SSO prioritizes inspections for its RBI program through analysis of safety data, maintenance data, inspection and operational data, personnel data, SSO field reviews, industry trends, and past inspection data that identify RTA hazards and safety concerns as described in Chapter 3.

The SSO proactively evaluates potential safety risks from the equipment, infrastructure, and practices specific to the RTA's it oversees. Annually, the SSO performs a safety risk assessment utilizing the likelihood and severity tables in this chapter. The result of this assessment will be a risk factor rating. Ongoing analysis will inform inspection planning so that concerns presenting the greatest safety risk are prioritized.

This section describes the prioritization process from safety concern identification through risk evaluation, prioritization, communication to the RTAs, and continuous risk monitoring.

Safety metrics

For each RTA, the SSO will collect and assess data by various methods such as the number and status of RTA-identified and SSOA-identified defects; the number and type of events, CAPs, and hazards in an area; the number and type of inspections conducted in an area; and repeat concerns. A detailed description of how each data type can be assessed see reference guide 10a Safety Metrics.

Risk Evaluation

Once the SSO has identified potential risks by the safety metrics, it will rate those risks for inspection prioritization. The risk rating formula is a product of the likelihood and severity of risked items. The prioritization of the inspection is determined by using the following formula: Likelihood (L) x Severity (S) = Risk Factor (RF)

Likelihood

10.0	Certain to happen	Certain to happen in under 3 months (1 in 10)
6.0	Probable	Likely to happen within 3 to 6 months (1 in 100)
3.0	Possible	Likely to happen within 6 to 12 months (1 in 1,000)
1.0	Remote	Likely to happen within 12 to 24 months (1 in 10,000)
0.5	Unlikely	Likely to happen within 2 to 5 years (1 in 100,000)
0.2	Extremely Remote	Would not expect to happen within 10 years. (1 in 1,000,000)

Severity

		Safety Program Data	Maintenance Data	Inspection Data	Personnel Data	SSO Field Observations	Industry Trends
100.0	Catastrophic	Massive effect involving all RTA departments	No Maintenance Program / Extensive damage greater than $1M	No inspection program / Massive effect multi-agency response	No records / data to provide / Massive effect multi-agency response	Massive effect involving all RTA departments SSO immediately halts rail operations.	Massive loss across multiple agencies
40.0	Hazardous	FTA Reportable / Major effect, involving Multiple RTA departments	Recurring Deficiencies / not fully implemented program / Major damage greater than $500K but less than $1M	Recurring Deficiencies / not fully implemented program / Multiple findings	Recurring Deficiencies / not fully implemented program / Multiple findings	Major effect, involving Multiple RTA departments findings. / > 50% of SSO observations result in findings.	Multiple RTAs significant element failures. Unable to continue operation. FTA requests immediate response

		Safety Program Data	Maintenance Data	Inspection Data	Personnel Data	SSO Field Observations	Industry Trends
10.0	Major	State reportable / Major effect, involving Multiple RTA departments	Open work orders >3months / Local damage greater than $250K but less than $500K	Single significant event element failure. / Maybe unable to continue the operation. / Substantial financial loss greater than $250K but less than $500K	Localized effect, specific area, or department. / < 50% of SSO observations result in findings.	Localized effect, specific area, or department. / < 50% of SSO observations result in findings.	Localized effect, specific area, or departme nt. Maybe unable to continue operation.
3.0	Minor	30-day event log / Localized effect, involving one RTA departments	Open work orders < 3 months / Minor damage greater than $50K but less than $250K	Certain element findings. / The operation may be able to continue with minor work arounds. / Minor financial loss greater than $50K but less than $250K	Minor effect / The operation may be able to continue with minor work arounds.	Minor effect, observations only / operation continues no work around needed.	Minor effect, operation continues no work around needed.
1.0	Negligible	Occurrence log / Slight or No Effect	No open work orders / Slight damage Less than $50K / No damage	Few observations. / Operations continues. / No financial loss.	Few observations. / Operations continues	Slight or No Effect	Slight or No Effect

Risk Factor (RF) Rating is calculated by multiplying the selected options for Likelihood (L) and Severity (S). The results of which is shown in the table below:

Risk Factor Rating Table

RF	Risk	Priority	Response	Actionable Timescale
>600	Very High	1	Intolerable, Immediate inspection scheduled.	Inspection Immediately
599- 400	High	2	Substantial,	Inspection within 3 months
399- 200	Moderate	3	Moderate	Review in 3 months; any item left at moderate for 9 consecutive months will move to high.
199- 90	Possible	4	Tolerable	Review in 6 months
<90	Low	5	Acceptable,	Review in 12 months

	Catastrophic	Hazardous	Major	Minor	Negligible
Certain to happen	Very High	Very High	High	Possible	Possible
Probable	Very High	High	Moderate	Moderate	Possible
Possible	High	Moderate	Moderate	Moderate	Low
Remote	Moderate	Moderate	Moderate	Low	Low
Unlikely	Moderate	Moderate	Low	Low	Low
Extremely Remote	Low	Low	Low	Low	Low

Assessment Procedures

5. SSO collects required data quarterly.
6. SSO safety specialist utilizes form “10a Safety Metrics” to conduct an initial assessment for each data type it collects.
7. The SSO safety specialist will record the results of the initial assessment on form “10b RTA Risk Factor Log” under “Initial Assessment”.
8. Next, the SSO safety specialist will quantify the applicable data type (such as 5 events) and list results under “Data Analysis results”.
9. Once the initial data results are established, the SSO safety specialist will calculate the risk factor: Likelihood (L) x Severity (S) = Risk Factor (RF)
10. The SSO safety specialist will record the risk factor in the risk factor rating column.
11. The SSO safety specialist will transfer the risk factor for each data type to form “10c RTA Annual Prioritization.” Categories with higher risk factors will be prioritized for inspections when the SSO develops its annual risk-based inspection plan.
12. The SSO will share with the RTA staff the top 5 risked categories during the SSO/RTA Quarterly safety meetings throughout the year.

Continuous risk monitoring

- Each RTA submits data based on the frequency described in their Agency Safety Plan.
- The SSO will review Safety data monthly and analyze it quarterly.
- The SSO will review and analyze maintenance and inspection quarterly. The SSO will share results with the RTAs at the following quarterly safety meeting.
- The SSO will review and analyze any ad hoc data following RTA submission.

Annual Prioritization Procedures

Safety concern prioritization and inspection prioritization will be performed once a year on top rated hazards identified throughout the prior year. See reference guide 10c RTA Annual Prioritization. 10c RTA Annual Prioritization is to be kept as a running document.

By **January 31** of each year the SSO will have all the previous year's inspection reviewed. If any findings were discovered during the inspection, that data type will be moved to the top of the new year's inspection prioritization list.

Appendix A FTA state safety oversight regulations and authority

49 CFR Part 674, State Safety Oversight: Final Rule, October 18, 2024,
https://www.govinfo.gov/content/pkg/FR-2024-10-18/pdf/2024-23866.pdf

49 CFR Part 673, Public Transportation Agency Safety Plans, April 11, 2024,
https://www.govinfo.gov/content/pkg/FR-2024-04-11/pdf/2024-07514.pdf

49 CFR Part 672, Public Transportation Safety Certification Training Program, August 14, 2024,
https://www.govinfo.gov/content/pkg/FR-2024-08-14/pdf/2024-18097.pdf

49 CFR Part 671, Rail Transit Roadway Worker Protection, October 31, 2024,
https://www.govinfo.gov/content/pkg/FR-2024-10-31/pdf/2024-25042.pdf

49 CFR Part 670, Public Transportation Safety Program, Aug. 11, 2016
https://www.govinfo.gov/content/pkg/FR-2016-08-11/pdf/2016-18920.pdf

49 U.S.C. 5329, Public Transportation Safety Program, January 3, 2024
https://www.govinfo.gov/app/details/USCODE-2023-title49/USCODE-2023-title49-subtitleIII-chap53-sec5329/summary

This content is from the eCFR and is authoritative but unofficial.

Title 49 —Transportation
Subtitle B —Other Regulations Relating to Transportation
Chapter VI —Federal Transit Administration, Department of Transportation

Part 674 State Safety Oversight
- **Subpart A** General Provisions
  - **§ 674.1** Purpose.
  - **§ 674.3** Applicability.
  - **§ 674.5** Policy.
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- **Subpart C** State Safety Oversight Agencies
  - **§ 674.25** Role of the State safety oversight agency.
  - **§ 674.27** State safety oversight program standards.
  - **§ 674.29** Public Transportation Agency Safety Plans: general requirements.
  - **§ 674.31** Triennial audits: general requirements.
  - **§ 674.33** Notifications of safety events.
  - **§ 674.35** Investigations.
  - **§ 674.37** Corrective action plans.
  - **§ 674.39** State Safety Oversight Agency annual reporting to FTA.
  - **§ 674.41** Conflicts of interest.

PART 674—STATE SAFETY OVERSIGHT

Authority: 49 U.S.C. 5329; 49 CFR 1.91.

Source: 81 FR 14256, Mar. 16, 2016, as amended at 89 FR 83981, Oct. 18, 2024, unless otherwise noted.

Subpart A—General Provisions

§ 674.1 Purpose.

This part carries out the mandate of 49 U.S.C. 5329 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, 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 the 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 certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329 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:

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

Collision means any impact between a rail transit vehicle and any other vehicle, object, or any person.

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 address an identified deficiency or safety concern, 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.

Derailment for the purposes of this part means a safety event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails.

Designated personnel means:

(1) Employees and contractors identified by a recipient whose job functions are directly responsible for safety oversight of the public transportation system of the public transportation agency; or

(2) Employees and contractors of a State Safety Oversight Agency whose job functions require them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.

Disabling damage means damage to a rail transit vehicle resulting from a collision and preventing the vehicle from operating under its own power.

Evacuation for life safety reasons means a condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation. A life safety reason may include a situation such as a fire, the presence of smoke or noxious fumes, a fuel leak from any source, an electrical hazard, or other hazard to any person. An evacuation of passengers into the rail right of way (not at a platform or station) for any reason is presumed to be an evacuation for life safety reasons.

Fatality means a death confirmed within 30 days of a safety event. Fatalities include suicides, but do not include deaths in or on transit property that are a result of drug overdose, exposure to the elements, illness, or natural causes.

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

FTA means the Federal Transit Administration, an operating administration 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 public transportation system; or damage to the environment.

Injury means any harm to persons as a result of a safety event that requires immediate medical attention away from the scene. Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.

Inspection means a physical observation of equipment, facilities, rolling stock, operations, personnel, or records for the purpose of gathering or analyzing facts or information.

Investigation means the process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating safety 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.

Person means a passenger, employee, contractor, volunteer, official worker, pedestrian, trespasser, or any other individual on the property of a rail fixed guideway public transportation system or associated infrastructure.

Potential consequence means the effect of a hazard.

Public transportation has the meaning found in 49 U.S.C. 5302.

Public Transportation Agency Safety Plan (PTASP) means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and part 673 of this chapter.

Public Transportation Safety Certification Training Program (PTSCTP) means the certification training program that is required by 49 U.S.C. 5329(c) and part 672 of this chapter.

Rail fixed guideway public transportation system means any fixed guideway system, or any such system in engineering or construction, 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. These 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.

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

Revenue vehicle means a rail transit vehicle used to provide revenue service for passengers. This includes providing fare free service.

Risk-based inspection program means an inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.

Safety event means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Safety risk means the composite of predicted severity and likelihood of a potential consequence of a hazard.

Safety risk mitigation means a method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.

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 (k) and the regulations set forth in this part.

Unintended train movement means any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service.

§ 674.9 [Reserved]

Subpart B—Role of the State

§ 674.11 State Safety Oversight Program.

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)(10). 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 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 must also establish an 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) and part 673 of this chapter;

(5) The SSOA has investigative, inspection, 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 part 673 of this chapter; 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 conflicts 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 an SSOA in compliance with 49 U.S.C. 5329.

(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. Also, the Administrator must determine whether an 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. 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.

(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, 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) When determining whether to issue a certification or a denial of certification for an SSO program, the Administrator must evaluate whether the cognizant SSOA has the 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.

§ 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 an SSO program that has been approved by the Administrator prior to a rail fixed guideway public transportation system entering the engineering or construction phase of development, FTA will be prohibited from obligating Federal financial assistance authorized 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.

(c) An SSOA has the responsibility to provide safety oversight of an RTA's project(s) in the engineering or construction phase to verify compliance with all applicable Federal and State safety requirements. For purposes of §§ 674.33 and 674.35, this is limited to safety events that involve transit-related activities such as operations, testing, simulated service or pre-revenue service, or a transit-related maintenance activity.

(d) An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(d) and part 673 of this chapter.

(e) 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 their authority under 49 U.S.C. 5329(f).

(f) An SSOA has primary responsibility for the investigation of a safety event 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).

(g) An SSOA may enter into an agreement with a contractor for assistance in overseeing safety event investigations and performing independent safety event investigations; and for expertise the SSOA does not have within its own organization.

(h) All designated personnel employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program.

§ 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) ***Disposition of RTA comments.*** The SSO program standard must establish a disposition process that defines how the SSOA will address any comments the RTA makes with respect to the SSO program standard.

(4) ***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.

(5) ***Oversight of RTA Public Transportation Agency Safety Plans and 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 SSO 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. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:

(i) The RTA must develop and document an ongoing internal safety review process to ensure that all elements of an RTA's Public Transportation Agency Safety Plan are performing and being implemented as intended.

(ii) The RTA's internal safety review process must ensure that the implementation of all elements of its Public Transportation Agency Safety Plan are reviewed within a three-year period.

(iii) The RTA must notify the SSOA at least thirty (30) days before the RTA conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review.

(iv) The RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

(6) ***Oversight of safety risk mitigations.*** The SSO program standard must explain the role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations related to rail fixed guideway transportation, including how the SSOA will track RTA safety risk mitigations. The SSO program standard must specify the frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness.

(7) ***Oversight of RTA compliance with the Public Transportation Safety Certification Training Program.*** The SSO program standard must explain how the SSOA will ensure that the RTA satisfies the requirements of the *Public Transportation Safety Certification Training Program,* including the RTA's designation of personnel and the RTA's identification of refresher training.

(8) ***Triennial SSOA audits of RTA 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.

(9) ***Safety event notifications.*** The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification 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.

(10) ***Investigations.*** The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own 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.

(11) ***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.

(12) ***Inspections.*** The SSO program standard must include or incorporate by reference a risk-based inspection program that:

(i) Is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems that the State safety oversight agency oversees;

(ii) Provides the SSOA with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the SSOA oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that the RTA collects when identifying and evaluating safety risks; and

(iii) Include policies and procedures regarding the access of the SSOA to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the RTA.

(13) ***Vehicle maintenance and testing.*** The SSO program standard must include the process by which the SSOA will review an RTA's rail transit vehicle maintenance program, including the RTA's periodic testing of rail transit vehicle braking systems to ensure performance and to detect potential latent system failures.

(14) ***Data collection.*** The program standard must include policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and explain how the SSOA uses collected data to support oversight of the RTA's safety risk management process. The frequency of collection shall be commensurate with the size and complexity of the rail fixed guideway public transportation system.

(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 compliant with 49 U.S.C. 5329(d) and part 673 of this chapter; is consistent with the National Public Transportation Safety Plan; and is in compliance with the SSO program standard set by the SSOA.

(b) 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. If an SSOA audits an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing 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 safety events.

(a) An RTA must notify FTA and the SSOA within two hours of any safety event occurring on a rail fixed guideway public transportation system that results in one or more of the following:

(1) Fatality

(2) Two or more injuries

(3) Derailment

(4) Collision resulting in one or more injuries

(5) Collision between two rail transit vehicles

(6) Collision resulting in disabling damage to a rail transit vehicle

(7) Evacuation for life safety reasons

(8) Unintended train movement.

(b) The two-hour notification requirement excludes criminal actions that result in fatalities or injuries, such as homicides and assaults.

§ 674.35 Investigations.

(a) An SSOA must investigate or require an investigation of any safety event that requires notification under § 674.33.

(b) The SSOA 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 a safety event, 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 safety event, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

(c) Within a reasonable time, an SSOA must issue a written report on its investigation of a safety event or review of an RTA's safety event 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 safety event; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of a safety event 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.

(d) 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.

(e) The Administrator may conduct an independent investigation of any safety event or an independent review of an SSOA's or an RTA's findings of causation of a safety event.

§ 674.37 Corrective action plans.

(a) The SSOA must, at a minimum, require the development of a CAP for the following:

(1) Results from investigations, in which the RTA or SSOA determined that causal or contributing factors require corrective action;

(2) Findings of non-compliance from safety reviews and inspections performed by the SSOA; or

(3) Findings of non-compliance from internal safety reviews performed by the RTA.

(b) 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.

(c) A CAP must describe, specifically, the actions the RTA will take to correct the deficiency 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.

(d) 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 or FTA, the SSOA must evaluate whether the findings or recommendations by the NTSB or FTA 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 its designated personnel have 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 safety events 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) Final investigation reports for all safety events meeting one or more of the criteria specified at § 674.33;

(5) A summary of the internal safety reviews conducted by RTAs during the previous twelve months, and the RTA's progress in carrying out CAPs arising under § 674.37(a)(3);

(6) 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;

(7) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and

(8) 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.

This content is from the eCFR and is authoritative but unofficial.

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Subtitle B —Other Regulations Relating to Transportation
Chapter VI —Federal Transit Administration, Department of Transportation

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PART 673—PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

Authority: 49 U.S.C. 5329, 5334; 49 CFR 1.91.

Source: 89 FR 25738, Apr. 11, 2024, unless otherwise noted.

Subpart A—General

§ 673.1 Applicability.

(a) This part applies to any State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. chapter 53.

(b) This part does not apply to an operator of a public transportation system that only receives Federal financial assistance under 49 U.S.C. 5310, 49 U.S.C. 5311, or both 49 U.S.C. 5310 and 49 U.S.C. 5311 unless it operates a rail fixed guideway public transportation system.

§ 673.3 Policy.

The Federal Transit Administration (FTA) has adopted the principles and methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. FTA will follow the principles and methods of SMS in its development of rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329. This part sets standards for the Public Transportation Agency Safety Plan, which will be responsive to FTA's Public Transportation Safety Program, and reflect the specific safety objectives, standards, and priorities of each transit agency. Each Public Transportation Agency Safety Plan will incorporate SMS principles and methods tailored to the size, complexity, and scope of the public transportation system and the environment in which it operates.

§ 673.5 Definitions.

As used in this part:

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

Assault on a transit worker means, as defined under 49 U.S.C. 5302, a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.

CDC means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Chief Safety Officer means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Direct recipient means an entity that receives Federal financial assistance directly from the Federal Transit Administration.

Emergency means, as defined under 49 U.S.C. 5324, a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, as a result of which the Governor of a State has declared an emergency and the Secretary has concurred; or the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

Equivalent entity means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

FTA means the Federal Transit Administration, an operating administration 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 public transportation system; or damage to the environment.

Injury means any harm to persons as a result of an event that requires immediate medical attention away from the scene.

Investigation means the process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating safety risk.

Joint labor-management process means a formal approach to discuss topics affecting transit workers and the public transportation system.

Large urbanized area provider means a recipient or subrecipient of financial assistance under 49 U.S.C. 5307 that serves an urban area with a population of 200,000 or more as determined by the most recent decennial Census.

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.

Near-miss means a narrowly avoided safety event.

Operator of a public transportation system means a provider of public transportation.

Performance measure means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Potential consequence means the effect of a hazard.

Public transportation means, as defined under 49 U.S.C. 5302, regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include:

(1) Intercity passenger rail transportation provided by the entity described in 49 U.S.C. chapter 243 (or a successor to such entity);

(2) Intercity bus service;

(3) Charter bus service;

(4) School bus service;

(5) Sightseeing service;

(6) Courtesy shuttle service for patrons of one or more specific establishments; or

(7) Intra-terminal or intra-facility shuttle services.

Public Transportation Agency Safety Plan means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

Rail fixed guideway public transportation system means any fixed guideway system, or any such system in engineering or construction, 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. These include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail transit agency means any entity that provides services on a rail fixed guideway public transportation system.

Recipient means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under 49 U.S.C. chapter 53.

Roadway means land on which rail transit tracks and support infrastructure have been constructed to support the movement of rail transit vehicles, excluding station platforms.

Safety Assurance means processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Committee means the formal joint labor-management committee on issues related to safety that is required by 49 U.S.C. 5329 and this part.

Safety event means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Safety Management Policy means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities for the management of safety.

Safety Management System (SMS) means the formal, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing hazards and safety risk.

Safety Management System (SMS) Executive means a Chief Safety Officer or an equivalent.

Safety performance target means a quantifiable level of performance or condition, expressed as a value for the measure, related to safety management activities, to be achieved within a specified time period.

Safety Promotion means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety risk means the composite of predicted severity and likelihood of a potential consequence of a hazard.

Safety risk assessment means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risk.

Safety risk management means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating the safety risk of their potential consequences.

Safety risk mitigation means a method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.

Safety set-aside means the allocation of not less than 0.75 percent of assistance received by a large urbanized area provider under 49 U.S.C. 5307 to safety-related projects eligible under 49 U.S.C. 5307.

Small public transportation provider means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service across all non-rail fixed route modes or in any one non-fixed route mode and does not operate a rail fixed guideway public transportation system.

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 of good repair means the condition in which a capital asset is able to operate at a full level of performance.

State Safety Oversight Agency means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in 49 CFR part 674.

Subrecipient means an entity that receives Federal transit grant funds indirectly through a State or a direct recipient.

Transit agency means an operator of a public transportation system that is a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 or a rail transit agency.

Transit Asset Management Plan means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

Transit worker means any employee, contractor, or volunteer working on behalf of the transit agency.

Urbanized area means, as defined under 49 U.S.C. 5302, an area encompassing a population of 50,000 or more that has been defined and designated in the most recent decennial census as an urban area by the Secretary of Commerce.

Subpart B—Safety Plans

§ 673.11 General requirements.

(a) A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by—

(i) For a large urbanized area provider, the Safety Committee established pursuant to § 673.19, followed by the transit agency's Board of Directors or an equivalent entity; or

(ii) For all other transit agencies, the transit agency's Board of Directors or an equivalent entity.

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

(3) The Public Transportation Agency Safety Plan must include annual safety performance targets based on the safety performance measures established under the National Public Transportation Safety Plan. Safety performance targets for the safety risk reduction program are only required for large urbanized area providers.

(4) The Public Transportation Agency Safety Plan must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. Compliance with the minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C) is not required until standards have been established through the public notice and comment process.

(5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

(6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan:

(i) An emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of transit worker responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area;

(ii) Any policies and procedures regarding rail transit workers on the roadway the rail transit agency has issued; and

(iii) The transit agency's policies and procedures developed in consultation with the State Safety Oversight Agency to provide access and required data for the State Safety Oversight Agency's risk-based inspection program.

(7) The Public Transportation Agency Safety Plan of each large urbanized area provider must include a safety risk reduction program for transit operations to improve safety performance by reducing the number and rates of safety events, injuries, and assaults on transit workers. The safety risk reduction program must, at a minimum:

(i) Address the reduction and mitigation of vehicular and pedestrian safety events involving transit vehicles that includes safety risk mitigations consistent with § 673.25(d)(3);

(ii) Address the reduction and mitigation of assaults on transit workers that includes safety risk mitigations consistent with § 673.25(d)(4);

(iii) Include the safety performance targets set by the Safety Committee pursuant to § 673.19(d)(2) for the safety risk reduction program performance measures established in the National Public Transportation Safety Plan. These targets must be set—

(A) Based on a three-year rolling average of the data submitted by the large urbanized area provider to the National Transit Database (NTD);

(B) For all modes of public transportation; and

(C) Based on the level of detail the large urbanized area provider is required to report to the NTD. The Safety Committee is not required to set a target for a performance measure until the large urbanized area provider has been required to report three years of data to the NTD corresponding to such performance measure.

(iv) Include or incorporate by reference the safety risk mitigations identified and recommended by the Safety Committee as described in § 673.25(d)(5).

(b) A transit agency may develop one Public Transportation Agency Safety Plan for all modes of service or may develop a Public Transportation Agency Safety Plan for each mode of service not subject to safety regulation by another Federal entity.

(c) A transit agency must maintain its Public Transportation Agency Safety Plan in accordance with the recordkeeping requirements in subpart E of this part.

(d) A State must draft and certify a Public Transportation Agency Safety Plan on behalf of any small public transportation provider that is located in that State. A State is not required to draft a Public Transportation Agency Safety Plan for a small public transportation provider if that transit agency notifies the State that it will draft its own plan. In each instance, the transit agency must carry out the plan. If a State drafts and certifies a Public Transportation Agency Safety Plan on behalf of a transit agency, and the transit agency later opts to draft and certify its own Public Transportation Agency Safety Plan, then the transit agency must notify the State. The transit agency has one year from the date of the notification to draft and certify a Public Transportation Agency Safety Plan that is compliant with this part. The Public Transportation Agency Safety Plan drafted by the State will remain in effect until the transit agency drafts its own Public Transportation Agency Safety Plan.

(e) Agencies that operate passenger ferries regulated by the United States Coast Guard (USCG) or rail fixed guideway public transportation service regulated by the Federal Railroad Administration (FRA) are not required to develop Public Transportation Agency Safety Plans for those modes of service.

§ 673.13 Certification of compliance.

(a) Each direct recipient, or State as authorized in § 673.11(d), must certify that it has established a Public Transportation Agency Safety Plan meeting the requirements of this part by the start of operations. A direct recipient must certify that it and all applicable subrecipients are in compliance with the requirements of this part. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by a rail fixed guideway public transportation system, as authorized in 49 U.S.C. 5329(e) and its implementing regulations at 49 CFR part 674.

(b) On an annual basis, a direct recipient or State must certify its compliance with this part. A direct recipient must certify that it and all applicable subrecipients are in compliance with the requirements of this part.

§ 673.15 Coordination with metropolitan, statewide, and non-metropolitan planning processes.

(a) A State or transit agency must make its safety performance targets available to States and Metropolitan Planning Organizations to aid in the planning process.

(b) To the maximum extent practicable, a State or transit agency must coordinate with States and Metropolitan Planning Organizations in the selection of State and MPO safety performance targets.

Subpart C—Safety Committees and Cooperation With Frontline Transit Worker Representatives

§ 673.17 Cooperation with frontline transit worker representatives.

(a) Each large urbanized area provider must establish a Safety Committee that meets the requirements of § 673.19.

(b) Each transit agency that is not a large urbanized area provider must:

(1) Develop its Public Transportation Agency Safety Plan, and subsequent updates, in cooperation with frontline transit worker representatives; and

(2) Include or incorporate by reference in its Public Transportation Agency Safety Plan a description of how frontline transit worker representatives cooperate in the development and update of the Public Transportation Agency Safety Plan.

§ 673.19 Safety Committees.

(a) ***Establishing the Safety Committee.*** Each large urbanized area provider must establish and operate a Safety Committee that is:

(1) Appropriately scaled to the size, scope, and complexity of the transit agency; and

(2) Convened by a joint labor-management process.

(b) ***Safety Committee membership.*** The Safety Committee must consist of an equal number of frontline transit worker representatives and management representatives. To the extent practicable, the Safety Committee must include frontline transit worker representatives from major transit service functions, such as operations and maintenance, across the transit system.

(1) The labor organization that represents the plurality of the transit agency's frontline transit workers must select frontline transit worker representatives for the Safety Committee.

(2) If the transit agency's frontline transit workers are not represented by a labor organization, the transit agency must adopt a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee.

(c) ***Safety Committee procedures.*** Each large urbanized area provider must include or incorporate by reference in its Public Transportation Agency Safety Plan procedures regarding the composition, responsibilities, and operations of the Safety Committee which, at a minimum, must address:

(1) The organizational structure, size, and composition of the Safety Committee and how it will be chaired;

(2) How meeting agendas and notices will be developed and shared, and how meeting minutes will be recorded and maintained;

(3) Any required training for Safety Committee members related to the transit agency's Public Transportation Agency Safety Plan and the processes, activities, and tools used to support the transit agency's SMS;

(4) The compensation policy established by the agency for participation in Safety Committee meetings;

(5) How the Safety Committee will access technical experts, including other transit workers, to serve in an advisory capacity as needed; transit agency information, resources, and tools; and submissions to the transit worker safety reporting program to support its deliberations;

(6) How the Safety Committee will reach and record decisions;

(7) How the Safety Committee will coordinate and communicate with the transit agency's Board of Directors, or equivalent entity, and the Accountable Executive;

(8) How the Safety Committee will manage disputes to ensure it carries out its operations. The Safety Committee may use the dispute resolution or arbitration process from the transit agency's Collective Bargaining Agreement, or a different process that the Safety Committee develops and agrees upon, but the Accountable Executive may not be designated to resolve any disputes within the Safety Committee; and

(9) How the Safety Committee will carry out its responsibilities identified in paragraph (d) of this section.

(d) ***Safety Committee responsibilities.*** The Safety Committee must conduct the following activities to oversee the transit agency's safety performance:

(1) Review and approve the transit agency's Public Transportation Agency Safety Plan and any updates as required at § 673.11(a)(1)(i);

(2) Set annual safety performance targets for the safety risk reduction program as required at § 673.11(a)(7)(iii); and

(3) Support operation of the transit agency's SMS by:

(i) Identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the transit agency's safety risk assessment, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program;

(ii) Identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program; and

(iii) Identifying safety deficiencies for purposes of continuous improvement as required at § 673.27(d), including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.

Subpart D—Safety Management Systems

§ 673.21 General requirements.

Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;

(b) Safety Risk Management as described in § 673.25;

(c) Safety Assurance as described in § 673.27; and

(d) Safety Promotion as described in § 673.29.

§ 673.23 Safety Management Policy.

(a) A transit agency must establish its organizational accountabilities and responsibilities and have a written statement of Safety Management Policy that includes the transit agency's safety objectives and a description of the transit agency's Safety Committee or approach to cooperation with frontline transit worker representatives.

(b) A transit agency must establish and implement a process that allows transit workers to report safety concerns, including assaults on transit workers, near-misses, and unsafe acts and conditions to senior management, includes protections for transit workers who report, and includes a description of transit worker behaviors that may result in disciplinary action.

(c) The Safety Management Policy must be communicated throughout the transit agency's organization.

(d) The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals or groups within its organization, as they relate to the development and management of the transit agency's SMS:

(1) ***Accountable Executive.*** The transit agency must identify an Accountable Executive. The Accountable Executive is accountable for ensuring that the transit agency's SMS is effectively implemented throughout the transit agency's public transportation system. The Accountable Executive is accountable for ensuring action is taken, as necessary, to address substandard performance in the transit agency's SMS. The Accountable Executive may delegate specific responsibilities, but the ultimate accountability for the transit agency's safety performance cannot be delegated and always rests with the Accountable Executive.

(i) The Accountable Executive of a large urbanized area provider must implement safety risk mitigations for the safety risk reduction program that are included in the Agency Safety Plan under § 673.11(a)(7)(iv).

(ii) The Accountable Executive of a large urbanized area provider receives and must consider all other safety risk mitigations recommended by the Safety Committee, consistent with requirements in §§ 673.19(d) and 673.25(d)(6).

(2) ***Chief Safety Officer or Safety Management System (SMS) Executive.*** The Accountable Executive must designate a Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of a transit agency's SMS. The Chief Safety Officer or SMS Executive must hold a direct line of reporting to the Accountable Executive. A transit agency may allow the Accountable Executive to also serve as the Chief Safety Officer or SMS Executive.

(3) ***Safety Committee.*** A large urbanized area provider must establish a joint labor-management Safety Committee that meets the requirements of § 673.19.

(4) ***Transit agency leadership and executive management.*** A transit agency must identify those members of its leadership or executive management, other than an Accountable Executive, Chief Safety Officer, or SMS Executive, who have authorities or responsibilities for day-to-day implementation and operation of a transit agency's SMS.

(5) ***Key staff.*** A transit agency may designate key staff, groups of staff, or committees to support the Accountable Executive, Chief Safety Officer, Safety Committee, or SMS Executive in developing, implementing, and operating the transit agency's SMS.

§ 673.25 Safety Risk Management.

(a) *Safety Risk Management process.* A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk Management process must be comprised of the following activities: hazard identification, safety risk assessment, and safety risk mitigation.

(b) *Hazard identification.*

(1) A transit agency must establish methods or processes to identify hazards and potential consequences of the hazards.

(2) A transit agency must consider, as a source for hazard identification:

(i) Data and information provided by an oversight authority, including but not limited to FTA, the State, or as applicable, the State Safety Oversight Agency having jurisdiction;

(ii) Data and information regarding exposure to infectious disease provided by the CDC or a State health authority; and

(iii) Safety concerns identified through Safety Assurance activities carried out under § 673.27.

(c) *Safety risk assessment.*

(1) A transit agency must establish methods or processes to assess the safety risk associated with identified hazards.

(2) A safety risk assessment includes an assessment of the likelihood and severity of the potential consequences of identified hazards, taking into account existing safety risk mitigations, to determine if safety risk mitigation is necessary and to inform prioritization of safety risk mitigations.

(d) *Safety risk mitigation.*

(1) A transit agency must establish methods or processes to identify safety risk mitigations or strategies necessary as a result of the transit agency's safety risk assessment to reduce the likelihood and severity of the potential consequences. For large urbanized area providers, these methods or processes must address the role of the transit agency's Safety Committee.

(2) A transit agency must consider, as a source for safety risk mitigation:

(i) Guidance provided by an oversight authority, if applicable, and FTA; and

(ii) Guidelines to prevent or control exposure to infectious diseases provided by the CDC or a State health authority.

(3) When identifying safety risk mitigations for the safety risk reduction program related to vehicular and pedestrian safety events involving transit vehicles, including to address a missed safety performance target set by the Safety Committee under § 673.19(d)(2), each large urbanized area provider and its Safety Committee must consider mitigations to reduce visibility impairments for transit vehicle operators that contribute to accidents, including retrofits to vehicles in revenue service and specifications for future procurements that reduce visibility impairments.

(4) When identifying safety risk mitigations for the safety risk reduction program related to assaults on transit workers, including to address a missed safety performance target set by the Safety Committee under § 673.19(d)(2), each large urbanized area provider and its Safety Committee must

consider deployment of assault mitigation infrastructure and technology on transit vehicles and in transit facilities. Assault mitigation infrastructure and technology includes barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators.

(5) When a large urbanized area provider's Safety Committee, as part of the transit agency's safety risk reduction program, identifies and recommends under § 673.19(c)(6) safety risk mitigations, including mitigations relating to vehicular and pedestrian safety events involving transit vehicles or assaults on transit workers, based on a safety risk assessment conducted under § 673.25(c), the transit agency must include or incorporate by reference these safety risk mitigations in its ASP pursuant to § 673.11(a)(7)(iv).

(6) When a large urbanized area provider's Safety Committee recommends a safety risk mitigation unrelated to the safety risk reduction program, and the Accountable Executive decides not to implement the safety risk mitigation, the Accountable Executive must prepare a written statement explaining their decision, pursuant to recordkeeping requirements at § 673.31. The Accountable Executive must submit and present this explanation to the transit agency's Safety Committee and Board of Directors or equivalent entity.

§ 673.27 Safety Assurance.

(a) ***Safety Assurance process.*** A transit agency must develop and implement a Safety Assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its Safety Assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must include in its Safety Assurance process the requirements in paragraphs (b) and (d) of this section.

(b) ***Safety performance monitoring and measurement.*** A transit agency must establish activities to:

(1) Monitor its system for compliance with, and sufficiency of, the transit agency's procedures for operations and maintenance;

(2) Monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended. For large urbanized area providers, these activities must address the role of the transit agency's Safety Committee;

(3) Conduct investigations of safety events to identify causal factors; and

(4) Monitor information reported through any internal safety reporting programs.

(c) ***Management of change.***

(1) A transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance.

(2) If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process.

(d) ***Continuous improvement.***

(1) A transit agency must establish a process to assess its safety performance annually.

(i) This process must include the identification of deficiencies in the transit agency's SMS and deficiencies in the transit agency's performance against safety performance targets required in § 673.11(a)(3).

(ii) For large urbanized area providers, this process must also address the role of the transit agency's Safety Committee, and include the identification of deficiencies in the transit agency's performance against annual safety performance targets set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program required in § 673.11(a)(7).

(iii) Rail transit agencies must also address any specific internal safety review requirements established by their State Safety Oversight Agency.

(2) A large urbanized area provider must monitor safety performance against annual safety performance targets set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program in § 673.11(a)(7).

(3) A large urbanized area provider that does not meet an established annual safety performance target set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program in § 673.11(a)(7) must:

(i) Assess associated safety risk, using the methods or processes established under § 673.25(c);

(ii) Mitigate associated safety risk based on the results of a safety risk assessment using the methods or processes established under § 673.25(d). The transit agency must include these mitigations in the plan described at § 673.27(d)(4) and in the Agency Safety Plan as described in § 673.25(d)(5); and

(iii) Allocate its safety set-aside in the following fiscal year to safety-related projects eligible under 49 U.S.C. 5307 that are reasonably likely to assist the transit agency in meeting the safety performance target in the future.

(4) A transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address any deficiencies identified through the safety performance assessment as described in this section.

§ 673.29 Safety Promotion.

(a) *Competencies and training.*

(1) A transit agency must establish and implement a comprehensive safety training program that includes de-escalation training, safety concern identification and reporting training, and refresher training for all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system. The training program must include refresher training, as necessary.

(2) Large urbanized area providers must include maintenance transit workers in the safety training program.

(b) *Safety communication.* A transit agency must communicate safety and safety performance information throughout the transit agency's organization that, at a minimum, conveys information on hazards and safety risk relevant to transit workers' roles and responsibilities and informs transit workers of safety actions taken in response to reports submitted through a transit worker safety reporting program. A transit agency must also communicate the results of cooperation with frontline transit worker representatives as described at § 673.17(b) or the Safety Committee activities described in § 673.19.

Subpart E—Safety Plan Documentation and Recordkeeping

§ 673.31 Safety plan documentation.

At all times, a transit agency must maintain documents that set forth its Public Transportation Agency Safety Plan, including those related to the implementation of its SMS, and results from SMS processes and activities. A transit agency must maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the transit agency uses to carry out its Public Transportation Agency Safety Plan. These documents must be made available upon request by FTA or other Federal entity, or a State or State Safety Oversight Agency having jurisdiction. A transit agency must maintain these documents for a minimum of three years after they are created.

This content is from the eCFR and is authoritative but unofficial.

Title 49 —Transportation
Subtitle B —Other Regulations Relating to Transportation
Chapter VI —Federal Transit Administration, Department of Transportation

Part 672 Public Transportation Safety Certification Training Program
- **Subpart A** General Provisions
  - **§ 672.1** Purpose.
  - **§ 672.3** Scope and applicability.
  - **§ 672.5** Definitions.
- **Subpart B** Training Requirements
  - **§ 672.11** State Safety Oversight Agency employees and contractors who conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems.
  - **§ 672.13** Rail transit agency employees and contractors who are directly responsible for the safety oversight of a rail fixed guideway public transportation system.
  - **§ 672.15** Evaluation of prior certification and training.
  - **§ 672.17** Voluntary participants.
- **Subpart C** Administrative Requirements
  - **§ 672.21** Records.
  - **§ 672.23** Availability of records.
- **Subpart D** Compliance and Certification Requirements
  - **§ 672.31** Requirement to certify compliance.

PART 672—PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM

Authority: 49 U.S.C. 5329, 5334; 49 CFR 1.91.

Source: 89 FR 66007, Aug. 14, 2024, unless otherwise noted.

Subpart A—General Provisions

§ 672.1 Purpose.

(a) This part implements a uniform safety certification training curriculum and requirements to enhance the technical proficiency of individuals who conduct safety reviews, inspections, examinations, and other safety oversight activities of public transportation systems operated by public transportation agencies and those who are directly responsible for safety oversight of public transportation agencies.

(b) This part does not preempt any safety certification training requirements required by a State for public transportation agencies within its jurisdiction.

§ 672.3 Scope and applicability.

(a) In general, this part applies to all recipients of Federal financial assistance under 49 U.S.C. chapter 53.

(b) The requirements of this part apply only to:

(1) State Safety Oversight Agencies (SSOAs) and their employees and contractors that conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems, and

(2) Rail transit agencies and their employees and contractors who are directly responsible for the safety oversight of a recipient's rail fixed guideway public transportation systems.

(c) Voluntary participants may complete the Public Transportation Safety Certification Training Program curriculum in accordance with this part.

§ 672.5 Definitions.

As used in this part:

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

Contractor means an entity that performs tasks on behalf of the Federal Transit Administration (FTA), a State Safety Oversight Agency (SSOA), or public transportation agency through contract or other agreement.

Designated personnel means:

(1) Employees and contractors identified by a recipient whose job function is directly responsible for safety oversight of the public transportation system of the public transportation agency; or

(2) Employees and contractors of a State Safety Oversight Agency (SSOA) whose job function requires them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.

Directly responsible for safety oversight means public transportation agency personnel whose primary job function includes the development, implementation, and review of the agency's safety plan and/or the State Safety Oversight Agency (SSOA) requirements for the rail fixed guideway public transportation system pursuant to 49 CFR part 674.

Examination means a process for gathering or analyzing facts or information related to the safety of a public transportation system.

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

Initial training means the group of specific courses an individual must complete within three (3) years of enrollment in the Public Transportation Safety Certification Training Program to receive their first program certificate.

Public transportation agency means an entity that provides public transportation service as defined in 49 U.S.C. 5302 and that has one or more modes of service not subject to the safety oversight requirements of another Federal agency.

Public Transportation Safety Certification Training Program curriculum means the initial training designated personnel or voluntary participants must complete to receive the Public Transportation Safety Certification Training Program certificate of completion.

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

Rail transit agency means any entity that provides services on a rail fixed guideway public transportation system.

Recertification means the process of renewing an individual's Public Transportation Safety Certification Training Program certification for two years.

Recertification training means the training courses or activities designated personnel must complete within two (2) years of completing the Public Transportation Safety Certification Training Program curriculum to maintain certification and every two (2) years thereafter.

Recipient means a State or local governmental authority or any other operator of a public transportation system receiving financial assistance under 49 U.S.C. chapter 53.

Safety review means a review or analysis of safety records and related materials.

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 (k) and the regulations set forth in 49 CFR part 674.

Voluntary participant means an individual participating in the Public Transportation Safety Certification Training Program that is not subject to the requirements of this part, including:

(1) Employees and contractors of an applicable recipient that have not been designated under § 672.11(a) or § 672.13(a), and

(2) Individuals who are not employees or contractors of an applicable recipient.

Subpart B—Training Requirements

§ 672.11 State Safety Oversight Agency employees and contractors who conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems.

(a) Each SSOA shall designate its employees and contractors that must comply with the applicable training requirements of this part and the Public Transportation Safety Certification Training Program (PTSCTP) curriculum. Each SSOA must designate employees and contractors who conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems, including appropriate managers and supervisors of such personnel.

(b) Each SSOA shall ensure that each designated individual is enrolled in the PTSCTP within 30 days of the individual's designation. Each SSOA shall ensure the compliance of designated participants with the applicable training requirements of this part and the PTSCTP curriculum.

(c) Employees and contractors designated under paragraph (a) of this section shall complete applicable training requirements of this part and the PTSCTP curriculum within three (3) years of their initial PTSCTP enrollment.

(d) Thereafter, upon completion of the PTSCTP curriculum, designated personnel shall complete recertification every two (2) years. Required recertification training shall consist of two elements:

(1) Element 1: Recertification training defined by FTA, and

(2) Element 2: Recertification training defined by the SSOA, which must include, at a minimum, one (1) hour of safety oversight training.

§ 672.13 Rail transit agency employees and contractors who are directly responsible for the safety oversight of a rail fixed guideway public transportation system.

(a) Each rail transit agency shall designate its employees and contractors who must comply with the applicable training requirements of this part and the PTSCTP curriculum. Each rail transit agency must designate employees and contractors who are directly responsible for safety oversight of rail modes.

(b) Each rail transit agency shall ensure that each designated individual is enrolled in the PTSCTP within 30 days of the individual's designation. Each rail transit agency shall ensure the compliance of designated participants with the applicable training requirements of this part and the PTSCTP curriculum.

(c) Employees and contractors designated under paragraph (a) of this section shall complete applicable training requirements of this part and the PTSCTP curriculum within three (3) years of their initial PTSCTP enrollment.

(d) Thereafter, upon completion of the PTSCTP curriculum, designated personnel must complete recertification every two (2) years. Required recertification training shall consist of two elements:

(1) Element 1: Specific recertification training defined by FTA, and

(2) Element 2: Recertification training defined by the rail transit agency, which must include, at a minimum, one (1) hour of safety oversight training.

§ 672.15 Evaluation of prior certification and training.

(a) PTSCTP participants or an identified point of contact described in § 672.21(b) may request that FTA evaluate safety training or certification previously obtained from another entity to determine if the training satisfies an applicable training requirement of this part.

(b) Individuals requesting FTA evaluation of previously obtained training or certification must provide FTA with an official transcript or certificate of the training, a description of the curriculum and competencies obtained, and a brief statement detailing how the training or certification satisfies the applicable requirements of this part. The required information must be submitted using an equivalency credit request via electronic means defined by FTA.

(c) FTA will evaluate the submission and determine if a training requirement of this part may be waived. If a waiver is granted, designated personnel are responsible for completing all other applicable requirements of this part.

§ 672.17 Voluntary participants.

(a) Individuals not subject to the requirements of this part may participate voluntarily. To receive a certificate of completion as a voluntary participant, individuals must complete the PTSCTP curriculum within three (3) years of their enrollment. Voluntary participants are not required to complete recertification. FTA will not recertify voluntary participants.

(b) If a voluntary participant has received a PTSCTP certificate of completion and is subsequently designated by an SSOA or rail transit agency as a PTSCTP participant, the individual will need to complete required recertification training within two (2) years of designation.

Subpart C—Administrative Requirements

§ 672.21 Records.

(a) ***General requirement.*** Each recipient subject to the requirements of this part shall ensure that its designated personnel:

(1) Are enrolled in the PTSCTP;

(2) Complete the initial training specified in the PTSCTP curriculum within three (3) years of their enrollment as a designated participant; and

(3) Complete required recertification every two (2) years upon completion of the PTSCTP curriculum.

(b) ***Point of contact identification.*** Each recipient, subject to the requirements of this part, shall identify a single point of contact (POC) for communication with FTA regarding PTSCTP information. The recipient shall provide FTA, via electronic method defined by FTA, at a minimum, the POC's name, title, phone number, and email address.

(c) ***Point of contact responsibilities.*** Each POC will serve as a liaison between the recipient and FTA to inform FTA of changes in designated personnel participating in the PTSCTP, enroll new participants, submit proof of recertification for the recipient's designated personnel, and address any other program documentation or communications needs.

(d) ***Semiannual reporting.*** Semiannually, between January 1st and January 31st and between July 1st and July 31st of each calendar year, the identified POC must submit documentation to FTA, via electronic method defined by FTA, that identifies:

(1) All employees and contractors of the recipient who are designated as PTSCTP participants; and

(2) The course or courses the recipient has identified as required recertification training for their designated personnel. The agency identified recertification training must include, at a minimum, one (1) hour of safety oversight training. The documentation must include the complete name and length of each course, as well as the name of the course training provider.

(e) ***SSOA requirement.***

(1) Each SSOA shall retain a record of the technical training completed by its designated personnel in accordance with the technical training requirements of this part. SSOAs shall retain training records for at least five (5) years from the date the record is created.

(2) Each SSOA shall develop and maintain a technical training plan for designated personnel who perform reviews, inspections, examinations, and other safety oversight activities. The SSOA will submit its technical training plan to FTA for review and evaluation as part of its annual reporting to FTA as required under § 674.39 of this chapter. This review process will support the consultation required between FTA and SSOAs regarding the staffing and qualification of the designated personnel in accordance with 49 U.S.C. 5329(e)(3)(D).

(3) Each SSOA shall identify the tasks related to reviews, inspections, examinations, and other safety oversight activities requiring SSOA approval, which must be performed by the SSOA to carry out its safety oversight requirements, and identify the skills and knowledge necessary to perform each oversight task at that system. At a minimum, the technical training plan will describe the process for receiving technical training in the following competency areas appropriate to the specific rail fixed guideway public transportation system(s) for which reviews and inspections conducted:

(i) Agency organizational structure.

(ii) Agency Safety Plan.

(iii) Knowledge of agency:

(A) Territory and revenue service schedules.

(B) Current bulletins, general orders, and other associated directives that ensure safe operations.

(C) Operations and maintenance rule books.

(D) Safety rules.

(E) Standard Operating Procedures.

(F) Roadway Worker Protection.

(G) Employee Hours of Service and Fatigue Management program.

(H) Employee Observation and Testing Program (Efficiency Testing).

(I) Employee training and certification requirements.

(J) Vehicle inspection and maintenance programs, schedules, and records.

(K) Track inspection and maintenance programs, schedules and records.

(L) Tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records.

(M) Traction power (substation, overhead catenary system, and third rail), load dispatching, inspection and maintenance programs, schedules, and records.

(N) Signal and train control inspection and maintenance programs, schedules, and records.

(4) The SSOA will determine the length of time for the technical training based on the skill level of the designated personnel relative to the applicable rail transit agency(s). FTA will provide a template as requested to assist the SSOA with preparing and monitoring its technical training plan and will provide technical assistance as requested. Each SSOA technical training plan that is submitted to FTA for review will:

(i) Require designated personnel to successfully:

(A) Complete training that covers the skills and knowledge needed to effectively perform the tasks.

(B) Pass a written and/or oral examination covering the skills and knowledge required for the designated personnel to effectively perform their tasks.

(C) Demonstrate hands-on capability to perform their tasks to the satisfaction of the appropriate SSOA supervisor or designated instructor.

(ii) Establish equivalencies or written and oral examinations to allow designated personnel to demonstrate that they possess the skill and qualification required to perform their tasks.

(iii) Require biennial recertification training to maintain technical skills and abilities, which includes classroom and hands-on training, as well as testing. Observation and evaluation of actual performance of duties may be used to meet the hands-on portion of this requirement, provided that such testing is documented.

(iv) Require that training records be maintained to demonstrate the current qualification status of designated personnel assigned to carry out the oversight program. Records may be maintained either electronically or in writing and must be provided to FTA upon request. Records must include the following information concerning each designated personnel:

(A) Name;

(B) The title and date each training course was completed, the proficiency test score(s), and the minimum passing score of the test, where applicable;

(C) The content of each training course successfully completed;

(D) A description of the designated personnel's hands-on performance applying the skills and knowledge required to perform the tasks that the employee will be responsible for performing and the factual basis supporting the determination;

(E) The tasks the designated personnel are deemed qualified to perform; and

(F) Provide the date that the designated personnel's status as qualified to perform the tasks expires, and the date in which biennial recertification training is due.

(v) Ensure the qualification of contractors performing oversight activities. SSOAs may use demonstrations, previous training and education, and written and oral examinations to determine if contractors possess the skill and qualification required to perform their tasks.

(vi) Periodically assess the effectiveness of the technical training. One method of validation and assessment could be efficiency tests or periodic review of employee performance.

§ 672.23 Availability of records.

(a) Except as required by law, or expressly authorized or required by this part, a recipient may not release information pertaining to employees and contractors that is required by this part without the written consent of the individual.

(b) Individuals are entitled, upon written request to the recipient, to obtain copies of any records pertaining to their training required by this part. The recipient shall promptly provide the records requested by personnel and access shall not be contingent upon the recipient's receipt of payment for the production of such records.

(c) A recipient shall permit access to all facilities utilized and records compiled in accordance with the requirements of this part to the Secretary of Transportation, the Federal Transit Administration, or any State agency with jurisdiction over public transportation safety oversight of the recipient.

(d) When requested by the National Transportation Safety Board as part of an accident investigation, a recipient shall disclose information related to the training of employees and contractors.

Subpart D—Compliance and Certification Requirements

§ 672.31 Requirement to certify compliance.

(a) A recipient of FTA financial assistance under 49 U.S.C. chapter 53 that is subject to the requirements of this part as specified in § 672.3(b) shall annually certify compliance with this part in accordance with FTA's procedures for annual grant certification and assurances.

(b) A certification must be authorized by the recipient's governing board or other authorizing official and must be signed by a party specifically authorized to do so.

This content is from the eCFR and is authoritative but unofficial.

Title 49 —Transportation
Subtitle B —Other Regulations Relating to Transportation
Chapter VI —Federal Transit Administration, Department of Transportation

Part 671 Rail Transit Roadway Worker Protection
- **Subpart A** General
  - **§ 671.1** Purpose and Applicability.
  - **§ 671.3** Policy.
  - **§ 671.5** Definitions.
- **Subpart B** Roadway Worker Protection (RWP) Program and Manual
  - **§ 671.11** RWP program.
  - **§ 671.13** RWP manual.
- **Subpart C** Responsibilities
  - **§ 671.21** Rail transit agency.
  - **§ 671.23** Transit worker.
  - **§ 671.25** State safety oversight agency.
- **Subpart D** Required RWP Program Elements
  - **§ 671.31** Roadway worker in charge requirements.
  - **§ 671.33** Job safety briefing policies.
  - **§ 671.35** Lone worker.
  - **§ 671.37** Good faith safety challenge.
  - **§ 671.39** Risk-based redundant protections.
  - **§ 671.41** RWP training and qualification program.
  - **§ 671.43** RWP compliance monitoring program.
- **Subpart E** Recordkeeping
  - **§ 671.51** Recordkeeping.

PART 671—RAIL TRANSIT ROADWAY WORKER PROTECTION

Authority: 49 U.S.C. 5329, 49 CFR 1.91.

Source: 89 FR 87220, Oct. 31, 2024, unless otherwise noted.

Subpart A—General

§ 671.1 Purpose and Applicability.

(a) The purpose of this part is to set forth the applicability of the rail transit Roadway Worker Protection (RWP) regulation.

(b) This part applies to rail transit agencies (RTA) that receive Federal financial assistance authorized under 49 U.S.C. chapter 53; and to State Safety Oversight Agencies (SSOA) that oversee the safety of rail fixed guideway public transportation systems. This part does not apply to rail systems that are subject to the safety oversight of the Federal Railroad Administration (FRA).

(c) This part applies to transit workers who access any rail fixed guideway public transportation systems in the performance of work.

(d) An RTA must coordinate with an SSOA to establish an SSOA-approved RWP program that meets the requirements of this part, within one calendar year from the effective date of this rule.

§ 671.3 Policy.

(a) This part establishes minimum safety standards for rail transit Roadway Worker Protection (RWP) to ensure the safe operation of public transportation systems and to prevent safety events, fatalities, and injuries to transit workers who may access the roadway in the performance of work. Each RTA and SSOA may prescribe additional or more stringent operating rules, safety rules, and other special instructions that are consistent with this part.

(b) The Federal Transit Administration (FTA) has adopted the principles and methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. Activities conducted to carry out these RWP safety standards must be integrated into the RTA's SMS, including the Safety Risk Management (SRM) process, specified in § 673.25 of this chapter, and the Safety Assurance process, specified in § 673.27 of this chapter.

§ 671.5 Definitions.

As used in this part:

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

Ample time means the time necessary for a roadway worker to be clear of the track zone or in a place of safety 15 seconds before a rail transit vehicle moving at the maximum authorized speed on that track could arrive at the location of the roadway worker.

Equivalent entity means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

Equivalent protection means alternative designs, materials, or methods that the RTA can demonstrate to the SSOA will provide equal or greater safety for roadway workers than the means specified in this part.

Flag person means a roadway worker designated to direct or restrict the movement of rail transit vehicles or equipment past a point on a track to provide on-track safety for roadway workers, while engaged solely in performing that function.

Foul time protection is a method of establishing working limits in which a roadway worker is notified by the control center that no rail transit vehicles will be authorized to operate within a specific segment of track until the roadway worker reports clear of the track.

Fouling a track means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving rail transit vehicle or on-track equipment, typically within four feet of the outside rail on both sides of any track.

Individual rail transit vehicle detection means a process by which a lone worker acquires on-track safety by visually detecting approaching rail transit vehicles or equipment and leaving the track in ample time.

Job safety briefing means a meeting addressing the requirements of this part that is conducted prior to commencing work by the Roadway Worker in Charge, typically at the job site, to notify roadway workers or other transit workers about the hazards related to the work to be performed and the protections to eliminate or protect against those hazards. Alternatively, briefings can be conducted virtually for those individuals who are working remotely on the job site.

Lone worker means an individual roadway worker who is not afforded on-track safety by another roadway worker, who is not a member of a roadway work group, and who is not engaged in a common task with another roadway worker.

Maximum authorized speed means the highest speed permitted for the movement of rail transit vehicles established by the rail transit vehicle control system, service schedule, and operating rules. This speed is used when calculating ample time.

Minor tasks mean those tasks performed without the use of tools during the execution of which a roadway worker or other transit worker can hear and visually assess their surroundings at least every five (5) seconds for approaching rail transit vehicles and that can be performed without violating ample time.

Near-miss means a narrowly avoided safety event.

On-track safety means a state of freedom from the danger of being struck by a moving rail transit vehicle or other equipment, and other on-track hazards, as provided by operating and safety rules that govern track occupancy by roadway workers, other transit workers, rail transit vehicles, and on-track equipment.

Place of safety means a space an individual or individuals can safely occupy outside the track zone, sufficiently clear of any rail transit vehicle, including any on-track equipment, moving on any track.

Qualified means a status attained by a roadway worker or other transit worker who has successfully completed required training (including refresher training) for, has demonstrated proficiency in, and is authorized by the RTA to perform the duties of a particular position or function.

Rail fixed guideway public transportation system means any fixed guideway system, or any such system in engineering or construction, 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. These 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.

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

Rail transit vehicle approach warning means a method of establishing on-track safety by warning roadway workers of the approach of rail transit vehicles in ample time for them to move to or remain in a place of safety in accordance with the requirements of this part.

Redundant protection means at least one additional protection beyond individual rail transit vehicle detection to ensure on-track safety for roadway workers. Redundant protections may be procedural, physical, or both.

Roadway means land on which rail transit tracks and support infrastructure have been constructed to support the movement of rail transit vehicles.

Roadway maintenance machine means a device which is used on or near rail transit track for maintenance, repair, construction or inspection of track, bridges, roadway, signal, communications, or electric traction systems. Roadway maintenance machines may have road or rail wheels or may be stationary.

Roadway worker means a transit worker whose duties involve inspection, construction, maintenance, repairs, or providing on-track safety such as flag persons and watchpersons on or near the roadway or right-of-way or with the potential of fouling track.

Roadway work group means two or more roadway workers organized to work together on a common task.

Roadway worker in charge means a roadway worker who is qualified under this part to establish on-track safety.

Roadway Worker Protection (RWP) means the polices, processes, and procedures implemented by an RTA to prevent safety events for transit workers who must access the roadway in the performance of their work.

RWP manual means the entire set of the RTA's on-track safety rules and instructions maintained together, including operating rules and other procedures concerning on-track safety protection and on-track safety measures, designed to prevent roadway workers from being struck by rail transit vehicles or other on-track equipment.

Safety event means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Sight distance means the length of roadway visible ahead for a roadway worker.

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 (k) and 49 CFR part 674.

Track access guide means a document that describes the physical characteristics of the RTA's track system, including track areas with close or no clearance, curves with blind spots or restricted sight lines, areas with loud noise, and potential environmental conditions that require additional consideration in establishing on-track safety.

Track zone means an area identified by the RTA where a person or equipment could be struck by the widest equipment that could occupy the track.

Transit worker means any employee, contractor, or volunteer working on behalf of the RTA or SSOA.

Transit Worker Safety Reporting Program means the process required under § 673.23(b) that allows transit workers to report safety concerns, including transit worker assaults, near-misses, and unsafe acts and conditions to senior management, provides protections for transit workers who report safety conditions to senior management, and describes transit worker behaviors that may result in disciplinary action.

Watchperson means a roadway worker qualified to provide warning to roadway workers of approaching rail transit vehicles or track equipment whose sole duty is to look out for approaching rail transit vehicles and track equipment and provide at least 15 seconds advanced warning plus time to clear based on the maximum authorized track speed for the work location to transit workers before the arrival of rail transit vehicles.

Working limits means a segment of track with explicit boundaries upon which rail transit vehicles and on-track equipment may move only as authorized by the roadway worker having control over that defined segment of track.

Work zone means the immediate area where work is being performed within the track zone.

Subpart B—Roadway Worker Protection (RWP) Program and Manual

§ 671.11 RWP program.

(a) Each RTA must adopt and implement an approved RWP program to improve transit worker safety that is consistent with Federal and State safety requirements and meets the minimum requirements of this part.

(b) The RWP program must include:

(1) An RWP manual as described in § 671.13; and

(2) All of the RWP program elements described in Subpart D of this part.

(c) Each RTA must submit its RWP manual and subsequent updates to its SSOA for review and approval as described in § 671.25.

§ 671.13 RWP manual.

(a) Each RTA must establish and maintain a separate, dedicated manual documenting its RWP program.

(b) The RWP manual must include the terminology, abbreviations, and acronyms used to describe the RWP program activities and requirements.

(c) The RWP manual must document:

(1) All elements of the RWP program in Subpart D of this part.

(2) A definition of RTA and transit worker responsibilities as described in Subpart C—Responsibilities.

(3) Training, qualification, and supervision required for transit workers to access the track zone, by labor category or type of work performed.

(4) Processes and procedures, including any use of roadway workers to provide adequate on-track safety, for all transit workers who may access the track zone in the performance of their work, including safety and oversight personnel. Procedures for SSOA personnel to access the roadway must conform with the SSOA's risk-based inspection program.

(d) The RWP manual must include or incorporate by reference a track access guide to support on-track safety. The track access guide must be based on a physical survey of the track geometry and condition of the transit system and include, at a minimum:

(1) Locations with limited, close, or no clearance, including locations (such as alcoves, recessed spaces, or other designated places or areas of refuge or safety) with size or access limitations.

(2) Locations subject to increased rail vehicle or on-track equipment braking requirements or reduced rail transit vehicle operator visibility due to precipitation or other weather conditions.

(3) Curves with no or limited visibility.

(4) Locations with limited or no visibility due to obstructions or topography.

(5) All portals with restricted views.

(6) Locations with heavy outside noise or other environmental conditions that impact on-track safety.

(7) Any other locations with access considerations.

(e) Following initial approval of the RWP manual by its SSOA, not less than every two years, the RTA must review and update its RWP manual to reflect current conditions and lessons learned in implementing the RWP program and information provided by the SSOA and FTA.

(f) The RTA must update its RWP manual and track access guide as necessary and as soon as practicable upon any change to the system that conflicts with any element of either document.

(g) The RWP manual must be distributed to all transit workers who access the roadway and redistributed after each revision.

Subpart C—Responsibilities

§ 671.21 Rail transit agency.

(a) ***In General.*** Each RTA must establish procedures to:

(1) Provide ample time and determine the appropriate sight distance based on maximum authorized track speeds.

(2) Ensure that individual rail transit vehicle detection is never used as the only form of protection in the track zone.

(3) Provide job safety briefings to all transit workers who must enter a track zone to perform work.

(4) Provide job safety briefings to all transit workers whenever a rule violation is observed.

(5) Provide transit workers with the right to challenge and refuse in good faith any assignment based on on-track safety concerns and resolve such challenges and refusals promptly and equitably.

(6) Require the reporting of unsafe acts, unsafe conditions, and near-misses on the roadway as part of the Transit Worker Safety Reporting Program and described in § 673.23(b) of this chapter.

(7) Ensure all transit workers who must enter a track zone to perform work understand, are qualified in, and comply with the RWP program.

(8) Provide an escort, as needed, to support individuals that are not RWP certified and do not fall into the categories of roadway worker, transit worker, or emergency personnel if they must enter a track zone.

(b) ***Equipment and protections.*** Each RTA must establish the requirements for on-track safety, including:

(1) Equipment that transit workers must have to access the roadway or a track zone by labor category, including personal protective equipment such as high-reflection vests, safety shoes, and hard hats.

(2) Credentials (*e.g.,* badge, wristband, RWP card) for transit workers to enter the roadway or track zone by labor category and how to display them so they are visible.

(3) Protections for emergency response personnel who must access the roadway or the track zone.

(4) Protections for multiple roadway work groups within a common work area in a track zone.

§ 671.23 Transit worker.

(a) ***RWP program.*** Each transit worker must follow the requirements of the RTA's RWP program by position and labor category.

(b) ***Fouling the track.*** A transit worker may only foul the track once they have received appropriate permissions and redundant protections have been established as specified in the RWP manual.

(c) ***Acknowledgement of protections providing on-track safety.*** A transit worker must understand and acknowledge in writing the protections providing on-track safety measures for their specific task before accessing the roadway or track zone.

(d) ***Refusal to foul the track.*** A transit worker may refuse to foul the track if the transit worker makes a good faith determination that that they believe any assignment is unsafe or would violate the RTA's RWP program.

(e) ***Reporting.*** A transit worker must report unsafe acts and conditions and near-misses related to the RWP program as part of the RTA's Transit Worker Safety Reporting Program.

§ 671.25 State safety oversight agency.

(a) ***Review and approve RWP program elements.*** The SSOA must review and approve the RWP manual and any subsequent updates for each RTA within its jurisdiction:

(1) The SSOA must coordinate with the RTA on the initial review and approval of the RWP program elements so that the RWP program is established and approved within one calendar year from December 2, 2024, and

(2) The SSOA also must submit all approved RWP program elements for each RTA in its jurisdiction, and any subsequent updates, to FTA within 30 calendar days of approving them.

(b) ***RWP program oversight.*** The SSOA must update its program standard to explain the role of the SSOA in overseeing an RTA's execution of its RWP program.

(c) ***Annual RWP program audit.***

(1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:

(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:

(A) All RWP-related events over the period covered by the audit;

(B) All RWP-related reports made to the Transit Worker Safety Reporting Program over the period covered by the audit;

(C) All documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit;

(D) An assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions;

(E) A review of training and qualification records for transit workers who must enter a track zone to perform work;

(F) A representative sample of written job safety briefing confirmations as described in § 671.33; and

(G) The compliance monitoring program described in § 671.43.

(ii) Recommendations for improvements, if necessary or appropriate.

(iii) Corrective action plan(s), if necessary or appropriate, must be developed and executed consistent with requirements established in part 674.

(3) The RTA must be given an opportunity to comment on any findings and recommendations.

Subpart D—Required RWP Program Elements

§ 671.31 Roadway worker in charge requirements.

(a) ***On-track safety and supervision.*** The RTA must designate one roadway worker in charge for each roadway work group whose duties require fouling a track.

(1) The roadway worker in charge must be qualified under the RTA's training and qualification program as specified in § 671.41.

(2) The roadway worker in charge may be designated generally or may be designated specifically for a particular work situation.

(3) The roadway worker in charge is responsible for the on-track safety for all members of the roadway work group.

(4) The roadway worker in charge must serve only the function of maintaining on-track safety for all members of the roadway work group and perform no other unrelated job function while designated for duty.

(5) For multiple roadway work groups within common working limits, the RTA may designate a single roadway worker in charge for the entire working limit. If a single roadway worker in charge is designated over multiple roadway work groups within a working limit, each work group must be accompanied by an employee qualified to the level of a roadway worker in charge, as specified in § 671.41, who shall be responsible for direct communication with the roadway worker in charge.

(b) ***Communication.*** The RTA must ensure that the roadway worker in charge provides a job safety briefing to all roadway workers before any member of a roadway work group fouls a track, following the requirements specified in § 671.33.

(1) The roadway worker in charge must provide a job safety briefing to all members of the roadway work group before any on-track safety procedures change during the work period, whenever on-track safety conditions change, or immediately following an observed violation of on-track safety procedures, before work in the track zone may continue.

(2) In the event of an emergency, the roadway worker in charge must warn each roadway worker to immediately leave the roadway and not return until on-track safety is re-established, and a job safety briefing is completed.

§ 671.33 Job safety briefing policies.

(a) ***General.*** The RTA must ensure the roadway worker in charge provides any roadway worker who must foul a track with a job safety briefing prior to fouling the track, every time the roadway worker fouls the track.

(b) ***Elements.*** The job safety briefing must include, at a minimum, the following, as appropriate:

(1) A discussion of the nature of the work to be performed and the characteristics of the work, including work plans for multiple roadway worker groups within a single work area;

(2) Working limits;

(3) The hazards involved in performing the work. For RTAs with electrified systems, this discussion must include the status of power and hazards explicitly related to the electrified system;

(4) Information on how on-track safety is to be provided for each track identified to be fouled; identification and location of key personnel, such as a watchperson and the roadway worker in charge; and information on what should be done in the event of an emergency;

(5) Instructions for each on-track safety procedure to be followed, including appropriate flags and proper flag placement;

(6) Communication roles and responsibilities for all transit workers involved in the work;

(7) Safety information about any adjacent track, defined as track next to or adjoining the track zone where on-track safety has been established, and identification of roadway maintenance machines or on-track equipment that will foul such tracks;

(8) Information on the accessibility of the roadway worker in charge, including emergency contact information, and alternative procedures in the event the roadway worker in charge is no longer accessible to members of the roadway work group;

(9) Required personal protective equipment;

(10) Designated place(s) of safety of a sufficient size to accommodate all roadway workers within the work area; and

(11) The means for determining ample time.

(c) ***Confirmation and written acknowledgement.*** A job safety briefing is complete only after:

(1) The roadway worker in charge confirms that each roadway worker understands the on-track safety procedures and instructions;

(2) Each roadway worker acknowledges in writing the briefing and the requirement to use the required personal protective equipment; and

(3) The roadway worker in charge confirms in writing that they have received written acknowledgement of the briefing from each worker.

(d) ***Follow-up briefings.*** If after the initial job safety briefing there is any change in the scope of work or roadway work group, or on-track safety conditions change, or a violation of on-track safety is observed, a follow-up job safety briefing must be conducted.

§ 671.35 Lone worker.

(a) ***On-track safety and supervision.*** The RTA may authorize lone workers to perform limited duties that require fouling a track.

(1) The lone worker must be qualified as a roadway worker in charge and lone worker under the RTA's training and qualification program as specified in § 671.41.

(2) The lone worker may perform routine inspection or minor tasks and move from one location to another. The lone worker may not use power tools and may only access locations have defined in the track access guide as appropriate for lone workers, *i.e.,* no loud noises, no restricted clearances, etc.

(3) The lone worker may not use individual rail transit vehicle detection, where the lone worker is solely responsible for seeing approaching trains and clearing the track before the trains arrive, as the only form of on-track safety.

(b) ***Communication.*** Each lone worker must communicate prior to fouling the track with a supervisor or another designated employee to receive an on-track safety job briefing consisting of the elements in § 671.33(b), including a discussion of their planned work activities and the procedures that they intend to use to establish on-track safety. The lone worker must acknowledge and document the job safety briefing in writing consistent with § 671.33(c).

§ 671.37 Good faith safety challenge.

(a) ***Written procedure.*** Each RTA must document its procedures that provide to every roadway worker the right to challenge and refuse in good faith any assignment they believe is unsafe or would violate the RTA's RWP program.

(b) ***Prompt and equitable resolution.*** The written procedure must include methods or processes to achieve prompt and equitable resolution of any challenges and refusals made.

(c) ***Requirements.*** The written procedure must include a requirement that the roadway worker provide a description of the safety concern regarding on-track safety and that the roadway work group must remain clear of the roadway or track zone until the challenge and refusal is resolved.

§ 671.39 Risk-based redundant protections.

(a) ***General requirements.***

(1) Each RTA must identify and provide redundant protections for each category of work roadway workers perform on the roadway or track.

(2) Each RTA must establish redundant protections to ensure on-track safety for multiple roadway work groups within a common work area.

(b) ***Safety risk assessment to determine redundant protections.*** Each RTA must assess the risk associated with transit workers accessing the roadway using the methods and processes established under § 673.25(c) of this chapter. The RTA must use the methods and processes established under § 673.25(d) of this chapter to establish redundant protections for each category of work performed by roadway workers on the rail transit system and must include lone workers.

(1) The safety risk assessment must be consistent with the RTA's Agency Safety Plan (ASP) and the SSOA's program standard.

(2) The safety risk assessment may be supplemented by engineering assessments, inputs from the safety assurance process established under § 673.27 of this chapter, the results of safety event investigations, and other SRM strategies or approaches.

(3) The RTA must review and update the safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections.

(4) The SSOA may also identify and require the RTA to implement alternate redundant protections based on the RTA's unique operating characteristics and capabilities.

(c) ***Categories of work requiring redundant protections.*** Redundant protections must be identified for roadway workers performing different categories of work on the roadway and within track zones, which may include but are not limited to categories such as:

(1) Roadway workers moving from one track zone location to another;

(2) Roadway workers performing minor tasks;

(3) Roadway workers conducting visual inspections;

(4) Roadway workers using hand tools, machines, or equipment in conducting testing of track system components or non-visual inspections;

(5) Roadway workers using hand tools, machines, or equipment in performing maintenance, construction, or repairs; and/or

(6) Lone workers accessing the roadway or track zone or performing visual inspections or minor tasks.

(d) ***Types of redundant protections.***

(1) Redundant protections may be procedural or physical.

(i) Procedural protections alert rail transit vehicle operators to the presence of roadway workers and use radio communications, personnel, signage, or other means to direct rail transit vehicle movement.

(ii) Physical protections physically control the movement of rail transit vehicles into or through a work zone.

(2) Redundant protections may include but are not limited to:

(i) Approaches consistent with the FRA rules governing redundant protections;

(ii) Rail transit vehicle approach warning;

(iii) Foul time;

(iv) Exclusive track occupancy, defined as a method of establishing working limits, as part of on-track safety, in which movement authority of rail transit vehicles and other equipment is withheld by the control center or restricted by flag persons and provided by a roadway worker in charge;

(v) Warning signs, flags, or lights;

(vi) Flag persons;

(vii) Lock outs from the rail transit vehicle control systems or lining and locking track switches or otherwise physically preventing entry and movement of rail transit vehicles;

(viii) Secondary warning devices and alert systems;

(ix) Shunt devices and portable trip stops to reduce the likelihood of rail transit vehicles from entering work zone with workers;

(x) Restricting work to times when propulsion power is down with verification that track is out of service, and when barriers are placed that physically prevent rail transit vehicles, including on-track equipment, from entering the work zone;

(xi) Use of walkways in tunnels and on elevated structures to reduce roadway worker time in the track zone; and

(xii) Speed restrictions.

(3) Redundant protections for lone workers must include, at a minimum, foul time or an equivalent protection approved by the SSOA.

§ 671.41 RWP training and qualification program.

(a) ***General.*** Each RTA must adopt an RWP training program.

(1) The RWP training program must address all transit workers responsible for on-track safety, by position, including roadway workers, operations control center personnel, rail transit vehicle operators, operators of on-track equipment and roadway maintenance machines, and any others with a role in providing on-track safety or fouling a track for the performance of work.

(2) The RWP training program must be completed for the relevant position before an RTA may assign a transit worker to perform the duties of a roadway worker, to oversee or supervise access to the track zone from the operations control center, or to operate vehicles, on-track equipment, and roadway maintenance machines on the rail transit system.

(3) The RWP training program must address RWP hazard recognition and mitigation, and lessons learned through the results of compliance testing, near-miss reports, reports of unsafe acts or conditions, and feedback received on the training program.

(4) The RWP training program must include initial and refresher training, by position. Refresher training must occur every two years at a minimum.

(5) The RTA must review and update its RWP training program not less than every two years, to reflect lessons learned in implementing the RWP program and information provided by the SSOA and FTA. The RTA must provide an opportunity for roadway worker involvement in the RWP training program review and update process.

(b) ***Required elements.*** The RWP training program must include interactive training with the opportunity to ask the RWP trainer questions and raise and discuss RWP issues.

(1) Initial training must include experience in a representative field setting.

(2) Initial and refresher training must include demonstrations and assessments to ensure the ability to comply with RWP instructions given by transit workers performing, or responsible for, on-track safety and RWP functions.

(c) ***Minimum contents for RWP training.*** The RWP training program must address, as applicable, the following minimum contents:

(1) How to interpret and use the RTA's RWP manual;

(2) How to challenge and refuse assignments in good faith;

(3) How to report unsafe acts, unsafe conditions, and near-misses after they occur, and the mandatory duty to make such reports;

(4) Recognition of the track zone and understanding of the space around tracks within which on-track safety is required, including use of the track access guide;

(5) The functions and responsibilities of all transit workers involved in on-track safety, by position;

(6) Proper compliance with on-track safety instructions given by transit workers performing or responsible for on-track safety functions;

(7) Signals and directions given by watchpersons, and the proper procedures upon receiving a rail transit vehicle approach warning from a watchperson;

(8) The hazards associated with working on or near rail transit tracks to include traction power, if applicable;

(9) Rules and procedures for redundant protections identified under § 671.37 and how they are applied to RWP; and

(10) Requirements for safely crossing rail transit tracks in yards and on the mainline.

(d) ***Specialized training and qualification for transit workers with additional responsibilities for on-track safety.*** The RWP training program must include additional training for watchpersons, flag persons, lone workers, roadway workers in charge, and other transit workers with responsibilities for establishing, supervising, and monitoring on-track safety.

(1) This training must cover the content and application of the additional RWP program requirements carried out by these positions and must address the relevant physical characteristics of the RTA's system where on-track safety may be established.

(2) This training must include demonstrations and assessments to confirm the transit worker's ability to perform these additional responsibilities.

(3) Refresher training on additional responsibilities for on-track safety, by position, must occur every two years at a minimum.

(e) ***Competency and qualification of training personnel.*** Each RTA must ensure that transit workers providing RWP training are qualified and have active RWP certification at the RTA to provide effective RWP training, and at a minimum must consider the following:

(1) A trainer's experience and knowledge of effective training techniques in the chosen learning environment;

(2) A trainer's experience with the RTA RWP program;

(3) A trainer's knowledge of the RTA RWP rules, operations, and operating environment, including applicable operating rules; and

(4) A trainer's knowledge of the training requirements specified in this part.

§ 671.43 RWP compliance monitoring program.

(a) ***General.*** Each RTA must adopt a program for monitoring its compliance with the requirements specified in its RWP program.

(b) ***Required elements.*** The RWP compliance monitoring program must include inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the RTA's ASP described in § 673.27(b) of this chapter and the SSOA's program standard.

(1) The RTA must provide quarterly reports to the SSOA documenting the RTA's compliance with and sufficiency of the RWP program.

(2) The RTA must provide an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

Subpart E—Recordkeeping

§ 671.51 Recordkeeping.

(a) Each RTA must maintain the documents that set forth its RWP program; documents related to the implementation of the RWP program; and results from the procedures, processes, assessments, training, and activities specified in this part for the RWP program.

(b) Each RTA must maintain records of its compliance with this requirement, including records of transit worker RWP training and refresher training, for a minimum of three years after they are created.

(c) These documents must be made available upon request by the FTA or other Federal entity, or an SSOA having jurisdiction.

This content is from the eCFR and is authoritative but unofficial.

Title 49 —Transportation
Subtitle B —Other Regulations Relating to Transportation
Chapter VI —Federal Transit Administration, Department of Transportation

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PART 670—PUBLIC TRANSPORTATION SAFETY PROGRAM

Authority: 49 U.S.C. 5329, 49 CFR 1.91.

Source: 81 FR 53058, Aug. 11, 2016, unless otherwise noted.

Subpart A—General Provisions

§ 670.1 Purpose and applicability.

This part carries out the mandate of 49 U.S.C. 5329 to improve the safety of public transportation systems. This part establishes substantive and procedural rules for FTA's administration of the Public Transportation Safety Program. This part applies to recipients of Federal financial assistance under 49 U.S.C. chapter 53.

§ 670.3 Policy.

The Federal Transit Administration (FTA) has adopted the principles and methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. FTA will follow the principles and methods of SMS in its development of rules, regulations, policies, guidance, best practices and technical assistance administered under the authority of 49 U.S.C. 5329.

§ 670.5 Definitions.

As used in 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 his or her designee.

Advisory means a notice that informs or warns a recipient of hazards or risks to the recipient's public transportation system. An advisory may include recommendations for avoiding or mitigating the hazards or risks.

Audit means a review or analysis of records and related materials, including, but not limited to, those related to financial accounts.

Corrective action plan means a plan developed by a recipient that describes the actions the recipient will take to minimize, control, correct or eliminate risks and hazards, and the schedule for taking those actions. Either a State Safety Oversight Agency of FTA may require a recipient to develop and carry out a corrective action plan.

Deputy Administrator means the Federal Transit Deputy Administrator or his or her designee.

Directive means a written communication from FTA to a recipient that requires the recipient to take one or more specific actions to ensure the safety of the recipient's public transportation system.

Examination means a process for gathering or analyzing facts or information related to the safety of a public transportation system.

FTA means the Federal Transit Administration.

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 recipient's public transportation system; or damage to the environment.

Inspection means a physical observation of equipment, facilities, rolling stock, operations, or records for the purpose of gathering or analyzing facts or information.

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.

Pattern or practice means two or more findings by FTA of a recipient's violation of the requirements of 49 U.S.C. 5329 or the regulations thereunder.

Recipient means a State or local governmental authority, or any other operator of public transportation that receives financial assistance under 49 U.S.C. Chapter 53. The term "recipient" includes State Safety Oversight Agencies.

Record means any writing, drawing, map, recording, diskette, DVD, CD-ROM, tape, film, photograph, or other documentary material by which information is preserved. The term "record" also includes any such documentary material stored electronically.

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

Safety Management System (SMS) means a formal, top-down, organization-wide data-driven approach to managing safety risk and assuring the effectiveness of a recipient's safety risk mitigations. SMS includes systematic procedures, practices and policies for managing risks and hazards.

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 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 49 CFR part 659 or 49 CFR part 674.

Testing means an assessment of equipment, facilities, rolling stock or operations of a recipient's public transportation system.

Subpart B—Inspections, Investigations, Audits, Examinations and Testing

§ 670.11 General.

(a) The Administrator may conduct investigations, inspections, audits and examinations, and test the equipment, facilities, rolling stock and operations of a recipient's public transportation system.

(b) To the extent practicable, the Administrator will provide notice to a recipient prior to initiating any activities carried out under the authorities listed in paragraph (a) of this section.

(c) The Administrator will conduct activities carried out under this section at reasonable times and in a reasonable manner, as determined by the Administrator.

(d) In carrying out this section, the Administrator may require the production of relevant documents and records, take evidence, issue subpoenas and depositions, and prescribe recordkeeping and reporting requirements.

§ 670.13 Request for confidential treatment of records.

(a) The Administrator may grant a recipient's request for confidential treatment of records produced under § 670.11, on the basis that the records are—

(1) Exempt from the mandatory disclosure requirements of the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt from public disclosure under Federal or State laws.

(b) A recipient must submit the record that contains the alleged confidential information with the request for confidential treatment.

(c) A recipient's request for confidential treatment must include a statement justifying nondisclosure and provide the specific legal basis upon which the request for nondisclosure should be granted.

(d) A recipient's justification statement must indicate whether the recipient is requesting confidentiality for the entire record, or whether non-confidential information in the record can be reasonably segregated from the confidential information. If a recipient is requesting confidentiality for only a portion of the record, the request must include a copy of the entire record and a second copy of the record where the purportedly confidential information has been redacted. The Administrator may assume there is no objection to public disclosure of the record in its entirety if the requestor does not submit a second copy of the record with the confidential information redacted at the time that the request is submitted.

(e) A recipient must mark any record containing any information for which confidential treatment is requested as follows—"CONFIDENTIAL" or "CONTAINS CONFIDENTIAL INFORMATION" in bold letters.

(f) The Administrator will provide notice to a recipient of his or her decision to approve or deny a request, in whole or in part, no less than five (5) days prior to the public disclosure of a record by FTA. The Administrator will provide an opportunity for a recipient to respond to his or her decision prior to the public disclosure of a record.

Subpart C—Authorities

§ 670.21 General.

In addition to actions described in §§ 670.23 through 670.29, in exercising his or her authority under this part, the Administrator may—

(a) Require more frequent oversight of a recipient by a State Safety Oversight Agency that has jurisdiction over the recipient;

(b) Impose requirements for more frequent reporting by a recipient;

(c) Order a recipient to develop and carry out a corrective action plan; and

(d) Issue restrictions and prohibitions, if through testing, inspection, investigation, audit or research carried out under Chapter 53, the Administrator 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.

§ 670.23 Use or withholding of funds.

(a) ***Directing the use of funds.*** The Administrator may require a recipient to use Chapter 53 funds to correct safety violations identified by the Administrator or a State Safety Oversight Agency before such funds are used for any other purpose.

(b) ***Withholding of funds.*** Except as provided under 49 CFR part 674, the Administrator may withhold not more than twenty-five (25) percent of funds apportioned under 49 U.S.C. 5307 from a recipient when the Administrator has evidence that the recipient has engaged in a pattern or practice of serious safety violations, or has otherwise refused to comply with the Public Transportation Safety Program, as codified at 49 U.S.C. 5329, or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety.

(c) ***Notice.*** The Administrator will issue a notice of violation that includes the amount the Administrator proposes to redirect or withhold at least ninety (90) days prior to the date from when the funds will be redirected or withheld. The notice will contain—

(1) A statement of the legal authority for its issuance;

(2) A statement of the regulatory provisions or directives FTA believes the recipient has violated;

(3) A statement of the remedial action sought to correct the violation; and

(4) A statement of facts supporting the proposed remedial action.

(d) ***Reply.*** Within thirty (30) days of service of a notice of violation, a recipient may file a written reply with the Administrator. Upon receipt of a written request, the Administrator may extend the time for filing for good cause shown. The reply must be in writing, and signed by the recipient's Accountable Executive or equivalent entity. A written reply may include an explanation for the alleged violation, provide relevant information or materials in response to the alleged violation or in mitigation thereof, or recommend alternative means of compliance for consideration by the Administrator.

(e) ***Decision.*** The Administrator will issue a written decision within thirty (30) days of his or her receipt of a recipient's reply. The Administrator shall consider a recipient's response in determining whether to dismiss the notice of violation in whole or in part. If a notice of violation is not dismissed, the Administrator may undertake any other enforcement action he or she deems appropriate.

§ 670.25 General directives.

(a) ***General.*** The Administrator may issue a general directive under this part that is applicable to all recipients or a subset of recipients for the following reasons—

(1) The Administrator determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exists such that there is a risk of death or personal injury, or damage to property or equipment; or

(2) For any other purpose where the Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk.

(b) ***Effective date.*** A general directive is effective upon final notice provided by the Administrator under paragraph (e) of this section.

(c) ***Notice.*** The Administrator will provide notice of a general directive to recipients in the FEDERAL REGISTER. The notice will include at minimum—

(1) A reference to the authority under which the directive is being issued;

(2) A statement of the purpose of the issuance of the directive, including a description of the subjects or issues involved and a statement of the remedial actions sought; and

(3) A statement of the time within which written comments must be received by FTA.

(d) ***Consideration of comments received.*** The Administrator will consider all timely comments received. Late filed comments will be considered to the extent practicable.

(e) ***Final notice.*** After consideration of timely comments received, the Administrator will publish a notice in the FEDERAL REGISTER that includes both a response to comments and a final general directive or a statement rescinding, revising, revoking or suspending the directive.

§ 670.27 Special directives.

(a) ***General.*** The Deputy Administrator may issue a special directive under this part to one or more named recipients for the following reasons—

(1) The Deputy Administrator has reason to believe that a recipient is engaging in conduct, or there is evidence of a pattern or practice of a recipient's conduct, in violation of the Public Transportation Safety Program or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety;

(2) The Deputy Administrator determines that an unsafe condition or practice, or a combination of unsafe conditions and practices exists such that there is a substantial risk of death or personal injury, or damage to property or equipment; or

(3) For any other purpose where the Deputy Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.

(b) ***Effective date.*** A special directive is effective upon notice provided by the Deputy Administrator under paragraph (c) of this section.

(c) ***Notice.*** The Deputy Administrator will provide notice to a recipient that is subject to a special directive. The Deputy Administrator may initially provide notice through telephonic or electronic communication; however, written notice will be served by personal service or by U.S. mail following telephonic or electronic communication. Notice will include the following information, at minimum—

(1) The name of the recipient or recipients to which the directive applies;

(2) A reference to the authority under which the directive is being issued; and

(3) A statement of the purpose of the issuance of the directive, including a description of the subjects or issues involved, a statement of facts upon which the notice is being issued, a statement of the remedial actions being sought, and the date by which such remedial actions must be taken.

(d) ***Petition for reconsideration.*** Within thirty (30) days of service of a notice issued under paragraph (c) of this section, a recipient may file a petition for reconsideration with the Administrator. Unless explicitly stayed or modified by the Administrator, a special directive will remain in effect and must be observed pending review of a petition for reconsideration. Any such petition:

(1) Must be in writing and signed by a recipient's Accountable Executive or equivalent entity;

(2) Must include a brief explanation of why the recipient believes the special directive should not apply to it or why compliance with the special directive is not possible, is not practicable, is unreasonable, or is not in the public interest; and

(3) May include relevant information regarding the factual basis upon which the special directive was issued, information in response to any alleged violation or in mitigation thereof, recommend alternative means of compliance for consideration, and any other information deemed appropriate by the recipient.

(e) ***Request for extension.*** Upon written request, the Administrator may extend the time for filing a request for reconsideration for good cause shown.

(f) ***Filing a petition for reconsideration.*** A petition must be submitted to the Office of the Administrator, Federal Transit Administration, using one of the following methods—

(1) Email to FTA, sent to an email address provided in the notice of special directive;

(2) Facsimile to FTA at 202-366-9854; or

(3) Mail to FTA at: FTA, Office of the Administrator, 1200 New Jersey Ave. SE., Washington, DC 20590.

(g) ***Processing of petitions for reconsideration*** —

(1) ***General.*** Each petition received under this section will be reviewed and disposed of by the Administrator no later than ninety days (90) after receipt of the petition. No hearing, argument or other proceeding will be held directly on a petition before its disposition under this section.

(2) ***Grants.*** If the Administrator determines the petition contains adequate justification, he or she may grant the petition, in whole or in part.

(3) ***Denials.*** If the Administrator determines the petition does not justify modifying, rescinding or revoking the directive, in whole or in part, he or she may deny the petition.

(4) ***Notification.*** The Administrator will issue notification to a recipient of his or her decision.

(h) ***Judicial review.*** A recipient may seek judicial review in an appropriate United States District Court after a final action of FTA under this section, as provided in 5 U.S.C. 701-706.

§ 670.29 Advisories.

In any instance in which the Administrator determines there are hazards or risks to public transportation, the Administrator may issue an advisory which recommends corrective actions, inspections, conditions, limitations or other actions to avoid or mitigate any hazards or risks. The Administrator will issue notice to recipients of an advisory in the FEDERAL REGISTER.

Subpart D—National Public Transportation Safety Plan

§ 670.31 Purpose and contents of the National Public Transportation Safety Plan.

Periodically, FTA will issue a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. Chapter 53. The National Public Transportation Safety Plan will include the following—

(a) Safety performance criteria for all modes of public transportation, established through public notice and comment;

(b) The definition of *state of good repair;*

(c) Minimum safety performance standards for vehicles in revenue operations, established through public notice and comment;

(d) Minimum performance standards for public transportation operations established through public notice and comment;

(e) The Public Transportation Safety Certification Training Program;

(f) Safety advisories, directives and reports;

(g) Best practices, technical assistance, templates and other tools;

(h) Research, reports, data and information on hazard identification and risk management in public transportation, and guidance regarding the prevention of accidents and incidents in public transportation; and

(i) Any other content as determined by FTA.

§ 5329. Public transportation safety program

(a) DEFINITION.—In this section, the term ''recipient'' means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter.

(b) NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN.—

(1) IN GENERAL.—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.

(2) CONTENTS OF PLAN.—The national public transportation safety plan under paragraph (1) shall include—

(A) safety performance criteria for all modes of public transportation;

(B) the definition of the term ''state of good repair'' established under section 5326(b);

(C) minimum safety performance standards for public transportation vehicles used in revenue operations that—

(i) do not apply to rolling stock otherwise regulated by the Secretary or any other Federal agency; and

(ii) to the extent practicable, take into consideration—

(I) relevant recommendations of the National Transportation Safety Board; and

(II) recommendations of, and best practices standards developed by, the public transportation industry; and

(D) a public transportation safety certification training program, as described in subsection (c).

(c) PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a public transportation safety 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.

(2) INTERIM PROVISIONS.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall establish interim provisions for the certification and training of the personnel described in paragraph (1), which shall be in effect until the effective date of the final rule issued by the Secretary to implement this subsection.

(d) PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.—

(1) IN GENERAL.—Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection, each recipient or State, as described in paragraph (3), shall certify that the recipient or State has established a comprehensive agency safety plan that includes, at a minimum—

(A) a requirement that the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan;

(B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient;

(C) strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;

(D) a process and timeline for conducting an annual review and update of the safety plan of the recipient;

(E) performance targets based on the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2);

(F) assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and

(G) a comprehensive staff training program for the operations personnel and personnel directly responsible for safety of the recipient that includes—

(i) the completion of a safety training program; and

(ii) continuing safety education and training.

(2) INTERIM AGENCY SAFETY PLAN.—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.

(3) PUBLIC TRANSPORTATION AGENCY SAFETY PLAN DRAFTING AND CERTIFICATION.—

(A) SECTION 5311.—For a recipient receiving assistance under section 5311, a State safety

plan may be drafted and certified by the recipient or a State.

(B) SECTION 5307.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule designating recipients of assistance under section 5307 that are small public transportation providers or systems that may have their State safety plans drafted or certified by a State.

(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) 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.

(9) 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;

(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 an eligible State, as defined in subsection (e), 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; and

(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.

(2) USE OR WITHHOLDING OF FUNDS.—

(A) IN GENERAL.—The Secretary may require the use of funds in accordance with paragraph (1)(D) 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) COST-BENEFIT ANALYSIS.—

(1) ANALYSIS REQUIRED.—In carrying out this section, the Secretary shall take into consideration the costs and benefits of each action the Secretary proposes to take under this section.

(2) WAIVER.—The Secretary may waive the requirement under this subsection if the Secretary determines that such a waiver is in the public interest.

(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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

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

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 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.

Appendix B State of Washington state safety oversight regulations and authority

RCW and WAC related to SSO.

Version: 3/15/2024

WSDOT Rail Transit State Safety Oversight (SSO) Program Authority and Regulation

The following list of Washington State Revised Codes of Washington (RCWs) and Washington Administrative Codes (WACs) giving authority for the FTA mandated Washington State Safety Oversight Agency at the Washington State Department of Transportation (WSDOT).

Washington State
Revised Codes of Washington (RCWs)

https://apps.leg.wa.gov/RCW/default.aspx

Pursuant to requirements of the FTA, in 1997, Governor Gary Locke designated the Washington

State Department of Transportation (WSDOT) as the FTA State Safety Oversight agency for the state of Washington. In support of this role, WSDOT is required to manage a state safety oversight program, which implements system safety program standards established by the FTA.

The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

The State of Washington established authority for the SSO requirements for RTAs in the state in the following Revised Codes of Washington (RCW) – Session Laws enacted by the Legislature and signed by the Governor, or enacted via the initiative process:

- RCW 35.21.228 (city or town)– Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan (2007).
- RCW 35A.21.300 (code city) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan (2016)
- RCW 36.01.210 (county) – Rail fixed guideway public transportation – Safety program plan and security and emergency preparedness plan (2016)
- RCW 36.57.120 (county transportation authority) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan (2016)
- RCW 36.57A.170 (public transportation benefit area) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan (2016)
- RCW 81.104.015 – Definitions (2016)
- RCW 81.104.115 – Rail fixed guideway public transportation system—State safety oversight agency—Safety program plan and security and emergency preparedness plan—Penalties, sanctions—Rules—Annual report (2016)
- RCW 81.112.180 (regional transit authority) – Rail fixed guideway public transportation system – Safety program plan and security and emergency preparedness plan (2016)

RCW 35.21.228

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each city or town that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the city's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the city or town shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each city or town shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The city or town shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The city or town shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each city or town shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The city or town shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 2; 2007 c 422 s 1; 2005 c 274 s 264; 1999 c 202 s 1.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 202 s 10.]

RCW 35A.21.300

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each code city that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the code city's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the code city shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each code city shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The code city shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The code city shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each code city shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The code city shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 3; 2007 c 422 s 2; 2005 c 274 s 267; 1999 c 202 s 2.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 36.01.210

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each county functioning under chapter 36.56 RCW that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the county's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the county shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each county functioning under chapter 36.56 RCW shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The county shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The county shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each county shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The county shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 4; 2007 c 422 s 3; 2005 c 274 s 268; 1999 c 202 s 3.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 36.57.120

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each county transportation authority that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the county transportation authority's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the county transportation authority shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each county transportation authority shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The county transportation authority shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The county transportation authority shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each county transportation authority shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The county transportation authority shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 5; 2007 c 422 s 4; 2005 c 274 s 270; 1999 c 202 s 4.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 36.57A.170

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each public transportation benefit area that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the public transportation benefit area's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the public transportation benefit area shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each public transportation benefit area shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The public transportation benefit area shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The public transportation benefit area shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each public transportation benefit area shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The public transportation benefit area shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 6; 2007 c 422 s 5; 2005 c 274 s 271; 1999 c 202 s 5.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 81.104.015

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) “Enhanced service zone” means an area within a regional transit authority district created pursuant to RCW 81.104.220.

(2) “High capacity transportation corridor area” means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a transit agency governing body.

(3) “High capacity transportation system” means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(4) “Rail fixed guideway public transportation system” means a rail fixed guideway system, but does not include a system that is not public transportation, such as seasonal, tourist, or intraterminal service.

(5) “Rail fixed guideway system” means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway component of a high capacity transportation system that is not regulated by the federal railroad administration, or its successor. “Rail fixed guideway system” does not mean elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system.

(6) “Regional transit system” means a high capacity transportation system under the jurisdiction of one or more transit agencies except where a regional transit authority created under chapter 81.112 RCW exists, in which case “regional transit system” means the high capacity transportation system under the jurisdiction of a regional transit authority.

(7) “Transit agency” means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

[2022 c 285 s 4; 2016 c 33 s 7; 2009 c 280 s 1; 1999 c 202 s 9; 1992 c 101 s 19.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 81.104.115

Rail fixed guideway public transportation system—State safety oversight agency—Safety program plan and security and emergency preparedness plan—Penalties, sanctions—Rules—Annual report.

(1) The department of transportation is established as the state safety oversight agency. As such, the department is subject to the following conditions:

(a) The department must be financially and legally independent from any public transportation agency that the department is obliged to oversee;

(b) The department must not directly provide public transportation services in an area with a rail fixed guideway public transportation system that the department is obliged to oversee;

(c) The department must not employ any individual who is also responsible for administering a rail fixed guideway public transportation system that the department is obliged to oversee; and

(d) The department has investigative and enforcement authority with respect to the safety and security of all rail fixed guideway public transportation systems in Washington state. The department shall adopt rules with respect to its investigative and enforcement authority.

(2) The department shall collect, audit, review, approve, oversee, and enforce the system safety program plan and the system security and emergency preparedness plan prepared by each owner or operator of a rail fixed guideway public transportation system operating in Washington state. In carrying out this function, the department shall adopt rules specifying the elements and standard to be contained in a system safety program plan and a system security and emergency preparedness plan, and the content of any investigation report, corrective action plan, and accompanying implementation schedule resulting from any reportable incident, accident, security breach, hazard, or security vulnerability. These rules must include due dates for the department's timely receipt of and response to required documents.

(3) The department, in carrying out the duties in this section, shall compel the rail fixed guideway public transportation systems to comply with state and federal safety and security regulations for rail fixed guideway public transportation systems. The department may also impose financial penalties for noncompliance with state or federal regulations, or both, related to state safety and security oversight. Specific financial penalties, if imposed, must be determined by rule. When reportable safety or security deficiencies are identified and not addressed in a timely manner by rail fixed guideway public transportation system owners and operators, the department may require the suspension or modification of service or the suspended use or removal of equipment. The department may impose sanctions upon owners and operators of rail fixed guideway public transportation systems for failure to meet deadlines of submissions of required reports and audits.

(4) The system security and emergency preparedness plan as described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1), 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public disclosure under chapter 42.56 RCW by the department when collected from the owners and operators of rail fixed guideway public transportation systems. However, the system safety program plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 is not exempt from public disclosure.

(5) The department shall audit each system safety program plan and each system security and emergency preparedness plan at least once every three years. The department may contract with other persons or entities for the performance of duties required by this subsection. The department shall provide at least thirty days' advance notice to the owner or operator of a rail fixed guideway public transportation system before commencing the audit.

(6) In the event of any reportable incident, accident, security breach, hazard, or security vulnerability, the department shall review the investigation report, corrective action plan, and accompanying implementation schedule, submitted by the owner or operator of the rail fixed guideway public transportation system to safeguard against a recurrence of the incident, accident, security breach, hazard, or security vulnerability.

(a) The department may, at its option, perform a separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability. The department may contract with other persons or entities for the performance of duties required by this subsection.

(b) If the department does not concur with the investigation report, corrective action plan, and accompanying implementation schedule, submitted by the owner or operator, the department shall notify that owner or operator in writing within forty-five days of its receipt of the complete investigation report, corrective action plan, and accompanying implementation schedule.

(7) The secretary may adopt rules to implement this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180, including rules establishing procedures and timelines for owners and operators of rail fixed guideway public transportation systems to comply with RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules adopted under this section. If noncompliance by an owner or operator of a rail fixed guideway public transportation system results in the loss of federal funds to the state of Washington or a political subdivision of the state, the owner or operator is liable to the affected entity or entities for the amount of the lost funds.

(8) The department and its employees shall have no liability for any actions taken pursuant to this chapter arising from: The adoption of rules; the review of or concurrence in a system safety program plan and a system security and emergency preparedness plan; the separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability; and the review of or concurrence in a corrective action plan for any reportable incident, accident, security breach, hazard, or security vulnerability.

(9) At least once every year, the department shall report the status of the safety and security of each rail fixed guideway public transportation system to the governor, the federal transit administration, the board of directors or equivalent entity of the rail fixed guideway public transportation system, and the transportation committees of the legislature.

[2016 c 33 s 8; 2007 c 422 s 7; 2005 c 274 s 359; 2001 c 127 s 1; 1999 c 202 s 7.]

NOTES:

Effective date—2016 c 33: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 25, 2016]." [2016 c 33 s 9.]

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 81.112.180

Rail fixed guideway public transportation system—Safety program plan and security and emergency preparedness plan.

(1) Each regional transit authority that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the authority's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. If required by the department, the regional transit authority shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each regional transit authority shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The regional transit authority shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. The regional transit authority shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. The department shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each regional transit authority shall notify the department of transportation, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The department may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The regional transit authority shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the department as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2016 c 33 s 1; 2007 c 422 s 6; 2005 c 274 s 360; 1999 c 202 s 6.]

NOTES:

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

Appendix C Washington state governor's designation and Federal

Washington state governor's designation of state safety oversight agency

GARY LOCKE
Governor

COPY

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • TTY/TDD (360) 753-6466

October 27, 1997

Mr. Gordon J. Linton
Federal Transit Administration
400 7th Street, SW
Washington, D.C. 20590

Dear Mr. Linton:

m writing to report that I have designated the Washington State Department of Transportation (WSDOT) as the *permanent* safety oversight agency responsible for ensuring compliance with the Federal Transit Administration's (FTA) final rule on Rail Fixed Guideway Systems.

In March of this year, I designated WSDOT as the interim oversight agency. This allowed time for an inter-agency review to ensure we identified the most appropriate permanent oversight agency. Following that review, I have now designated WSDOT as the permanent oversight agency.

Sincerely,

Gary Locke
Governor

cc: Sid Morrison, WSDOT
Gretchen White, WSDOT
Jim Slakey, WSDOT
Paul Curl, WUTC
Michael Wood, L&I

U.S. Department of Transportation
Federal Transit Administration

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

July 10, 2018

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, WA 98504

Dear Governor Inslee:

This letter is to inform you that Washington's State Safety Oversight (SSO) Program has been approved and certified by the Federal Transit Administration (FTA) in accordance with the requirements of Federal public transportation safety law (49 U.S.C. § 5329(e)) and FTA's SSO regulation (49 C.F.R. Part 674).

Certification is an important achievement and promotes the safety of our Nation's rail transit systems. Washington's diligence in fulfilling these requirements and devoting necessary resources will make public transportation safer for the passengers who ride rail transit in Washington.

If you have any questions, please feel free to contact me or Henrika Buchanan, FTA's Acting Associate Administrator for Transit Safety and Oversight at (202) 366-1783 or Henrika.Buchanan@dot.gov.

Sincerely,

K. Jane Williams
Acting Administrator

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Appendix D SSO training plan

Version: 2/25/2025

Introduction

This training plan focuses on the training requirements for WSDOT SSO and contractor staff that are designated personnel for SSO. The training requirements are based on a regulation from FTA in 49 CFR Part 672 – Public transportation safety certification training program.

This regulation requires All State Safety Oversight Agencies and their employees and contractors that conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems are required under 49 CFR Part 672 to develop an employee training plan and curriculum. FTA originally published this program as an interim final rule and published the final rule on July 19, 2018. This regulation includes requirements to complete defined training from FTA and the TSI. In addition, this regulation requires the development of a state safety oversight program technical training plan specific for each rail system that a state provides safety oversight.

Definitions

The following are definitions from the regulation that are important to understanding the application of the training requirements (49 CFR Part 672).

- **Contractor:** An entity that performs tasks on behalf of FTA, a state safety oversight agency, or public transportation agency through contract or other agreement.
- **Designated personnel:** (1) Employees and contractors identified by a recipient whose job function is directly responsible for safety oversight of the public transportation system of the public transportation agency; or (2) Employees and contractors of a state safety oversight agency whose job function requires them to conduct safety audits and examinations of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.
- **Directly responsible for safety oversight:** Public transportation agency personnel whose primary job function includes the development, implementation and review of the agency's safety plan, and/or the state safety oversight agency requirements for the rail fixed guideway public transportation system pursuant to 49 CFR parts 659 or 674.
- **Examination:** A process for gathering or analyzing facts or information related to the safety of a public transportation system.
- **Rail fixed guideway public transportation system:** Any fixed guideway system as defined in § 674.7 of this chapter.
- **Safety audit:** A review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.
- **State safety oversight agency:** 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 49 CFR parts 659 and 674.

Training requirements for SSO and rail transit agency staff

SSO Program personnel and contractors who have been designated to conduct safety audits and examinations of rail fixed guideway public transportation systems have the following required training courses offered by FTA and TSI. SSO requires staff to complete these training courses within three years of becoming designated staff. Rail transit agency employees whom the agency has designated as directly responsible for safety oversight have the same training requirements except for no. 7 below, marked with an asterisk. The TSI Transit Safety and Security Program (TSSP) certificate no longer requires security training. Security training is now optional for the public transportation safety certification training program certificate.

The applicable regulatory sections for designated personnel of SSO programs and rail transit agencies are shown in the text box below.

1. Effectively managing transit emergencies
2. Transit rail system safety
3. Transit rail incident investigation
4. Safety management system awareness
5. Safety management system safety assurance
6. Safety management system principles for transit
7. Safety management system principles for SSO programs*
8. Transit system security (no longer required/optional)

49 CFR Part 672.11 Designated personnel who conduct safety audits and inspections.

(a) Each SSOA shall designate its personnel and contractors who conduct safety audits and examinations of public transportation systems, including appropriate managers and supervisors of such personnel, that must comply with the applicable training requirements of Appendix to this part.

(b) Designated personnel shall complete applicable training requirements of this part within three (3) years of their initial designation. Thereafter, refresher training shall be completed every two (2) years. The SSOA shall determine refresher training requirements which must include, at a minimum, one (1) hour of safety oversight training.

49 CFR Part 672.13 Designated personnel of public transportation agencies

(a) Each recipient that operates a rail fixed guideway public transportation system shall designate its personnel and contractors who are directly responsible for safety oversight and ensure their compliance with the applicable training requirements set forth in Appendix A to this part.

(b) Each recipient that operates a bus or other public transportation system not subject to the safety oversight of another Federal agency may designate its personnel who are directly responsible for safety oversight to participate in the applicable training requirements as set forth in Appendix A of this part.

(c) Personnel designated under paragraph (a) of this section shall complete applicable training requirements of this part within three (3) years of their initial designation. Thereafter, refresher training shall be completed every two (2) years. The recipient shall determine refresher training requirements which must include, at a minimum, one (1) hour of safety oversight training.

Refresher training requirements

Personnel that were designated under this regulatory requirement have three years from the effective date of the final rule (Aug. 20, 2018, or three years after designation) to complete the initial training requirements. After the completion of initial training, refresher training must be completed every two years. Refresher training for SSO program personnel must include a minimum of one hour of safety oversight training.

In addition to the FTA requirements for SMS, TSSP certificate, and technical training plan training activities, the SSO has determined that refresher training is also required for SSO designated staff. This training is required to be one hour of training at least every two years and provide some aspect or overview of any required SSO program activity. A self-paced training document (1-hour long) has been developed as a default for addressing this requirement, as needed.

WSDOT has identified the following courses as acceptable Public Transportation Safety Certification Training Program (PTSCTP) recertification training for staff and contractors the agency has designated as PTSCTP participants:

1. Effectively Managing Transit Emergencies
2. Transit Rail System Safety
3. Transit Rail Incident Investigation
4. Safety Management Systems Awareness
5. Safety Management Systems Safety Assurance
6. Safety Management Systems Principles for Transit
7. Safety Management Systems Principles for SSO Programs

Training Overview of SSO Program

- SSO and Rail Safety Program, including organization charts
- Overview of SSO Program Responsibilities and Activities
- SSO Program design, including staff and contractors
- Summary of rail systems
- SSO Program Standard, including procedures and training activity
- Programmatic interactions with rail properties – roles and responsibilities, notifications, investigations, audits, communications, meetings, safety and security certification, and configuration management/system modification.
- Safety risk monitoring activities, including safety audits and examinations/inspections, and interactions with the rail properties for these activities
- FTA Required Activities, such as data and information submission

Administrative requirements

The regulation is clear about requirements for recordkeeping of training schedule and completion. In addition, those records must be made available to those who might need to review or audit those records. Tracking of planned and completed training is kept in the FTA matrix/spreadsheet for the SSO program, as a companion document to this training plan.

The regulation indicates that the SSO program must retain the required training records/ certificates. However, the SSO program staff are responsible for collecting those records and providing them to the SSO program. In addition, the SSO program cannot disclose those training records without written permission from the SSO program staff unless the regulation requires it, such as for FTA or the NTSB requests as part of a safety event investigation.

49 CFR Part 672.21 Records.

(a) General requirement. Each recipient shall ensure that its designated personnel are enrolled in the [public transportation safety certification training program]. Each recipient shall ensure that designated personnel update their individual training record as he or she completes the applicable training requirements of this part.

(b) SSOA requirement. Each SSOA shall retain a record of the technical training completed by its designated personnel in accordance with the technical training requirements of Appendix A to this part. Such records shall be retained by the SSOA for at least five (5) years from the date the record is created.

49 CFR Part 672.23 Availability of records.

(a) Except as required by law, or expressly authorized or required by this part, a recipient may not release information pertaining to designated personnel that is required by this part without the written consent of the designated personnel.

(b) Designated personnel are entitled, upon written request to the recipient, to obtain copies of any records pertaining to his or her training required by this part. The recipient shall promptly provide the records requested by designated personnel and access shall not be contingent upon recipient's receipt of payment for the production of such records.

(c) A recipient shall permit access to all facilities utilized and records compiled in accordance with the requirements of this part to the Secretary of Transportation, the Federal Transit Administration, or any State agency with jurisdiction over public transportation safety oversight of the recipient.

(d) When requested by the National Transportation Safety Board as part of an accident investigation, a recipient shall disclose information related to the training of designated personnel.

Compliance and certification requirements

SSO requires annual certification of compliance to this regulation along with other annual certifications. See requirement in the text box.

49 CFR Part 672.31 Requirement to certify compliance.

(a) A recipient of FTA financial assistance described in section 672.3(b) shall annually certify compliance with this part in accordance with FTA's procedures for annual grant certification and assurances.

(b) A certification must be authorized by the recipient's governing board or other authorizing official, and must be signed by a party specifically authorized to do so.

SSO technical training plan (from Appendix A to Part 672)

Each SSO program must develop a technical training plan for designated personnel and contractor support personnel who perform safety audits and examinations. The SSO program submitted its proposed technical training plan to FTA for review and evaluation as part of the SSO program certification in accordance with 49 U.S.C. 5329(e)(7). This review and approval process included the consultation required between FTA and SSO programs regarding the staffing and qualification of the SSO program's employees and other designated personnel in accordance with 49 U.S.C. 5329(e)(3)(D).

Recognizing that each rail fixed guideway public transportation system has unique characteristics, each SSO program must identify the tasks related to inspections, examinations, and audits, and all activities requiring sign-off, which must be performed by the SSO program to carry out its safety oversight requirements. In addition, it is required to identify the skills and knowledge necessary to perform each task at that system. At a minimum, the technical training plan must describe the process for receiving technical training in the following competency areas appropriate to the specific rail fixed guideway public transportation system(s) for which safety audits and examinations are conducted. Note that these competency areas and safety program related control documents are directly related to all Safety Risk Monitoring activities planned and completed by the SSO program.

Monitoring activities planned and completed by the SSO program.

1. Agency organizational structure.
2. Public Transportation Agency Safety Plan.
3. Knowledge of territory and revenue service schedules
4. Knowledge of Current bulletins, general orders, and other associated directives that ensure safe operations
5. Knowledge of operations and maintenance rule books
6. Knowledge of safety rules
7. Knowledge of standard operating procedures.
8. Knowledge of roadway/right-of-way worker protection Knowledge of safety rules
9. Knowledge of employee hours of service and fatigue management program
10. Knowledge of employee observation and testing program (i.e., efficiency testing).
11. Knowledge of employee training and certification/competency requirements.
12. Knowledge of vehicle inspection and maintenance programs, schedules, and records.
13. Knowledge of track inspection and maintenance programs, schedules, and records.
14. Knowledge of tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records.
15. Knowledge of traction power (substations and overhead catenary system or third rail system), load dispatching, inspection and maintenance programs, schedules and records.
16. Knowledge of signal and train control inspection and maintenance programs, schedules, and records.
17. Knowledge of security program plan (optional)

18. Knowledge of command-and-control approach and implementation, including standard operating procedures (added by SSO).
19. Knowledge of transit asset management and management of change, including the processes for system modifications, safety certification, procurement controls, configuration management, transit asset management, and related documents (added by SSO).
20. Knowledge of capital projects status tracking and SSO approach to providing safety oversight (added by SSO).

Requirements for the technical training plan activities

The SSO program must determine the length of time for the technical training based on the skill level of the designated personnel relative to the applicable rail transit agency(s). FTA has provided a template as requested to assist the SSO program with preparing and monitoring its technical training plan and will provide technical assistance as requested. Each SSO program technical training plan that is submitted to FTA for review must:

- Require designated personnel to successfully:
  - Complete training that covers the skills and knowledge needed to effectively perform the tasks.
  - Pass a written and/or oral examination covering the skills and knowledge required for the designated personnel to effectively perform his or her tasks.
  - Demonstrate hands-on capability to perform his or her tasks to the satisfaction of the appropriate SSO program supervisor or designated instructor.
- Establish equivalencies or written and oral examinations to allow designated personnel to demonstrate that they possess the skill and qualification required to perform their tasks.
- Require biennial refresher training to maintain technical skills and abilities which includes classroom and hands-on training, as well as testing. Observation and evaluation of actual performance of duties may be used to meet the hands-on portion of this requirement, provided that such testing is documented. (This is accomplished by the SSO program staff as part of planning for and on-site Safety Risk Monitoring activities.)
- Require that training records be maintained to demonstrate the current qualification status of designated personnel assigned to carry out the oversight program. Records may be maintained either electronically or in writing and must be provided to FTA upon request.
- Records must include the following information concerning each designated personnel:
  - Name.
  - The title and date each training course was completed and the proficiency test score(s), where applicable.
  - The content of each training course successfully completed.
  - A description of the designated personnel's hands-on performance applying the skills and knowledge required to perform the tasks that the employee will be responsible for performing and the factual basis supporting the determination.
  - The tasks the designated personnel are deemed qualified to perform.
  - Provide the date that the designated personnel's status as qualified to perform the tasks expires, and the date in which biennial refresher training is due.

- Ensure the qualification of contractors performing oversight activities. State safety oversight programs may use demonstrations, previous training and education, and written and oral examinations to determine if contractors possess the skill and qualification required to perform their tasks.
- Periodically assess the effectiveness of the technical training. One method of validation and assessment could be through the use of efficiency tests or periodic review of employee performance. (This is accomplished by the SSO staff as part of planning for and on- site safety risk monitoring activities.)

Summary of SSO staff technical training

All 20 competency areas have a program documentation and standard operating procedure portion that will be trained through review of that documentation and discussion with SSO staff, will be approved by SSO senior staff. Some portions of this program documentation and standard operating procedure training are to be completed in the field (on a train, at facilities, and/or on the right-of-way).

1. **Rail transit agency organizational structure**
   - **Requirement:** Maintain a working knowledge of the rail transit agency organizational structure; Ability to determine if the organizational structure supports safety communication and the reporting and management of safety priorities and concerns; Ability to determine if a direct reporting relationship exists between chief safety officer and the accountable executive.
   - **Equivalency:** Two years of experience at a state safety oversight program; participation in conduct of review and approval of a rail transit agency safety plan.
   - **Training:** Review of current rail transit agency safety plan document, specifically organization chart and description of rail transit agency safety program related roles and responsibilities.
   - **Examination/demonstration/validation:** Follow-up discussion/review with SSO supervisor or training instructor.
   - **Refresher:** Biennial, Example for this competency area would be a review of current safety program documentation, **Validation:** Follow-up discussion/review with SSO supervisor or training instructor and training record.
2. **Public transportation agency safety plan**
   - **Requirement:** Maintain a working knowledge of the agency safety plan and determine if it meets SSO program and federal requirements. Understand the use of the review checklist, both the one provided by FTA and the one that was expanded to account for the entire safety program description, including the minimum standards for safety, along with the safety management system implementation at the rail transit agency.
   - **Equivalency:** TSI-TSSP and review of a rail transit agency safety plan; TSI-Rail System Safety course and review of a rail transit agency safety plan; 2 years of experience at an SSO program and participation in conduct of review and approval of a rail transit agency safety plan, and participation in at least one, three-year safety audit of agency safety and safety program implementation at an rail transit agency.
   - **Training:** Review of a current rail transit agency safety plan document, including review of current completed assessment checklist.

- **Examination/Demonstration/Validation:** Follow-up discussion/review with SSO supervisor or training instructor.
- **Refresher:** Biennial, Example for this competency area would be a review of current rail transit agency safety plan and completed checklist, **Validation:** Follow-up discussion/review with SSO supervisor or training instructor and training record.

3. **Knowledge of territory and revenue service schedules**
   - **Requirement:** Maintain working knowledge of rail transit agency territory, including lines, weekly service schedules, and facilities. Understanding of the ride log and Facilities Visit Log and the purpose of these activities and tracking.
   - **Equivalency:** Minimum two years of experience at SSO and line-by-line train ride with operator, other rail transit agency personnel (optional), and other SSO staff.
   - **Training:** Review of current rail transit agency safety plan document, specifically description of the rail systems and rail system map and operations. Review of all rail system facilities and general function, including visits to these facilities and infrastructure elements.
   - **Examination/demonstration/validation:** Follow-up discussion/review with SSO supervisor or training instructor.
   - **Refresher:** Biennial. Example for this competency area would be a review of current rail transit agency safety plan, specifically description of the rail systems, facilities and infrastructure elements, and rail system map and operations, periodic line-by-line train ride.
   - **Validation:** Follow-up discussion/review with SSO supervisor or training instructor and training record.
4. **Knowledge of current bulletins, general orders, and other associated directives that ensure safety of operations**
5. **Knowledge of operations and maintenance rule books**
6. **Knowledge of safety rules**
7. **Knowledge of standard operating procedures**
8. **Knowledge of roadway worker protection**
9. **Knowledge of employee hours of service and fatigue management program**
   - **Requirement:** Working knowledge of rail transit agency hours of service rules and/or policies and fatigue management program, including the drug and alcohol program; ability to review worker schedules to determine compliance with rules or policies; ability to analyze worker schedules during an incident or accident investigation; ability to understand the drug and alcohol testing requirements.
   - **Equivalency:** Minimum of two years of SSO experience plus review of this rail transit agency's policies for hours of service and fatigue management, including drug and alcohol program; completion of hours of service and fatigue training course offered or sponsored by FTA, NTSB, FRA, university or another agency or association, as determined by SSO; FRA certified operating practices inspector, practices review.
   - **Training:** Review of hours of service and fatigue management policy, including drug and alcohol program and discussion with rail management.
   - **Examination/demonstration/validation:** Follow-up discussion/review with SSO program supervisor or training instructor.

- **Refresher:** Biennial. Example for this competency area is a review of hours of service and fatigue management policy, including drug and alcohol program and discussion with rail management.
- **Validation:** Follow-up discussion/review with SSO program supervisor or training instructor and training record.

10. **Knowledge of employee observation and testing program (efficiency testing)**
    - **Requirement:** Working knowledge of rail transit agency employee observation and training program; Ability to observe review and testing practices to determine if procedures are adequate to ensure safe and efficient operations; Ability to review employee efficiency testing records to determine compliance with procedures.
    - **Equivalency:** Minimum of two years of SSO experience plus observance of completed rules checks on train operators by this rail transit agency's supervisor or instructor; completion of FTA, FRA, University, or Association sponsored training course approved by SSO; FRA-certified operating practices inspector, program review.
    - **Training:** Review of current rail transit agency safety plan document, specifically efficiency testing/rules compliance, and rail transit agency/SSO awareness training.
    - **Examination/demonstration/validation:** Follow-up discussion/review with SSO supervisor or training instructor and rail transit agency/SSO program awareness training examination.
    - **Refresher:** Biennial. Example for this competency area is a review of rail transit agency safety plan, specifically efficiency testing/rules compliance, and rail transit agency/ SSO awareness training.
    - **Validation:** Follow-up discussion/review with SSO program supervisor or training instructor and rail transit agency/SSO awareness training examination and training record.

11. **Knowledge of employee training and certification requirements**
    - **Requirement:** Working knowledge of the rail transit agency employee training and certification/ competency requirements; ability to review and assess employee training and certification/competency program to ensure it meets the requirements of the rail transit agency (and SSO); ability to assess employee training records to ensure training and certification program is being properly administered and documented.
    - **Equivalency:** Minimum of two years of experience reviewing this rail transit agency's training program and records or participation in one, three-year audit of this rail transit agency's agency safety plan and safety program implementation; FRA-certified operating practices inspector, requirements review.
    - **Training:** Review of current agency safety plan document, specifically employee training and certification/competency requirements, including contractors.
    - **Examination/demonstration/validation:** Follow-up discussion/review with SSO supervisor or training instructor.
    - **Refresher:** Biennial. Example for this competency area is a review of rail transit agency safety plan, specifically employee training and certification/competency requirements, including contractors.
    - **Validation:** Follow-up discussion/review with SSO supervisor or training instructor and training record.

12. **Knowledge of vehicle inspection and maintenance programs, schedules and records**
13. **Knowledge of track inspection and maintenance programs, schedules, and records**
14. **Knowledge of tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records**
15. **Knowledge of traction power (substation, overhead catenary system, and third rail), load dispatching, inspection, and maintenance programs, schedules, and records**
16. **Knowledge of signal and train control inspection and maintenance programs, schedules, and records**
    - **Requirement:** Working knowledge of rail transit agency vehicle; track; tunnel, bridge, and other structures; traction power and load dispatching; signal and train control inspection and maintenance programs, schedules, and records; and command and control roles and responsibilities; Ability to observe practices and determine if procedures are being adequately followed (from a personnel and rail system safety perspective); Ability to review inspection and maintenance records and assess if procedures are adequate to support intended activities; Ability to participate in supervised inspections to identify potential safety concerns.
    - **Equivalency:** Related engineering degree or minimum of two years of rail system expertise in each discipline and SSO experience, specifically in independent review of investigations and internal audits of agency safety plan topics of efficiency testing/ rules compliance; inspection and maintenance requirements/practices at this rail transit agency, participation in at least one, three-year audit or other opportunity for at least 1 hands on observation of inspection and/or maintenance of each subsystem/discipline at this rail transit agency; FRA-certified inspector.
    - **Training:** Review of current rail transit agency safety plan and safety program related documents, specifically Rail ASP topics of Efficiency Testing/Rules Compliance; Inspection and Maintenance Requirements/Practices; rail transit agency/SSO awareness training for each of these subsystems/disciplines.
    - **Examination/demonstration/validation:** rail transit agency/SSO program examination for awareness training.
    - **Refresher:** Biennial. Examples for these competency areas are a review of rail transit agency ASP and Safety Program Related documents, specifically Rail ASP topics of Efficiency Testing/ Rules Compliance; Inspection and Maintenance Requirements/ Practices; rail transit agency/SSO program awareness training for each of these subsystems/disciplines.
    - **Validation:** rail transit agency/ SSO program examination for awareness training and training record.
17. **Knowledge of security program plan (optional)**
    - **Requirement:** Maintain a working knowledge of the rail transit agency emergency response, operations, and/or preparedness along with the system security plan. The inclusion of emergency response is required to at least be referenced by the agency safety plan. The system security plan is included as an all-hazards approach for the portion of the security program that overlaps with the safety program at a rail transit agency.

- **Equivalency:** TSI-TSSP and review of an rail transit agency emergency response, operations, and/or preparedness; and system security plan; TSI-Rail System Security course and review of an rail transit agency system security plan; two years of experience at an state safety oversight program and participation in conduct of review and approval (as a safety program related control document) of an rail transit agency emergency response, operations, and/or preparedness; and system security plan, and participation in at least one, three-year safety audit of emergency response, operations, and/or preparedness; and system security plan implementation at an rail transit agency.
- **Training:** Review of the current rail transit agency emergency response, operations, and/or preparedness; and system security plan documents.
- **Examination/demonstration/validation:** Follow-up discussion/review with SSO supervisor or training instructor.
- **Refresher:** Biennial. Example for this competency area would be a review of current rail transit agency emergency response, operations, and/or preparedness; and system security plan, **Validation:** Follow-up discussion/review with SSO supervisor or training instructor and training record.

18. **Knowledge of command-and-control approach and implementation (standard operating procedures)**[1]
    - **Requirement:** Working knowledge of rail transit agency bulletins, general orders and other directives; Understand how these documents relate to current rules; Ability to review bulletins, general orders and other directives and identify potential safety concerns; Ability to assess quality of rule books; Ability to observe practices and determine if practices are compliant with rule books; Ability to work in right-of-way (ROW) and observe if personnel are complying with RWP rules.
    - **Equivalency:** Minimum 2 years SSO program experience and rulebook reviews with this rail transit agency's Training; Engineering or related degree plus minimum of 1 year experience in successful review of this rail transit agency's rulebook; Federal Railroad Administration (FRA) Certified Operating Practices Inspector.
    - **Training:** rail transit agency Rulebook awareness course for SSO program staff that includes perspective of all rail transit agency staff and current RWP. Review of inspection and maintenance manuals, Control Center SOPs, Safety Rules, Rule Books, current bulletins and orders, Maintenance of Way and Rail Equipment SOPs, and RWP.
    - **Examination/Demonstration/Validation:** Test for training awareness course; Follow-up discussion/review with SSO program supervisor or training instructor for various SOPs and rules.
    - **Refresher:** Biennial, Examples for these competency areas are a review of rail transit agency Rulebook awareness course, Review of inspection and maintenance manuals, Control Center SOPs, Safety Rules, Rule Books, Maintenance of Way and Rail Equipment SOPs, and RWP.
    - **Validation:** Test for training awareness course. Follow-up discussion/review with SSO program supervisor or training instructor for various SOPs and rules and training record.

[1] Competencies 18-20 added by WSDOT SSOA

19. **Knowledge of transit asset management and management of change**
    - **Requirement:** Working knowledge of an rail transit agency's transit asset management plan and requirements and Management of Change (includes system modifications, safety certification, procurement controls, and configuration management) requirements; Ability to review and assess transit asset management and management of change to ensure it meets the requirements of the rail transit agency (and SSO program); Ability to assess that these activities are being properly administered and documented.
    - **Equivalency:** Minimum of 2 years of experience reviewing this rail transit agency's transit asset management and management of change activities and records or participation in 1 three-year audit of this rail transit agency's ASP and Safety Program implementation including system modification, safety certification, procurement controls, configuration management, and/ or transit asset management.
    - **Training:** Review of current rail transit agency ASP and safety program documents, specifically focused on system modifications, safety certification, procurement controls, configuration management, transit asset management, and other related material such as the configuration management plan and transit asset management plan.
    - **Examination/Demonstration/Validation:** Follow-up discussion/review with SSO program supervisor or training instructor
    - **Refresher:** Biennial, Example for this competency area is a review of rail transit agency ASP and safety program documents, specifically focused on system modifications, safety certification, procurement controls, configuration management, transit asset management, and other related materials.
    - **Validation:** Follow-up discussion/review with SSO program supervisor or training instructor and training record.

20. **Knowledge of Capital Projects and Status Tracking**
    - **Requirement:** Working knowledge of a rail transit agency's capital projects along with status tracking of those projects. Working knowledge of the SSO program requirements for significant capital projects and processes used to monitor and participate in capital projects of interest to the SSO program. This scope includes review of or participation in capital project related meetings and when additional participation or monitoring of the capital project by the SSO program is needed/required.
    - **Equivalency:** Minimum of 2 years of experience reviewing this rail transit agency's capital projects, processes, and monitoring meetings. Experience of monitoring at least one significant capital project up to and including concurrence by the SSO program that the project was ready for use/revenue service.
    - **Training:** Review of current rail transit agency ASP and safety program documents, specifically focused on system modifications, safety certification, procurement controls, configuration management, transit asset management, and other related material such as the safety certification plan, rail activation plan, configuration management plan and transit asset management plan.
    - **Examination/Demonstration/Validation:** Follow-up discussion/review with SSO program supervisor or training instructor

- **Refresher:** Biennial, Example for this competency area is a review of current rail transit agency ASP and safety program documents, specifically focused on system modifications, safety certification, procurement controls, configuration management, transit asset management, and other related material such as the safety certification plan, rail activation plan, configuration management plan and transit asset management plan.
- **Validation:** Follow-up discussion/review with SSO program supervisor or training instructor and training record.

General qualifications for SSO program staff

The following description of general staff qualifications is provided here as the context for the SSO program staff qualifications and presented from general to specific. General qualifications for SSO program staff are knowledge of and experience with:

- **Transit –** An understanding of transit agencies and their modes; a broad understanding of how transit agencies are organized, managed, and operated; general knowledge of transit industry issues and current events; FTA/FHWA, state, and metropolitan planning organization roles in transit planning and grant funding.
- **Rail transit systems –** An understanding of rail transit infrastructure, equipment, support facilities, variety of implementation, operations/command and control, maintenance (i.e., older and newer rail transit systems), and advanced technologies (i.e., automatic train control, communication-based train control); and an understanding of the differences between rail transit and commuter rail/railroading requirements.
- **Rail transit agency all-hazards programs –** An understanding of the programmatic design for the safety and security programs in the rail transit environment, including the system safety program plan, system security plan, and emergency operations plan; and transit-specific safety management system and analysis tools, such as hazard analysis and hazard management used for safety risk monitoring, assessment, and management.
- **State safety oversight program –** An understanding of the national-, FTA-, and state-level state safety oversight programmatic requirements; the various state-level oversight implementations and processes, including FTA guidance and state-level program standards; required interactions between FTA (safety and oversight, engineering/projects, and regional offices), state safety oversight programs, and rail transit agencies; and the evolving state safety oversight program requirements and expectations.
- **Implementation of the rail transit agency safety program –** A detailed understanding of the safety program at each rail transit agency; minimum standards for safety; interactions with safety, security, engineering, rail operations, command and control, rail maintenance, and management for oversight monitoring of risk assessment and management; and the implementation of the rail transit agency's safety management system.
- **Detailed rail transit agency safety risk environment –** A detailed understanding of event investigations, audits, mitigations/corrective action plans, prioritization of resources; database of corrective action plans and risk-based, data-driven analyses; assuring, from the safety oversight perspective, that known or observed risk and potential risk are appropriately controlled/mitigated, and that those controls/mitigations are actually working at the rail transit agencies; and the general safety culture and state of good repair at each rail transit agency.

Current SSO program staff

Based on the size and complexity of the four rail transit systems in Washington state, the SSO has been fully funded to a level of 4.1 full-time-equivalent employees, plus travel and expenses. Currently, this program includes six WSDOT staff members and four staff that are currently considered designated staff.

FTA's safety certification training requirements have been fully addressed within the SSO. For the SSO staff to be fully qualified for all aspects of the program, they must complete the FTA-required safety certification training (safety management system and TSSP) and the technical training plan requirements for each of the rail properties. **Currently, the experienced SSO staff are deemed fully qualified based on that experience.** However, completion of the safety-related training in this plan is required for all designated staff as soon as time and resources allow. See the training tracking matrix for tracking of training schedule and completion by staff member, including the contractor staff.

Listing of Designated Personnel for the SSO

1. Molly Hughes, SSO Program Manager
2. Steven Meyeroff
3. Graham Harrison
4. Ryan Sigurdson
5. Andrew Royer
6. Jennifer Mars
7. Ryan Syferd

Training Record Forms

The following physical training records forms may be used if digital training records are not available.

Washington State SSO Program Staff Training Records

1. **Rail Transit Agency (rail transit agency) Organizational Structure**

   General Description of Training:

   Maintain a working knowledge of the Rail Property organizational structure; Ability to determine if the organizational structure supports safety communication and the reporting and management of safety priorities and concerns; Ability to determine if a direct reporting relationship exists between the Chief Safety Officer and Accountable Executive (CEO/GM).

   Review of current Rail Property Agency Safety Plan and/or safety program related document, specifically organization chart and description of Rail Property Safety Program roles and responsibilities.

   Hands-on Performance: N/A

   Tasks Qualified: (1) Support for annual update review of Agency Safety Plan and safety program related control documents; (2) Support for update of the program standard

   * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

Washington State SSO Program Staff Training Records

2. **Rail transit agency safety plan**

   General Description of Training:

   Maintain a working knowledge of the ASP; Determine if it meets SSO program and federal requirements.

   Review of a current Rail Property Agency Safety Plan document, including review of current completed assessment checklist.

   Hands-on Performance: N/A

   Tasks Qualified: (1) Support for or lead annual update review of Agency Safety Plan; (2) Support for update of the program standard

   * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

Washington State SSO Program Staff Training Records

3. **Rail transit territory and revenue service schedules**

   General Description of Training:

   Maintain working knowledge of Rail Property territory (including lines, weekly service schedules, and facilities).

   Review of current Rail Property Agency Safety Plan document, specifically rail system description, map, and facilities.

   Hands-on Performance:

   Ride the rail system. Record completed rides in the Ride Log.

   Complete visits to all the rail related facilities. Record completed visits in the Facility Visit Log.

   Tasks Qualified: (1) Support for annual update review of the Agency Safety Plan and Minimum Standards for Safety; (2) Support for update of the program standard; (3) Support for development of triennial audit; (4) Support for investigation, audits and CAPs reviews.

   * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

Washington State SSO Program Staff Training Records

4. **Knowledge of current bulletins, general orders, and other associated directives that ensure safe operations**

   General Description of Training:

   Maintain a working knowledge of the Rail Property Emergency Response, Operations, and/or Preparedness along with the System Security Plan (SSP).

   Hands-on Performance: N/A

   Tasks Qualified: (1) Support for or lead annual update review of minimum standards for safety; (2) Support for update of the program standard

   * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

5. **Knowledge of operations and maintenance rule books**
6. **Knowledge of safety rules**
7. **Knowledge of Standard Operating Procedures**
8. **Knowledge of Right-of-Way Worker Protection (RWP)**
9. **Knowledge of employee hours of service and fatigue management program**

   General Description of Training:

   Working knowledge of Rail Property hours of service rules and/or policies and fatigue management program, including Drug & Alcohol Program; Ability to review worker schedules to determine compliance with rules or policies; Ability to analyze worker schedules during an incident or accident investigation.

   Review of hours of service and fatigue management policy, including Drug & Alcohol Program, and discussion with rail management.

   Hands-on Performance: N/A

   Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits

   * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

10. **Knowledge of Employee Observation and Testing Program [Efficiency Testing]**

    General Description of Training:

    Working knowledge of the Rail Property employee observation and training program; Ability to observe review and testing practices to determine if procedures are adequate to ensure safe and efficient operations; Ability to review employee efficiency testing records to determine compliance with procedures.

    Review Agency Safety Plan or safety program related control document regarding efficiency testing.

    Hands-on Performance: N/A

    Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits

    * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

11. **Knowledge of Employee Training and Certification/Competency Requirements General Description of Training:**

    Working knowledge of the Rail Property employee training and certification requirements; Ability to review and assess employee training and certification program to ensure it meets the requirements of the Rail Property (and SSO Program); Ability to assess employee training records to ensure training and certification program is being properly administered and documented.

    Review of current Agency Safety Plan or Safety Program document.

    Hands-on Performance: N/A

    Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits

    * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

12. **Knowledge of Vehicle Inspection and Maintenance Programs, Schedules, and Records**
13. **Knowledge of Track Inspection and Maintenance Programs, Schedules, and Records**
14. **Knowledge of Tunnels, Bridges, and Other Structures Inspection and Maintenance Programs, Schedules, and Records**
15. **Knowledge of Traction Power (Substation, Overhead Catenary System, and Third Rail), Load**
16. **Dispatching, Inspection, and Maintenance Programs, Schedules, and Records**
17. **Knowledge of Signal and Train Control Inspection and Maintenance Programs, Schedules, and Records**

    General Description of Training:

    Working knowledge of Rail Property vehicle; track; tunnel, bridge, and other structures; traction power and load dispatching; signal and train control inspection and maintenance programs, schedules, and records; and command and control roles and responsibilities; Ability to observe practices and determine if procedures are being adequately followed (from a personnel and rail system safety perspective); Ability to review inspection and maintenance records and assess if procedures are adequate to support intended activities; Ability to participate in supervised inspections to identify potential safety concerns.

    Review of current Rail Property ASP and safety program related documents; Rail Property/ SSO Program awareness training for each of these subsystems/disciplines.

    Hands-on Performance: As part of the Awareness Training. Hands-on experience is generally achieved outside of this training activity and covered as part of Risk Monitoring.

    Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits Knowledge of security program plan (optional)

18. **Knowledge of Command-and-Control Approach and Implementation (SOPs) General Description of Training:**

    Working knowledge of Rail Property bulletins, general orders and other directives; Understand how these documents relate to current rules; Ability to review bulletins, general orders and other directives and identify potential safety concerns; Ability to assess quality of rule books; Ability to observe practices and determine if practices are compliant with rule book; Ability to work in right-of-way (ROW) and observe if personnel are complying with RWP rules.

    Rail Property Rulebook awareness course for SSO program staff that includes perspective of all Rail Property staff and current RWP. Review of inspection and maintenance manuals, Control Center SOPs, Safety Rules, rule books, and RWP.

    Hands-on Performance: N/A

    Tasks Qualified: (1) Support or lead for accident investigation review; (2) Support or lead for internal audit review; (3) Support for development of triennial audits

    * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

19. **Knowledge of Transit Asset Management and Management of Change**

    General Description of Training:

    Working knowledge of a Rail Property's transit asset management plan and requirements and Management of Change (includes system modifications, safety certification, procurement controls, and configuration management) requirements; Ability to review and assess asset and configuration management to ensure it meets the requirements of the Rail Property (and SSO Program); Ability to assess that these activities are being properly administered and documented.

    Review of current Rail Property Agency Safety Plan and safety program related documents, specifically the configuration management plan, safety certification plan, and asset management plan.

    Hands-on Performance: N/A

    Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits

    * The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

20. **Knowledge of Capital Projects and Status Tracking General Description of Training:**

Working knowledge of a rail transit agency's or Rail Property's capital projects along with status tracking of those projects. Working knowledge of the SSO program requirements for significant capital projects and processes used to monitor and participate in capital projects of interest to the SSO program. This scope includes review of or participation in capital project related meetings and when additional participation or monitoring of the capital project by the SSO program is needed/required.

Hands-on Performance: N/A

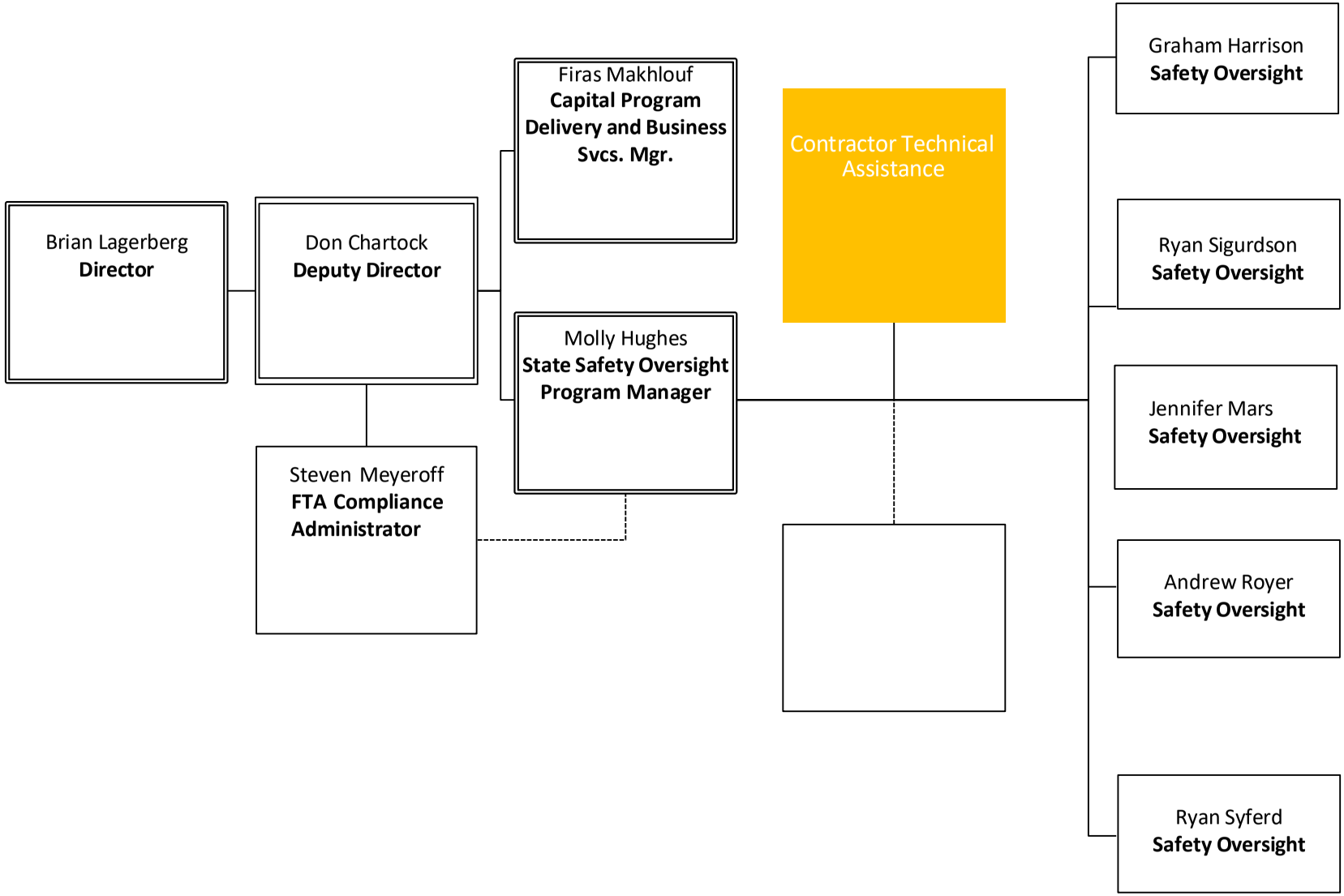
Tasks Qualified: (1) Support for accident investigation review; (2) Support for internal audit review; (3) Support for development of triennial audits

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

Appendix E SSO description and contacts

Version: 1/18/2024

Figure E-1 WSDOT Organization Chart
Washington State Safety Oversight



WSDOT Public Transportation Division

WSDOT's Public Transportation Division administers grants that help local transportation providers improve access and mobility. Examples include grants to provide and improve transit, human services transportation, ridesharing, transportation demand management and more.

These grant programs provide more than $250 million per biennium to support community-based public transportation.

Statewide plans identify shared interests that guide transportation improvements. WSDOT's Public Transportation Division leads the State Public Transportation Plan, Transportation Demand Management Strategic Plan and Washington State Human Services Transportation Plan. The division also plays a key role in transit development plans, local human services transportation plans, local commute trip reduction plans and the statewide vanpool strategic plan.

WSDOT supports efficient use of transportation systems and infrastructure through transportation demand management projects and programs, including commute trip reduction, vanpools and more. WSDOT supports bus service that connects rural communities to major transportation hubs and urban centers.

WSDOT's State Safety Oversight Program oversees safety for public rail fixed guideways and serves as the State of Washington's federally designated state safety oversight agency. In this role, WSDOT provides safety oversight of the Seattle Center Monorail, Seattle Streetcar

and Sound Transit Tacoma Link and Central Link light rail. WSDOT reviews and approves safety programs, plans, and processes implemented by these rail-transit systems. The U.S. Federal Transit Administration provides funding for this program through the State Safety Oversight Formula Grant program.

WSDOT SSO team contact information

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Appendix F Sound Transit Link Light Rail System description, contacts, and safety-program-related control documents

Version: 1/18/24

Sound Transit – Link Light Rail

State Legislation in 1990 created the Regional Transit Authority. The Regional Transit Authority structure allows King, Pierce, and Snohomish counties to create a single agency to build mass transit systems connecting major regional centers:

Central Puget Sound Regional Transit Authority, now known as Sound Transit.

Figure F-1 Link Light Rail Route Map

Link Light Rail

Sound Transit owns Link Light Rail and contracts with King County Metro for operations and maintenance of Link Light Rail under an intergovernmental agreement. Sound Transit, as the owner of the system, has fiscal and performance oversight for the contract.

In July 2009, Sound Transit opened the 13.9-mile initial segment of Link Light Rail. The segment includes sections of aerial, tunnel and at-grade track. The segment also utilizes the Downtown Seattle Transit Tunnel.

In December 2009, Sound Transit opened a 1.7-mile aerial southern extension between Tukwila International Boulevard and Seattle-Tacoma International Airport, known as the Airport Link.

In March 2016, Sound Transit opened a 3.5-mile northern extension, known as the University Link. The extension includes twin-bored tunnel track and two new underground stations at Capitol Hill and the University of Washington.

In September 2016, Sound Transit opened a 1.6-mile aerial southern extension from the SeaTac Airport

Station at the southern terminus of the Airport Link. This extension, known as the South 200th Street Extension, includes one station: Angle Lake.

In November 2021, Sound Transit opened a 4.3-mile northern extension from the University of Washington Station, known as the Northgate Link Extension. The extension includes twin-bored tunnel tracks connected to two new underground stations at U District Station and Roosevelt Station, and an elevated segment connects the tunnels at Maple Leaf Portal that continues to the Northgate Station.

The Link Light Rail trains are 95 feet long and weigh approximately 105,000 pounds. The vehicles are double articulated with a three truck (six-axle) configuration. The trains can run up to four-car consists. An overhead contact wire energized at 1,500 volts direct current powers the trains. Alternating current motors propel the trains. Each train's total capacity is 200 passengers, with seating for 74 passengers.

Sound Transit is planning future extensions of Link Light Rail, including:

Service I line	Project	Number of Stations	Guideway Length (Miles)	Elevated I	Tunnel	At-Grade	Opening
5....· ID	Federal Way Link Extension	3	7.	X		X	2026
	Tacoma Dome Link Extension	4	9.7	X		X	2035
	Ballard Link Extension	9	7.	X	X		2039
5· ID"'	East Link Starter Line	8	7.5	X	X	X	202
	Downtown Redmond Link Extension	2	3.4	X		X	2025
	East Link-Segment A	2	6.5	X	X	X	2026
C: :, Ill w	West Seattle Link Extension	4	4.7	X	X		2033
	Lynnwood Link Extension	4	8.5	X		X	2024
	Everett Link Extension	6	16.3	X		X	2037

Light Rail Vehicle Fleet Expansion procures 152 low floor Siemens light rail vehicles to support the expansion of the Northgate Link, East Link, Lynnwood Link, Federal Way Link and Downtown Redmond Link Extensions. The project has a completion schedule in 2024.

Sound Transit expects Link Light Rail to grow to over 112 miles of track by 2040. The annual budget for the system is $3.7 billion.

Version Tracking Table

Rail Property: Sound Transit – Link Light Rail

Safety Program Related Control Documents/Minimum Standards for Safety

Safety Program Related Control Documents	Rail Property Document	Current Version (Date)
Agency Safety Plan	Sound Transit Agency Safety Plan	1/2023
System Security and Emergency Preparedness Plan	System Security and Emergency Preparedness Plan (Sensitive Security Information)	9/2021
Emergency Operations Plan (EOP)	Emergency Management Plan CLR.CP-010 CL Emergency Responder Manual SOP 7.1 LRV Passenger Transfer & Evacuation Procedures 7.2 Bomb Threat 7.3 Earthquake	9/2022 9/2010 2/3/2017 11/17/2017 2/19/2009
Rail Operating Rule Book	LLR-RB-10001 Rulebook for Link Light Rail	6/1/2022
Right of Way or Roadway Worker Protection Plan	CLR.CP-011 CL ROW Worker Safety Manual SOP 6.16 ROW Worker Protection on the Trackway	11/1/2010 2/11/2022
Command and Control/Train Control SOP	SOP 6.5 LCC Communication Procedures Link Control Center SOPs 6.1-6.26 may apply On-Scene Rail Accident Investigation Standard Operating Procedure 4.12	6/18/2021 1/22/2021
Rail transit agency/RTS Investigation Procedure	King County Metro Safety Event Investigation Policy	In draft
Safety Related SOP Review Procedure	SOP 1.1 Rules and Procedures Development, Issuance and Revision	1/24/2020
Preliminary Hazard Analysis, Operational Hazard Assessment, Safety risk management Plan, and Safety Risk Register	Preliminary Hazard Analysis found in project-level System Safety Management Plans 01 46 00 System Safety and Security Hazard Management – Design Build Agency Safety and Security Management Plan Safety Risk Register tracked in QuickBase and OTB Safety and Security Information Management System	Ongoing Ongoing 3/2022 Ongoing
Safety Certification Plan (SCP) **Safety and Security Management Plan (SSMP)**	Agency Safety and Security Certification Plan	4/2023
Configuration Management Plan (CMP)	PCPP-04 Configuration Management	9/2018
Transit Asset Management (TAM) Plan	Sound Transit - Transit Asset Management Plan	2/2021
Field Supervision SOPs	SOP 4.1 Documenting Rail Accidents and Incidents SOP 4.2 On-Scene Rail Accident Investigation Procedure	12/4/2020 1/22/2021
Inspection and Maintenance Manuals and Standards	Link Light Rail System Wide Maintenance Management Plan	5.1; 12/20/2018
Inspection and Maintenance SOPs	169 SMPs associated with maintaining system referenced in Agency Safety Plan table of contents	

Safety Program Related Control Documents	Rail Property Document	Current Version (Date)
System security plan		
Drug and alcohol program policy		
Occupational safety related activities		

Sound Transit contacts list

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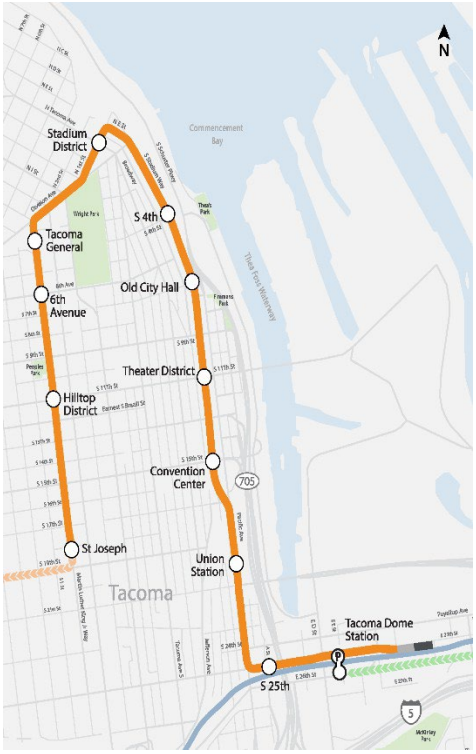
Appendix G Sound Transit Tacoma Link System description, contacts, and safety-program-related control documents

Version: 1/18/24

Sound Transit – Tacoma Link

State Legislation in 1990 created the Regional Transit Authority. The Regional Transit Authority structure allows King, Pierce and Snohomish counties to create a single agency to build mass transit systems connecting major regional centers: Central Puget Sound Regional Transit Authority, now known as Sound Transit.

Tacoma Link



Sound Transit owns, operates, and maintains the Tacoma Link. This rail line began service in August 2003 and the system runs for 1.6 miles through downtown Tacoma (Tacoma Dome Station to the Theater District/ South 9th Street Station), making six stops on the route. Sound Transit added the Theater District Station in 2011. Each station has low-level boarding platforms, shelter canopies, pedestrian and street lighting, benches, and an information aide.

In September 2023, Sound Transit opened a 2.4-mile extension from the Theater District Station and expansion of the Operation Maintenance Facility and Yard, known as Hilltop Link. This extension adds six new stations.

Sound Transit plans to add an additional six-mile extension by 2039.

Tacoma Link light-rail vehicles run every 12 to 20 minutes, depending on the time of day.

Tacoma Link uses three Skoda 10T and five new Brookville electric-powered light-rail vehicles. The vehicles travel at street level and an overhead catenary wire energized at 750 volts direct current supplies power. Each vehicle operates as a single car, with operating cabs at both ends so operators can change direction of travel without turning the cars around.

Tacoma Link's operation and maintenance facility is located just east of the Tacoma Dome Station at the southern terminus of the line. The facility provides ongoing daily maintenance, running repair and regular inspections. The operation and maintenance facility also houses the administrative offices for Tacoma Link operations and an operator check-in and dispatch area.

Version Tracking Table

Rail Property: Sound Transit – Tacoma Link

Safety Program Related Control Documents/Minimum Standards for Safety

Safety Program Related Control Documents	Rail Property Document	Current Version (Date)
Agency Safety Plan	Sound Transit Agency Safety Plan	v2.0; 1/2023
System Security and Emergency Preparedness Plan	System Security and Emergency Preparedness Plan (Sensitive Security Information)	v4.0 5/2022
Emergency Operations Plan	Emergency Management Plan	v3.0 9/2022
Rail Operating Rule Book	Tacoma Link Rulebook	v13; 4/2023
Right of Way or Roadway Worker Protection Plan	TLR-SOP-10018 Right of Way Worker Protection on the Trackway TLR-SOP-40010 Station Operation	v1.0 9/2021 v2.0 3/2023
Command and Control/Train Control Standard Operating Procedure	None – due to speed and Operation	
Rail Property Investigation Procedure	TLR-SOP-10015 Accident Review Procedure – Light Rail Vehicle	v1.0 9/2021
Safety Related Standard Operating Review Procedure	SOPs and SMPs (reference TL SOP TOC)	9/2023
Preliminary Hazard Analysis, Operational Hazard Assessment, Safety risk management Plan, and Safety Risk Register	PHA found in Project-level SSMPs 01 46 00 System Safety and Security Hazard Management – Design Build Agency Safety and Security Management Plan SRR – tracked in OTB Safety and Security Information Management System & QuickBase	v8.0 3/2022 (Continually updated electronically)
Safety Certification Plan	Agency Safety and Security Certification Plan	v4.0 4/2023
Configuration Management Plan	PCPP-04 Configuration Management	9/2018
Transit Asset Management Plan	Sound Transit – Strategic Asset Management Plan	v1.0 2/2021
Field Supervision Standard Operating Procedures (SOPs)	TLR-SOP-80004 Supervisor Responsibilities	v2.0 3/2023
Inspection and Maintenance Manuals and Standards	Attached SMP List (reference TL Standard Maintenance Procedures TOC)	9/2023
Inspection and Maintenance SOPs	SOPs and SMPs (reference TL SMP and SOP TOC)	9/2023
System security plan		
Drug and alcohol program policy		
Occupational safety related activities		

Sound Transit Contacts List

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Appendix H Seattle Streetcar System description, contacts, and safety-program-related control documents

Version: 1/18/24

Seattle Streetcar

Figure H-1 South Lake Union Streetcar Route

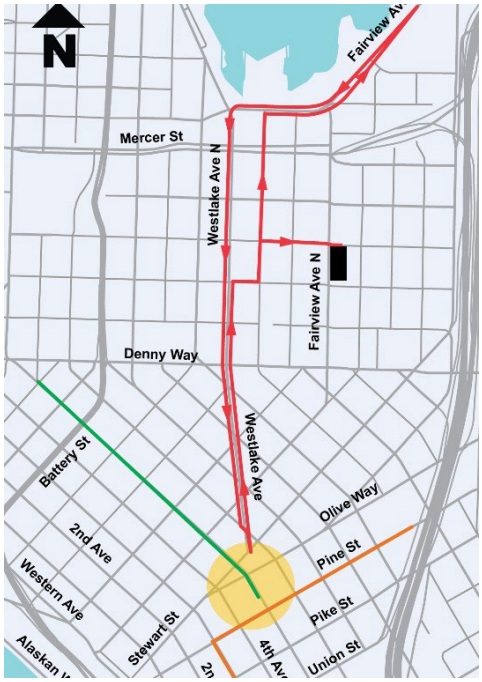

Figure H-2 First Hill Streetcar Route

The Seattle Streetcar is equipped and owned by the City of Seattle and is operated and maintained by King County Metro under an interlocal agreement established in 2007.

The Seattle Streetcar consists of two lines:

The South Lake Union Streetcar: A 1.3-mile, seven-stop line connecting the South Lake Union neighborhood to Downtown Seattle. The line opened to the public in 2007.

The First Hill Streetcar: A 2.5-mile, 10-stop line connecting Pioneer Square and Capitol Hill via Chinatown, Little Saigon, Yesler Terrace and First Hill. The line opened to the public in January 2016.

Both routes offer frequent service, with streetcars arriving every 10–15 minutes most of the day, except late at night. New operators are typically recruited from the King County Metro bus service.

Version Tracking Table

Rail Property: Seattle Streetcar

Safety Program Related Control Documents/Minimum Standards for Safety

Safety Program Related Control Documents	Rail Property Document	Current Version	Date
Agency Safety Plan	Streetcar Public Transportation Agency Safety Plan	3	2/27/2023
System Security Plan/Security and Emergency Preparedness Plan	System Security Plan/Security and Emergency Preparedness Plan	7	7
Emergency Operations Plan	SOP 300.1 – Fire on Streetcar SOP 300.2 – Fire in Substation SOP 300.3 – Fire or Smoke at Station SOP 300.4 – Brake Failure SOP 300.6 – Bus Bridge SOP 300.7 – Graffiti SOP 300.9 – Disabled Streetcar SOP 300.10 – Earthquake SOP 300.11 – Suspicious Items SOP 300.12 – Emergency Traction Power Shutdown	H F H E E B F E F E	7/11/2022 7/14/2021 7/14/2021 2/17/2015 2/6/2015 1/15/2015 8/26/2015 7/22/2014 2/5/2015 7/22/2014
Rail Operating Rule Book	Streetcar Rulebook		9/1/2023
Right of Way or Roadway Worker Protection Plan	SMP 29 – Track Inspection SMP 03 – Flagger Duties & Responsibilities	E A	10/16/2015 5/20/2015
Command and Control/Train Control SOP	SMP 29 – Track Inspection SMP 03 – Flagger Duties & Responsibilities SOP 200.1 – Pre-Departure Checkout SOP 200.4 – Streetcar Movement Yard & Shop SOP 200.6 – Entering & Leaving the Main Track Streetcar Rulebook	E A H F G	10/16/2015 5/20/2015 7/24/2018 2/23/2015 7/24/2018 9/1/2023
RTA/RTS Investigation Procedure	SOP 500.1 – Accident & Incident Investigation and Scene Management		
Safety Related SOP Review Procedure	SOP 100.1 – Rules and Procedures Development, Issuance and Revision		
Preliminary Hazard Analysis, Operational Hazard Assessment, Safety risk management Plan, and Safety Risk Register	SLU Streetcar Preliminary Hazard / Security Analysis Report First Hill Streetcar Preliminary Hazard / Security Analysis Report		12/2016 5/2012
Safety and Security Certification Plan (SSCP)	SLU Safety & Security Certification Program Plan FHS Safety & Security Certification Program Plan		12/2007 5/2012
Configuration Management Plan (CMP)	MANAGEMENT OF CHANGE	Initial	2/24/2022
Transportation Asset Management (TAM) Plan	SDOT Transit Asset Management Plan	2	9/22/2022
Field Supervision SOPs	Numerous; kept on file (200 Series SOP's)		1/2019

Safety Program Related Control Documents	Rail Property Document	Current Version	Date
Inspection and Maintenance Manuals and Standards	Numerous; kept on file (Vendor Manuals)		1/2019
Inspection and Maintenance SOPs	Numerous; kept on file (All SMP's)		1/2019
System security plan			
Drug and alcohol program policy			
Occupational safety related activities			

Seattle Streetcar Contacts List

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Appendix I Seattle Center Monorail System description, contacts, and safety-program-related control documents

Version: 1/18/24

Seattle Center Monorail

Figure I-1 Monorail Route Map

SCM is operated by Seattle Monorail Services and historically carries about two million riders annually between downtown Seattle and Seattle Center, a 74-acre arts, culture, and entertainment campus. The downtown station is incorporated into a retail mall and part of a regional transit hub, with connections to light rail, local and regional buses, and the Seattle streetcar system. The Monorail system is just under a mile long and consists of two trains, two stations and the elevated guideways and supports that run in-between.

The Monorail was constructed by ALWEG Rapid Transit Company to showcase ALWEG's proprietary monorail technology at the 1962 Seattle World's Fair (Century 21 Exposition). The Monorail carried over 8 million passengers during the 6-month World's Fair. In 1965, the City of Seattle purchased the Monorail from ALWEG. ALWEG ceased existence a few years later.

Between 1965 and 1994, the Monorail was operated by a combination of Seattle Transit, later merged into King County Metro Transit, and the City of Seattle. In 1994, following a request for proposal process, the City of Seattle entered into a concession agreement with Seattle Monorail Services for maintenance and operation of the Monorail. In 2013, the City again issued a request for competitive proposals for operation and maintenance of the Monorail, and in December 2014 entered into a Concession Agreement with Seattle Monorail Services effective January 1, 2015, with a term that now runs through 2034.

The Monorail celebrated its 61st anniversary in 2023 and is a designated City of Seattle Landmark. Both trains have exceeded 1.3 million miles. One of SCM's key objectives is for the historic Monorail system to celebrate its 100th anniversary as a vital part of Seattle's transit system and in a State of Good Repair. In view of this, SCM operates and maintains the Monorail so that as an overall system, it will have an indefinite life. SCM pursues this aim by focusing capital investments at the subsystem and component level and refurbishing and replacing these as needed over time pursuant to the SCM Transit Asset Management Plan/Capital and Major Maintenance Plan (TAMP/CMMP).

Except for the downtown station at Westlake Center, the Monorail system configuration is largely as it was in 1962. In 1988, the Westlake Station was moved slightly north (shortening the line) and incorporated into the 3rd floor of Westlake Center Mall development. This modification reduced Monorail peak passenger capacity by about half due to station size, configuration, and resulting operational limitations.

Version Tracking Table

Rail Property: Seattle Center Monorail

Safety Program Related Control Documents/Minimum Standards for Safety

Safety program related control documents	Rail property document	Current version
Agency Safety Plan/System Safety Program Plan (ASP/SSPP)	Public Transportation Agency Safety Plan (PTASP)	December 2022
System Security Plan (SSP)/Security and Emergency Preparedness Plan (SEPP)	System Security and Emergency Preparedness Plan (SSEPP)	February 2022
Emergency Operations Plan (EOP)	Emergency Operating Procedures Plan (EOPP)	July 2022
Rail Operating Rule Book	Operator's Manual	February 2023
	Customer Service Representative Manual	October 2022
Right of Way (ROW) or Roadway Worker Protection (RWP) Plan	Monorail Proximity Guidelines and Requirements for Development Adjacent to City of Seattle Monorail Line	May 2023
Command and Control/Train Control SOP	Operator's Manual	February 2023
	Customer Service Representative Manual	October 2023
Rail transit agency/RTS Investigation Procedure	PTASP Section 6	December 2022
Safety Related SOP Review Procedure	PTASP Section 7.6	2023 Update in Progress
Preliminary Hazard Analysis (PHA), Operational Hazard Assessment (OHA), Safety risk management Plan (SRMP), and Safety Risk Register	PTASP Section 5.2	December 2022
	Job Hazard Analysis (by position)	January 2020
	Seattle Center Monorail Safety Risk Reports' Log	October 2023
Safety and Security Certification Plan (SSCP)	PTASP Section 7.4	December 2022
Configuration Management Plan (CMP)	PTASP Section 7.5 (insert appendix)	December 2022
Transportation Asset Management (TAM) Plan	TAM Plan	April 2023
Field Supervision SOPs	Supervisor's Manual	October 2022
Inspection and Maintenance Manuals and Standards	PMIs used by maintenance technicians	In progress
Inspection and Maintenance SOPs	Ordinary Maintenance Plan (includes maintenance technician manual)	February 2023
	Accident Prevention Program (APP)	January 2020
	Respiratory Protection Program (RPP)	January 2020
	Drug and Alcohol Policy	September 2022
System security plan		
Drug and alcohol program policy		
Occupational safety related activities		

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Glossary

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

Source: *49 CFR Part 674.7*

Administrator: The Federal Transit Administrator or the administrator's designee.

Source: *49 CFR Part 674.7*

Advisory: A notice that informs or warns a recipient of hazards or risks to the recipient's public transportation system. An advisory may include recommendations for avoiding or mitigating the hazards or risks.

Source: *49 CFR Part 670.5*

Assault: An attack by one person on another without lawful authority or permission.

Source: *NTD Glossary*

Assault on a transit worker: As defined under 49 U.S.C. 5302, a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.

Source: *49 CFR Part 673.5*

Attempted suicide: Self-inflicted harm where death does not occur, but the intention of the person was to cause a fatal outcome. The intent can be determined by any reasonable method including police reports and eyewitness accounts.

Source: *NTD Glossary*

Audit: A review or analysis of records and related materials, including, but not limited to, those related to financial accounts. See also Safety audit.

Source: *49 CFR Part 670.5*

Causal Factor: An action, condition or circumstance that directly or in combination with another causal factor shaped the outcome of the situation and led to an inappropriate action.

Source: *Root Cause Evaluation Manual, Revision 0. (nrc.gov)*

CDC: The Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Source: *49 CFR Part 673.5*

Chief Safety Officer: An adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A chief safety officer may not serve in other operational or maintenance capacities, unless the chief safety officer is employed by a transit agency that is a small public transportation provider defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Source: *49 CFR Part 673.5*

CFR Code of Federal Regulations: The codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

Source: *Govinfo.gov*

Close Call/Near-Miss: A near-miss is a potential hazard or incident in which no property was damaged and no personal injury was sustained, but where, given a slight shift in time or position, damage or injury easily could have occurred. Near misses also may be referred to as close calls, near accidents, or injury-free events.

Source: *OSHA Near-Miss Incident Report Form*

Collision: A vehicle/vessel accident in which there is an impact of a transit vehicle/vessel with:

- Another transit vehicle
- A non-transit vehicle
- A fixed object
- A person(s) (suicide/attempted suicide included)
- An animal
- A rail vehicle
- A vessel
- A dock

Source: *NTD Glossary*

Contractor: An entity that performs tasks on behalf of FTA, a state safety oversight agency, or a rail property through contract or other agreement.

Source: *49 CFR Part 674.7*

Contributing Cause: Causes that, if corrected would not by themselves have prevented the event but are important enough to be recognized as needing corrective action to improve the quality of the process or product.

Source: *Root Cause Evaluation Manual, Revision 0. (nrc.gov)*

Corrective action plan: A plan developed by a rail property that describes the actions the agency will take to minimize, control, correct, or eliminate risks and hazards. The plan also includes the schedule for taking those actions. Either a state safety oversight agency or FTA may require a rail property to develop and carry out a corrective action plan.

Source: *49 CFR Part 674.7*

Derailment: For the purposes of this part means a safety event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails

Source: *NTD Glossary*
Source: *49 CFR Part 674.7*

Deputy Administrator: Federal Transit Deputy Administrator or his or her designee.

Source: *49 CFR Part 670.5*

Designated personnel:

- Employees and contractors identified by a recipient whose job functions are directly responsible for safety oversight of the public transportation system of the public transportation agency; or
- Employees and contractors of a State Safety Oversight Agency whose job functions require them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency

Source: *49 CFR Part 672.5*

Directly responsible for safety oversight: Public transportation agency personnel whose primary job function includes the development, implementation, and review of the agency's safety plan, and/or the state safety oversight agency requirements for the rail fixed guideway public transportation system pursuant to 49 CFR part 674.

Source: *49 CFR Part 672.5*

Directive: A written communication from FTA to a recipient that requires the recipient to take one or more specific actions to ensure the safety of the recipient's public transportation system.

Source: *49 CFR Part 670.5*

Disabling damage: Damage to a rail transit vehicle resulting from a collision and preventing the vehicle from operating under its own power.

Source: *49 CFR Part 674.7*

Employee: An individual who is compensated by the transit agency as follows:

- For directly operated (DO) services, the labor expense for the individual is reported in object class (501) labor.
- For purchased transportation (PT) service, the labor expense for the individual meets the same criteria as object class (501) labor.
- Applies to Transit Employees and Contractors.

Can be found in: R-10

Source: *NTD Glossary*

Evacuation for life safety reasons: Condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation. A life safety reason may include a situation such as a fire, the presence of smoke or noxious fumes, a fuel leak from any source, an electrical hazard, or other hazard to any person. An evacuation of passengers into the rail right of way (not at a platform or station) for any reason is presumed to be an evacuation for life safety reasons.

Source: *49 CFR Part 674.7*

Examination: A process for gathering or analyzing facts or information related to the safety of a public transportation system.

Source: *49 CFR Part 670.5*

Fatality: Death confirmed within 30 days of a safety event. Fatalities include suicides, but do not include deaths in or on transit property that are a result of drug overdose, exposure to the elements, illness, or natural causes

Source: *NTD Glossary*
Source: *49 CFR Part 674.7*

Fire: Uncontrolled combustion made evident by flame that requires suppression by equipment or personnel.

Source: *NTD Glossary*

FRA Federal Railroad Administration: An agency within the United States Department of Transportation.

Source: *49 CFR Part 674.7*

FTA Federal Transit Administration: An agency within the United States Department of Transportation.

Source: *49 CFR Part 674.7*

Grade crossing: An intersection of a roadway and a rail right-of-way that cross each other at the same level (i.e., at grade). For street-running operations, each street intersection is considered a grade crossing (excludes driveways and parking lot entrances).

Source: *NTD Glossary*

Hazard: 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.

Source: *49 CFR Part 674.7*

Initial training: The group of specific courses an individual must complete within three (3) years of enrollment in the Public Transportation Safety Certification Training Program to receive their first program certificate.

Source: *49 CFR Part 672.5*

Injury: Any harm to persons as a result of a safety event that requires immediate medical attention away from the scene. Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.

Source: *49 CFR Part 674.7*

Inspection: A physical observation of equipment, facilities, rolling stock, operations, or records for the purpose of gathering or analyzing facts or information.

Source: *49 CFR Part 670.5*

Investigation: The process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating safety risk.

Source: *49 CFR Part 674.7*

Joint labor-management process: A formal approach to discuss topics affecting transit workers and the public transportation system.

Source: *49 CFR Part 673.5*

Life safety reason: A situation, such as a fire, the presence of smoke or noxious fumes, a fuel leak, a vehicle fuel leak, an electrical hazard, a bomb threat, a suspicious item, or other hazard that constitutes a real or potential danger to any person.

Source: *NTD Glossary*

Mainline: The primary rail over which rail transit vehicles travel between stations. The mainline excludes yard and siding track.

Source: *NTD Glossary*

MAP-21 Moving Ahead for Progress in the 21st Century Act: Legislation signed into law by President Obama on July 6, 2012. MAP-21 funded surface transportation programs at over $105 billion for fiscal years 2013 and 2014 and was the first long-term highway authorization enacted since 2005.

Source: *Transportation.gov*

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

Source: *49 CFR Part 674.7*

Near Miss: see "Close Call."

NTD National Transit Database: A reporting system that collects public transportation financial and operating information.

Source: *NTD Glossary*

NTSB National Transportation Safety Board: An independent Federal agency.

Source: *49 CFR Part 674.7*

Passenger: An individual on board, boarding, or alighting from a revenue transit vehicle. Excludes operators, transit employees and contractors.

Source: *NTD Glossary*

Patron: An individual on transit property such as a bus stop or transit facility.

Source: *NTD Glossary*

Pattern or practice: Two or more findings by FTA of a recipient's violation of the requirements of 49 U.S.C. 5329 or the regulations thereunder.

Source: *49 CFR Part 670.5*

Performance measure: An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Source: *49 CFR Part 673.5*

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

Source: *49 CFR Part 674.7*

Potential consequence: The effect of a hazard.

Source: *49 CFR Part 674.7*

Predictive (Future): Analyzes system process and environment to identify potential/ future problems.

Source: *Safety Management System | Federal Aviation Administration (faa.gov)*
("How Safety Management System (SMS) Addresses the Organization's Role in Safety")

Proactive (Present): Actively seeks the identification of hazardous conditions through the analysis of the organization's process.

Source: *Safety Management System | Federal Aviation Administration (faa.gov)*
("How Safety Management System (SMS) Addresses the Organization's Role in Safety")

Public transportation: Has the meaning found in 49 U.S.C. 5302.

Source: *49 CFR Part 674.7*

Public transportation agency safety plan: The documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and part 673 of this chapter.

Source: *49 CFR Part 674.7*

Public transportation safety certification training program: The certification training program that is required by 49 U.S.C. 5329(c) and part 672 of this chapter.

Source: *49 CFR Part 674.7*

Rail fixed guideway public transportation system: Any fixed guideway system, or any such system in engineering or construction, 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. These include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Source: *49 CFR Part 674.7*

Rail transit agency (RTA): Any entity that provides services on a rail fixed guideway public transportation system.

Source: *49 CFR Part 674.7*

Rail transit vehicle: Any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

Source: *49 CFR Part 674.7*

RCW Revised Code of Washington: The compilation of all permanent laws in force in the State of Washington. It is a collection of Session Laws (enacted by the Legislature, and signed by the governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

Source: *Apps.leg.wa.gov*

Readiness for service: Review, analysis, and recommended procedures that FTA expects of Project Management Oversight Contractors (PMOCs) when evaluating project sponsors' readiness for service -- completion of system integration testing and pre-revenue operations and management capacity and capability.

A combination of all the following for a new transit facility:

- Completion of system integration testing of project components, equipment, subassemblies, assemblies, subsystems, and systems
- Fulfillment of safety and security certification requirements
- Completion of pre-revenue operations; and confirmation that the project sponsor or operator has the management capacity and capability to operate the new transit facility

Source: *FTA OP-54*

Reactive (Past): Responds to events that already happened, such as incidents and accidents.

Source: *Safety Management System | Federal Aviation Administration (faa.gov)*
("How Safety Management System (SMS) Addresses the Organization's Role in Safety")

Recertification: The process of renewing an individual›s Public Transportation Safety Certification Training Program certification for two years.

Source: *49 CFR Part 672.5*

Recertification training: The training courses or activities designated personnel must complete within two (2) years of completing the Public Transportation Safety Certification Training Program curriculum to maintain certification and every two (2) years thereafter.

Source: *49 CFR Part 672.5*

Recipient: A state or local governmental authority, or any other operator of public transportation that receives financial assistance under 49 U.S.C. Chapter 53. The term "recipient" includes state safety oversight agencies.

Source: *49 CFR Part 670.5*

Record: Any writing, drawing, map, recording, diskette, DVD, CD-ROM, tape, film, photograph, or other documentary material by which information is preserved. The term "record" also includes any such documentary material stored electronically.

Source: *49 CFR Part 670.5*

Reportable evacuation: A condition that occurs when persons depart from transit vehicles or facilities for life safety reasons. Evacuations to a location that may put passengers or patrons in imminent danger (e.g., controlled rail right-of-way) must also be reported.

Source: *NTD Glossary*

Revenue vehicle: A rail transit vehicle used to provide revenue service for passengers. This includes providing fare free service.

Source: *49 CFR Part 674.7*

Right of way: The area through which a train travels. A train's dynamic envelope, to include the track and the area around the track.

Source: *NTD Glossary*

Risk-based inspection program: An inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.

Source: *49 CFR Part 674.7*

Root Cause: is a fundamental, underlying, system-related reason why an incident occurred that identifies one or more correctable system failures.

Source: *The Importance of Root Cause Analysis During Incident Investigation (osha.gov)*

Runaway train: A train which is no longer under the control of a driver regardless of whether the operator is physically on the vehicle at the time. This is limited to revenue vehicles.

Source: *NTD Glossary*

Safety assurance: Processes within a transit agency's safety management system that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Source: *49 CFR Part 673.5*

Safety Committee: The formal joint labor-management committee on issues related to safety that is required by 49 U.S.C. 5329 and this part.

Source: *49 CFR Part 673.5*

Safety event: An unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Source: *49 CFR Part 674.7*

Safety management policy: A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities for the management of safety.

Source: *49 CFR Part 673.5*

Safety management system: The formal, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing hazards and safety risk.

Source: *49 CFR Part 670.5*

Safety management system executive: A chief safety officer or equivalent.

Source: *49 CFR Part 673.5*

Safety Performance target: A quantifiable level of performance or condition, expressed as a value for the measure, related to safety management activities, to be achieved within a specified time period.

Source: *49 CFR Part 673.5*

Safety promotion: A combination of training and communication of safety information to support safety management system as applied to the transit agency's public transportation system.

Source: *49 CFR Part 673.5*

Safety review: A review or analysis of safety records and related materials.

Source: *49 CFR Part 672.5*

Safety Risk: The composite of predicted severity and likelihood of the potential consequence of a hazard.

Source: *49 CFR Part 674.7*

Safety risk assessment: The formal activity whereby a transit agency determines safety risk management priorities by establishing the significance or value of its safety risks.

Source: *49 CFR Part 673.5*

Safety risk management: A process within a transit agency's public transportation agency safety plan for identifying hazards and analyzing, assessing, and mitigating safety risk of their potential consequences.

Source: *49 CFR Part 673.5*

Safety risk mitigation: A method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.

Source: *49 CFR Part 674.7*

SSO WSDOT State Safety Oversight Program: A program within WSDOT that oversees safety for public rail fixed guideways and serves as the State of Washington's federally designated state safety oversight agency.

Source: *wsdot.wa.gov*

State: A state of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

Source: *49 CFR Part 674.7*

State of good repair: The condition in which a capital asset can operate at a full level of performance.

This means the asset:

- Can perform its designed function
- Does not pose a known unacceptable safety risk
- Has met or recovered lifecycle investments

Source: *NTD Glossary*

State safety oversight agency: An agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in 49 CFR part 674.

Source: *49 CFR Part 674.7*

State Safety Oversight Reporting System: A web-based tool for entering, tracking, submitting transit state safety oversight data to the FTA.

Source: *State Safety Oversight Reporting User Manual*

Substantial damage: Damage to transit or non-transit property including vehicles, facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the rail transit agency and adversely affects the structural strength, performance, or operating characteristics of the property, requiring towing, rescue, on-site maintenance, or immediate removal prior to safe operation.

Source: *NTD Glossary*

Suicide: Self-inflicted harm where the intention of the person was to cause a fatal outcome and death occurs. The intent can be determined by any reasonable method including police reports and eyewitness account.

Source: *NTD Glossary*

Testing: An assessment of equipment, facilities, rolling stock or operations of a recipient's public transportation system.

Source: *49 CFR Part 670.5*

Transit asset management plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

Source: *49 CFR Part 673.5*

Transit worker: Any employee, contractor, or volunteer working on behalf of the transit agency.

Source: *49 CFR Part 673.5*

Trespasser: A person in an area of transit property not intended for public use (i.e., an unauthorized area).

Source: *NTD Glossary*

TSA Transportation Security Administration: An agency of the U.S. Department of Homeland Security that has authority over the security of the traveling public in the United States.

Source: *tsa.gov*

TSI Transportation Safety Institute: A part of the U.S. Department of Transportation created to support the department's mission of ensuring safety and security in the nation's transportation system.

Source: *transportation.gov*

TSO Office of Transit Safety and Oversight: An office within the FTA that helps make transit safer through policy development, hazard investigation, data collection, risk analysis, oversight programs and information sharing.

Source: *transit.dot.gov*

TSSP Transit Safety and Security Program: A certificate program which recognizes the rail and bus transportation safety and security professionals who have successfully completed the required course work and core competencies to earn a TSSP certificate of completion.

Source: *transportation.gov*

Unintended train movement: Any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service.

Source: *49 CFR Part 674.7*

U.S.C. United States Code: A consolidation and codification by subject matter of the general and permanent laws of the United States.

Source: *uscode.house.gov*

Voluntary participant: An individual participating in the Public Transportation Safety Certification Training Program that is not subject to the requirements of this part, including:

(1) Employees and contractors of an applicable recipient that have not been designated under § 672.11(a) or § 672.13(a), and

(2) Individuals who are not employees or contractors of an applicable recipient.

Source: *49 CFR Part 672.5*

WAC Washington Administrative Code: The regulations of executive branch agencies in the State of Washington, issued by authority of statutes.

Source: *apps.leg.wa.gov*

WSDOT Washington State Department of Transportation: A State of Washington governmental agency that constructs, maintains, and regulates the use of the state's transportation infrastructure.

Source: *wsdot.wa.gov*