Washington State Rail Safety Oversight Program Standard

M 3138

Version 5.0
Updated: March 2022

Public Transportation Division
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Contents

Change log ................................................................. 7

Signature pages ........................................................ 8
  Washington State Department of Transportation ..................... 8
  Central Puget Sound Regional Transit Authority (Sound Transit) .. 9
    Link and Tacoma Link Light Rail ................................... 9
  City of Seattle ....................................................... 9
  Seattle Streetcar ..................................................... 9
  Seattle Center Monorail ............................................... 9

Introduction .................................................................. 10
  From system safety to safety management systems .................. 10
  Transition to 49 CFR Part 674 and certification ...................... 12
  Program standard organization and crosswalk ....................... 13

Chapter 1: Program management ..................................... 1-1
  Authority ................................................................. 1-1
    Program oversight of rail properties .................................. 1-3
    Program staff and training .............................................. 1-3
    Program responsibilities ............................................... 1-4
    Program grant funding .................................................. 1-5
  Policies and procedures ................................................ 1-5
  Reporting requirements .................................................. 1-6
    SSO annual report to FTA .............................................. 1-6
    SSO annual report to the governor, FTA, and boards of directors .. 1-6
    Rail property reporting to FTA and SSO .............................. 1-6
  Communication and coordination with rail properties ............... 1-7
    Access and coordination ............................................... 1-7
    Data collection, tracking, and analysis ............................. 1-8
    Federal information requests to rail properties .................... 1-8
    Risk monitoring and hazard management activities ................ 1-9
  Risk monitoring at rail properties .................................... 1-11
    Transit industry risk monitoring data and information ........... 1-12
    All-hazards evaluation/analysis and prioritization model ......... 1-13
  Triennial audit of the SSO by FTA .................................... 1-14
Chapter 2: Program standard development ........................................ 2-1
  Updates to the Program Standard and annual review ....................... 2-1
  Minimum standards for safety .................................................... 2-2
    Agency safety plan ............................................................. 2-3
    System security plan and emergency management plan .......... 2-3
    Emergency operations plan .................................................. 2-3
    Rail operating rule book ..................................................... 2-4
    Right-of-way or roadway worker protection plan ................. 2-4
    Command and control/train control standard operating procedures .... 2-4
    Safety event and hazard investigation procedures .................... 2-4
    Procedure requiring review of standard operating procedures related to safety .... 2-4
    Operational hazard assessment, safety risk management plan, and safety risk register ..... 2-4
    Safety certification plan ..................................................... 2-5
    Configuration management plan .......................................... 2-5
    Transit asset management plan ........................................... 2-5
    Field supervision standard operating procedures .................... 2-5
    Inspection and maintenance manuals, standard operating procedures, and industry standards for inspection and maintenance practices .......... 2-5
    Drug and alcohol program policy ......................................... 2-6
    Occupational safety related activities .................................... 2-6

Chapter 3: Program policy, objectives, and enforcement authority ........ 3-1
  Policy .............................................................................. 3-1
  Objectives ........................................................................ 3-1
  Enforcement authority .......................................................... 3-2

Chapter 4: Oversight of agency safety plans and internal safety reviews ... 4-1
  Agency safety plan requirements ............................................ 4-1
  Components of safety management systems ................................ 4-2
    Safety management policy .................................................. 4-3
    Safety risk management policy ........................................... 4-3
    Safety assurance ............................................................. 4-3
    Safety promotion ............................................................ 4-3
    Safety plan documentation ................................................ 4-4
Submission, review, and approval of agency safety plans .......................... 4-4
  Initial agency safety plan submission ............................................ 4-4
  Annual agency safety plan submission, review, and approval .......... 4-4
  Interim agency safety plan revisions .......................................... 4-5
  Safety plan requirements for new rail properties ...................... 4-5
  Safety certification requirements for rail property expansions ...... 4-6
Oversight of internal safety audits .................................................. 4-6
  Three-year audit plan and audit notification .............................. 4-6
  Safety audit topics ................................................................... 4-7
  Final internal audit report and SSO acceptance ...................... 4-8
  Auditor independence ............................................................... 4-9
Annual internal safety audit reporting ........................................... 4-9

Chapter 5: Triennial audits ............................................................... 5-1
  Triennial audit process ............................................................. 5-1
    Review team ......................................................................... 5-1
    Audit notification and schedule ........................................... 5-2
    Audit plan ............................................................................ 5-2
    On-site phase ....................................................................... 5-2
    Audit report ........................................................................... 5-3

Chapter 6: Accident notification .................................................... 6-1
  Thresholds for two-hour accident notification to the Federal Transit Administration .......... 6-1
    Notification process ................................................................. 6-2
    Additional state 2-hour notification standards ...................... 6-3
    Thirty-day notification of safety events to SSO .................. 6-4
    Notifications to other federal agencies ......................... 6-5

Chapter 7: Investigations ................................................................. 7-1
  Rail property led investigations ................................................. 7-1
  SSO participation ..................................................................... 7-1
  Federal participation ................................................................. 7-1
  Required milestones ................................................................. 7-2
  Final report format ................................................................... 7-2
  Review and adoption of final reports ......................................... 7-3
  Procedures ............................................................................... 7-3
  Training ...................................................................................... 7-3
  Inspections ............................................................................... 7-4
<table>
<thead>
<tr>
<th>Chapter 8: Corrective action plans</th>
<th>8-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sources of corrective action plans</td>
<td>8-1</td>
</tr>
<tr>
<td>Elements of a corrective action plan</td>
<td>8-2</td>
</tr>
<tr>
<td>Submission and approval</td>
<td>8-2</td>
</tr>
<tr>
<td>Monitoring and closure</td>
<td>8-3</td>
</tr>
<tr>
<td>Disputes</td>
<td>8-3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 9: Annual reporting</th>
<th>9-11</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Appendix A: FTA state safety oversight regulations and authority</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix B: State of Washington state safety oversight regulations and authority</td>
<td>B-1</td>
</tr>
<tr>
<td>Appendix C: Washington state governor's designation and Federal Transit Administration's certification of state safety oversight agency</td>
<td>C-1</td>
</tr>
<tr>
<td>Appendix D: SSO training plan</td>
<td>D-1</td>
</tr>
<tr>
<td>Appendix E: SSO description and contacts</td>
<td>E-1</td>
</tr>
<tr>
<td>Appendix F: Sound Transit Link Light Rail System description, contacts, and safety-program-related control documents</td>
<td>F-1</td>
</tr>
<tr>
<td>Appendix G: Sound Transit Tacoma Link System description, contacts, and safety-program-related control documents</td>
<td>G-1</td>
</tr>
<tr>
<td>Appendix H: Seattle Streetcar System description, contacts, and safety-program-related control documents</td>
<td>H-1</td>
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<tr>
<td>Appendix I: Seattle Center Monorail System description, contacts, and safety-program-related control documents</td>
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<td>Glossary</td>
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### Change log

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<tr>
<td>4.0</td>
<td>September 2020</td>
<td>N/A</td>
<td>N/A</td>
<td>Significant revision to address guidance from FTA for SSO 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.</td>
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| 5.0     | March 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.  
- Includes new language regarding new starts; in particular, added reference to 49 CFR part 673. |
|         |            | 6 – Accident Notification | Notification Process | • Additional information to be included in the initial notification to the SSO and/or FTA |
|         |            | 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. |
Signature pages

Washington State Department of Transportation

Signature: _____________________________  Date: _____________
Roger Millar, Secretary of Transportation

Signature: _____________________________  Date: _____________
Brian Lagerberg, Director, Public Transportation Division

Signature: _____________________________  Date: 4/27/2022
Molly Hughes, Washington State Rail Safety Oversight Program Manager
Central Puget Sound Regional Transit Authority (Sound Transit)

Link and Tacoma Link Light Rail

Signature: [Signature] Date: _____________

Brooke Belman, Accountable Executive

Signature: David Wright Date: _____________

David Wright, Chief Safety Officer

City of Seattle

Seattle Streetcar

Signature: Kristen Simpson Date: _____________

Kristen Simpson, Accountable Executive

Signature: Curtis Ailes Date: _____________

Curtis Ailes, Chief Safety Officer

Seattle Center Monorail

Signature: __________________________ Date: 4/18/22
Robert Nellams, Accountable Executive

Signature: __________________________ Date: 4/18/22
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 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.

The authorities for the regulations and requirements below are in 49 U.S.C. Section 5329. For more information, see Appendix A.

49 CFR Part 674, State safety oversight

This is a final rule published by FTA in 2016 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 system safety program plan and public transportation agency safety plan.

Under the 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.

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\(^1\) This program standard uses the term rail property in place of rail fixed guideway public transportation systems (49 CFR Part 674), rail fixed guideway system (49 CFR Part 659), and rail transit agency to refer to a rail property that is under the jurisdiction of a state safety oversight agency, specifically SSO. For simplification, this program standard uses the term "rail property" except when quoting the regulations.
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 to provide safety advisories, general directives, and special directives to transit agencies, states, and state safety oversight agencies.

49 CFR Part 670.31, National Safety Plan

FTA issued the 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.

49 CFR Part 672, Safety certification training program

This is a final rule published by FTA in 2018 requiring safety-related training for safety and oversight for specific 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). 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 that is specific to each rail system to which a state provides safety oversight.

49 CFR Part 673, Public transportation agency safety plan

This is a final rule published by FTA in 2018 that requires rail properties use transit-specific safety management system framework through public transportation agency safety plans. Rail properties must have approved plans by July 20, 2020.

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.

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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.
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.


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.

**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 and objectives
- **Chapter 4**: Oversight of agency safety plans and internal safety reviews
- **Chapter 5**: Triennial audits
- **Chapter 6**: Accident notification
- **Chapter 7**: Investigations
- **Chapter 8**: Corrective action plans
- **Chapter 9**: Annual reporting
- **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
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- **Appendix I**: Seattle Center Monorail System description, contacts, and safety-program-related control documents
- **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.

Crosswalk

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

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<tr>
<td>674.1, Purpose</td>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td>674.3, Applicability</td>
<td>Introduction</td>
<td></td>
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<tr>
<td>674.5, Policy</td>
<td>Introduction</td>
<td></td>
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<tr>
<td>674.7, Definitions</td>
<td>Glossary</td>
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<td>674.9, Transition from previous requirements for state safety oversight</td>
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<th>Subpart B – Role of the state</th>
<th>49 CFR Part 674, State safety oversight</th>
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<tr>
<td>674.11, State safety oversight program</td>
<td>Chapter 1</td>
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<td>Chapter 1 (Waiver process not applicable)</td>
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<td>674.15, Designation of oversight agency for multi-state system</td>
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<td>674.17, Use of Federal financial assistance</td>
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<td>674.19, Certification of a state safety oversight program</td>
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<td>674.21, Withholding of federal financial assistance for noncompliance</td>
<td>Chapter 1</td>
</tr>
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<tr>
<td>674.25, Role of the state safety oversight agency</td>
<td>Chapters 1, 2, 4, and 7</td>
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<td>674.27, State safety oversight program standards</td>
<td>Introduction, chapters 1-9</td>
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<td>674.29, Public transportation agency safety plans: General requirements</td>
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<td>674.31, Triennial audits: General requirements</td>
<td>Chapter 5</td>
</tr>
<tr>
<td>674.33, Notifications of accidents</td>
<td>Chapter 6</td>
</tr>
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<td>674.41, Conflicts of interest</td>
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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.

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 468-550-080** – 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.

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


Program staff and training

The WSDOT Public Transportation Division houses SSO. FTA certified SSO with 4.1 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 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:

- Requiring rail properties to develop and implement an agency safety plan 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 per 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 for the following phases:
  - Engineering and construction.
  - Safety and security certification.
  - Transition to operations and maintenance.

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

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1 For this program standard, capital projects include extension of existing transit lines, new rail transit system capital projects, significant upgrades to rail stations, and purchases of new or refurbished rail vehicles.
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 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 2021.

<table>
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<th>Fiscal year</th>
<th>FTA grant funding (80 percent)</th>
<th>State match (20 percent)</th>
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<tr>
<td>2015</td>
<td>$547,204</td>
<td>$136,801</td>
</tr>
<tr>
<td>2016</td>
<td>$558,433</td>
<td>$139,608</td>
</tr>
<tr>
<td>2017</td>
<td>$559,445</td>
<td>$139,861</td>
</tr>
<tr>
<td>2018</td>
<td>$600,480</td>
<td>$150,120</td>
</tr>
<tr>
<td>2019</td>
<td>$643,561</td>
<td>$160,890</td>
</tr>
<tr>
<td>2020</td>
<td>$661,067</td>
<td>$165,267</td>
</tr>
<tr>
<td>2021</td>
<td>$774,302</td>
<td>$193,576</td>
</tr>
</tbody>
</table>

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
- Inspections and meetings with the Washington rail properties, Chapter 1, Communication and coordination with rail properties

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 05*, 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.

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.

For more information on this requirement, see chapters 6, 7, 8, and 9, as well as *Washington State Rail Safety Oversight Program Reference Guide, Section 13*. 


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.
- Construction.
- Testing.
- 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).
- Staff at all levels (i.e., executives, directors, middle management, supervisors, line staff, contracted staff).

When accessing facilities and systems, SSO staff must follow all rail property operations, maintenance, and safety requirements and procedures.

A rail property’s chief safety officer will be SSO’s primary contact for safety oversight. SSO may coordinate and plan safety program oversight with a rail property’s safety program manager. SSO also expects contact and coordination with rail-related departments 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.

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

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 (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.

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.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Output</th>
</tr>
</thead>
</table>
| Notification and investigation of reportable events and hazardous conditions. | Rail property  
  - Notification.  
  - Initial accident report (also known as the “48-Hour Report”).  
  - Draft final investigation report.  
  - Approved and adopted draft 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. |
<table>
<thead>
<tr>
<th>Activity</th>
<th>Output</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections at rail properties.</td>
<td>SSO</td>
</tr>
<tr>
<td></td>
<td>□ Inspection schedule.</td>
</tr>
<tr>
<td></td>
<td>□ Written inspection results containing identified issues or findings.</td>
</tr>
<tr>
<td></td>
<td>Rail property</td>
</tr>
<tr>
<td></td>
<td>□ Developed and approved corrective action plans from inspection findings.</td>
</tr>
<tr>
<td>Technical training plan for SSO staff.</td>
<td>SSO</td>
</tr>
<tr>
<td></td>
<td>□ Rail property awareness training.</td>
</tr>
<tr>
<td></td>
<td>□ On-site activities (e.g., riding the rail system, participating in rail property safety efficiency and enforcement activities).</td>
</tr>
<tr>
<td>SSO review and approval of annual rail property agency safety plan update (completed as part of the rail property annual report).</td>
<td>Rail property</td>
</tr>
<tr>
<td></td>
<td>□ Annual update/internal approval for agency safety plan, including approval from board of directors or equivalent.</td>
</tr>
<tr>
<td>SSO program review and approval of rail property minimum safety standards.</td>
<td>Rail property</td>
</tr>
<tr>
<td></td>
<td>□ Track minimum standards for safety in rail property appendix.</td>
</tr>
<tr>
<td></td>
<td>□ Provide SSO access to minimum standards for safety.</td>
</tr>
<tr>
<td></td>
<td>□ Update minimum standards for safety based on investigations, audits, and industry experience.</td>
</tr>
<tr>
<td>SSO program triennial safety program audit of rail properties.</td>
<td>SSO</td>
</tr>
<tr>
<td></td>
<td>□ Checklists.</td>
</tr>
<tr>
<td></td>
<td>□ Draft audit report.</td>
</tr>
<tr>
<td></td>
<td>□ Final audit report.</td>
</tr>
<tr>
<td></td>
<td>Rail property and SSO</td>
</tr>
<tr>
<td></td>
<td>□ Corrective action plans, developed by rail properties and approved by SSO.</td>
</tr>
</tbody>
</table>
**Risk monitoring at rail properties**

SSO conducts safety oversight by:
- Meeting with rail property staff.
- Inspecting rail property facilities and infrastructure.
- Riding the rail system as often as resources allow.

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. SSO's goal as a program is to conduct risk 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.

<table>
<thead>
<tr>
<th>Transit industry risk monitoring data and information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing safety performance measures (under the NTD)</strong></td>
</tr>
<tr>
<td>• Casualties</td>
</tr>
<tr>
<td>– Fatalities (i.e., customers, employees, and the public).</td>
</tr>
<tr>
<td>– Injuries (i.e., customers, employees, and the public).</td>
</tr>
<tr>
<td>• Property damage</td>
</tr>
<tr>
<td>• Reportable events (accidents)</td>
</tr>
<tr>
<td>– Train derailments (i.e., mainline, yard, side tracks).</td>
</tr>
<tr>
<td>– Collisions (i.e., vehicle-to-vehicle, vehicle-to-person, vehicle-to-object).</td>
</tr>
<tr>
<td>– Collisions at grade-crossings.</td>
</tr>
<tr>
<td>– Fires.</td>
</tr>
<tr>
<td>– Evacuations for life safety reasons.</td>
</tr>
<tr>
<td><strong>Results from reportable event (accident) investigations</strong></td>
</tr>
<tr>
<td>• Probable cause.</td>
</tr>
<tr>
<td>• Contributing factors.</td>
</tr>
<tr>
<td>• Corrective actions.</td>
</tr>
<tr>
<td><strong>Audit results</strong></td>
</tr>
<tr>
<td>• Findings.</td>
</tr>
<tr>
<td>• Corrective actions.</td>
</tr>
<tr>
<td><strong>Safety risk management and monitoring information</strong></td>
</tr>
<tr>
<td>• Safety and security reporting from all levels of the organization.</td>
</tr>
<tr>
<td>• Violations of operations and maintenance rules.</td>
</tr>
<tr>
<td>• Job-based certification and awareness training.</td>
</tr>
<tr>
<td>• All-hazards preparedness analyses.</td>
</tr>
<tr>
<td>• Operations and maintenance performance, including state of good repair and transit asset management.</td>
</tr>
<tr>
<td>• Monitoring of hazard logs.</td>
</tr>
<tr>
<td>• Crime trends, such as trespassing, perimeter breaches, and fare evasion.</td>
</tr>
<tr>
<td>• Fitness for duty, including drug/alcohol program results and hours of service.</td>
</tr>
<tr>
<td>• Liability losses.</td>
</tr>
<tr>
<td>• Customer complaint information.</td>
</tr>
<tr>
<td>• Changes to management, operations, or maintenance.</td>
</tr>
<tr>
<td>• Studies of hazardous materials, spills, and environmental concerns.</td>
</tr>
<tr>
<td>• Ad hoc studies of hazards, threats, and vulnerabilities.</td>
</tr>
</tbody>
</table>
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 accident 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 the onsite portion of an audit, TSO’s audit team requests documentation that SSO collects from the program and rail property files. The onsite 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 onsite portion and any inspections 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 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 and FTA guidance). During this review, which will generally occur during the fourth quarter of the year, 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.

Prior to finalizing a new program standard version, SSO will circulate a draft program standard with proposed changes to the rail properties for a 30-day comment period.

Following the comment period, the SSO program manager should approve and incorporate 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 SSO.

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 [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 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

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, 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.

\(^1\) Also known as safety-program-related control documents.
Rail properties should base their safety-related standards on existing transit industry standards including:

- The American Public Transportation Association
- The National Fire Protection Association
- The American Railway Engineering and Maintenance of Way Association

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.

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.

**Agency safety plan**

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 and emergency management plan**

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 such, SSO requires that rail properties develop a system security plan and an emergency management plan. SSO will oversee the system security plan and the emergency management plan 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**

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 or roadway worker protection 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.

Command and control/train control standard operating procedures

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 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 adopt and approve these procedures in order to authorize the rail property to be the lead investigator for SSO.

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 designee 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 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.
- The rail property’s process for ensuring that all safety design criteria exist, are comprehensive, and are properly addressed. This includes integrated testing, configuration management, and exceptions formally accepted by the transit agency.

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

Related 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 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

SSO seeks to provide proactive and progressive oversight to address emerging or uncontrolled safety risk at rail properties. 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

- 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-related investigations and internal safety audits at rail properties.\(^1\)
- Participate in and technically review safety-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

FTA completed its final rule for agency safety plans on July 18, 2018 (49 CFR Part 673).

Each rail property must develop an agency safety plan and receive approval for the plan from the agency’s board of directors or equivalent and SSO before July 20, 2020.¹ Rail properties may continue to use system safety program plans compliant with 49 CFR Part 659 until July 20, 2020.

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

Requirements for rail properties’ 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.


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.²
- 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.

¹ 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.
² 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.
- 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.\(^3\)


**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.

![Safety Management System Components Diagram]

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

Source: 49 CFR Part 673.21, General requirements.

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\(^3\) This requirement includes subsequent updates to the plan.
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.


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


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 since 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 an inventory of referenced documents with revision dates to ensure SSO’s efficient and complete review of the rail property’s safety program.

Safety plan requirements for new rail properties\(^4\)

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.

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\(^4\) 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\(^5\)

The *Washington State Rail Safety Oversight Program Standard* is effective for system expansions or major enhancements to existing rail properties from engineering and construction through testing and start of operations. Additionally, the program standard requires rail properties to develop plans that address safety for all phases of rail projects for all rail transit systems and facilities.

SSO may participate in the rail property's onsite readiness-for-service assessment to assess the capabilities of the rail property to implement its agency safety plan during passenger operations for system expansion. The rail property may conduct this assessment in conjunction SSO's review and approval of the initial agency safety plan submission. For more information, see *Washington State Rail Safety Oversight Program Reference Guide, Section 18*.

**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., 2020-2022).

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.

\(^5\) 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 of 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 8.

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.

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 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 9.
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 a rail property's implementation of its 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.
- 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.


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 with rail properties. If rail property staff have concerns regarding the audit process, SSO encourages them to contact the program and share their 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, a contractor, 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.
- 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

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 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 between two days and two weeks interviewing staff, discussing documentation, and observing rail property staff perform their functions.

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.

The review team will give rail property staff every 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.
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, and 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 with rail property staff in the event that 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. 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: Accident 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.


Thresholds for two-hour accident notification to the Federal Transit Administration

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

<table>
<thead>
<tr>
<th>Accident</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatalities.</td>
<td>One or more fatalities within 30 calendar days of safety event.</td>
</tr>
<tr>
<td>Injuries.</td>
<td>One or more serious injuries.</td>
</tr>
<tr>
<td>Collision between a rail transit vehicle and another rail transit vehicle.</td>
<td>All, except normal coupling of rail cars in a yard.</td>
</tr>
<tr>
<td>Collision of a rail transit vehicle at a grade crossing.</td>
<td>Only those resulting in substantial damage, serious injury, or fatality.</td>
</tr>
<tr>
<td>Collision of a rail transit vehicle with a person, motor vehicle, or object.</td>
<td>Only those resulting in substantial damage, serious injury, or fatality.</td>
</tr>
<tr>
<td>A runaway train.</td>
<td>All.</td>
</tr>
<tr>
<td>Evacuations.</td>
<td>All (due to life safety reasons).</td>
</tr>
<tr>
<td>Derailments.</td>
<td>All (i.e., mainline or yard)</td>
</tr>
<tr>
<td>Property damage.</td>
<td>Substantial damage only for collisions with a person, object, or at a grade crossing.</td>
</tr>
</tbody>
</table>

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.

For initial assistance to determine whether an event is an accident 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 an accident and meets notification, investigation, and reporting thresholds.

Rail properties may determine that some events become reportable accidents based on further information more than two hours after the safety event. Rail properties may also determine that some safety events they reported as accidents 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.
Notification process

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

1. **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.

2. **Within 48 hours:** The rail property must follow up the initial 2-hour notification by filling out an initial 48-hour accident report form and submitting it to SSO within 48 hours of the incident via email at TransitSafety@wsdot.wa.gov.
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. Collisions with objects that result in non-serious injuries and less than substantial damage do not require a 2-hour notification but must be captured in the rail agency’s safety event log, as detailed below.
- Non-controlled evacuation of a rail vehicle for a non-life-safety reason into the right-of-way or street.
- Substantial damage to all rail related assets exceeding $25,000. Excludes collisions or derailments defined as accidents in Thresholds for two-hour accident notification to the Federal Transit Administration.
- 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 service 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 Property 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 accident 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.
**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.

<table>
<thead>
<tr>
<th>Event</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reportable safety events.</td>
<td>- Accidents. • Events meetings state notification standards.</td>
</tr>
<tr>
<td>Significant hazardous conditions.</td>
<td>- Hazards rated as significant through a rail property’s hazard management program.</td>
</tr>
<tr>
<td>Close calls.</td>
<td>- Rail vehicle to motor vehicle or object.</td>
</tr>
<tr>
<td>Safety rule violations.</td>
<td>- 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).</td>
</tr>
<tr>
<td>Rail system damage or problems that may disrupt service.</td>
<td>- 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.</td>
</tr>
<tr>
<td>Emergency or hard braking of rail revenue vehicle.</td>
<td>-</td>
</tr>
<tr>
<td>Vehicles blocking the right of way that is not a close call.</td>
<td>-</td>
</tr>
<tr>
<td>Collision.</td>
<td>- With a motor vehicle, not at a grade crossing. • With a person, non-serious injury. • With an object, non-serious injuries and less than substantial damage.</td>
</tr>
<tr>
<td>Person(s) too close to rail dynamic envelope or trespassing on the right of way, not a close call.</td>
<td>-</td>
</tr>
<tr>
<td>Patron at station platform too close to rail dynamic envelope, not a close call.</td>
<td>-</td>
</tr>
</tbody>
</table>
**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 in 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 any 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 a 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.


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 accident 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.

SSO will only take over and lead the investigations under unusual circumstances (e.g., the rail property’s safety department cannot perform the accident investigation due to a conflict of interest).

In the event that SSO staff lead or participate in an investigation, staff will follow a rail property’s approved investigation procedures, including following all of 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.

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

In the event that FTA or NTSB take over or join an investigation, a rail property must support the federal agency’s investigation.

Rail property and SSO staff will follow the rules and requirements 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 will develop corrective action plans to implement any of the report’s recommendations. SSO will review and approve these plans as outlined in Chapter 8.

\(^1\) Reportable safety events are generally safety-related but could also be security-related.
**Required milestones**

During rail property-led accident investigations, rail properties must:

- **Submit an initial accident 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 accident investigation report to SSO.

- **Submit a draft final investigation report within 45 calendar days of the accident**
  
  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 accident investigation reporting timelines may result in a letter of noncompliance. 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-accident safety inspection.
  - Video analysis.
  - Communications analysis.
- Findings; potential causal factors and root-cause analysis; and recommendations in the format of corrective action plans.
- Investigator signature.
- Date of report.
- Persons included in report distribution.
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 an accident, SSO must conduct an independent review of the rail property’s findings of causation.

If a rail property conducts its own internal investigation of an accident 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 accident. 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

Rail properties must develop accident investigation procedures that adhere to the transit industry standard from the American Public Transportation Association.

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

Training

SSO requires rail properties to train investigators according to the FTA 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 of the required trainings and personnel. For additional information reference Chapter 4, Components of safety management systems.

Inspections

As part of its ongoing risk monitoring, SSO intends to conduct independent inspections of issues that rail property or SSO staff identify from safety data tracking and analysis. This activity addresses FTA's requirement of unannounced inspections to follow up on corrective action plans. The rail transit agency will provide the SSO with relevant standard operating procedures and notices prior to the scheduled onsite. For more information about this process, see Washington State Rail Safety Oversight Program Reference Guide, Section 17.

SSO will develop a schedule with a rail property prior to any planned on-site interviews, discussions, or inspections. These inspections will always include appropriate rail property staff, such as those qualified for safely inspecting track or catenary locations.

If SSO discovers concerns during these on-site inspections that constitute an immediate threat to safety on the rail system, SSO will require the rail property staff and management to respond immediately and appropriately to reduce the safety hazard to an appropriate level.

SSO will provide rail properties with any issues or findings in writing, and request that rail property staff provide an explanation of appropriate risk controls or mitigations. In such situations, rail properties should develop corrective action plans in accordance with Chapter 8 and Washington State Rail Safety Oversight Program Reference Guide, Section 15.
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)(8), 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.
- 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 or SSO.
- Emergency response drills and/or exercises.

Based on SSO requirements or a joint decision by SSO and a 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 that result from safety event investigations or internal safety audits as part of an investigation or audit report and submit the plans along with the final report. Alternatively, rail properties have 45 days to develop and submit corrective action plans following a finding from SSO issued as part of a triennial audit. 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 an up-to-date corrective action plan log on a monthly basis. 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, SSO is the authority. However, SSO encourages the rail property to explain their position; SSO intends to listen and be reasonable when using its discretion.
Chapter 9: Annual reporting

SSO must complete an annual report to FTA by March 15 of each year or as required by FTA. The annual report provides FTA with evidence that SSO and rail properties are meeting SSO's objectives.

FTA requires SSO to submit annual reports using a web-based reporting system, the state safety oversight reporting tool. FTA expects SSO to update the system regularly throughout the year, rather than submitting data in bulk to meet the reporting deadline. For more information on this process, see *Washington State Rail Safety Oversight Program Reference Guide, Section 06.*

SSO must submit the following documents in its annual report to FTA:

- *Washington State Rail Safety Oversight Program Standard* updates and annual review (see *Washington State Rail Safety Oversight Program Reference Guide, Section 02*).
- Staff progress towards completion of requirements for the FTA public transportation safety certification training program.
- Data and information submission for each rail property
  - Investigations.
  - Corrective action plans.
  - Rail property certification of compliance, including internal audits.
  - Agency safety plan updates and evidence of review.
  - Level of effort expended by the SSO.
- Triennial safety program audit reports and updates.
- Certification that SSO complies with the 49 CFR Part 674.

*Source: 49 CFR Part 674.39, State safety oversight agency annual reporting to FTA; 49 CFR Part 674.27(b), State safety oversight program standards*
Appendix A: FTA state safety oversight regulations and authority

49 CFR Part 674, State Safety Oversight: Final Rule, March 16, 2016, ecfrio/Title-49/pt49.7.674


49 CFR Part 672, Public Transportation Safety Certification Training Program, July 19, 2018, ecfrio/Title-49/pt49.7.672


Version: 12/28/2019
Subpart A – General Provisions

§ 674.1 Purpose

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

§ 674.3 Applicability

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

§ 674.5 Policy

(a) In accordance with 49 U.S.C. 5329(e), a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have sufficient authority, resources, and qualified personnel to oversee the number, size, and complexity of rail fixed guideway public transportation systems that operate within a State.

(b) FTA will make Federal financial assistance available to help an eligible State develop or carry out its State safety oversight program. Also, FTA will certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of the public transportation safety programs codified at 49 U.S.C. 5329.

§ 674.7 Definitions

As used in this part:

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

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

- **Administrator** means the Federal Transit Administrator or the Administrator’s designee.
• **Contractor** means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.

• **Corrective action plan** means a plan developed by a Rail Transit Agency that describes the actions the Rail Transit Agency will take to minimize, control, correct, or eliminate risks and hazards, and the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require a Rail Transit Agency to develop and carry out a corrective action plan.

• **Event** means an Accident, Incident or Occurrence.

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

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

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

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

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

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

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

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

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

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

• **Public Transportation Safety Certification Training Program** means either the certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 U.S.C. 5329(c)(2), or the program authorized by 49 U.S.C. 5329(c)(1).
• **Rail fixed guideway public transportation system** means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

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

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

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

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

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

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

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

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

§ 674.9 **Transition from previous requirements for State safety oversight**

(a) Pursuant to section 20030(e) of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141; July 6, 2012) ("MAP–21"), the statute now codified at 49 U.S.C. 5330, titled “State safety oversight,” will be repealed three years after the effective date of the regulations set forth in this part.

(b) No later than three years after the effective date of the regulations set forth in this part, the regulations now codified at part 659 of this chapter will be rescinded.

(c) A System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 shall serve as the rail transit agency’s safety plan until one year one year after the effective date of the Public Transportation Agency Safety Plan final rule, which will be codified in part 673 of this chapter.
Subpart B—Role of the State

§ 674.11 State Safety Oversight Program

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

(a) Explicitly acknowledge the State's responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State;

(d) Demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems;

(e) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329(e) and this part;

(f) 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;

(g) 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

(h) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.

§ 674.13 Designation of oversight agency

(a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329(e) must also establish a SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

(1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee;

(2) The SSOA does not directly provide public transportation services in an area with a rail fixed guideway public transportation system the SSOA is obliged to oversee;

(3) The SSOA does not employ any individual who is also responsible for administering a rail fixed guideway public transportation system the SSOA is obliged to oversee;

(4) The SSOA has authority to review, approve, oversee, and enforce the public transportation agency safety plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d);

(5) The SSOA has investigative and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State;
(6) At least once every three years, the SSOA audits every rail fixed guideway public transportation system’s compliance with the public transportation agency safety plan required by 49 U.S.C. 5329(d); and

(7) At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the board of directors, or equivalent entity, of the rail fixed guideway public transportation system.

(b) At the request of the Governor of a State, the Administrator may waive the requirements for financial and legal independence and the prohibitions on employee conflict of interest under paragraphs (a)(1) and (3) of this section, if the rail fixed guideway public transportation systems in design, construction, or revenue operations in the State have fewer than one million combined actual and projected rail fixed guideway revenue miles per year or provide fewer than ten million combined actual and projected unlinked passenger trips per year. However:

(1) If a State shares jurisdiction over one or more rail fixed guideway public transportation systems with another State, and has one or more rail fixed guideway public transportation systems that are not shared with another State, the revenue miles and unlinked passenger trips of the rail fixed guideway public transportation system under shared jurisdiction will not be counted in the Administrator’s decision whether to issue a waiver.

(2) The Administrator will rescind a waiver issued under this subsection if the number of revenue miles per year or unlinked passenger trips per year increases beyond the thresholds specified in this subsection.

§ 674.15 Designation of oversight agency for multi-state system

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

(a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator; or

(b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator.

§ 674.17 Use of Federal financial assistance

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

(b) The apportionments of available Federal financial assistance to eligible States will be made in accordance with a formula, established by the Administrator, following opportunity for public notice and comment. The formula will take into account fixed guideway vehicle
revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems within each eligible State not subject to the jurisdiction of the FRA.

(c) The grants of Federal financial assistance for State safety oversight shall be subject to terms and conditions as the Administrator deems appropriate.

(d) The Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.

(e) The non-Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency.

§ 674.19 Certification of a State Safety Oversight Program

(a) The Administrator must determine whether a State's SSO program meets the requirements of 49 U.S.C. 5329(e). Also, the Administrator must determine whether a SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans.

(b) The Administrator must issue a certification to a State whose SSO program meets the requirements of 49 U.S.C. 5329(e). The Administrator must issue a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e).

(c) In an instance in which the Administrator issues a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e), the Administrator must provide a written explanation, and allow the State an opportunity to modify and resubmit its SSO program for the Administrator's approval. In the event the State is unable to modify its SSO program to merit the Administrator's issuance of a certification, the Administrator must notify the Governor of that fact, and must ask the Governor to take all possible actions to correct the deficiencies that are precluding the issuance of a certification for the SSO program. In his or her discretion, the Administrator may also impose financial penalties as authorized by 49 U.S.C. 5329(e), which may include:

(1) Withholding SSO grant funds from the State;

(2) Withholding up to five percent of the 49 U.S.C. 5307 Urbanized Area formula funds appropriated for use in the State or urbanized area in the State, until such time as the SSO program can be certified; or

(3) Requiring all rail fixed guideway public transportation systems governed by the SSO program to spend up to 100 percent of their Federal funding under 49 U.S.C. chapter 53 only for safety-related improvements on their systems, until such time as the SSO program can be certified.

(d) In making a determination whether to issue a certification or a denial of certification for a SSO program, the Administrator must evaluate whether the cognizant SSOA has sufficient authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State, or will attain the necessary authority, resources, and expertise in accordance with a developmental plan and schedule set forth to a sufficient level of detail in the SSO program.
§ 674.21 Withholding of Federal financial assistance for noncompliance

(a) In making a decision to impose financial penalties as authorized by 49 U.S.C. 5329(e), and determining the nature and amount of the financial penalties, the Administrator shall consider the extent and circumstances of the noncompliance; the operating budgets of the SSOA and the rail fixed guideway public transportation systems that will be affected by the financial penalties; and such other matters as justice may require.

(b) If a State fails to establish a SSO program that has been approved by the Administrator within three years of the effective date of this part, FTA will be prohibited from obligating Federal financial assistance apportioned under 49 U.S.C. 5338 to any entity in the State that is otherwise eligible to receive that Federal financial assistance, in accordance with 49 U.S.C. 5329(e)(3).

§ 674.23 Confidentiality of information

(a) A State, an SSOA, or an RTA may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(b) This part does not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.
Subpart C—State Safety Oversight Agencies

§ 674.25 Role of the State safety oversight agency

(a) An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

(b) An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA’s execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate. An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(d).

(c) An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan. These responsibilities do not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.

(d) An SSOA has primary responsibility for the investigation of an accident on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.

(e) An SSOA may enter into an agreement with a contractor for assistance in overseeing accident investigations; performing independent accident investigations; and reviewing incidents and occurrences; and for expertise the SSOA does not have within its own organization.

(f) All personnel and contractors employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program as applicable.

§ 674.27 State safety oversight program standards

(a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

(1) **Program management.** The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

(2) **Program standard development.** The SSO program standard must explain the SSOA’s process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.
(3) **Program policy and objectives.** The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.

(4) **Oversight of Rail Public Transportation Agency Safety Plans and Transit Agencies’ internal safety reviews.** The SSO program standard must explain the role of the SSOA in overseeing an RTA’s execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA’s fixed guideway public transportation system. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA’s accountable executive. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its rail fixed guideway public transportation system.

(5) **Triennial SSOA audits of Rail Public Transportation Agency Safety Plans.** The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA’s compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

(6) **Accident notification.** The SSO program standard must establish requirements for an RTA to notify the SSOA of accidents on the RTA’s rail fixed guideway public transportation system. These requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

(7) **Investigations.** The SSO program standard must identify thresholds for accidents that require the RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA’s internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

(8) **Corrective actions.** The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a Corrective Action Plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA’s policy and practice for tracking and verifying an RTA’s compliance with the CAP, and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

(b) At least once a year an SSOA must submit its SSO program standard and any referenced program procedures to FTA, with an indication of any revisions made to the program standard since the last annual submittal. FTA will evaluate the SSOA’s program standard as part of its continuous evaluation of the State Safety Oversight Program, and in preparing FTA’s report to Congress on the certification status of that State Safety Oversight Program, in accordance with 49 U.S.C. 5329.
§ 674.29 Public Transportation Agency Safety Plans: general requirements

(a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system, an SSOA must evaluate whether the Public Transportation Agency Safety Plan is consistent with the regulations implementing such Plans; is consistent with the National Public Transportation Safety Plan; and is in compliance with the program standard set by the SSOA.

(b) In determining whether a Public Transportation Agency Safety Plan is compliant with 49 CFR part 673, an SSOA must determine, specifically, whether the Public Transportation Agency Safety Plan is approved by the RTA's board of directors or equivalent entity; sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for the rail fixed guideway public transportation system; includes a process and timeline for annually reviewing and updating the safety plan; includes a comprehensive staff training program for the operations personnel directly responsible for the safety of the RTA; identifies an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the RTA; includes adequate methods to support the execution of the Public Transportation Agency Safety Plan by all employees, agents, and contractors for the rail fixed guideway public transportation system; and sufficiently addresses other requirements under the regulations at 49 CFR part 673.

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

§ 674.31 Triennial audits: general requirements

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

§ 674.33 Notifications of accidents

(a) Two-hour notification. In addition to the requirements for accident notification set forth in an SSO program standard, an RTA must notify both the SSOA and the FTA within two hours of any accident occurring on a rail fixed guideway public transportation system. The criteria and thresholds for accident notification and reporting are defined in a reporting manual developed for the electronic reporting system specified by FTA as required in § 674.39(b), and in appendix A.

(b) FRA notification. In any instance in which an RTA must notify the FRA of an accident as defined by 49 CFR 225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA.
§ 674.35 Investigations

(a) An SSOA must investigate or require an investigation of any accident and is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate an accident, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the accident or incident, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

(b) Within a reasonable time, an SSOA must issue a written report on its investigation of an accident or review of an RTA's accident investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of an accident and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

(c) All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.

(d) The Administrator may conduct an independent investigation of any accident or an independent review of an SSOA's or an RTA's findings of causation of an accident.

§ 674.37 Corrective action plans

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

(b) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.
§ 674.39 State Safety Oversight Agency annual reporting to FTA

(a) On or before March 15 of each year, an SSOA must submit the following material to FTA:

(1) The SSO program standard adopted in accordance with § 674.27, with an indication of any changes to the SSO program standard during the preceding twelve months;

(2) Evidence that each of its employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;

(3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the SSOA in carrying out its oversight activities;

(4) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out CAPs arising from triennial audits conducted in accordance with § 674.31;

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

(6) A certification that the SSOA is in compliance with the requirements of this part.

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

§ 674.41 Conflicts of interest

(a) An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

(b) An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

(c) A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.
## Appendix to Part 674—Notification and Reporting of Accidents, Incidents, and Occurrences

<table>
<thead>
<tr>
<th>Event/Threshold</th>
<th>Human Factors</th>
<th>Property Damage</th>
<th>Types of Events (Examples)</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accident:</strong> RTA to Notify SSOA and FTA within two hours</td>
<td>• Fatality (occurring at the scene or within 30 days following the accident) • One or more persons suffering serious injury</td>
<td>• Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle</td>
<td>• A collision between a rail transit vehicle and another rail transit vehicle • A collision at a grade crossing resulting in serious injury or fatality • A collision with a person resulting in serious injury or fatality • A collision with an object resulting in serious injury or fatality • A runaway train • Evacuation due to life safety reasons • A derailment (mainline or yard) • Fires resulting in a serious injury or fatality</td>
<td>• RTA to notify SSOA and FTA within 2 hours; Investigation required • RTA to report to FTA within 30 days via NTD • RTA to record for SMS Analysis</td>
</tr>
</tbody>
</table>

| **Incident:** RTA to Report to FTA (NTD) within 30 days | • A personal injury that is not a serious injury • One or more injuries requiring medical transportation away from the event | • Non-collision-related damage to equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency | • Evacuation of a train into the right-of-way or onto adjacent track; or customer self-evacuation • Certain low-speed collisions involving a rail transit vehicle that result in a non-serious injury or property damage • Damage to catenary or third-rail equipment that disrupts transit operations. • Fires that result in a non-serious injury or property damage • A train stopping due to an obstruction in the tracks/“hard stops” • Most hazardous material spills | • RTA to report to FTA within 30 days via the NTD • RTA to record for SMS Analysis |

| **Occurrence:** RTA to record data and make available for SSO and/or FTA review | • No personal injury | • Non-collision-related damage to equipment, rolling stock, or infrastructure that does not disrupt the operations of a transit agency | • Close Calls/Near Misses • Safety rule violations • Violations of safety policies • Damage to catenary or third-rail equipment that do not disrupt operations • Vandalism or theft | • RTA will collect, track and analyze data on Occurrences to reduce the likelihood of recurrence and inform the practice of SMS |
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.

§ 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:

• **Accident** means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

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

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

• **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.

- **Equivalent Authority** 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.

- **Event** means any Accident, Incident or Occurrence.

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

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

- **Incident** means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

- **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.

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

- **Operator of a public transportation system** means a provider of public transportation as defined under 49 U.S.C. 5302(14).

- **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.

- **Performance target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

- **Public Transportation Agency Safety Plan** (PTASP) means the 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 that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

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

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

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

- **Safety 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 Management Policy** means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

- **Safety Management System (SMS)** means the formal, top-down, 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 risks and hazards.

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

- **Safety performance target** means a Performance Target related to safety management activities.

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

- **Safety Risk Management** means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

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

- **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 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 (S SOA)** 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 674.

- **Transit agency** means an operator of a public transportation system.

- **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.
Subpart B—Safety Plans

§ 673.11 General requirements.

(a) A transit agency must, within one calendar year after July 19, 2019, 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 the agency’s Board of Directors, or an Equivalent Authority.

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

(3) The Public Transportation Agency Safety Plan must include performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.

(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 an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee 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.

(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 D 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 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) Any rail fixed guideway public transportation system that had a System Safety Program Plan compliant with 49 CFR Part 659 as of October 1, 2012, may keep that plan in effect until one year after July 19, 2019.

(f) 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 agency safety plans for those modes of service.

§ 673.13 Certification of Compliance.

(a) Each transit agency, 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 one year after July 19, 2019. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by rail fixed guideway 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 transit agency, direct recipient, or State must certify its compliance with 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 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.

(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 agency’s safety objectives.

(b) A transit agency must establish and implement a process that allows employees to report safety conditions to senior management, protections for employees who report safety conditions to senior management, and a description of employee behaviors that may result in disciplinary action.

(c) The safety management policy must be communicated throughout the agency's organization.

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

(1) Accountable Executive. The transit agency must identify an Accountable Executive. The Accountable Executive is accountable for ensuring that the agency’s SMS is effectively implemented, throughout the agency’s public transportation system. The Accountable Executive is accountable for ensuring action is take, as necessary, to address substandard performance in the 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.

(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 an 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) 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 an agency’s SMS.
Key staff. A transit agency may designate key staff, groups of staff, or committees to support the Accountable Executive, Chief Safety Officer, or SMS Executive in developing, implementing, and operating the 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: Safety hazard identification, safety risk assessment, and safety risk mitigation.

(b) Safety hazard identification.

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

(2) A transit agency must consider, as a source for hazard identification, data and information provided by an oversight authority and the FTA.

(c) Safety risk assessment.

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

(2) A safety risk assessment includes an assessment of the likelihood and severity of the consequences of the hazards, including existing mitigations, and prioritization of the hazards based on the safety risk.

(d) Safety risk mitigation. A transit agency must establish methods or processes to identify mitigations or strategies necessary as a result of the agency’s safety risk assessment to reduce the likelihood and severity of the consequences.

§ 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 paragraph (b) 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 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

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

(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.

(2) If a transit agency identifies any deficiencies as part of its safety performance assessment, then the transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address the identified safety deficiencies.

§ 673.29 Safety Promotion.

(a) Competencies and training. A transit agency must establish and implement a comprehensive safety training program for all agency employees and contractors directly responsible for safety in the agency's public transportation system. The training program must include refresher training, as necessary.

(b) Safety communication. A transit agency must communicate safety and safety performance information throughout the agency’s organization that, at a minimum, conveys information on hazards and safety risks relevant to employees’ roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.
Subpart D—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 Safety Management System (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 agency uses to carry out its Public Transportation Agency Safety Plan. These documents must be made available upon request by the Federal Transit Administration or other Federal entity, or a State Safety Oversight Agency having jurisdiction. A transit agency must maintain these documents for a minimum of three years after they are created.
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 audits and examinations 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 mandatory requirements of this part will apply only to State Safety Oversight Agency personnel and contractors that conduct safety audits and examinations of rail fixed guideway public transportation systems, and designated personnel and contractors who are directly responsible for the safety oversight of a recipient's rail fixed guideway public transportation systems.

(c) Other FTA recipients may participate voluntarily 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 FTA, a State Safety Oversight Agency, 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 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** means public transportation agency personnel whose primary job function includes the development, implementation and review of the agency's safety plan, and/or the SSOA requirements for the rail fixed guideway public transportation system pursuant to 49 CFR parts 659 or 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.
• **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.

• **Rail fixed guideway public transportation system** means any fixed guideway system as defined in § 674.7 of this chapter.

• **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 audit** means a review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.

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

• **State Safety Oversight Agency (SSOA)** means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR parts 659 and 674.

**Subpart B – Training Requirements**

§ 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 A 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.

§ 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 to 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.
§ 672.15 Evaluation of prior certification and training.

(a) Designated personnel subject to this part 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) Designated personnel 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.

(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.

Subpart C – Administrative Requirements

§ 672.21 Records.

(a) General requirement. Each recipient shall ensure that its designated personnel are enrolled in the PTSCTP. 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.

§ 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 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 designated personnel.
Subpart D – Compliance and Certification Requirements

§ 672.31 Requirement to certify compliance.

(a) A recipient of FTA financial assistance described 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.
Appendix A to Part 672 – Public Transportation Safety Certification Training Program

A. Required Curriculum Over a Three-Year Period

(1) FTA/SSOA personnel and contractor support, and public transportation agency personnel with direct responsibility for safety oversight of rail fixed guideway public transportation systems:

(a) One (1) hour course on SMS Awareness – e-learning delivery (all required participants)

(b) Two (2) hour courses on Safety Assurance – e-learning delivery (all required participants)

(c) Twenty (20) hours on SMS Principles for Transit (all required participants)

(d) Sixteen (16) hours on SMS Principles for SSO Programs (FTA/SSOA/contractor support personnel only)

(e) TSSP curriculum (minus Transit System Security (TSS) course) (all required participants – credit will be provided if participant has a Course Completion Certificate of previously taken TSSP courses)

   (i) Rail System Safety (36 hours)

   (ii) Effectively Managing Transit Emergencies (32 hours)

   (iii) Rail Incident Investigation (36 hours)

(2) FTA/SSOA/contractor support personnel (technical training component):

   (a) Each SSOA shall develop a technical training plan for designated personnel and contractor support personnel who perform safety audits and examinations. The SSOA will submit its proposed technical training plan to FTA for review and evaluation as part of the SSOA certification program in accordance with 49 U.S.C. 5329(e)(7). This review and approval process will support the consultation required between FTA and SSOAs regarding the staffing and qualification of the SSOAs’ employees and other designated personnel in accordance with 49 U.S.C. 5329(e)(3)(D).

   (b) Recognizing each rail fixed guideway public transportation has unique characteristics, each SSOA will identify the tasks related to inspections, examinations, and audits, and all activities requiring sign-off, which must be performed by the SSOA to carry out its safety oversight requirements, and identify the skills and knowledge necessary to perform each 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 safety audits and examinations are conducted:

      (i) Agency organizational structure

      (ii) System Safety Program Plan and Security Program Plan
(iii) Knowledge of agency
   (I) Territory and revenue service schedules
   (II) Current bulletins, general orders, and other associated directives that ensure safe operations
   (III) Operations and maintenance rule books
   (IV) Safety rules
   (V) Standard Operating Procedures
   (VI) Roadway Worker Protection
   (VII) Employee Hours of Service and Fatigue Management program
   (VIII) Employee Observation and Testing Program (Efficiency Testing)
   (IX) Employee training and certification requirements
   (X) Vehicle inspection and maintenance programs, schedules and records
   (XI) Track inspection and maintenance programs, schedules, and records
   (XII) Tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records
   (XIII) Traction power (substation, overhead catenary system, and third rail), load dispatching, inspection and maintenance programs, schedules and records
   (XIV) Signal and train control inspection and maintenance programs, schedules and records

(C) 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:

   (I) Complete training that covers the skills and knowledge needed to effectively perform the tasks.
   (II) Pass a written and/or oral examination covering the skills and knowledge required for the designated personnel to effectively perform his or her tasks.
   (III) Demonstrate hands-on capability to perform his or her 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 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.
(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.

(v) Records must include the following information concerning each designated personnel:

(I) Name

(II) The title and date each training course was completed and the proficiency test score(s) where applicable

(III) The content of each training course successfully completed

(IV) 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

(V) The tasks the designated personnel are deemed qualified to perform

(VI) 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.

(vi) 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.

(vii) 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.

B. Voluntary Curriculum

Bus transit system personnel with direct safety oversight responsibility and State DOTs overseeing safety programs for subrecipients:

(a) SMS Awareness – e-learning delivery

(b) Safety Assurance – e-learning delivery

(c) SMS Principles for Transit

(d) Courses offered through the TSSP Certificate (Bus)

   (i) Effectively Management Transit Emergencies

   (ii) Transit Bus System Safety

   (iii) Fundamentals of Bus Collision Investigation
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 of 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 or 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 include 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

(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 – Authority

§ 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 of 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

(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 practices, 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 form 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

(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;

(D) minimum safety standards to ensure the safe operation of public transportation systems that –

(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C);

(ii) to the extent practicable, take into consideration –

(I) relevant recommendations of the National Transportation Safety Board;

(II) best practices standards developed by the public transportation industry;

(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;

(IV) relevant recommendations from the report under section 3020 of the Federal Public Transportation Act of 2015; and

(V) any additional information that the Secretary determines necessary and appropriate;

(E) 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) Governor of the eligible State; and

(III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.

(B) WAIVER.—At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that—

(i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or

(ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.

(5) PROGRAMS FOR MULTI-STATE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall—

(A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uniform safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or

(B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.
(6) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to eligible States to develop or carry out State safety oversight programs under this subsection. Grant funds may be used for program operational and administrative expenses, including employee training activities.

(B) APPORTIONMENT.—

(i) FORMULA.—The amount made available for State safety oversight under section 5336(h) shall be apportioned among eligible States under a formula to be established by the Secretary. Such formula shall take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems not subject to regulation by the Federal Railroad Administration within each eligible State.

(ii) ADMINISTRATIVE REQUIREMENTS.—Grant funds apportioned to States under this paragraph shall be subject to uniform administrative requirements for grants and cooperative agreements to State and local governments under part 18 of title 49, Code of Federal Regulations, and shall be subject to the requirements of this chapter as the Secretary determines appropriate.

(C) GOVERNMENT SHARE.—

(i) IN GENERAL.—The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.

(ii) IN-KIND CONTRIBUTIONS.—Any calculation of the non-Government share of a State safety oversight program shall include in-kind contributions by an eligible State.

(iii) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by—

(I) any Federal funds;

(II) any funds received from a public transportation agency; or

(III) any revenues earned by a public transportation agency.

(iv) SAFETY TRAINING PROGRAM.—Recipients of funds made available to carry out sections 5307 and 5311 may use not more than 0.5 percent of their formula funds to pay not more than 80 percent of the cost of participation in the public transportation safety certification training program established under subsection (c), by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.
(7) CERTIFICATION PROCESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall determine whether or not each State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.

(B) ISSUANCE OF CERTIFICATIONS AND DENIALS.—The Secretary shall issue a certification to each eligible State that the Secretary determines under subparagraph (A) adequately meets the requirements of this subsection, and shall issue a denial of certification to each eligible State that the Secretary determines under subparagraph (A) does not adequately meet the requirements of this subsection.

(C) DISAPPROVAL.—If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection and denies certification, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.

(D) FAILURE TO CORRECT.—If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to certify the program, the Secretary—

(i) shall notify the Governor of the eligible State of such denial of certification and failure to adequately modify the program, and shall request that the Governor take all possible actions to correct deficiencies in the program to ensure the certification of the program; and

(ii) may—

(I) withhold funds available under paragraph (6) in an amount determined by the Secretary;

(II) withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under section 5307 of this title, until the State safety oversight program has been certified; or

(III) require fixed guideway public transportation systems under such State safety oversight program to provide up to 100 percent of Federal assistance made available under this chapter only for safety-related improvements on such systems, until the State safety oversight program has been certified.

(8) FEDERAL SAFETY MANAGEMENT –

(A) In General – If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.
(B) Temporary Federal Oversight – In making a determination under subparagraph (A), the Secretary shall –

(i) Transmit to the eligible State and affected recipient or recipients, a written explanation of the determination of subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notices of a withdrawal of State safety oversight program approval; and

(ii) Require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.

(C) Failure to Correct – If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may –

(i) Withhold funds available under paragraph (6) in an amount determined by the Secretary;

(ii) Beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under section 5307, until the State safety oversight program or modification has been certified; and

(iii) Use any other authorities authorized under this chapter considered necessary and appropriate.

(D) Administrative and Oversight Activities – To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.

(9) EVALUATION OF PROGRAM AND ANNUAL REPORT.—The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, and shall submit on or before July 1 of each year to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(A) the amount of funds apportioned to each eligible State; and

(B) the certification status of each State safety oversight program, including what steps a State program that has been denied certification must take in order to be certified.

(10) FEDERAL OVERSIGHT.—The Secretary shall—

(A) oversee the implementation of each State safety oversight program under this subsection;

(B) audit the operations of each State safety oversight agency at least once triennially; and

(C) issue rules to carry out this subsection.
(f) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may—

(1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

(2) make reports and issue directives with respect to the safety of the public transportation system of a recipient or the public transportation industry generally;

(3) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if—

(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and

(B) the Attorney General—

(i) determines that the subpoena will not interfere with an ongoing criminal investigation; or

(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A);

(4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;

(5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;

(6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and

(7) issue rules to carry out this section.

(g) ENFORCEMENT ACTIONS.—

(1) TYPES OF ENFORCEMENT ACTIONS.—The Secretary may take enforcement action against a recipient, that does not comply with Federal law with respect to the safety of the public transportation system, including—

(A) issuing directives;

(B) requiring more frequent oversight of the recipient by a State safety oversight agency or the Secretary;

(C) imposing more frequent reporting requirements;

(D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects; and

(E) withholding not more than 25 percent of financial assistance under section 5307.
(2) USE OR WITHHOLDING OF FUNDS.—

(A) IN GENERAL.—The Secretary may require the use of funds or withhold funds in accordance with paragraph (1)(D) or (1)(E) only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the public transportation system.

(B) NOTICE.—Before withholding funds from a recipient, the Secretary shall provide to the recipient—

(i) written notice of a violation and the amount proposed to be withheld; and

(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.

(h) RESTRICTIONS AND PROHIBITIONS—

(1) Restrictions and Prohibitions – The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.

(2) Notice – The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.

(3) Continued Authority – Nothing in this subsection shall be construed as limiting the Secretary's authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.

(i) CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

(j) ACTIONS UNDER STATE LAW.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with—

(A) a Federal standard of care established by a regulation or order issued by the Secretary under this section; or

(B) its own program, rule, or standard that it created pursuant to a rule or order issued by the Secretary.

(2) EFFECTIVE DATE—This subsection shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012.
(3) JURISDICTION.—Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.

(k) NATIONAL PUBLIC TRANSPORTATION SAFETY REPORT.—Not later than 3 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented using grants under this section; and

(2) describes the effect on public transportation safety of activities carried out using grants under this section.
Appendix B: State of Washington state safety oversight regulations and authority

RCW and WAC related to SSO.

Version: 9/1/2020
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)
(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 § 2; 2007 c 422 § 1; 2005 c 274 § 264; 1999 c 202 § 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 § 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. 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 § 3; 2007 c 422 § 2; 2005 c 274 § 267; 1999 c 202 § 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 § 4; 2007 c 422 § 3; 2005 c 274 § 268; 1999 c 202 § 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.
(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 § 5; 2007 c 422 § 4; 2005 c 274 § 270; 1999 c 202 § 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 § 6; 2007 c 422 § 5; 2005 c 274 § 271; 1999 c 202 § 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) “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.

(2) “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.

(3) “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 intra-terminal service.

(4) “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.

(5) “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.

(6) “Transit agency” means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

[2016 c 33 § 7; 2009 c 280 § 1; 1999 c 202 § 9; 1992 c 101 § 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.
(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 § 8; 2007 c 422 § 7; 2005 c 274 § 359; 2001 c 127 § 1; 1999 c 202 § 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 § 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 § 1; 2007 c 422 § 6; 2005 c 274 § 360; 1999 c 202 § 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.
https://app.leg.wa.gov/wac/default.aspx

The Washington Administrative Code (WAC) are regulations of executive branch agencies that are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency.

The implementation of these regulations is further facilitated by the adopted Washington Administrative Code (WAC) 468-550-010 through 468-550-110, which includes requirements for developing and implementing safety; conducting audits and reporting on audit findings; notifying, investigating, and reporting on accidents and hazardous conditions, and the application of financial penalties on rail transit agencies for non-compliance with reporting requirements and deadlines.

The authority of the state safety oversight program is established in the following Revised Code of Washington (RCW) regulations:

Regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency. The online version of the WAC is updated twice a month. Copies of the WAC as they existed each year since 2004 are available in the WAC archive.
Chapter Listing

Chapter 468 Department of Transportation WAC

Chapter 468-550 WAC

SAFETY OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEMS RULES

WAC Sections

- WAC 468-550-010 – Purpose (2018)
- WAC 468-550-040 – Requirements for agency safety plans (2018)
- WAC 468-550-050 – Procedures for the submittal, review, approval, and filing of agency safety plans (2018)
- WAC 468-550-060 – Annual internal safety audits and reports (2018)
- WAC 468-550-061 – Triennial safety program audits conducted by the department (2018)
- WAC 468-550-062 – Additional external audits conducted on RFGPTS safety programs and plans (2018)
- WAC 468-550-063 – Audits conducted of department’s state safety oversight program (2018)
- WAC 468-550-070 – Notifying of, investigating, and reporting accidents and unacceptable hazardous conditions (2018)
- WAC 468-550-090 – Suspension of service, modification of service, or the removal of equipment due to failure to mitigate to hazardous conditions (2018)
- WAC 468-550-100 – Safety program annual report (2018)
- 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 (2018).
Purpose.

This chapter is adopted to comply with 49 C.F.R. Part 674 and RCW 81.104.115, which requires the state of Washington to oversee the agency safety program of rail fixed guideway public transportation systems (RFGPTS) as defined in 49 C.F.R. Part 674.7. These rules prescribe the safety criteria to be met by RFGPTS and are intended to improve the safety of RFGPTS in Washington state. 49 C.F.R. Part 674.11c and Part 674.13a require the establishment of a state safety oversight agency (SSOA) in accordance with the requirements of 49 U.S.C. 5329c and 5329e(3)c. The Washington state department of transportation was designated in 1997 by Governor Gary Locke as the SSOA for the state of Washington. WSDOT’s designation and authority as the SSOA is codified in RCW 81.104.115 and more recently in chapter 33, Laws of 2016 (Senate Bill 6358).

Effective date.

These rules are necessary to comply with C.F.R. Part 674 and take effect upon filing with the code reviser for emergency rule making per the requirements outlined in RCW 34.05.350.

Applicability.

These rules are applicable to all Washington state entities, public or private, which own, operate, or maintain RFGPTS as defined in 49 C.F.R. Part 674.7.

These rules apply to all owners of rail fixed guideway public transportation systems, as defined by 49 C.F.R. Part 674, which are required by RCW 81.112.180, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.104.015 to comply with the requirements of the Washington state department of transportation for the development and implementation of an agency safety program plan.
Definitions.

For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident means an event that involves any of the following: A report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

(2) Accountable executive means a single, identifiable person who has ultimate responsibility for carrying out the safety management system 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.

(3) Agency means any entity that provides rail fixed guideway public transportation services.

(4) Agency safety plan is a document developed and implemented for each rail fixed guideway system, which describes its safety policies, objectives, responsibilities, and procedures. The requirements for this plan are established by the Federal Transit Administration in C.F.R. 49 Part 674 and further by the Washington state rail safety oversight program standard.


(6) Collision means 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.

(7) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGPTS.

(8) Department means the Washington state department of transportation, which has been designated as the state safety oversight agency.

(9) Emergency means a situation which is life-threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant loss of services which severely affects the ability of the system to fulfill its mission.
(10) Evacuation (reportable) is a condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuations for life safety reasons. Evacuations to a location that may put passengers or patrons in imminent danger (such as controlled rail right of way) must also be reported.

(11) Fatality means a death or suicide confirmed within thirty days of a reportable event. Excludes deaths in or on transit property that are a result of illness or other natural causes.

(12) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

(13) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

(14) Incident means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency.

(15) Incident reporting thresholds are criteria established by Federal Transit Administration in C.F.R. 49 Part 674 and further by the Washington state rail safety oversight program standard for determining which accidents/incidents require investigation.

(16) Investigation means a procedure that the department or a RFGPTS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

(17) Major system enhancement means any modification to an existing RFGPTS that will significantly impact the operations and maintenance of the system, including opening new stations, system wide modification or replacement of equipment, expanded operations and maintenance facilities, or significant increases to system capacity.

(18) Medical attention means emergency care at a state-licensed general hospital, critical access hospital, or health clinic, or by a religious practitioner.

(19) Procedure means an established and documented method to perform a task.

(20) Rail fixed guideway public transportation system or “RFGPTS” means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a state, and is not regulated by the Federal Railroad Administration, or its successor. Rail fixed guideway public transportation system (or “RFGPTS”) also means any such projects in engineering or construction phases. Rail fixed guideway public transportation systems include, but are not limited to, rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

(21) Rail transit agency (RTA) means any city, town, county, transportation authority, public transportation benefit area, regional transit authority, or other agency that owns a RFGPTS and bears ultimate accountability for it.

(22) Revenue line segment means that portion of a fixed guideway system upon, under, or through which a RFGPTS provides service available to the public. It includes stations used by the system's passengers to enter or leave the RFGPTS's conveyance.
(23) Safety means freedom from danger.

(24) Security means freedom from intentional danger.

(25) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

(26) System expansion means any modification to an existing RFGPTS that will increase the distance over which trains can travel in passenger service, including line extensions or new lines.

(27) Washington state rail safety oversight program is the program administered by the Washington state department of transportation to ensure compliance by rail fixed guideway public transportation systems with the Washington state rail safety oversight program standard.

(28) Washington state rail safety oversight program standard is a document developed and adopted by the Washington state department of transportation that describes the policies, objectives, responsibilities, and procedures used to provide safety and security oversight of rail fixed guideway systems. This document is a requirement established by the Federal Transit Administration in C.F.R. 49 Part 674.

(29) Unacceptable hazardous condition means a hazardous condition classified by the rail transit agency as being unacceptable based on a hazardous resolution matrix or other evaluation methodology approved by the department.

Requirements for agency safety plans.

(1) Rail transit agencies must establish an agency safety plan that complies with the requirements set forth in the Washington state rail safety oversight program standard, which conforms to current federal regulations for agency safety plans. These requirements include the establishment of an agency safety policy, a safety and risk management program, a safety assurance program, and a safety promotion program.

(2) Agency safety plans must establish the agency procedures for the review and revision of the plan. The filing, submittal, review, and approval of agency safety plans must comply with the standard set forth in WAC 468-550-050.

(3) As described in WAC 468-550-060, agency safety plans are subject to reviews and audits from the Washington state rail safety oversight program and the Federal Transit Administration.

(4) Rail transit agencies must conduct internal audits of agency safety plans per the requirements of WAC 468-550-060.

(5) Agency safety plans must establish procedures for the notification, investigation, and reporting of accidents, incidents, and hazards in conformance with the requirements of WAC 468-550-070.

(6) Agency safety plan policy statements must be approved and signed by the agency’s accountable executive. The policy statement must assign responsibility for carrying out the plan to the designated agency accountable executive.

(7) Each RFGPTS shall implement and comply with the provisions of its plans and any revisions thereto. Further, should the RFGPTS experience a change in ownership or a change in operating or maintenance providers, the RFGPTS shall require continued compliance with the RFGPTS’s established plans and shall notify the department of any change of ownership or operating or maintenance providers within thirty days of the effective date of transfer or contract.

468-550-050 Procedures for the submittal, review, approval, and filing of agency safety plans.

(1) Agency safety plans must be submitted within three months prior to operations of a new RFGPTS, a system expansion, or a major system enhancement to an existing RFGPTS.

(2) Full compliance and approval of agency safety plans must be obtained in writing from WSDOT prior to commencing RFGPTS operations. The department and the RTA must accelerate review and revision timelines as necessary to ensure agency safety plan approval prior to the RFGPTS start of service date.

(3) The department must review and evaluate plans according to criteria set forth in the Washington state rail safety oversight program standard.

(4) Each calendar year, as part of its annual safety program report submittal, the transit agency must provide the department with documentation of its annual review of the agency's safety plan.

(5) The department shall provide written approval of the RFGPTS's agency safety plan or provide written comments to the RFGPTS specifying required changes. The RFGPTS shall revise its plan to incorporate the department's review comments, if any, within sixty days after receipt thereof, and resubmit its revised plan for review. After resolving issues arising in the review process, the department shall notify the RFGPTS of its concurrence with the plans. The plans and the department's concurrence shall be maintained by the department in a permanent file.

(6) The RFGPTS shall not transmit any security sensitive portions of its plans, as defined by 49 C.F.R. Part 1520. The RFGPTS shall notify the department of the location and availability of any security sensitive information.

(7) Each RFGPTS may develop procedures to implement this subsection. The Washington state rail safety oversight program standard may require these procedures to be included, summarized, or cited in the agency safety plan.

(8) Failure to comply with the requirements established in WAC 468-550-040, 468-550-050, 468-550-060, 468-550-070, and the Washington state rail safety oversight program standard may result in financial or other penalties. Financial or other penalties will be determined in accordance with WAC 468-550-080.

468-550-060  Annual internal safety audits and reports.

(1) Each RFGPTS shall perform scheduled internal safety audits to evaluate compliance with the Washington state rail safety oversight program standard, to identify hazardous and risk conditions, and to verify that it is fully implementing its safety program as described in its plans and procedures. The RFGPTS shall include its internal safety audit schedule for the following year in the annual report as required by WAC 468-550-070(5). These audits shall determine the level at which the agency has implemented the agency safety plan. Audits may include, but are not limited to, the observation of employees performing system operations and maintenance activities, employee rules compliance checks, the sampling and inspection of selected system components, interviews, and records reviews.

(2) The RFGPTS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence and should describe what relevant experience and/or training qualifies the auditor(s) to conduct these audits. The department may assess the effectiveness of each RFGPTS audit program; however, any departmental review or concurrence shall not substitute for the RFGPTS’s own safety inspection audit programs, nor relieve the RFGPTS from its responsibility for the safety of its system.

(3) Where the agency is not fully implementing its agency safety plan, or is not implementing its safety program in accordance with the agency safety plan, the agency must clearly identify deficiencies in its audit report, per the requirements of Washington state rail safety oversight program standard.

(4) Each RFGPTS shall prepare, maintain, and make available for departmental review, records that document the results of all tests, inspections, and audits conducted by the RFGPTS or its contractor in compliance with the plans. These records shall be maintained by the RFGPTS for a minimum of three years. Failure to provide the department with audit reports and associated records and documentation may result in financial or other penalties as described in WAC 468-550-080.

(5) Internal safety audits shall be documented in an annual report that includes 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 plan. This annual report for the internal safety audits performed during the preceding year shall be included with the annual safety report specified in WAC 468-550-100.

(6) The department may conduct an independent investigation of the agency’s audit program or of specific deficiencies and findings identified by the RFGPTS internal safety audits.

468-550-061  

**Triennial safety program audits conducted by the department.**

(1) The department shall audit each RFGPTS’s compliance with the agency safety plan at least once every three years in accordance with the requirements of the Washington state rail safety oversight program standard. The RFGPTS shall be given written notification of the audit scope and schedule at least thirty days in advance of the department’s audit. Each audit shall be conducted in accordance with an audit checklist. Documentation which may be requested by the department as part of the audit includes, but is not limited to:

(a) The RFGPTS operating rule book, bulletins, and procedures;
(b) Operations and maintenance logs and records;
(c) The RFGPTS maintenance manuals and procedures for vehicles, facilities, track and signals;
(d) The RFGPTS procedures for identifying, documenting, evaluating, and correcting hazards;
(e) The RFGPTS system design criteria and project engineering procedures for system modifications;
(f) The RFGPTS annual internal audit reports for the previous three years;
(g) The RFGPTS corrective action plans for reportable accidents and unacceptable hazardous conditions reported to the department during the previous three years;
(h) APTA audit reports;
(i) National Transportation Safety Board accident investigation reports, Federal Transit Agency investigation or audit reports, or peer review reports, if any, prepared during the previous three years.

(2) Upon the department’s completion of the on-site portion of the triennial safety program audit, the audit team leader shall issue a final audit report following the process established in the Washington state rail safety oversight program standard. The final audit report shall contain the department audit team’s findings and recommendations. The final audit report shall also include the department audit team’s evaluation of the RFGPTS agency safety plan’s compliance with the Washington state rail safety oversight program standard and a determination of whether it should be updated. The RFGPTS must address all findings and recommendations identified in the final report by following the requirements set forth in the Washington state rail safety oversight program standard.

Additional external audits conducted on RFGPTS safety programs and plans.

(1) The RFGPTS must notify the department of the schedule and scope for all external audits and investigations which will include the review of the agency safety plan, safety programs, safety critical functions, safety certification, transit asset management plan or drug and alcohol program. These include, but are not limited to, audits and investigations to be conducted by the Federal Transit Administration, USDOT, DHS, NTSB, or OSHA. The RFGPTS must notify the department of the schedule and scope at least one week prior to the start of audit activities.

(2) The Federal Transit Administration conducts an audit of WSDOT’s state safety oversight program once every three years. The RFGPTS will participate in these audits and provide relevant safety program documentation and records if requested by the Federal Transportation Administration or the department.


Audits conducted of department’s state safety oversight program.

The RFGPTS will provide documentation if requested by auditors or by department personnel in support of external state or federal audits of the department’s state safety oversight program. These include, but are not limited to, triennial reviews conducted by the FTA Transit Safety Oversight office of the department’s SSO program compliance.


Notifying of, investigating, and reporting accidents and unacceptable hazardous conditions.

(1) Each RFGPTS shall notify the department per the requirements set forth in the Washington state rail safety oversight program standard within two hours of the occurrence of any reportable accident.

(2) Each RFGPTS shall notify the Federal Transit Administration (FTA) of reportable hazards, incidents, and accidents per the requirements of 49 C.F.R. 674.33.

(3) Each RFGPTS shall notify the department per the requirements set forth in the Washington state rail safety oversight program standard within two hours of the discovery of any unacceptable hazardous condition.

(4) Each RFGPTS shall notify the department of all other reportable hazards or incidents within the reporting timelines set forth in the Washington state rail safety oversight program standard.

(5) Each RFGPTS shall investigate all reportable accidents and unacceptable hazardous conditions. The RFGPTS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty-five calendar days after the reportable accident or unacceptable hazardous condition was discovered. This report shall
identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident, or to mitigate the unacceptable hazardous condition.

(a) In the event that the RFGPTS does not have all of the data and analysis necessary to complete a final report, the RFGPTS must submit a draft within forty-five days that documents progress to date.

(b) Under no circumstance may the final report be submitted more than four months from the date of the incident.

(c) The department shall review the RFGPTS final investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident or unacceptable hazardous condition.

(d) In the event that the department does not concur with the findings of the RFGPTS investigation, the corrective action plan, or the implementation schedule, the department shall take the following actions:

(i) Within forty-five calendar days of receipt of the investigation report, confer with the RFGPTS about its preliminary review findings and explain what needs to be changed;

(ii) If the RFGPTS agrees with the department’s recommendations, then the RFGPTS shall amend its report to the department in writing within ten calendar days. This then follows the normal WSDOT approval process;

(iii) If the RFGPTS does not agree with the department’s recommendations, then it must submit its concerns and issues in writing within ten days to the department. The department shall submit the plan to the FTA transit safety oversight office for their review. The FTA shall make the final determination.

(e) The department has authority to perform separate, independent investigations of reportable accidents or unacceptable hazardous conditions at its own discretion.

(a) WSDOT at its discretion may choose to conduct an independent investigation of any accident meeting the thresholds specified in WSDOT SSO program standard utilizing its own personnel or an authorized contractor.

(b) WSDOT may initiate its own investigation at any time prior to adopting the RTA’s accident investigation report. WSDOT will inform the RTA of its intention to conduct an independent investigation in advance of beginning investigation activities on RTA facilities and infrastructure or involving interviews with RTA personnel. WSDOT will advise the RTA of the personnel who will be conducting the independent investigation, and provide a preliminary schedule of the investigation process prior to the start of investigation activities.

(c) All WSDOT authorized accident investigation personnel, including consultants hired for the purpose of conducting an accident investigation, are granted authority under the state safety oversight program to do all things reasonable and necessary to conduct their investigation including, but not limited to, entering RTA facilities, accident scenes, and other relevant locations; examining the property, vehicles, and records of the RTA; interviewing RTA personnel; and evaluating records, materials, data, analysis, and other information which is pertinent to the investigation. It is expected that the RTA will provide the WSDOT investigation team the resources and information necessary to conduct the investigation in an effective and efficient fashion.
(7) All reportable accidents and hazards must be included in an annual safety program summary report to the department per WAC 468-550-100.


468-550-080 Notifying of and applying financial penalties.

(1) If any RFGPTS fails to comply with any of the requirements or due dates specified in the Washington state rail safety oversight program standard, the department shall notify the RFGPTS in writing of such a violation. These violations will be designated by the department to be one or more findings of noncompliance.

(2) The RFGPTS will have fifteen calendar days to respond to this notification with:

(a) Documentation and records of corrective actions taken, for department review, that fully address the violations and findings of noncompliance; or

(b) Justification for its failure to comply or to provide the required records. The justification must include records of all supporting documentation, corrective actions taken, and all other mitigation plans proposed, planned or implemented with intent to address the violation.

(3) Within thirty days of receipt of the RFGPTS response, the department will review and issue one of the following determinations:

(a) Determination of compliance - Where the department determines that violations have been fully addressed and noncompliance findings can be closed.

(b) Determination of noncompliance with exception - Where the department determines that the RFGPTS has taken action to address violations and has a corrective action plan, acceptable in scope and schedule, in place to come into compliance.

(c) The department may establish a new deadline by which the corrective action plan addressing violations must be fully implemented. Failure by the RFGPTS to meet this new deadline may result in the issuance of a determination of noncompliance.

(d) Determination of noncompliance - Where the department determines that violations have not been adequately addressed by the RFGPTS and there is an absence of acceptable corrective actions taken and/or of acceptable scope and schedule of corrective actions to be taken.
(4) Where, the department issues a determination of noncompliance, the department may issue a second and final notification in writing that states a new deadline by which a financial penalty will be imposed if noncompliance findings cannot be addressed. The amount of the financial penalty will be stated in the written notification. If more than one finding of noncompliance exists, more than one financial penalty may be imposed. Financial penalties will be as follows:

(a) The department may issue a financial penalty of ten thousand dollars for each determination of noncompliance.

(b) Thirty days following the issuance of a financial penalty, the department will determine if the status of the violation remains in noncompliance status. This determination will be based on a review of all additional submittals and actions taken by the RFGPTS. If the status has not been changed to determination of compliance or determination of noncompliance with exception, the department may impose an additional financial penalty of ten thousand dollars per finding of noncompliance.

(c) Following each subsequent thirty-day period, the department will review all additional submittals and actions and impose an additional financial penalty of ten thousand dollars until the determination is reduced to either a finding of noncompliance with exception or a finding of compliance.

(d) If a RFGPTS fails to remit the full amount of the imposed financial penalty within sixty days of when due, the department may seek judicial enforcement to recover full payment. Venue for any action hereunder shall be Thurston County.

(5) Additionally, following any issuance by the department of a determination of noncompliance or of inadequate progress in addressing it, the department may require a meeting with the director responsible for the RFGPTS’s operations and maintenance, or with the agency’s chief executive, to discuss the RFGPTS’s progress in completing the documentation and the potential consequences of delay.


468-550-090 Suspension of service, modification of service, or the removal of equipment due to failure to mitigate to hazardous conditions.

When a known unacceptable hazardous condition is not mitigated to an acceptable level by RFGPTS owners or operators, the department may require the suspension or modification of service or the suspended use or removal of equipment. The department may impose sanctions per WAC 468-550-080 upon owners or operators of RFGPTS for failure to meet deadlines of submissions of required reports and audits.

468-550-100  Safety program annual report.

(1) Per the requirements of the Washington state rail safety oversight program standard, the RFGPTS will prepare and submit to the department a safety program annual report which summarizes the agency's safety program activities during the most recent calendar year, including a summary of accidents, incidents, hazards, and internal safety program audits.

(2) The annual safety program annual report must be submitted to the department on or before February 15th of each year.


468-550-110  Special provisions for rail fixed guideway public transportation systems crossing state lines and operating in both Washington and a bordering state.

(1) When a RFGPTS crosses state lines and is operating in Washington and a bordering state, the department will comply with the requirements set forth in 49 C.F.R. Part 674.15 for the designation of an oversight agency for a multistate system. The department will coordinate with the neighboring state SSOA and either ensure that both Washington's SSOA and the bordering state's SSOA are implementing uniform safety standards and requirements upon the RFGPTS (674.15a) or that a single SSOA is designated as the SSOA (674.15b).

(2) Where a bordering state agency is serving as the single entity SSOA, the bordering state's program standard and other safety standards and procedures will be used for oversight of the RFGPTS, unless otherwise stated through agreement or law. The Washington state rail safety oversight program standard will continue to apply to all other RFGPTS within Washington not subject to the special provisions of this section.

(3) An agreement will be established with the bordering state to set coordination of oversight duties and reporting for the RFGPTS subject to the program standard of a bordering state. The agreement must address the allocation of costs between the two states.

Appendix C: Washington state governor's designation and Federal Transit Administration's certification of state safety oversight agency

Washington state governor's designation of state safety oversight agency

October 27, 1997

Mr. Gordon J. Linton
Federal Transit Administration
400 7th Street, SW
Washington, D.C. 20590

Dear Mr. Linton:

I am 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
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

cc:  Mr. Roger Millar, Secretary of Transportation, Washington State Department of Transportation (WSDOT)  
     Mr. Brian Lagerberg, Director, Public Transportation Division, WSDOT  
     Mr. Mike Flood, SSO Program Manager, WSDOT
Appendix D: SSO training plan

Version: 9/1/2020
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 safety-related training for specific FTA, SSO, and rail property staff responsible for safety and oversight, including contractors. 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 an 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)

<table>
<thead>
<tr>
<th>49 CFR Part 672.11 Designated personnel who conduct safety audits and inspections.</th>
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<tbody>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
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</table>

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<thead>
<tr>
<th>49 CFR Part 672.13 Designated personnel of public transportation agencies</th>
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</thead>
<tbody>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
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</table>
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.

<table>
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<tr>
<th>Training Overview of PTSB SSO Program</th>
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<tbody>
<tr>
<td>• SSO and Rail Safety Program, including organization charts</td>
</tr>
<tr>
<td>• Overview of SSO Program Responsibilities and Activities</td>
</tr>
<tr>
<td>• SSO Program design, including staff and contractors</td>
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<tr>
<td>• Summary of rail systems</td>
</tr>
<tr>
<td>• SSO Program Standard, including procedures and training activity</td>
</tr>
<tr>
<td>• Programmatic interactions with rail properties – roles and responsibilities, notifications, investigations, audits, communications, meetings, safety and security certification, and configuration management/system modification.</td>
</tr>
<tr>
<td>• Safety risk monitoring activities, including safety audits and examinations/inspections, and interactions with the rail properties for these activities</td>
</tr>
<tr>
<td>• FTA Required Activities, such as data and information submission</td>
</tr>
</tbody>
</table>
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.

1. Agency organizational structure.
3. Safety program related control documents/minimum standards for safety (added by SSO – related to but separate from the agency safety plan) – these documents overlap with the following competency areas.
4. Knowledge of emergency response, operations, and security plans and procedures (added by SSO separate from the agency safety plan).
5. Knowledge of Agency Territory and revenue service schedules.
6. Knowledge of agency facilities and infrastructure (added by SSO – this competency topic is in
general and related to other maintenance of way competency areas below).
7. Knowledge of current bulletins, general orders, and other associated directives that ensure safe
operations.
8. Knowledge of operations and maintenance rule books.
10. Knowledge of standard operating procedures
11. Knowledge of roadway/right-of-way worker protection
12. Knowledge of employee hours of service and fatigue management program, including drug and
alcohol program.
13. Knowledge of employee observation and testing program (i.e., efficiency testing).
14. Knowledge of employee training and certification/competency requirements.
15. Knowledge of vehicle inspection and maintenance programs, schedules, and records.
16. Knowledge of track inspection and maintenance programs, schedules, and records.
17. Knowledge of tunnels, bridges, and other structures inspection and maintenance programs,
schedules, and records.
18. Knowledge of traction power (i.e., substations and overhead catenary system or third rail system),
load dispatching, inspection and maintenance programs, schedules and records.
19. Knowledge of signal and train control inspection and maintenance programs, schedules, and
records.
20. Knowledge of command-and-control approach and implementation, including standard operating
procedures (added by SSO).
21. 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).
22. 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 22 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, and 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 (i.e., on a train, at facilities, on the right-of-way).
### General training competency

<table>
<thead>
<tr>
<th>Competency area</th>
<th>Requirement</th>
<th>Equivalency</th>
<th>Training/biennial refresher</th>
<th>Examination/demonstration/validation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General training competency for TPS5 safety oversight specialist.</td>
<td>• Two years’ experience at a state safety oversight agency.</td>
<td>• Two years’ experience at a state safety oversight agency.</td>
<td>• Participation in review and approval of a rail transit agency safety plan.</td>
<td>• Follow-up discussion/review with SSO supervisor or training instructor.</td>
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<td></td>
<td>• Participation in review and approval of a rail transit agency safety plan.</td>
<td>• Participation in review and approval of a rail transit agency safety plan.</td>
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<td>• Training record.</td>
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<td></td>
<td>• TSI Transit Safety and Security Program certificate.</td>
<td>• TSI Transit Safety and Security Program certificate.</td>
<td></td>
<td>Note: These requirements are in addition to any other noted competency area examination/demonstration/validation.</td>
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<td>• TSI Rail System Safety Course.</td>
<td>• TSI Rail System Safety Course.</td>
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<td>• FRA-certified operating practices inspector, practices review.</td>
<td>• FRA-certified operating practices inspector, practices review.</td>
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<td></td>
<td>• Participation in one, three-year safety audit of a rail transit agency’s safety plan and safety program implementation.</td>
<td>• Participation in one, three-year safety audit of a rail transit agency’s safety plan and safety program implementation.</td>
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### Specific training competencies

<table>
<thead>
<tr>
<th>Competency area</th>
<th>Requirement</th>
<th>Equivalency</th>
<th>Training/biennial refresher</th>
<th>Examination/demonstration/validation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rail transit agency organizational structure.</td>
<td>• Working knowledge of the rail transit agency organizational structure.</td>
<td>See general competency.</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<td></td>
<td>• Ability to determine if the organizational structure supports safety communication and the reporting and management of safety priorities and concerns</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<td></td>
<td>• Ability to determine if a direct reporting relationship exists between chief safety officer and the accountable executive.</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<tr>
<td>2. Rail transit agency safety plan.</td>
<td>• Working knowledge of the rail transit agency safety plan.</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<td></td>
<td>• Ability to determine if the rail transit agency safety plan meets SSO and federal requirements.</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<td></td>
<td>• Understanding of the use of the review checklist (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</td>
<td>See general competency.</td>
<td>See general competency.</td>
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<td></td>
<td>• Working knowledge of the safety management system implementation at the rail transit agency.</td>
<td>See general competency.</td>
<td>See general competency.</td>
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</tr>
<tr>
<td>Competency area</td>
<td>Requirement</td>
<td>Equivalency</td>
<td>Training/biennial refresher</td>
<td>Examination/demonstration/validation</td>
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<td>• Working knowledge of rail transit agency safety program related control documents/minimum standards for safety.</td>
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<td>• Working knowledge of the list of safety-program-related control documents.</td>
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<td></td>
<td>• Understanding of the use safety-program-related control documents to account for the scope of the rail transit agency safety program</td>
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<td>• Working knowledge of the current version of safety-program-related control documents and where those documents are stored electronically.</td>
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<td></td>
<td>• Working knowledge of the SSO approval process for safety-program-related control document.</td>
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<tr>
<td>4.</td>
<td>Knowledge of emergency response, operations, and security plans and procedures.</td>
<td>See general competency.</td>
<td>Review of a current: • Rail transit agency emergency response, operations, and/or preparedness plan • Rail transit agency system security plan</td>
<td>See general competency.</td>
</tr>
<tr>
<td></td>
<td>Note: The agency safety plan must reference emergency response. Note: This competency area includes the system security plan as an all-hazards approach for the portion of the security program that overlaps with the safety program at a rail transit agency.</td>
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<td></td>
<td>• Working knowledge of rail transit agency emergency response, operations, and/or preparedness.</td>
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<td></td>
<td>• Working knowledge of rail transit agency system security plan.</td>
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<td>5.</td>
<td>Knowledge of rail transit agency territory and revenue service schedules.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
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<td>6.</td>
<td>Knowledge of rail transit agency facilities and infrastructure.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>• Working knowledge of rail transit agency territory, including lines, weekly service schedules, and facilities.</td>
<td>Line-by-line train ride with operator, other rail transit agency personnel (optional), and other SSO staff.</td>
<td></td>
<td>See general competency.</td>
</tr>
<tr>
<td></td>
<td>• Understanding of the use and purpose of the ride and facilities visit logs.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Knowledge of current bulletins, general orders, and other associated directives that ensure safety of operations.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>8.</td>
<td>Knowledge of operations and maintenance rule books.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>9.</td>
<td>Knowledge of safety rules.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>10.</td>
<td>Knowledge of standard operating procedures.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Competency area</td>
<td>Requirement</td>
<td>Equivalency</td>
<td>Training/biennial refresher</td>
<td>Examination/demonstration/validation</td>
</tr>
<tr>
<td>-----------------</td>
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</tr>
<tr>
<td>11. Knowledge of right-of-way worker protection.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 12. Knowledge of employee hours of service and fatigue management program. | • 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.  
• Understanding of the drug and alcohol testing requirements. | • 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.  
• Review of a rail transit agency’s policies for hours of service and fatigue management, including drug and alcohol program.  
| • Review of hours of service and fatigue management policy, including drug and alcohol program.  
• Discussion with rail transit agency management. | See general competency. |
| 13. Knowledge of employee observation and testing program (i.e., efficiency testing). | • 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. | • Completion of employee observation and testing program training offered or sponsored by FTA, FRA, university, or association approved by SSO.  
• Observance of completed rules checks on train operators by a rail transit agency’s supervisor or instructor. | • Review of hours of service and fatigue management policy, including drug and alcohol program.  
• Discussion with rail transit agency management.  
| Rail transit agency/SSO awareness training.  
Rail transit agency/SSO program awareness training examination. | See general competency. |
| 14. Knowledge of employee training and certification/competency requirements. | • Working knowledge of 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 rail transit agency is administering and documenting the training and certification program. | Two years’ experience reviewing a rail transit agency’s training program and records. May be substituted for participation in one three-year audit of a rail transit agency’s agency safety plan and safety program implementation. | See general competency.  
<p>| 15. Knowledge of track inspection and maintenance programs, schedules, and records. | N/A | N/A | N/A | N/A |
| 16. Knowledge of vehicle inspection and maintenance programs, schedules, and records. | N/A | N/A | N/A | N/A |
| 17. Knowledge of tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records. | N/A | N/A | N/A | N/A |
| 18. Knowledge of traction power (i.e., substation, overhead catenary system, and third rail), load dispatching, inspection, and maintenance programs, schedules, and records. | N/A | N/A | N/A | N/A |</p>
<table>
<thead>
<tr>
<th>Competency area</th>
<th>Requirement</th>
<th>Equivalency</th>
<th>Training/biennial refresher</th>
<th>Examination/demonstration/validation</th>
</tr>
</thead>
</table>
| 19. Knowledge of signal and train control inspection and maintenance programs, schedules, and records. | • 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 procedures 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. | • Related engineering degree. May be substituted two years’ experience:  
– Rail system expertise in each discipline.  
– SSO experience, specifically in independent review of rail transit agency investigations and internal audits of safety plan topics of efficiency testing/ rules compliance, and inspection and maintenance requirements/practices.  
• Participation in one, three-year audit. May be substituted for one, hands-on observation of inspection and/or maintenance of each subsystem/discipline at a rail transit agency.  
• FRA-certified Inspector. | • Review of current rail transit agency safety plan and safety program related documents. Specifically, safety plan topics of efficiency testing/rules compliance, and inspection and maintenance requirements/practices.  
• Rail transit agency/SSO awareness training for each of previously mentioned subsystems/disciplines. | Rail transit agency/SSO program awareness training examination. |
| 20. Knowledge of command-and-control approach and implementation (i.e., standard operating procedures). Note: Standard operating procedures for operations and maintenance are included here in general and covered in more detail by rail division/department/group in competencies 15-19. | • Working knowledge of rail transit agency bulletins, general orders, and other directives, and understanding of 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 and observe if personnel are complying with roadway worker protection rules. | • Two years’ experience rulebook reviews with a rail transit agency’s training.  
• Engineering or related degree plus one years’ experience in successful review of a rail transit agency’s rulebook. | • Rail transit agency rulebook awareness course for SSO staff that includes perspective of all rail transit agency staff and current roadway worker protection rules.  
• Review of inspection and maintenance manuals, control center standard operating procedures, safety rules, rule books, current bulletins and orders, maintenance of way and rail equipment standard operating procedures, and roadway worker protection rules. | Test for training awareness course. |
| 21. Knowledge of transit asset management and management of change. | • Working knowledge of a rail transit agency’s transit asset management plan and requirements, and management of change requirements. Includes system modifications, safety certification, procurement controls, and configuration management.  
• Ability to review and assess transit asset management and management of change to ensure it meets the requirements of the rail transit agency SSO.  
• Ability to assess that a rail transit agency is properly administering and documenting the above activities. | Two years’ experience reviewing a rail transit agency’s transit asset management and management of change activities and records. May be substituted for participation in one, three-year audit of a rail transit agency’s safety plan and safety program implementation, including system modification, safety certification, procurement controls, configuration management, and/or transit asset management. | Review of current rail transit agency safety program documents. Specifically, system modifications, safety certification, procurement controls, configuration management, transit asset management, and other related material (e.g., configuration management plan, transit asset management plan). | See general competency. |
| 22. Knowledge of capital projects and status tracking. | • Working knowledge of a rail transit agency’s capital projects along with status tracking of those projects.  
• Working knowledge of SSO requirements for significant capital projects and processes used to monitor and participate in capital projects of interest to SSO. Includes review of or participation in capital project related meetings and when additional participation or monitoring of the capital project by SSO is needed/required. | • Two years’ experience reviewing a rail transit agency’s capital projects, processes, and monitoring meetings.  
• Experience monitoring one significant capital project up to and including concurrence by a state safety oversight program that the project was ready for use/revenue service. | Review of current rail transit agency safety plan and safety program documents. Specifically, 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. | See general competency. |
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 Morrow*

Staff marked with an asterisk are designated staff for SSO.
Training Record Forms
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

Rail Property: ______________________________

Designated Staff: ______________________________

Documentation Covered: ______________________________

Date Completed: ______________________________

Expiration Date* (2 years after completion): ______________________________

SSO Program Witness/Supervisor: ______________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
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.


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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: __________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
3. Rail transit agency Safety Program Related Control Documents/Minimum Standards for Safety

General Description of Training:

Maintain a working knowledge of the Rail Property Safety Program Related Control Documents/Minimum Standards for Safety

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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
5. Knowledge of Territory and Revenue Service Schedules
6. Knowledge of Agency Facilities and Infrastructure

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 of 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.

Rail Property: ________________________________
Designated Staff: ________________________________
Documentation Covered: ________________________________
Date Completed: ________________________________
Expiration Date* (2 years after completion): ________________________________
SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
Staff Training Records

7. Knowledge of Current Bulletins, General Orders, and Other Associated Directives that Ensure Safety of Operations


9. Knowledge of Safety Rules

10. Knowledge of Standard Operating Procedures

11. Knowledge of Right-of-Way Worker Protection (RWP)
12. 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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.

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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
14. 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.


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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
15. **Knowledge of Vehicle Inspection and Maintenance Programs, Schedules, and Records**

16. **Knowledge of Track Inspection and Maintenance Programs, Schedules, and Records**

17. **Knowledge of Tunnels, Bridges, and Other Structures Inspection and Maintenance Programs, Schedules, and Records**

18. **Knowledge of Traction Power (Substation, Overhead Catenary System, and Third Rail), Load Dispatching, Inspection, and Maintenance Programs, Schedules, and Records**

19. **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

**Rail Property:** __________________________

**Designated Staff:** __________________________

**Rail Property Subsystems/Disciplines Awareness Training:** ________________

**Documentation Reviewed:** __________________________

**Expiration Date* (2 years after completion):** __________________________

**SSO Program Witness/Supervisor:** __________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
20. 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

Rail Property: ______________________________________

Designated Staff: _________________________________

Documentation Covered: ___________________________

Date Completed: _________________________________

Expiration Date* (2 years after completion): ___________________________

SSO Program Witness/Supervisor: _______________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
21. **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

**Rail Property:** ________________________________________

**Designated Staff:** ________________________________

**Documentation Covered:** ______________________________

**Date Completed:** ________________________________

**Expiration Date* (2 years after completion):** ________________________________

**SSO Program Witness/Supervisor:** ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
22. Knowledge of Capital Projects and Status Tracking

General Description of Training:

Working knowledge of an 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

Rail Property: ________________________________

Designated Staff: ________________________________

Documentation Covered: ________________________________

Date Completed: ________________________________

Expiration Date* (2 years after completion): ________________________________

SSO Program Witness/Supervisor: ________________________________

* The Refresher Training (1 hour) will need to be completed at least every two years after the Expiration Date.
Overview of the SSO Program

General Description of Training:

Working knowledge of the SSO program, its history, and interactions with the Rail Properties. Complete self-paced presentation material giving an introduction to the SSO program.

Review of current SSO Program Standard.

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

Rail Property: ____________________________

Designated Staff: ____________________________

Documentation Covered: ____________________________

Date Completed: ____________________________

Expiration Date* (2 years after completion): ____________________________

SSO Program Witness/Supervisor: ____________________________

* 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: 9/1/2020
Figure E-1. WSDOT Organization Chart
Washington State Safety Oversight

- Brian Lagerberg
  Director
- Don Chartock
  Deputy Director
- Steven Meyeroff
  FTA Compliance Administrator
- Firas Makhlouf
  Capital Program Delivery and Business Svcs. Mgr.
- Molly Hughes
  State Safety Oversight Program Manager
- Contractor Technical Assistance
  Support Staff
  Data Analyst
- Graham Harrison
  Safety Oversight
- Ryan Sigurdson
  Safety Oversight
- Jennifer Morrow
  Safety Oversight
- Andrew Royer
  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

Public Transportation Division
401 2nd Avenue S.
Seattle, WA 98104

Molly Hughes
SSO Program Manager
Cell: 253-988-6067
Email: molly.hughes@wsdot.wa.gov

Steven Meyeroff
FTA Compliance Administrator
Phone: 360-705-6930
Cell: 520-820-5389
Email: steven.meyeroff@wsdot.wa.gov

Graham Harrison
Safety Oversight Specialist
Phone: 206-716-1111
Cell: 206-719-9309
Email: graham.harrison@wsdot.wa.gov

Ryan Sigurdson
Transportation Planning Specialist
Cell: 360-810-1720
Email: ryan.sigurdson@wsdot.wa.gov

Andrew Royer
Transportation Planning Specialist
Cell: 564-999-1889
Email: andrew.royer@wsdot.wa.gov

Jennifer Morrow
Transportation Planning Specialist
Cell: 360-810-1369
Email: jennifer.morrow@wsdot.wa.gov
Appendix F: Sound Transit Link Light Rail System description, contacts, and safety-program-related control documents

Version: 9/1/2020
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.

**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.

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 are capable of running 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:

**Northgate Link Light Rail Expansion: North to Lynnwood and Everett**
Sound Transit plans to open the Northgate Link Light Rail Expansion in April 2021. The extension will add 10 stations and 40 cars to the system.

**East Link: East to Redmond**
Sound Transit plans to open East Link in July 2023. The extension will include over 200 cars.

**South to Kent, Des Moines, Federal Way and the Tacoma Dome**
With this extension, Link Light Rail will connect with Tacoma Link.

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**

<table>
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<tr>
<th>Safety Program Related Control Documents</th>
<th>Rail Property Document</th>
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<td>Agency Safety Plan</td>
<td>Sound Transit Agency Safety Plan</td>
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| 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 | 2/2020  
  6/1/2015  
  2/13/2017  
  11/17/2017  
  2/19/2009 |
| Rail Operating Rule Book                  | LLR-RB-10001 Rulebook for Link Light Rail | 6/1/2020               |
| 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 | 11/2010  
  4/20/2019 |
| 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 | 7/31/2015  
  6/30/2011 |
| 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 | 8/7/2018  
  (Continually updated electronically) |
| Safety Certification Plan (SCP)          | Agency Safety and Security Certification Plan | 8/3/2018               |
| Configuration Management Plan (CMP)      | PCPP-04 Configuration Management | 9/2018                 |
| Transit Asset Management (TAM) Plan      | Sound Transit - Transit Asset Management Plan | 10/1/2018               |
| Field Supervision SOPs                   | SOP 4.1 Documenting Rail Accidents and Incidents  
  SOP 4.2 On-Scene Rail Accident Investigation Procedure | 12/5/2016  
  6/30/2011 |
| 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 |                      |
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Appendix G: Sound Transit Tacoma Link System description, contacts, and safety-program-related control documents

Version: 9/1/2020
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. Sound Transit plans to add an additional 2.4 miles with six new stations by 2022 and an additional six-mile extension by 2039.

Tacoma Link light-rail vehicles run every 12 to 24 minutes, depending on the time of day. Fares are free on the system thanks to funding from the Tacoma Business Improvement Area.

Tacoma Link uses three Skoda 10T 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. The vehicles have a maximum capacity of 56 passengers.

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

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<tr>
<th>Safety Program Related Control Documents</th>
<th>Rail Property Document</th>
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<td>Terminal Station Operation Standard Operating Procedure 105.12</td>
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<td>None – due to speed and Operation</td>
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<td><strong>Rail Property Investigation Procedure</strong></td>
<td>SOP 101.25 Accident Review Procedure - Light Rail Vehicle</td>
<td>5/2017</td>
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<td><strong>Safety Related Standard Operating Review Procedure</strong></td>
<td>SOPs and SMPs (reference TL SOP TOC)</td>
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<td>SRR – tracked in OTB Safety and Security Information Management System &amp; Quickbase</td>
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<td><strong>Transit Asset Management Plan</strong></td>
<td>Sound Transit – Transit Asset Management Plan</td>
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<td>SOPs and SMPs (reference TL SMP and SOP TOC)</td>
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</table>
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Appendix H: Seattle Streetcar System description, contacts, and safety-program-related control documents

Version: 9/1/2020
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**

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<th>Safety Program Related Control Documents</th>
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<td>SOP 300.2 - Fire in Substation</td>
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<td>9/15/2014</td>
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<td>SOP 300.3 - Fire or Smoke at Station</td>
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<td>SOP 200.4 - Streetcar Movement Yard &amp; Shop</td>
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<td>First Hill Streetcar Preliminary Hazard / Security Analysis Report</td>
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<td>FHS Safety &amp; Security Certification Program Plan</td>
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</table>

**Seattle Streetcar – Contacts List**

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Appendix I: Seattle Center Monorail System description, contacts, and safety-program-related control documents

Version: 9/1/2020
Seattle Center Monorail

Seattle Center Monorail is owned by the City of Seattle and is operated by Seattle Monorail Services, under the supervision of the Seattle Center Director. Historically, the system 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 Jan. 1, 2015, with a term that now runs through 2034.

The Monorail celebrated its 58th anniversary in 2020 and is a designated City of Seattle Landmark. Both trains have exceeded 1.3 million miles. One of Seattle Center Monorail’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, Seattle Monorail Services operates and maintains the Monorail so that as an overall system, it will have an indefinite life. This aim is pursued by focusing capital investments at the subsystem and component level and refurbishing and replacing these as needed over time pursuant to the Seattle Center Monorail Transit Asset Management Plan/Capital and Major Maintenance Plan.

With the exception of 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 third 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**

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<th>Safety Program Related Control Documents</th>
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<td>Right of Way (ROW) or Roadway Worker Protection (RWP) Plan</td>
<td>Monorail Proximity Guidelines and Requirements for Development Adjacent to City of Seattle Monorail Line</td>
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<td>Rail transit agency/RTS Investigation Procedure</td>
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</tbody>
</table>
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**Glossary**

**Accident:** An event that involves any of the following:
- A loss of life
- A report of a serious injury to a person
- A collision involving a rail transit vehicle
- A runaway train
- An evacuation for life safety reasons
- Any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

*Source: 49 CFR Part 674.7*

**Accountable executive:** A single, identifiable individual who has all of the following:
- 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.
- Control or direction over the human and capital resources needed to develop and maintain:
  - The agency's public transportation agency safety plan, in accordance with 49 U.S.C. 5329(d)
  - The 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*

**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*

**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*

**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*

**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:** A non-collision event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails.

*Source: NTD Glossary*

**Designated personnel:** 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.
- 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.

*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 parts 659 or 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*

**Employee:** An individual who is compensated by the transit agency. Applies to transit employees and contractors.

*Source: NTD Glossary*

**Event:** An accident, incident, or occurrence.

**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:** A death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes. [NTD Glossary]

**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*

**Incident:** An event that involves any of the following:

- A personal injury that is not a serious injury.
- One or more injuries requiring medical transport
- Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail properties.
**Injury:** Any damage or harm to persons as a result of an event that requires immediate medical attention away from the scene.

*Source: NTD Glossary*

**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 an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

*Source: 49 CFR Part 674.7*

**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*

**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*

**Occurrence:** An event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a rail properties.

*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*

**Performance target:** A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

*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*

**Public transportation agency safety plan:** The comprehensive agency safety plan for a transit agency, including a rail property, that is required by 49 U.S.C. 5329(d) and based on a safety management system. Until one year after the effective date of FTA’s public transportation agency safety plan final rule, a system safety program plan developed pursuant to 49 CFR part 659 will serve as the rail property’s safety plan.

*Source: 49 CFR Part 674.7*

**Public transportation safety certification training program:** The certification training program established through interim provisions in accordance with 49 U.S.C. 5329(c)(2), or the program authorized by 49 U.S.C. 5329(c)(1) for:

- Federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems.
- Employees of public transportation agencies directly responsible for safety oversight.

*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*
**Rail fixed guideway public transportation system or rail transit system**: Any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a state, and is not subject to the jurisdiction of the FRA, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

*Source: 49 CFR Part 674.7*

**Rail properties**: Any entity that provides services on a rail fixed guideway public transportation system.

*Source: 49 CFR Part 674.7*

**Readiness for service**: A combination of all of 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*

**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*

**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**: The composite of predicted severity and likelihood of the potential effect of a hazard.

*Source: 49 CFR Part 674.7*

**Risk mitigation**: A method or methods to eliminate or reduce the effects of hazards.

*Source: 49 CFR Part 674.7*
**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.

*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 audit:** A review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.

*Source: 49 CFR Part 672.5*

**Safety management policy:** A transit agency’s documented commitment to safety, which defines the transit agency’s safety objectives, and the accountabilities and responsibilities of its employees concerning safety.

*Source: 49 CFR Part 673.5*

**Safety management system:** Formal, top-down, organization-wide data-driven approaches to managing safety risk and assuring the effectiveness of a recipient’s safety risk mitigations. Safety management systems include systematic procedures, practices and policies for managing risks and hazards.

*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 performance target related to safety management activities.

*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 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.

*Source: 49 CFR Part 673.5*
**Serious injury:** Any injury which:
- Requires hospitalization for more than 48 hours, commencing within seven days from the date of the injury was received.
- Results in a fracture of any bone (except simple fractures of fingers, toes, or nose).
- Causes severe hemorrhages, nerve, muscle, or tendon damage.
- Involves any internal organ.
- Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

*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 is able to operate at a full level of performance.

This means the asset:
- Is able to perform its designed function.
- Does not pose a known unacceptable safety risk.
- Has met or recovered lifecycle investments.

*Sources: 49 CFR Part 673 and 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 49 CFR Part 674.7.

*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 any involved vehicles, facilities, equipment, rolling stock, or infrastructure that:

- Disrupts the operations of the rail properties.
- Adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, rolling stock, or infrastructure, requires towing, rescue, on-site maintenance, or immediate removal prior to safe operation.

Substantial damage excludes damage that is limited to

- Cracked windows.
- Dents, bends, or small puncture holes in the body.
- Broken lights, mirrors, catenaries, or third-rail equipment.
- Removal from service for minor repair or maintenance, testing, or video and event recorder download.

*Source: 49 CFR Part 674.7*

**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*

**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](https://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](https://transportation.gov)

**Vehicle:** Any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles. Used interchangeably with rail transit vehicle.

*Source:* [NTD Glossary](https://dot.gov)


**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](https://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](https://wsdot.wa.gov)