

**49 CFR Part 659 -- Rail Fixed Guideway Systems;
State Safety Oversight**

**Resource Toolkit for
State Oversight Agencies
Implementing 49 CFR Part 659**

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**Federal Transit Administration
Office of Safety and Security
400 Seventh Street, S.W.
Washington, D.C 20590**

Preface

The “Resource Toolkit for State Oversight Agencies Implementing 49 CFR Part 659” has been developed to support states and rail transit agencies in meeting FTA’s requirements for its revised State Safety and Security Oversight Rule (49 CFR Part 659), published in the *Federal Register* on April 29, 2005. Specifically, § 659.39(a) requires “each designated oversight agency with a rail fixed guideway system that is in passenger operations as of April 29, 2005 or will begin passenger operations by May 1, 2006, [to] make its initial submission to FTA by May 1, 2006.” § 659.39(b) explains that “an initial submission must include the following: (1) oversight agency program standard and referenced procedures; and (2) certification that the System Safety Program Plan and the System Security Plan have been developed, reviewed, and approved.”

This Resource Toolkit contains a sample “oversight agency program standard and referenced procedures” document that can be tailored by each affected state oversight agency to develop a compliant initial submission. The Resource Toolkit also includes sample program requirements that can be adopted by the state oversight agency to support the development of compliant System Safety Program Plans and System Security Plans at rail transit agencies. A sample “certification that the system safety program plan and the system security plan have been developed, reviewed, and approved” is also provided, as well as sample checklists for use by state oversight agencies in reviewing and approving the rail transit agency plans and other submissions.

The Resource Toolkit begins with the sample “Program Standard and Referenced Procedures,” which has nine sections including:

1. Introduction and Overview
2. System Safety Program Plan Standard
3. System Security Plan Standard
4. Rail Transit Agency Internal Safety and Security Audit Program
5. Hazard Management Process
6. Accident Notification, Investigation and Reporting
7. Three-Year On-site Safety and Security Review
8. Corrective Action Plans
9. Reporting to FTA

Additional references and procedures are provided as appendices. These include the following:

- Appendix A: Authority for the State Oversight Agency
- Appendix B: 49 CFR Part 659 (April 29, 2005)
- Appendix C: Organization Charts
- Appendix D: Rail Transit Agency Safety and Security Points-of-Contact
- Appendix E: Program Requirements for Development of a Rail Transit Agency System Safety Program Plan (SSPP)

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- Appendix F: State Oversight Agency SSPP Review Checklist
- Appendix G: Program Requirements for Development of a Rail Transit Agency System Security and Emergency Preparedness Program Plan (SEPP)
- Appendix H: State Oversight Agency System Security Program Plan Checklist
- Appendix I: Checklist for Reviewing Rail Transit Agency Accident Investigation Reports and Supporting Documentation
- Appendix J: Sample Three-Year Safety and Security Review Checklist
- Appendix K: Sample Certification that Rail Transit Agency System Safety Program Plan and System Security Plan Have Been Developed, Reviewed, and Approved

This Resource Toolkit is a companion document to FTA's *Implementation Guidelines for 49 CFR Part 659*. It is provided in electronic form on the CD-ROM contained with the *Implementation Guidelines for 49 CFR Part 659*. References are made to this Resource Toolkit throughout the *Implementation Guidelines for 49 CFR Part 659*.

Preparation of this Resource Toolkit was greatly aided by the generous contribution of materials and advice from safety and security professionals at state oversight and rail transit agencies and industry associations. Specifically, FTA's State Safety and Security Oversight Team would like to thank:

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Disclaimer

It should be noted that the materials presented in this DRAFT Resource Toolkit are only samples, intended for review and consideration by state oversight agencies in developing the Initial Submissions required in 49 CFR Part 659.39. Some of the sections in the revised 49 CFR Part 659 require the oversight agency (1) to establish time-frames for review and approval of rail transit agency materials and (2) to develop, review and approve joint processes with the rail transit agency which ensure on-going oversight. Neither these time-frames nor the details of the joint processes are specified in the revised 49 CFR Part 659. Instead, they are left to the discretion of the oversight agency and, in some cases, the rail transit agency.

The sample materials provided in this Resource Toolkit offer examples of time frames and joint processes that could be adopted by the state oversight agency and rail transit agency to address 49 CFR Part 659 requirements. However, there are many approaches that could be taken to meeting these requirements. In providing these sample materials FTA is not mandating their use nor implying that the approach documented in the sample materials is the only acceptable alternative. In evaluating Initial Submissions from state oversight agencies, FTA will focus only on the state's compliance with the Rule's minimum requirements. FTA will show no favor to agencies using either these sample materials or modified versions thereof.

Reading this Document

To support the efforts of state oversight agencies to evaluate these sample materials within the context of the revised Rule's requirements, each section of the sample "Program Standard and Referenced Procedures" begins with a brief description of the section and the citation of excerpts from the revised Rule relevant to that section. Items to be inserted, considered, or determined by the oversight agency are highlighted in gray. Gray highlighting is also applied to those processes and procedures which address areas of Rule implementation left to the discretion of state oversight agencies.

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Cross-Walk Matrix

49 CFR Part 659 (April 29, 2005)	Where it is Addressed in Sample “Program Standard and Referenced Procedures”
§ 659.5 Definitions	Section 1
§ 659.11 Confidentiality of investigation reports and security plans	Section 2
§ 659.13 Overview	Section 1
§ 659.15 System safety program standard	
(a) General Requirement	Section 1
(b) Contents	
(1) Program management section	Section 1
(2) Program standard development section	Section 1
(3) Oversight of rail transit agency internal safety and security reviews	Section 4
(4) Oversight agency safety and security review section	Section 7
(5) Accident notification section	Section 6
(6) Investigations section	Section 6
(7) Corrective actions section	Section 8
(8) System safety program plan section	Section 2
(9) System security plan section	Section 3
§ 659.17 System safety program plan: general requirements	Section 2
§ 659.19 System safety program plan: contents	Section 2
§ 659.21 System security plan: general requirements	Section 3
§ 659.23 System security plan: contents	Section 3
§ 659.25 Annual review of system safety program plan and system security plan	Section 2 and Section 3
§ 659.27 Internal safety and security audits	Section 4
§ 659.29 Oversight agency safety and security reviews	Section 7
§ 659.31 Hazard management process	Section 5
§ 659.33 Accident notification	Section 6
§ 659.35 Investigations	Section 6
§ 659.37 Corrective action plans	Section 8
§ 659.39 Oversight agency reporting to the Federal Transit Administration	Section 9
§ 659.41 Conflict of interest	Section 1
§ 659.43 Certification of compliance	Section 9

Program Standard and Referenced Procedures

1. Introduction and Overview

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency, its authority, organization, and designated point-of-contact, as well as the rail transit agencies overseen by the program, the oversight agency’s provisions regarding conflict of interest, and the definitions used by the oversight agency in managing its program. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section, are listed:

§ 659.13 Overview.

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

§ 659.15 System safety program standard.

(a) General requirement. Each state oversight agency shall develop and distribute a program standard. The program standard is a compilation of processes and procedures that governs the conduct of the oversight program at the state oversight agency level, and provides guidance to the regulated rail transit properties concerning processes and procedures they must have in place to be in compliance with the state safety oversight program. The program standard and any referenced program procedures must be submitted to FTA as part of the initial submission. Subsequent revisions and updates must be submitted to FTA as part of the oversight agency’s annual submission.

§ 659.15(b)(1) and (2). System safety program standard: contents.

Each oversight agency shall develop a written program standard that meets the requirements specified in this part and includes, at a minimum, the areas identified in this section.

(1) Program management section. This section shall include an explanation of the oversight agency’s authority, policies, and roles and responsibilities for providing safety and security oversight of the rail transit agencies within its jurisdiction. This section shall provide an overview of planned activities to ensure on-going communication with each affected rail transit agency relating to safety and security information, as well as FTA reporting requirements, including initial, annual and periodic submissions.

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- (2) Program standard development section. This section shall include a description of the oversight agency's process for the development, review, and adoption of the program standard, the modification and/or update of the program standard, and the process by which the program standard and any subsequent revisions are distributed to each affected rail transit agency.

§ 659.41 Conflict of interest.

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

§ 659.5 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Rail fixed guideway system means, as determined by FTA, any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:

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

Rail transit agency means an entity that operates a rail fixed guideway system.

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

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

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

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

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

System safety program plan means a document developed by the rail transit agency, describing its safety policies, objectives, responsibilities, and procedures.

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

1.1 Purpose

This document describes the state of [insert name of state]'s program for addressing regulations promulgated by the Federal Transit Administration (FTA). These regulations establish minimum requirements for safety and security programs at each rail transit agency (RTA) within the state's jurisdiction. The purpose of this document is to provide standards, procedures, and technical direction to RTAs in order to implement the program specified by the state.

1.2 Authority

Through [insert Executive Order/Enabling Legislation/Other], the [insert Governor/Legislature/Other] of the state has assigned the [insert name of agency – will be referred to State Oversight Agency (SOA) throughout this document] as the agency responsible for rail transit safety and security oversight in the state. **Appendix A** contains a copy of the [insert Executive Order/Enabling Legislation/Other Provision] that grants authority to the SOA to develop, manage, and carry out FTA's safety and security program requirements in the state. To implement the [insert Executive Order/Enabling Legislation/Other Provision], this document establishes the system safety and security requirements for each RTA in the state to implement the provisions of the SSO program.

FTA's authority to require this program derives from its authority to condition the receipt of FTA grant funds on compliance with FTA guidance (49 U.S.C. § 4324(c)). The Intermodal Surface Transportation Efficiency Act (ISTEA), recently reauthorized by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU), directed FTA to issue regulations requiring states to oversee the safety and security of rail transit agencies (49 USC § 5330). FTA promulgated its regulations through the adoption of a rule in 1995, entitled "Rail Fixed Guideway Systems; State Safety Oversight" (49 CFR Part 659). FTA recently revised 49 CFR Part 659, publishing its new final Rule on April 29, 2005, hereinafter referred to as "the Rule" or Part 659. **Appendix B** contains a copy of the Rule.

[Insert Executive Order/Enabling Legislation/Other] and *Part 659* establish authority for the SOA's program and the standards, procedures, and technical direction to be provided to each RTA operating within the state's jurisdiction. This document combines the SOA's program standard and procedures and comprises the state's Initial Submission to FTA. It documents both RTA and SOA required activities to implement [insert Executive Order/Enabling Legislation/Other] and *Part 659*. It also specifies the program in place to ensure on-going communication between the SOA and each affected RTA regarding safety and security information, and to address SOA communication with the FTA, including initial, annual, and periodic submissions.

1.3 SOA Point of Contact

The program administered by the SOA is managed by [insert name and title of SOA SSO Program Manager].

Oversight Agency:	Name of SOA
Program Manager:	Mr./Ms. First Name/Last Name Title Address Line 1 Address Line 2 City, State and Zip Code Phone: (XXX) - XXX - XXXX Fax: (XXX) - XXX - XXXX E-mail: name@soa.st.gov

SOA’s oversight program is located within the [insert name of department, i.e., Department of Transportation Safety] within the [insert name of agency, i.e., state Department of Transportation]. Organization charts for both the [insert name of agency, i.e., state Department of Transportation] and the [insert name of department, i.e., Office of Transportation Safety] are provided in **Appendix C**. The SOA Program Manager administers the state safety and security oversight program full-time.

The SOA Program Manager reports to the [insert name of supervisor], who reports to the [insert name of supervisor, i.e., Deputy Administrator for Transportation], who reports information on the oversight program to the [insert name of agency]’s chief executive. In the event that additional personnel, technical or staff support is required from [insert name of agency], [insert name of supervisor] is authorized dedicate these resources to the program. [Insert name of supervisor] is also authorized to arrange a meeting with the [insert name of agency]’s chief executive in the event that agency-wide attention should be focused on a specific RTA safety or security issue. The SOA retains the authority to use contractors as required to support the performance of safety and security oversight activities. Procurement activities for the contractor are managed by the SOA Program Manager in conjunction with the [insert name of agency]’s procurement department.

1.4 Affected Rail Transit Agency(s)

RTAs affected by this program include any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway operating within the state’s jurisdiction that:

- is not regulated by the Federal Railroad Administration; and
- is included in FTA’s calculation of fixed guideway route miles or receives funding under FTA’s formula program for urbanized areas (49 U.S.C. 5336); or

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- has submitted documentation to FTA indicating its intent to be included in FTA’s calculation of fixed guideway route miles to receive funding under FTA’s formula program for urbanized areas (49 U.S.C. 5336).

RTA’s subject to the provisions of the state’s program include:

RTA Number 1:	Name of RTA Address Line 1 Address Line 2 City, State and Zip Code
RTA Number 2:	Name of RTA Address Line 1 Address Line 2 City, State and Zip Code

Affected RTAs shall supply, and update as necessary, points-of-contact for their safety and security programs to SOA. This information is attached as **Appendix D**.

1.5 Conflict of Interest

No individual or entity may provide services to both SOA and an RTA when there is a conflict of interest or an appearance of a conflict. A conflict of interest occurs when an individual or entity performing work for an RTA or the SOA is unable, or potentially unable, to render impartial assistance or advice on the development or implementation of the standards and provisions of this SSO manual, or to objectively perform such work without bias. A third party contractor to the SOA or an RTA may not have an unfair competitive advantage over other contractors. Each contractor is subject to full disclosure on all present and potential conflicts of interest in its activities or relationships prior to being awarded a contract with SOA or an RTA.

1.6 Distribution of Program Standard and Procedures

This document is distributed through the SOA’s [insert name of office]. Copies can be obtained from:

Name of Office
Address Line 1
Address Line 2
City, State and Zip Code

This document can also be obtained directly from the SOA point-of-contact. In addition, copies of this document have been distributed directly to the designated safety and security points-of-contact established by each affected RTA.

1.7 Revisions and Updates

To ensure currency, this document will be reviewed on a biennial schedule to determine if updates are necessary. The first biennial review will be performed beginning on the first working day in January 2008. After a 30-day review period, during which SOA will develop its proposed revisions, the revised document will be circulated for review in draft form to the affected RTAs. At least 30 days will be provided for the RTAs to submit comments to the SOA point-of-contact.

Following this review and comment period, draft changes will be approved by the [insert name of approving party] and incorporated into the next version of the document. After every update, final versions of the revised document will be submitted to the RTA safety and security points-of-contact. Final versions of the revised document will also be submitted to FTA's Office of Safety and Security as part of the SOA's Annual Submission. Final versions of this document will also be available for distribution in the manner described in Section 1.6.

In addition to the biennial update, changes may be requested to this document based on reviews or audits from internal or external sources, such as FTA, or based on policy changes, statewide meetings, and/or organizational changes. Each request for change will be reviewed by appropriate SOA staff in a timely manner. Proposed changes to this document will be circulated for review in draft form to the affected RTAs in the manner described for the biennial reviews. As with the biennial updates, final copies of the revised version of this document will be submitted to the RTA safety and security points-of-contact and to the FTA as part of the SOA's Annual Submission. Final versions of this document will also be available for distribution in the manner described in Section 1.6.

1.8 Definitions

Definitions used in this document include the following:

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

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

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

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

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

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

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

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

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

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

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

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

Rail Fixed Guideway System means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that: (1) is not regulated by the Federal Railroad Administration; and (2) is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); or (3) has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).

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

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

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

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

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

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

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

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

2. System Safety Program Plan Standard

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s requirements for the System Safety Program Plan (SSPP), which must be developed by the rail transit agency, and formally reviewed and approved by the oversight agency. The state oversight agency must also require the rail transit agency to conduct an annual review to determine whether the SSPP should be updated, and must explain its process for receiving, reviewing and formally approving updated SSPPs. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section, are listed:

§ 659.15(b)(8). System safety program standard: contents.

(8) System safety program plan section. This section shall specify the minimum requirements to be contained in the rail transit agency’s system safety program plan. The contents of the system safety plan are discussed in more detail in § 659.19 of this part. This section shall also specify information to be included in the affected rail transit agency’s system safety program plan relating to the hazard management process, including requirements for ongoing communication and coordination relating to the identification, categorization, resolution, and reporting of hazards to the oversight agency. More details on the hazard management process are contained in § 659.31 of this part. This section shall also describe the process and timeframe through which the oversight agency must receive, review, and approve the rail transit agency system safety program plan.

§ 659.39(a) and (b) Oversight agency reporting to the Federal Transit Administration.

(a) Initial submission. Each designated oversight agency with a rail fixed guideway system that is in passenger operations as of April 29, 2005 or will begin passenger operations by May 1, 2006, must make its initial submission to FTA by May 1, 2006. In states with rail fixed guideway systems initiating passenger operations after May 1, 2006, the designated oversight agency must make its initial submission within the time frame specified by the state in its designation submission, but not later than at least sixty (60) days prior to initiation of passenger operations. Any time a state changes its designated oversight agency to carry out the requirements identified in this part, the new oversight agency must make a new initial submission to FTA within thirty (30) days of the designation.

(b) An initial submission must include the following:

(1) Oversight agency program standard and referenced procedures; and

- (2) Certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.

§ 659.17 System safety program plan: general requirements.

- (a) The oversight agency shall require the rail transit agency to develop and implement a written system safety program plan that complies with requirements in this part and the oversight agency's program standard.
- (b) The oversight agency shall review and approve the rail transit agency system safety program plan.
- (c) After approval, the oversight agency shall issue a formal letter of approval to the rail transit agency, including the checklist used to conduct the review.

§ 659.25(a) and (b). Annual review of system safety program plan.

- (a) The oversight agency shall require the rail transit agency to conduct an annual review of its system safety program plan.
- (b) In the event the rail transit agency's system safety program plan is modified, the rail transit agency must submit the modified plan and any subsequently modified procedures to the oversight agency for review and approval. After the plan is approved, the oversight agency must issue a formal letter of approval to the rail transit agency.

§ 659.19 System safety program plan: contents.

The system safety plan shall include, at a minimum:

- (a) A policy statement signed by the agency's chief executive that endorses the safety program and describes the authority that establishes the system safety program plan.
- (b) A clear definition of the goals and objectives for the safety program and stated management responsibilities to ensure they are achieved.
- (c) An overview of the management structure of the rail transit agency, including:
- (1) An organization chart;
 - (2) A description of how the safety function is integrated into the rest of the rail transit organization; and
 - (3) Clear identification of the lines of authority used by the rail transit agency to manage

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safety issues.

- (d) The process used to control changes to the system safety program plan, including:
 - (1) Specifying an annual assessment of whether the system safety program plan should be updated; and
 - (2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval.
- (e) A description of the specific activities required to implement the system safety program, including:
 - (1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and
 - (2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format.
- (f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:
 - (1) Hazard identification;
 - (2) Hazard investigation, evaluation and analysis;
 - (3) Hazard control and elimination;
 - (4) Hazard tracking; and
 - (5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.
- (g) A description of the process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification but which may have safety impacts.
- (h) A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.
- (i) A description of the process used to collect, maintain, analyze, and distribute safety data, to ensure that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program.
- (j) A description of the process used by the rail transit agency to perform accident notification,

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investigation and reporting, including:

- (1) Notification thresholds for internal and external organizations;
 - (2) Accident investigation process and references to procedures;
 - (3) The process used to develop, implement, and track corrective actions that address investigation findings;
 - (4) Reporting to internal and external organizations; and
 - (5) Coordination with the oversight agency.
- (k) A description of the process used by the rail transit agency to develop an approved, coordinated schedule for all emergency management program activities, which include:
- (1) Meetings with external agencies;
 - (2) Emergency planning responsibilities and requirements;
 - (3) Process used to evaluate emergency preparedness, such as annual emergency field exercises;
 - (4) After action reports and implementation of findings;
 - (5) Revision and distribution of emergency response procedures;
 - (6) Familiarization training for public safety organizations; and
 - (7) Employee training.
- (l) A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the system safety program plan, including:
- (1) Identification of departments and functions subject to review;
 - (2) Responsibility for scheduling reviews;
 - (3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings;
 - (4) Review of reporting requirements;
 - (5) Tracking the status of implemented recommendations; and
 - (6) Coordination with the oversight agency.
- (m) A description of the process used by the rail transit agency to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:
- (1) Identification of operating and maintenance rules and procedures subject to review;

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- (2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing;
 - (3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and
 - (4) Process for documenting results and incorporating them into the hazard management program.
- (n) A description of the process used for facilities and equipment safety inspections, including:
- (1) Identification of the facilities and equipment subject to regular safety-related inspection and testing;
 - (2) Techniques used to conduct inspections and testing;
 - (3) Inspection schedules and procedures; and
 - (4) Description of how results are entered into the hazard management process.
- (o) A description of the maintenance audits and inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.
- (p) A description of the training and certification program for employees and contractors, including:
- (1) Categories of safety-related work requiring training and certification;
 - (2) A description of the training and certification program for employees and contractors in safety-related positions;
 - (3) Process used to maintain and access employee and contractor training records; and
 - (4) Process used to assess compliance with training and certification requirements.
- (q) A description of the configuration management control process, including:
- (1) The authority to make configuration changes;
 - (2) Process for making changes; and
 - (3) Assurances necessary for formally notifying all involved departments.
- (r) A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements, including:
- (1) Safety requirements that employees and contractors must follow when working on, or

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- in close proximity to, rail transit agency property; and
- (2) Processes for ensuring the employees and contractors know and follow the requirements.
 - (s) A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.
 - (t) A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.
 - (u) A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency's procurement process.

§ 659.31 Hazard management process.

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

2.1 Objective

This section identifies the minimum requirements for the System Safety Program Plan (SSPP) to be developed, approved, adopted and implemented by the each RTA in the SOA program.

2.2 SSPP Minimum Requirements

SOA has adopted a minimum system safety program standard in order to comply with requirements specified by FTA in *49 CFR 659.17* and *49 CFR 659.19* of the revised Rule. SOA encourages the RTAs to exceed this standard in their revenue service operations and to further enhance safety by applying system safety principles throughout all life cycle phases of the transit system's activities.

Each RTA must develop, implement, and maintain a written SSPP that complies with the SSPP Program Requirements specified in **Appendix E** of this document. This SSPP must:

- be endorsed by top management of the transit agency;
- establish the safety and security goals and objectives of the transit agency;
- identify the safety roles and responsibilities of all RTA departments/functions;
- require cooperation within the transit agency and the accountability of executive leadership for addressing identified safety issues;
- identify the hazard management process to be managed by the RTA;
- identify the internal safety audit process to be managed by the RTA and overseen by the SOA;
- identify the notification, investigation and reporting procedures to be used jointly by the RTA and the SOA in managing accidents meeting thresholds specified by FTA's Rule;
- require communication and coordination with SOA in all SSO program provisions; and
- provide a schedule for the implementation and revision of the SSPP.

Based on the requirements specified in **Appendix E**, an outline for the minimum content for the RTA SSPP is illustrated in Figure 1.

Figure 1: Outline for SSPP

1. Executive Approval (Policy Statement)
2. Purpose, Goals and Objectives
 - 2.1 Purpose
 - 2.2 Goals
 - 2.3 Objectives
3. Management Structure
 - 3.1 Overview
 - 3.1.1 General Overview and History of Transit Agency
 - 3.1.2 Scope of Transit Services
 - 3.1.3 Physical Plant
 - 3.1.4 Operations
 - 3.1.5 Maintenance
 - 3.2 Integration of Safety Function
 - 3.3 Lines of Authority for Safety
4. Plan Review and Modification
 - 4.1 SSPP Review Schedule
 - 4.2 SSPP Control and Update Procedures
 - 4.3 SSPP Review and Approval by the State Oversight Agency
 - 4.4 SSPP Change Management
5. SSPP Implementation – Tasks and Activities
 - 5.1 Overview
 - 5.2 System Safety Function
 - 5.2.1 Methodology Used by the System Safety Unit
 - 5.3 Safety Responsibilities of Other Departments
 - 5.4 Safety Task Responsibility Matrix (or Narrative Description)
6. Hazard Management Process
 - 6.1 Overview
 - 6.2 Hazard Management Process – Activities and Methodologies
 - 6.3 Coordinating with the State Oversight Agency
7. Safety Certification
8. Managing Safety in System Modifications

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- 9. Safety Data Acquisition
 - 9.1 Data Acquisition Process
 - 9.2 Access to Data

- 10. Accident/Incident Notification, Investigation and Reporting
 - 10.1 Overview
 - 10.2 Accident/Incident Reporting Criteria
 - 10.3 Accident/Incident Investigation Procedures
 - 10.4 Internal Notification Procedure
 - 10.5 External Notification Procedure
 - 10.6 Accident/Incident Reporting and Documentation
 - 10.7 Corrective Action Resulting from Accident Investigation
 - 10.8 Coordination with State Oversight Agency

- 11. Emergency Response Planning/Coordination/Training
 - 11.1 Responsibilities for Emergency Preparedness
 - 11.2 Coordinated Schedule
 - 11.3 Emergency Drills and Exercises
 - 11.4 Emergency Procedures
 - 11.5 Emergency Training
 - 11.6 Familiarization Training

- 12. Internal Safety Audit Process
 - 12.1 Overview
 - 12.2 Scope of Activities
 - 12.3 Audit Process
 - 12.3.1 Integrity of Audit Process
 - 12.3.2 Cycle/Schedule
 - 12.3.3 Checklists and Procedures
 - 12.3.4 Annual Audit Report
 - 12.3.5 Audit Reporting
 - 12.3.6 Coordination with the Oversight Agency
 - 12.3.7 Audit Completeness

- 13. Rules Compliance/Procedures Review
 - 13.1 Overview
 - 13.2 Review of Rules and Procedures
 - 13.3 Process for Ensuring Rules Compliance
 - 13.4 Compliance Techniques – Operations and Maintenance Personnel
 - 13.5 Compliance Techniques – Supervisory Personnel
 - 13.6 Documentation

- 14. Facilities and Equipment Inspections

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- 14.1 Facilities and Equipment Subject to Inspection
- 14.2 Regular Inspection and Testing
- 14.3 Checklists
- 14.4 Coordination with Hazard Management Process

- 15. Maintenance Audits/Inspections
 - 15.1 Systems and Facilities Subject to Maintenance Program
 - 15.2 Resolution of Audit/Inspection Findings
 - 15.3 Checklists

- 16. Training and Certification Review/Audit
 - 16.1 Overview
 - 16.2 Employee Safety
 - 16.3 Contractor Safety
 - 16.4 Record Keeping
 - 16.5 Compliance with Training Requirements

- 17. Configuration Management
 - 17.1 Overview
 - 17.2 Process for Changes
 - 17.3 Authority for Change

- 18. Compliance with local, state and federal Requirements
 - 18.1 Employee Safety Program
 - 18.2 Working on or near Rail Transit Controlled Property
 - 18.3 Compliance with Required Safety Programs

- 19. Hazardous Materials

- 20. Drug & Alcohol Abuse

- 21. Procurement

2.3 Initial Review and Approval of SSPP

In carrying out its oversight responsibilities under FTA's SSO Program (49 CFR 659.17), SOA will receive, review, and approve in writing each RTA SSPP. With the SSPP, the RTA should also submit any referenced materials, including procedures, checklists and training materials for accident investigation, the internal safety audit program, the hazard management process, the emergency response planning, coordination and training program, and the rules compliance program.

To ensure compliance with FTA's initial submission requirements, each RTA must submit an SSPP, in compliance with the program requirements specified in **Appendix E** and all referenced

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procedures/materials by April 1, 2006. The SSPP should be submitted in electronic format via email to the SOA point-of-contact. Supporting procedures may be submitted in hard copy via mail or fax. SOA will review the submitted SSPP, using the checklist provided in **Appendix F**. Upon approval, SOA will provide a written letter of approval and a copy of the completed checklist to the RTA.

While conducting its review, SOA may request additional information, clarifications or revisions from the RTA safety point-of-contact. A meeting or teleconference may also be conducted to address any issues identified by SOA during its review of the SSPP. Any additional requirements will be conveyed by the SOA point-of-contact. Pending any major deficiencies in the RTA SSPP, SOA will approve the initial SSPP submission by April 30, 2006.

2.4 Subsequent Reviews of RTA SSPP

Each RTA shall conduct an annual review of its SSPP and update it as necessary to ensure that the SSPP is current at all times. The RTA shall complete the review for the previous calendar year and submit a revised SSPP to the SOA point-of-contact by March 1. As appropriate, referenced materials affected by the revision(s) should also be submitted with the SSPP.

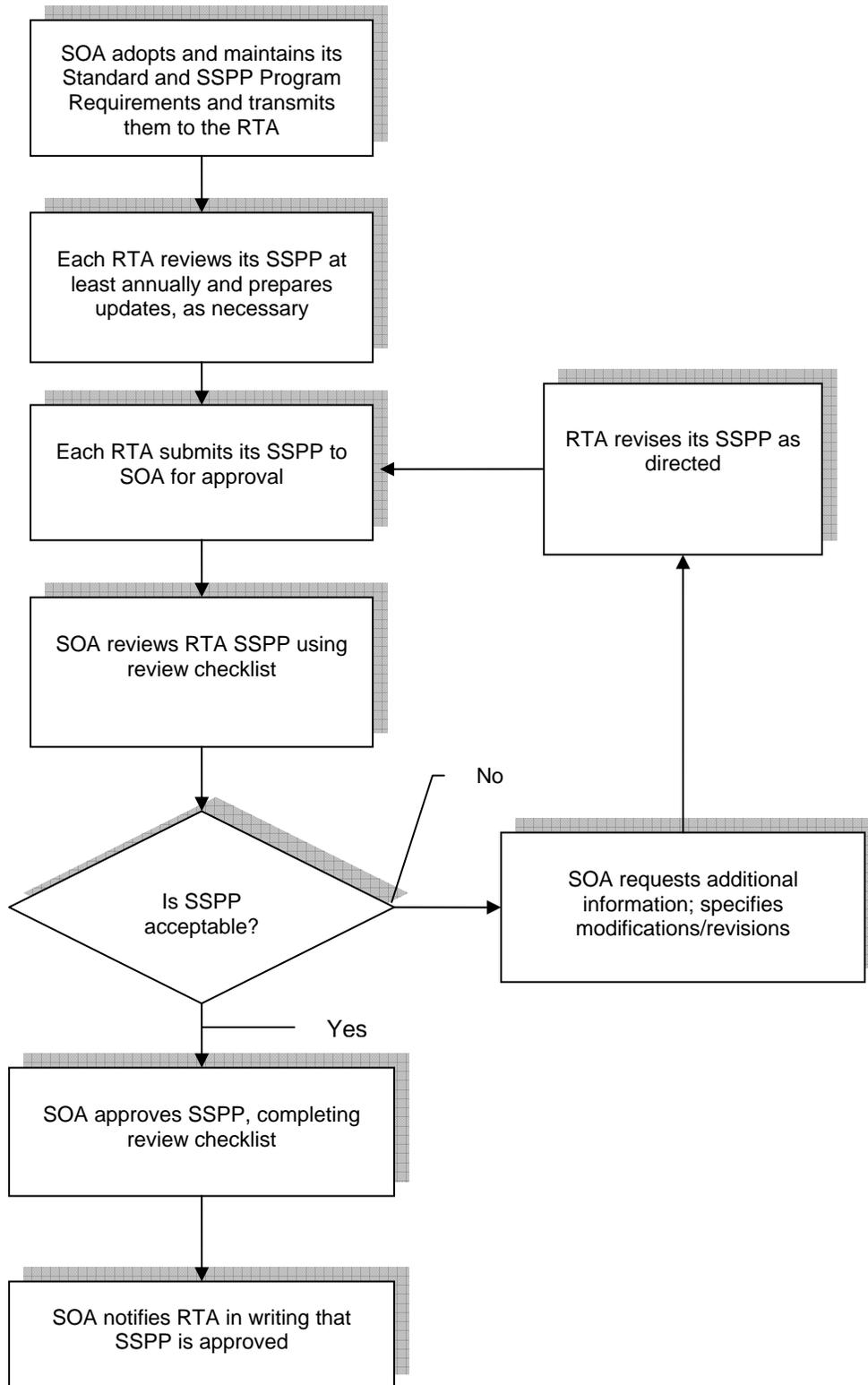
Each revised SSPP submitted to the SOA by an RTA shall include a text or tabular summary that identifies and explains proposed changes and includes a time frame for completion of the associated activities. Following the process specified in Figure 2, SOA will review subsequent SSPP submissions from RTAs. Upon approval of modifications, SOA will issue to the RTA written approval of its SSPP within 30 calendar days of submission and the completed SSPP checklist.

In the event that an RTA conducts its annual SSPP review and determines that no update is necessary for that year, it must prepare and submit by March 1 formal correspondence notifying SOA of this determination. If SOA wishes to object to this determination, the SOA point-of-contact will notify the RTA within 30 days.

Additional reviews of the RTA SSPP may be required to address specific issues based on revisions to the SOA's program standard or procedures, revisions to FTA 49 CFR 659, audit results, on-site reviews, investigations, or changing trends in incident data. Upon receipt of a written notification from the SOA for SSPP modifications, the RTA shall submit a revised SSPP to SOA within 30 calendar days. SOA will review and approve the revised SSPP, providing a formal approval letter and a completed review checklist (if appropriate for the change) within 30 days of receipt of the revised RTA SSPP.

In the event that the RTA initiates updates outside of the annual review cycle, the RTA shall submit the modified SSPP, and any subsequently modified procedures, to the SOA for review and approval within 30 calendar days of the effective date of the change.

Figure 2: SSPP Approval Process



2.5 SSPP Submittals from New Starts Projects

An RTA New Starts project shall make an initial submittal of an SSPP and all referenced procedures/materials to SOA at least 180 calendar days before beginning passenger service operations. The initial SSPP will be approved and adopted by the RTA as part of the New Starts project safety certification process.

SOA will review and approve the initial SSPP using its review checklist, and will transmit a formal letter of approval and the completed checklist to the RTA point-of-contact. While conducting its review, SOA may request additional information, clarifications or revisions from the RTA safety point-of-contact. A meeting or teleconference may also be conducted to address any issues identified by SOA during its review of the SSPP. Any additional requirements will be conveyed by the SOA point-of-contact.

2.6 SSPP Readiness Review

SOA reserves the right to conduct an on-site SSPP Readiness Review of any New Starts project. This review would be conducted after receipt of the RTA's initial SSPP submission but prior to its entry into passenger operations. This assessment would focus on the capabilities of the RTA to implement its SSPP during passenger operations. This assessment may be conducted in conjunction with SOA review and approval of the initial SSPP submission.

This assessment may be conducted formally, following the procedures specified for the Three-Year Safety and Security Review, identified in Section 7 of this document. Or this assessment may be conducted less formally, as an on-site walk-through of the RTA's safety program with the RTA's safety point-of-contact and other RTA personnel to ensure both the accuracy of its initial SSPP submission and the capacity of the RTA to implement its SSPP.

Based on the type of review conducted, SOA may issue an official report with required corrective actions (see Section 7 of this document), or may address any findings through the review and approval process used for the RTA's SSPP.

3. System Security Plan Standard

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s requirements for the System Security Plan, which must be developed by the rail transit agency, and formally reviewed and approved by the oversight agency. The state oversight agency must also require the rail transit agency to conduct an annual review to determine whether the System Security Plan should be updated, and must explain its process for receiving, reviewing and formally approving updated System Security Plans. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section, are listed:

§ 659.15(b)(9). System safety program standard: contents.

(9) System security plan section. This section shall specify the minimum requirements to be included in the rail transit agency’s system security plan. More details about the system security plan are contained in §§ 659.21 through 659.23 of this part. This section shall also describe the process by which the oversight agency will review and approve the rail transit agency system security program plan. This section also shall identify how the state will prevent the system security plan from public disclosure.

§ 659.11 Confidentiality of investigation reports and security plans.

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

§ 659.21 System security plan: general requirements.

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

approval, including the checklist used to conduct the review, to the rail transit agency.

§ 659.23 System security plan: contents.

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

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

§ 659.25(b) and (c). Annual review of system security plan.

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

3.1 Objective

This section identifies the minimum requirements for the System Security Plan to be developed, approved, adopted and implemented by the each RTA in the SOA program.

3.2 Security Program Plan Minimum Requirements

SOA has adopted a minimum system security program standard in order to comply with requirements specified by FTA in *49 CFR 659.21* and *49 CFR 659.23* of the revised Rule. Each RTA must develop, implement, and maintain a written System Security Plan that complies with the program requirements specified in **Appendix G** of this document. This appendix is based on FTA's *System Security and Emergency Preparedness Planning Guide*, issued in January 2003. FTA's guide addresses all of the activities specified in 49 CFR Part 659.23. In addition, compliance with this FTA guide is required for RTAs participating in the Transit Security Grant Program (TSGP), administered by the Department of Homeland Security, Preparedness Directorate, Office of Grants and Training (G&T), formerly the Office for Domestic Preparedness (ODP). The program requirements in **Appendix G** also affirm the authority of the Transportation Security Administration (TSA) in the areas of rail transit security and terrorism preparedness.

At a minimum, the System Security Plan developed by the RTA must:

- identify the policies, goals, and objectives for the security program endorsed by the chief executive of the RTA;
- document the RTA process for managing threats and vulnerabilities during operations and for major projects, extensions, new vehicles and equipment, including integration with the safety certification process;
- identify controls in place that address the personal security of passengers and employees;
- document the RTA process for conducting internal security audits to evaluate compliance and measure the effectiveness of the system security plan; and
- document the RTA process for making available its system security plan and accompanying procedures to the SOA for review and approval.

In addressing this last item, the SOA has authority in place to protect against the public disclosure of RTA security documents. To ensure the further protection of these documents, the SOA requests that all security submissions are either delivered to the SOA point-of-contact in person, via email, or delivered via overnight mail with a signature required.

Based on the requirements specified in **Appendix G**, an outline for the minimum content for the RTA System Security Plan is illustrated in Figure 3.

Figure 3: Outline for System Security and Emergency Preparedness Plan (SEPP)

SEPP Memorandum of Executive Approval/System Security Policy

- 1.0 System Security and Emergency Preparedness Program Introduction
 - 1.1 Purpose of the SEPP
 - 1.1.1 System Security
 - 1.1.2 Emergency Preparedness
 - 1.2 Goals and Objectives
 - 1.2.1 Goals
 - 1.2.2 Objectives
 - 1.3 Scope of Program
 - 1.4 Security and Law Enforcement
 - 1.5 Management Authority and Legal Aspects
 - 1.6 Government Involvement
 - 1.7 Security Acronyms and Definitions
- 2.0 System Description
 - 2.1 Background & History of System
 - 2.2 Organizational Structure
 - 2.3 Human Resources
 - 2.4 Passengers
 - 2.5 Services and Operations
 - 2.6 Operating Environment
 - 2.7 Integration with Other Plans and Programs
 - 2.8 Current Security Conditions
 - 2.9 Capabilities and Practices
- 3.0 SEPP Management Activities
 - 3.1 Responsibility for Mission Statement and System Security Policy
 - 3.2 Management of the SEPP Program
 - 3.3 Division of Security Responsibilities
 - 3.3.1 Security/Police Function Responsibilities
 - 3.3.2 Security Responsibilities of Other Departments/Functions
 - 3.3.3 Job-specific Security Responsibilities
 - 3.3.4 Security Task Responsibilities Matrix
 - 3.3.5 Security Committees
- 4.0 SEPP Program Description
 - 4.1 Planning
 - 4.2 Organization
 - 4.3 Equipment
 - 4.4 Training and Procedures

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4.5	Emergency Exercises and Evaluation
5.0	Threat and Vulnerability Identification, Assessment, and Resolution
5.1	Threat and Vulnerability Identification
5.1.1	Asset Analysis
5.1.2	Security Data Collection for the Identification of Threats and Vulnerabilities
5.1.3	Other Sources of Information – Security Reviews, Testing and Inspection Programs
5.1.4	Identifying Threats for Prioritized Assets
5.1.5	Identifying Vulnerabilities
5.2	Threat and Vulnerability Assessment
5.3	Threat and Vulnerability Resolution
6.0	Implementation and Evaluation of SEPP
6.1	Implementation Tasks for Goals and Objectives
6.2	Implementation Schedule
6.3	Evaluation
7.0	Modification of System Security Plan
7.1	Initiation
7.2	Review Process
7.3	Implement Modifications

3.3 Initial Review and Approval of System Security Plan

In carrying out its oversight responsibilities under FTA’s SSO Program (49 CFR 659.21), the SOA will receive, review, and approve in writing each RTA System Security Plan. With the System Security Plan, the RTA should also submit any referenced materials, including procedures and checklists for the threat and vulnerability identification/assessment/resolution process, the internal security audit program, and the controls in place that address the personal security of passengers and employees. For RTAs participating in the DHS/G&T TSGP, SOA also requests copies of the RTA’s Regional Transit Security Strategy.

To ensure compliance with FTA’s initial submission requirements, each RTA must submit a System Security Plan, in compliance with the program requirements specified in **Appendix G** and all referenced procedures/materials by April 1, 2006 to the SOA point-of-contact. SOA will review the submitted SSPP, using the checklist provided in **Appendix H**. Upon approval, SOA will provide a written letter of approval and a copy of the completed checklist to the RTA. Pending any major deficiencies in the initial System Security Plan submission, SOA will approve this plan by April 30, 2006.

3.4 Subsequent Reviews of RTA System Security Plan

Each RTA shall conduct an annual review of its System Security Plan and update it as necessary to ensure that the System Security Plan is current at all times. The RTA shall complete the review for the previous calendar year and submit a revised System Security Plan to the SOA point-of-contact by **March 1**. As appropriate, referenced materials affected by the revision(s) should also be submitted with the System Security Plan.

Each revised System Security Plan submitted to SOA by an RTA shall include a **text or tabular summary** that identifies and explains proposed changes and includes a time frame for completion of the associated activities. SOA will review subsequent System Security Plan submissions from RTAs. Upon approval of modifications, the SOA will issue to the RTA written approval of its System Security Plan **within 30 calendar days** and a copy of the completed System Security Plan review checklist.

In the event that an RTA conducts its annual System Security Plan review and determines that no update is necessary for that year, it must prepare and submit by March 1 formal correspondence notifying SOA of this determination. If SOA wishes to object to this determination, the SOA point-of-contact will notify the RTA **within 30 days**.

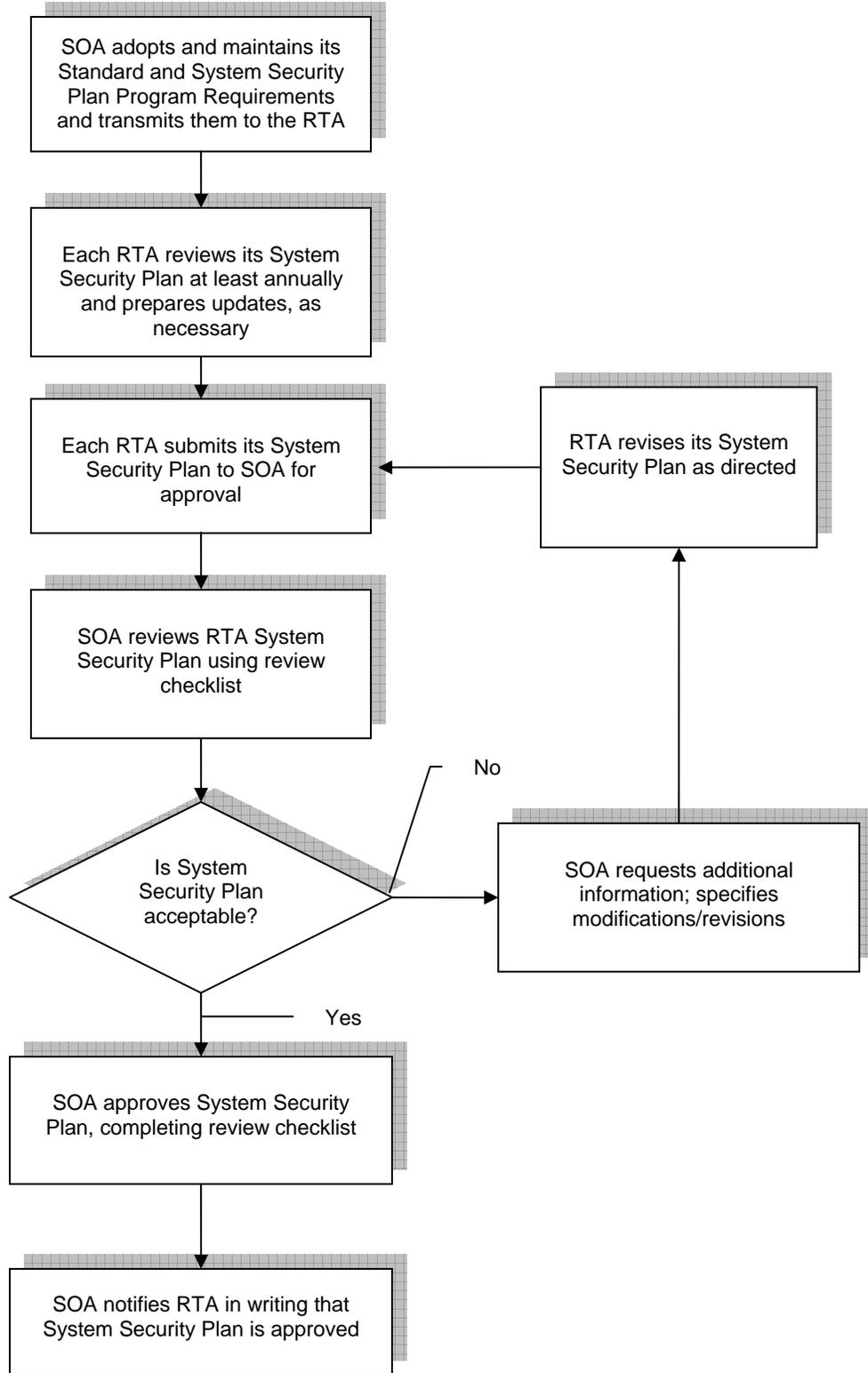
Additional reviews of the RTA System Security Plan may be required to address specific issues based on revisions to the SOA's program standard or procedures, revisions to FTA 49 CFR 659, audit results, on-site reviews, investigations, or changing trends in crime data or terrorism threat levels. Upon receipt of a written notification from the SOA for System Security Plan modifications, the RTA shall submit a revised System Security Plan to the SOA **within 30 calendar days**. SOA will review and approve the revised System Security Plan, providing a formal approval letter and a completed review checklist (if appropriate for the change). This review and approval process will be completed **30 days** after receipt of the modified System Security Plan.

In the event that the RTA initiates updates outside of the annual review cycle, the RTA shall submit the modified System Security Plan, and any subsequently modified procedures, to the SOA for review and approval **within 30 calendar days** of the effective date of the change.

SOA encourages the RTA to ensure that submissions of updated System Security Plans are also made to DHS/G&T and TSA, following the conditions specified in grant program, directives or other requirements and regulations administered by these agencies.

Figure 4 provides a visual depiction of the SOA System Security Plan review and approval process.

Figure 4: System Security Plan Approval Process



3.5 System Security Plan Submittals from New Starts Projects

An RTA New Starts project shall make an initial submittal of a System Security Plan and all referenced procedures/materials to SOA at least 180 calendar days before beginning passenger service operations. This submission shall be made following any restrictions placed on these materials by either the RTA or SOA to ensure their protection from public release. The initial System Security Plan shall be approved and adopted by the RTA as part of the New Starts project safety certification process.

SOA will review and approve the initial System Security Plan using its review checklist, and will transmit a formal letter of approval and the completed checklist to the RTA point-of-contact. During its review, SOA may make requests for additional information, revisions or modifications. Any additional requirements will be conveyed by the SOA point-of-contact.

3.6 System Security Plan Readiness Review

SOA reserves the right to conduct an on-site System Security Plan Readiness Review of any New Starts project. This review would be conducted after receipt of the RTA's initial System Security Plan submission but prior to its entry into passenger operations. This assessment would focus on the capabilities of the RTA to implement its System Security Plan during passenger operations. This assessment may be conducted in conjunction with SOA review and approval of the initial System Security Plan submission.

This assessment may be conducted formally, following the procedures specified for the Three-Year Safety and Security Review, identified in Section 7 of this document. Or this assessment may be conducted less formally, as an on-site walk-through of the RTA's security and emergency preparedness program with the RTA's security point-of-contact and other RTA personnel to ensure both the accuracy of its initial System Security Plan submission and the capacity of the RTA to implement its System Security Plan.

Based on the type of review conducted, SOA may issue an official report with required corrective actions (see Section 7 of this document), or may address any findings through the review and approval process used for the RTA's System Security Plan.

4. Internal Safety and Security Audit Program

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s requirements for the internal safety and security audit program, which must be performed by the rail transit agency, and formally reviewed and approved by the oversight agency. The state oversight agency must also require the rail transit agency chief executive officer to certify on annual basis that, based on the results of this process, the rail transit agency is in compliance with its SSPP and System Security Plan. In the event that the chief executive officer cannot make this certification, an action plan must be submitted to the state oversight agency for review and approval. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section, are listed:

§ 659.15(b)(3). System safety program standard: contents.

(3) Oversight of rail transit agency internal safety and security reviews. This section shall specify the role of the oversight agency in overseeing the rail transit agency internal safety and security review process. This includes a description of the process used by the oversight agency to receive rail transit agency checklists and procedures and approve the rail transit agency’s annual reports on findings, which must be submitted under the signature of the rail transit agency’s top management.

§ 659.27 Internal safety and security reviews.

- (a) The oversight agency shall require the rail transit agency to develop and document a process for the performance of on-going internal safety and security reviews in its system safety program plan.
- (b) The internal safety and security review process must, at a minimum:
 - (1) Describe the process used by the rail transit agency to determine if all identified elements of its system safety program plan and system security plan are performing as intended; and
 - (2) Ensure that all elements of the system safety program plan and system security plan are reviewed in an ongoing manner and completed over a three-year cycle.
- (c) The rail transit agency must notify the oversight agency at least thirty (30) days before the conduct of scheduled internal safety and security reviews.
- (d) The rail transit agency shall submit to the oversight agency any checklists or procedures it will use during the safety portion of its review.

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- (e) The rail transit agency shall make available to the oversight agency any checklists or procedures subject to the security portion of its review, consistent with § 659.23(e).
- (f) The oversight agency shall require the rail transit agency to annually submit a report documenting internal safety and security review activities and the status of subsequent findings and corrective actions. The security part of this report must be made available for oversight agency review, consistent with § 659.23(e).
- (g) The annual report must be accompanied by a formal letter of certification signed by the rail transit agency's chief executive, indicating that the rail transit agency is in compliance with its system safety program plan and system security plan.
- (h) If the rail transit agency determines that findings from its internal safety and security reviews indicate that the rail transit agency is not in compliance with its system safety program plan or system security plan, the chief executive must identify the activities the rail transit agency will take to achieve compliance.
- (i) The oversight agency must formally review and approve the annual report.

4.1 Objectives

The section describes SOA requirements for the internal safety and security audit program to be implemented by the RTA.

4.2 Minimum Requirements for Audits

As described in the SSPP and System Security Plan, the RTA must implement a process for the performance of on-going internal safety and security audits to ensure the implementation of the RTA SSPP and System Security Plan, and to evaluate the effectiveness of these plans. To ensure compliance with FTA's 49 CFR Part 659.27, the RTA must:

- Develop and submit to SOA an internal safety and security audit schedule, which addresses all required 21 elements of the SSPP (Part 659.19) and all five (5) required elements of the System Security Plan (Part 659.23), over a three-year cycle. At a minimum, annual updates of this schedule must be provided to SOA with the annual report discussed in Section 4.3 below.
- Develop checklists and procedures for conducting each of the 21 required SSPP audits. These materials must ensure sufficient criteria to determine if all audited elements are performing as intended.
- Develop checklists and procedures for conducting each of the five (5) required System Security Plan audits. These materials must ensure sufficient criteria to determine if all audited elements are performing as intended.
- Not less than 30 days prior to the conduct of an internal safety or security audit, notify SOA. Notification must be in writing and may be transmitted to the SOA point-of-contact via letter, email or fax. Notification should include the time and location of the internal audit. SOA may participate in any internal audit of which it is notified.
- In addition, at the time of notification, checklists and procedures relevant for the audit being conducted must be submitted to SOA. These materials may be submitted to the SOA point-of-contact in electronic copy via email or in hard copy via mail or fax. For security audits, any special provisions established by the RTA or SOA to ensure the protection of these materials must be followed.
- Based on the results of each audit conducted, the RTA must prepare a written report documenting recommendations and any corrective actions identified as a result of the audit.
- The RTA must also prepare an **Internal Safety and Security Audit Findings Log** to track

through to implementation all findings, recommendations, and corrective actions developed as a result of the internal safety and security audit process. This log should be available to the SOA and may be referenced during activities performed in support of the Hazard Management Process (discussed in Section 5 of this document).

4.3 Minimum Requirements for Annual Report on the Internal Safety and Security Audit Process

By **March 1** of each year, SOA requires the RTA to submit an **annual report** to the SOA point-of-contact that documents the internal audits conducted for the previous year. This report may be submitted in electronic copy via email or in hard copy via mail or fax. For sections devoted to the results of security audits, any special provisions established by the RTA or SOA to ensure the protection of these materials must be followed.

This annual report must include:

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

The SOA will review and approve this report **within 30 days**. While conducting its review, SOA staff may request additional information, clarifications or revisions from the RTA safety or security point-of-contact. A meeting or teleconference may also be conducted to address any issues identified by SOA during its review of the annual report. Any additional requirements will be conveyed to the RTA by the SOA point-of-contact.

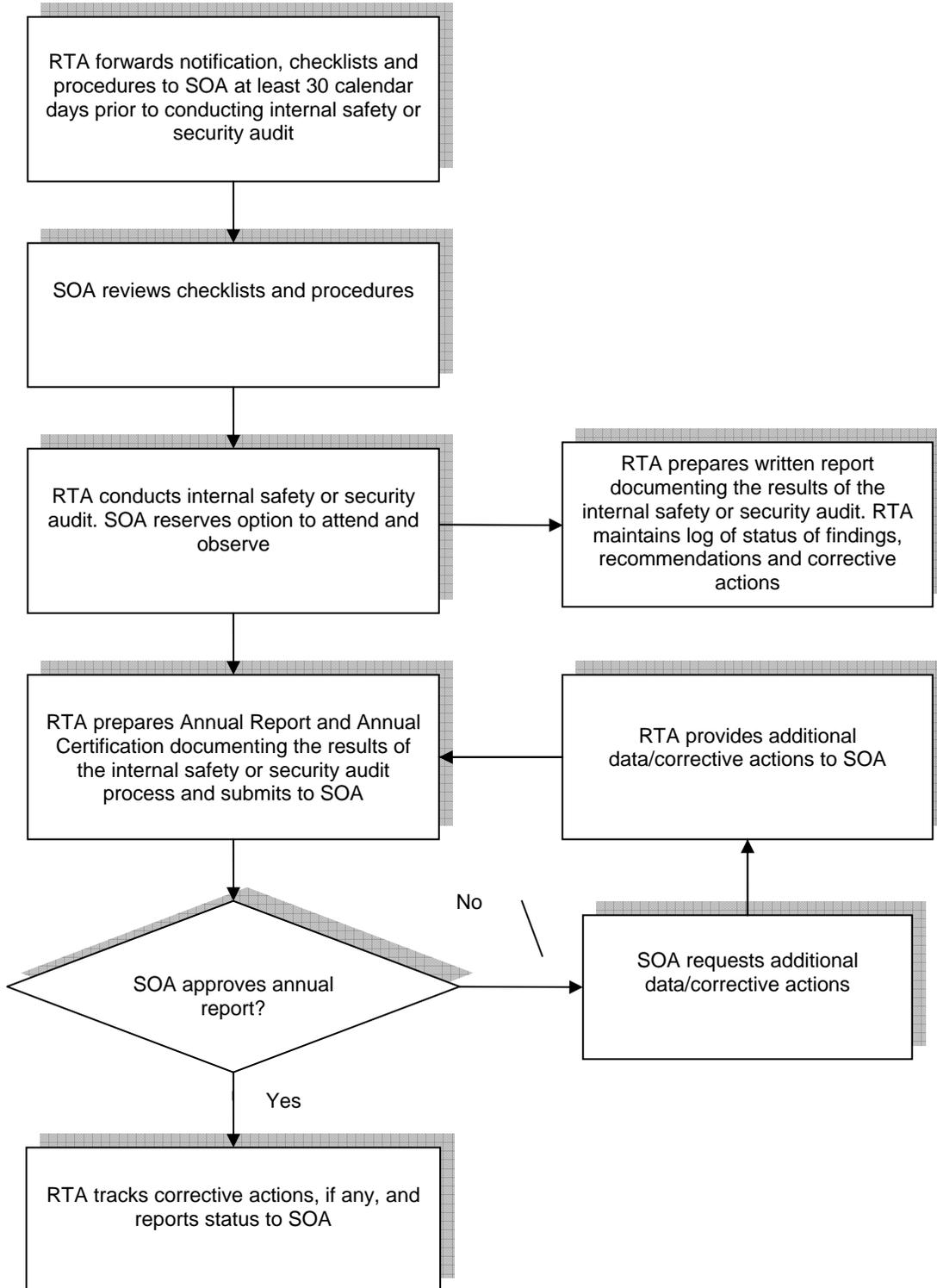
In addition to the annual report, also by **March 1**, SOA requires that the RTA submit a **formal letter of certification**, signed by the rail transit agency's chief executive, stating that, based on the evaluation performed during the internal safety and security audit process during the previous year, the RTA is in compliance with its SSPP and System Security Plan.

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If the RTA determines that findings from its internal safety and security audits indicate that the RTA is not in compliance with its SSPP, the chief executive must then identify the activities that the RTA will take to achieve compliance. SOA must review and approve this action plan using the procedures specified in Section 8 of this document.

Figure 5 shows the internal safety and security audit process specified by SOA.

Figure 5: Internal Safety and Security Review Process



5. Hazard Management Process

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s requirements for the Hazard Management Process, which must be developed by the rail transit agency in its SSPP, and formally reviewed and approved by the oversight agency. The state oversight agency must also ensure on-going participation in the rail transit agency’s Hazard Management Process. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section of the sample “Program Standard and Referenced Procedures” are provided:

§ 659.19(f) System safety program plan: contents.

- (f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:
 - (1) Hazard identification;
 - (2) Hazard investigation, evaluation and analysis;
 - (3) Hazard control and elimination;
 - (4) Hazard tracking; and
 - (5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.

§ 659.31 Hazard management process.

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

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- (4) Identify the mechanism used to track through resolution the identified hazard(s);
- (5) Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and
- (6) Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency.

§ 659.37 Corrective action plans.

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

5.1 Objective

This section describes SOA requirements for the RTA Hazard Management Process. The objective of this process is to provide SOA with an on-going role in overseeing the RTA's identification, assessment and resolution of hazards.

5.2 Minimum Requirements

SOA requires each RTA to develop and document in its SSPP a process to identify and resolve hazards for New Starts projects, extensions, or modifications of existing systems, operational or environmental changes, or from hazards discovered during reviews, audits, inspections, and investigations.

The hazard management process must, at a minimum:

- define the RTA's approach to hazard management and the implementation of an integrated system-wide hazard resolution process;
- specify the sources of, and the mechanisms to support, the on-going identification of hazards;
- define the process by which identified hazards will be evaluated and prioritized for elimination and control;
- identify the mechanism used to track through resolution the identified hazard(s);
- define the minimum thresholds for the notification and reporting of hazards to the SOA; and
- specify the process by which the RTA will provide on-going reporting of hazard resolution activities to the SOA.

5.3 Hazard Tracking Log

In its SSPP, the RTA must specify its approach to identifying and assessing hazards. Each RTA may use a variety of methodologies, including informal processes, such as reports from operations and maintenance personnel, results from rules compliance checks and employee evaluations, the mining of maintenance data, results from facilities and vehicles inspections, findings from internal safety and security audits, and daily review of the RTA's unusual occurrences log, as well as more formal approaches, such as trend analysis, hazard classification and resolution using the Mil-Std 882 process, hazard analyses using inductive processes (Preliminary Hazard Analysis, Failure Modes and Effects Analysis, Job Hazard Analysis, etc.) and hazard analysis using deductive processes (Fault Tree Analysis).

Based on its selected methods, the RTA must identify its process for consolidating all hazard information into a single, coordinated process. This process may use worksheets, forms, databases and other tools to support standardization and organization of hazard information. Based on this

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The proposed Hazard Tracking Log must be submitted by the RTA to the SOA in its SSPP for review and approval. Once the log is approved, it must be submitted monthly to the SOA point-of-contact in electronic copy via email or in hard copy via mail or fax. The SOA will review the Monthly Hazard Tracking Log and forward any questions or requests for information to the RTA safety point-of-contact.

5.4 Quarterly Meetings on the Hazard Management Process

To ensure an on-going involvement in the RTA's hazard management process, as specified in 49 CFR Part 659.31, SOA is requiring quarterly meetings with the RTA to review the Hazard Tracking Log and the other RTA activities associated with the hazard management process. These meetings should occur no later than the third week after the calendar year quarters ending on March 31, June 30, September 30, and December 31. By the first week after each calendar year quarter has ended, the RTA must submit to SOA a proposed date and location for the quarterly meeting and a proposed agenda. SOA will review and approve the agenda, making any modifications as appropriate, and schedule the quarterly meeting with the RTA.

During the quarterly meetings, SOA retains the authority to request and review any records maintained by the RTA documenting the results of its hazard management process. If these records are not available at the meetings, they will be transmitted to the SOA point-of-contact in electronic copy via email or in hard copy via mail or fax after the conclusion of the quarterly meeting.

The RTA should prepare meeting minutes from each quarterly meeting, being sure to document any identified action items or required activities. The meeting minutes should be prepared and submitted to SOA no later than two weeks after each quarterly meeting.

5.5 Notification of Unacceptable Hazards

During application of its hazard management process, should the RTA determine that the final risk assessment of the hazard identified is "unacceptable" using the criteria and assessment process specified in its SSPP, the RTA shall notify the SOA point-of-contact within 24 hours or by 5:00 p.m. on the next regular working day following the determination of the unsafe condition as "unacceptable". The RTA shall transmit an electronic copy via email or a hard copy via fax of the appropriately completed worksheets, forms or other materials documenting the unacceptable hazard.

5.6 Investigation of Unacceptable Hazards

The RTA or its contractor must investigate a hazard reported to the SOA as unacceptable in accordance with the provisions specified by the RTA in its SSPP and the Accident Investigation Procedure submitted to and approved by SOA. The RTA shall maintain a file of hazards reported to the SOA and make these files available to the SOA for review and evaluation.

5.6.1 Initial Investigation Report

The RTA shall submit to the SOA the initial report of its investigation of the unacceptable hazard within 7 calendar days of the hazard being reported to the SOA point-of-contact. The RTA may transmit an electronic copy via email or a hard copy via mail or fax.

5.6.2 Status Investigation Reports

The RTA shall submit to the SOA point-of-contact status reports of the unacceptable hazard investigation at least monthly until the investigation is completed. The RTA may transmit these status reports as an electronic copy via email or as hard copy via mail or fax.

5.6.3 Final Investigation Report

Upon completing the investigation of the unacceptable hazard, the RTA shall prepare and submit to the SOA for review and approval a final report that includes a description of activities, findings, identified causal factors, and a corrective action plan. The RTA shall transmit an electronic copy of the final investigation report to the SOA point-of-contact via email. Within 30 calendar days of receiving a report designated as final, the SOA will review the report, using the process specified in Section 6 of this document. Within 30 calendar days of acceptance of the RTA investigation report, the SOA will issue to the RTA written approval of the report. In the event that SOA does not accept the RTA report, SOA will communicate in writing the area(s) of disagreement or concern. The report shall not be considered final until all conditions are met and the report is approved by SOA.

5.6.4 Corrective Action Plans (CAP)

The RTA shall develop a corrective action plan to correct those elements or activities identified as deficient. In addition, the SOA may, during the course of an investigation, identify corrective actions to avoid or minimize the reoccurrence of the unsafe condition or address a related, systemic problem. Procedures associated with development, submission, review and approval of corrective action plans are the subject of Section 8 of this document. At any time during an investigation, SOA reserves the right to request a full briefing from the RTA on the known circumstances of the investigation, including corrective actions.

5.6.5 SOA Investigation of Hazards

SOA reserves the right to conduct independent investigations of identified unacceptable hazards. A description of the SOA investigation process is provided Section 6.3.2 of this document.

Upon its determination to conduct an independent investigation, SOA will inform the RTA in writing of its intention to conduct an investigation of a reported hazard no later than 7 calendar days following receipt of the RTA initial report. SOA will advise the RTA of the following:

- investigation processes;
- identity of individual(s) conducting the investigation; and
- tentative schedule of investigation elements.

The RTA shall assist the SOA investigators by providing required information and resources necessary for conducting the investigation. The SOA or its contractor will complete an investigation report that includes a description of activities, findings, identified causal factors, and a corrective action plan. The report will be finished within 30 calendar days after completion of the investigation, and will be delivered to the RTA for review. The RTA will have 15 days to prepare a correction action plan and submit it to the SOA point-of-contact.

6. Accident Notification, Investigation and Reporting

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s requirements for accident notification, investigation and reporting. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section of the sample “Program Standard and Referenced Procedures” are provided:

§ 659.15(b)(5), (6) and (7). System safety program standard: contents.

- (5) Accident notification section. This section shall include the specific requirements for the rail transit agency to notify the oversight agency of accidents. This section shall also include required timeframes, methods of notification, and the information to be submitted by the rail transit agency. Additional detail on this portion is included in §659.33 of this part.
- (6) Investigations section. This section contains the oversight agency identification of the thresholds for incidents that require an oversight agency investigation. The roles and responsibilities for conducting investigations shall include: coordination with the rail transit agency investigation process, the role of the oversight agency in supporting investigations and findings conducted by the NTSB, review and concurrence of investigation report findings, and procedures for protecting the confidentiality of investigation reports.
- (7) Corrective actions section. This section shall specify oversight agency criteria for the development of corrective action plan(s) and the process for the review and approval of a corrective action plan developed by the rail transit agency. This section shall also identify the oversight agency’s policies for the verification and tracking of corrective action plan implementation, and its process for managing conflicts with the rail transit agency relating to investigation findings and corrective action plan development.

§ 659.19(j) System safety program plan: contents.

- (j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including:
 - (1) Notification thresholds for internal and external organizations;
 - (2) Accident investigation process and references to procedures;
 - (3) The process used to develop, implement, and track corrective actions that address investigation findings;

- (4) Reporting to internal and external organizations; and
- (5) Coordination with the oversight agency.

§ 659.33 Accident notification.

- (a) The oversight agency must require the rail transit agency to notify the oversight agency within two (2) hours of any incident involving a rail transit vehicle or taking place on rail transit-controlled property where one or more of the following occurs:
 - (1) A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;
 - (2) Injuries requiring immediate medical attention away from the scene for two or more individuals;
 - (3) Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds \$25,000;
 - (4) An evacuation due to life safety reasons;
 - (5) A collision at a grade crossing;
 - (6) A main-line derailment;
 - (7) A collision with an individual on a rail right of way; or
 - (8) A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.
- (b) The oversight agency shall require rail transit agencies that share track with the general railroad system and are subject to the Federal Railroad Administration notification requirements, to notify the oversight agency within two (2) hours of an incident for which the rail transit agency must also notify the Federal Railroad Administration.
- (c) The oversight agency shall identify in its program standard the method of notification and the information to be provided by the rail transit agency.

§ 659.35 Investigations.

- (a) The oversight agency must investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in § 659.33(a).
- (b) The oversight agency must use its own investigation procedures or those that have been formally adopted from the rail transit agency and that have been submitted to FTA.

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- (c) In the event the oversight agency authorizes the rail transit agency to conduct investigations on its behalf, it must do so formally and require the rail transit agency to use investigation procedures that have been formally approved by the oversight agency.
- (d) Each investigation must be documented in a final report that includes a description of investigation activities, identified causal and contributing factors, and a corrective action plan.
- (e) A final investigation report must be formally adopted by the oversight agency for each accident investigation.
 - (1) If the oversight agency has conducted the investigation, it must formally transmit its final investigation report to the rail transit agency.
 - (2) If the oversight agency has authorized an entity other than itself (including the rail transit agency) to conduct the accident investigation on its behalf, the oversight agency must review and formally adopt the final investigation report.
 - (3) If the oversight agency does not concur with the findings of the rail transit agency investigation report, it must either:
 - (i) Conduct its own investigation according to paragraphs (b), (d) and (e)(1) of this section; or
 - (ii) Formally transmit its dissent to the findings of the accident investigation, report its dissent to the rail transit agency, and negotiate with the rail transit agency until a resolution on the findings is reached.
- (f) The oversight agency shall have the authority to require periodic status reports that document investigation activities and findings in a time frame determined by the oversight agency.

§ 659.37 Corrective action plans.

- (a) The oversight agency must, at a minimum, require the development of a corrective action plan for the following:
 - (1) Results from investigations, in which identified causal and contributing factors are determined by the rail transit agency or oversight agency as requiring corrective actions; and
 - (2) Findings from safety and security reviews performed by the oversight agency.
- (b) Each corrective action plan should identify the action to be taken by the rail transit agency, an implementation schedule, and the individual or department responsible for the implementation.

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- (c) The corrective action plan must be reviewed and formally approved by the oversight agency.
- (d) The oversight agency must establish a process to resolve disputes between itself and the rail transit agency resulting from the development or enforcement of a corrective action plan.
- (e) The oversight agency must identify the process by which findings from an NTSB accident investigation will be evaluated to determine whether or not a corrective action plan should be developed by either the oversight agency or rail transit agency to address NTSB findings.
- (f) The rail transit agency must provide the oversight agency:
 - (1) Verification that the corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to oversight agency review and approval; and
 - (2) Periodic reports requested by the oversight agency, describing the status of each corrective action(s) not completely implemented, as described in the corrective action plan.
- (g) The oversight agency must monitor and track the implementation of each approved corrective action plan.

6.1 Objective

This section addresses the requirements in place for the notification, investigation and reporting of accidents meeting the thresholds specified in FTA’s 49 CFR Part 659.33.

6.2 Minimum Requirements

The RTA shall notify the SOA within 2 hours of any safety or security event involving a rail transit vehicle or taking place on RTA controlled property where one or more of the following occur:

- a fatality at the scene; or where an individual is confirmed dead within 30 calendar days of a transit-related incident;
- injuries requiring immediate medical attention away from the scene for two or more individuals;
- property damage to RTA vehicles, non-RTA vehicles, other RTA property or facilities, and non-RTA property that equals or exceeds \$25,000;
- an evacuation due to life safety reasons;
- a collision at a grade crossing;
- a main-line derailment;
- a collision with an individual on a RTA right of way; or
- a collision between a RTA vehicle and a second RTA vehicle or a RTA non-revenue vehicle.

Each RTA that shares track with a general railroad system and is subject to the Federal Railroad Administration (FRA) notification requirements shall notify the SOA within 2 hours of an incident for which the RTA must notify the FRA.

6.2.1 Initial Notification

The RTA shall provide initial notification to the SOA point-of-contact in electronic copy via email. The following information shall be provided by the RTA in the initial notification of the event. If the information is not pertinent to the event, the item should be identified on the Initial Notification as “non applicable” (N/A).

- Name and Job Title of person reporting and name of RTA
- Event Type (fatality, injuries, property damage, evacuation, derailment or other)
- Location, Time, Date
- Fatalities
- Injuries
- Rail transit vehicle(s) involved (type, number)
- Other vehicle(s) involved (type, number)
- Property damage estimate

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- NTSB reportable
- FRA reportable
- RTA primary person (i.e., Chief Investigator) conducting the investigation (name, title, phone and fax numbers, email address)
- Description of the event
- Implemented and/or planned corrective actions

The RTA shall provide additional information at SOA's request. The RTA shall maintain a current list of contact information for all primary and alternate SOA contact personnel, including delivery street addresses, email addresses, and fax, telephone, cell phone, and pager numbers.

6.3 *Investigations of Reportable Events*

49 CFR Part 659.35 requires SOA to investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in Section 6.2. In conducting these investigations, SOA may authorize the RTA to conduct an investigation on its behalf, conduct its own independent investigation, or, if the NTSB is investigating the accident, join in the investigation through NTSB's Party System.

6.3.1 Authorization of the RTA to Conduct Investigations on Behalf of SOA

After receiving notification of the accident as specified in Section 6.2.1, the SOA must formally authorize the RTA in writing, via an email submitted to the RTA safety point-of-contact, to conduct the investigation on its behalf. For all investigations conducted by the RTA on behalf of the SOA, the RTA must use investigation procedures that have been approved by the SOA.

The RTA must submit these procedures to SOA with the SSPP by April 1, 2006. Subsequent updates and revisions to these procedures should be submitted to SOA as they are completed and implemented by the RTA or with the annual update of the SSPP. These procedures should be treated as part of the SSPP. These procedures will be submitted to FTA as part of the SOA Initial Submission. Subsequent updates to these procedures will be submitted to FTA as part of the SOA Annual Submission.

In the event that authorization is conferred upon the RTA to conduct the investigation, SOA may participate in the investigation process. The terms of participation are specified in the RTA SSPP and in the RTA accident investigation procedures.

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Each RTA investigation conducted on behalf of the SOA must be documented in a final report that includes a description of investigation activities, findings, identified causal factors, and a corrective action plan. At its discretion, and as specified in its accident investigation procedures, the RTA may separate its investigation report into two parts: (1) description of investigation activities, investigation findings, and determination of the most probable cause and additional contributing causes; and (2) recommendations to prevent recurrence, including a corrective action plan.

The investigation report prepared by the RTA shall be submitted to the SOA within 30 calendar days following completion of the investigation. Until the investigation is completed, the RTA shall prepare and submit monthly status investigation reports. The status investigation reports at a minimum shall include:

- minutes of any meeting held by a RTA ad hoc reportable event investigation committee or contractor;
- disclosure of any immediate corrective actions the RTA has planned or completed;
- principal issues or items currently being evaluated; and
- overall progress and status of the investigation.

At any time during an investigation, the RTA shall be prepared to provide a full briefing on the known circumstances of the event, status of the RTA or NTSB investigation, and investigation activities.

Upon receipt of the RTA accident investigation report, the SOA will review the report in accordance with its Checklist for Reviewing RTA Investigation Reports, specified in **Appendix I** of this document. In the event that the SOA does not agree with the description of the investigation, the identification of primary and contributing causes, or the findings of the RTA report, the SOA shall communicate in writing to the RTA safety-point-of-contact the area(s) of disagreement or concern. SOA will work with the RTA to address these issues in the RTA's accident investigation report. In the event that agreement cannot be reached on these issues, the SOA will issue its own accident investigation report, which may be no more than the RTA report and the SOA dissent.

SOA approval must be obtained on the corrective action plan portion of the RTA accident investigation report. In the event that SOA takes issue with the RTA's proposed corrective action plan, SOA and the RTA must work together until SOA approval can be obtained.

To reduce the potential for conflict, SOA encourages each RTA to submit a draft version of the accident investigation report to the SOA point-of-contact so that agreement may be obtained on the most probable cause, additional contributing causes, corrective action plan, and an implementation schedule before the report is finalized and formally issued by the RTA.

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Reports and records of accident investigations submitted to the SOA by the RTA, as well as related reports and records produced by both SOA and the RTA, will be treated as confidential information, and will not be released without concurrence by both SOA and the RTA.

6.3.2 Independent SOA Investigations

SOA at its discretion may choose to conduct an independent investigation of any accident meeting the thresholds specified in Section 6.2 utilizing its own personnel or an authorized contractor. Any investigation conducted by the SOA or its contractor must be in accordance with the approved RTA investigation procedures. SOA investigations may also follow the American Public Transportation Association (APTA) *Standard for Rail Transit Accident/Incident Investigation* (Volume 4 - Operating Practices APTA RT-S-OP-002-02 dated 7/26/04). This referenced standard, along with the RTA accident investigation procedures, has been submitted to FTA as part of the SOA Initial Submission.

The SOA will inform the RTA of its intention to conduct an investigation or participate in an RTA investigation of a reported event no later than 7 calendar days following receipt of the RTA initial report. SOA will advise the RTA as to the personnel who will be conducting the independent investigation, and provide a preliminary schedule as to the investigation process.

All SOA authorized accident investigation personnel are granted authority under the state safety oversight program to conduct an investigation and evaluate records, materials, data, analysis, and other information which is pertinent to the investigation. It is expected that the RTA will provide to the SOA investigation team the resources and information necessary to conduct the investigation in an effective and efficient fashion.

SOA accident investigation personnel may conduct field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks which may be necessary for a comprehensive investigation. If SOA accident investigation personnel require information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this data in a written request to the RTA safety point-of-contact via email or letter.

In conducting its investigation, SOA will, at a minimum, perform the following activities:

- SOA will assign a team of qualified personnel to investigate the accident (off and on-site). The team will include individuals with technical expertise in the type of accident being investigated. For example, a vehicle expert would be included in a team conducting the accident investigation for an accident involving a rail vehicle mechanical failure. Technical areas of specialization may include:
 - System Safety
 - Safety Training
 - Transportation Management and Operations
 - Substance Abuse Programs

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- Vehicles and Vehicle Maintenance
 - Worker Health & Safety, Facility Safety, & Hazardous Materials
 - Emergency Operations
 - Track, Structures, Signals & Communications
 - Transit System Security
-
- The SOA on-site team will wait until the RTA and/or other emergency response personnel have secured the accident/incident scene area before commencing its on-site accident investigation. SOA reserves the right to request that the RTA hold the accident scene to the maximum extent feasible until the arrival of and accident investigation by SOA team members.
 - The SOA team will assess physical evidence of the accident scene including: damage and debris analysis; skid mark analysis; and the use of measurements, diagrams and photographs. They also will document the environmental and physical factors of the accident scene.
 - As part of the accident/incident investigation SOA will also assess compliance with operating rules and procedures; conduct follow-up interviews (if required); analyze employee records and the results of post accident drug and alcohol tests; and conduct vehicle and equipment inspections.
 - All information gathered from the accident/incident investigation will be documented and included in the SOA accident investigation report.
 - Within 30 work days of completion of the on-site and off-site accident investigation requirements, the SOA investigation team will prepare a draft accident investigation report.
 - The draft accident investigation report will be provided to the RTA for its review. Comments will be due to SOA 10 work days after initial RTA receipt of the draft report. If necessary, a meeting to discuss the draft report will also be held between SOA and the RTA.
 - If necessary, and based upon the comments received from the transit agency, the draft report will be revised.
 - A final accident investigation report will be issued by SOA within 30 work days of the end of the comment period.

The RTA will be required to review the final SOA accident investigation report, and within 10 days after receiving it, either (1) provide concurrence to implement the SOA-proposed corrective action

plan or (2) submit an alternate corrective action plan to SOA for review and approval.

6.6.3 NTSB Investigations

The NTSB may investigate a reportable event to achieve its primary function to promote safety in transportation. In such case, the NTSB is responsible for the investigation; the determination of facts, conditions, and circumstances; the cause or probable cause or causes; and recommendations to reduce the likelihood of recurrence. SOA will support the NTSB as a member of its Party System.

In the event of an NTSB investigation, the RTA shall be responsible for timely briefing the SOA on NTSB activities including meetings, interviews, requests for data, functional testing, examination of equipment, and the results of drug and alcohol tests. The RTA shall provide the SOA with a copy of all written correspondence to the NTSB concerning a reportable event or investigation, and also shall provide the SOA a copy of all NTSB reports and any recommendations concerning the event or its investigation, upon receipt by the RTA. The SOA will assist the NTSB by providing information requested about the RTA critical practices and other matters as appropriate.

If the NTSB releases preliminary findings and recommendations, the SOA is authorized to participate in any discussions and reviews with the RTA and NTSB. The SOA and the RTA will review the NTSB findings, draft, and final reports and make a determination of whether or not to adopt the NTSB recommendations. Should the NTSB recommendations be adopted, the RTA shall implement the findings.

7. Three-Year On-site Safety and Security Review

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s process for conducting on-site reviews of the rail transit agency’s implementation of its SSPP and System Security Plan at least once every three years. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section of the sample “Program Standard and Referenced Procedures” are provided:

§ 659.15(b)(4) System safety program standard: contents.

- (4) Oversight agency safety and security review section. This section shall lay out the process and criteria to be used at least every three years in conducting a complete review of each affected rail transit agency’s implementation of its system safety program plan and system security plan. This section includes the process to be used by the affected rail transit agency and the oversight agency to manage findings and recommendations from this review. This also includes procedures for notifying the oversight agency before the rail transit agency conducts an internal review.

§ 659.29 Oversight agency safety and security reviews.

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

7.1 Objective

This section addresses SOA's procedures for the *Three-Year Safety and Security Review* to be performed on-site at the RTA. This review will determine the extent to which the RTA is meeting its SSPP and System Security Plan requirements, the effectiveness of the SSPP and System Security Plan, and whether the SSPP and System Security Plan should be updated.

7.2 Minimum Requirements

As specified in 49 CFR Part 659.29 at least every three (3) years, SOA must conduct an on-site review of the RTA's implementation of its SSPP and System Security Plan. Alternatively, this on-site review may be conducted in an on-going manner over the three-year timeframe.

In conducting the three-year review, SOA will establish a review team and prepare a schedule, procedures and a checklist to guide the review process. Criteria will be established through which SOA can evaluate the RTA's implementation of its SSPP and System Security Plan.

As the conclusion of the review, SOA will prepare and issue a report containing findings and recommendations resulting from the review, which will analyze the effectiveness of the SSPP and System Security Plan and whether either should be updated. Corrective actions required as a result of this review will be managed through the process described in Section 8 of this document.

SOA will submit its completed report for the three-year safety and security review to FTA as part of its Annual Submission.

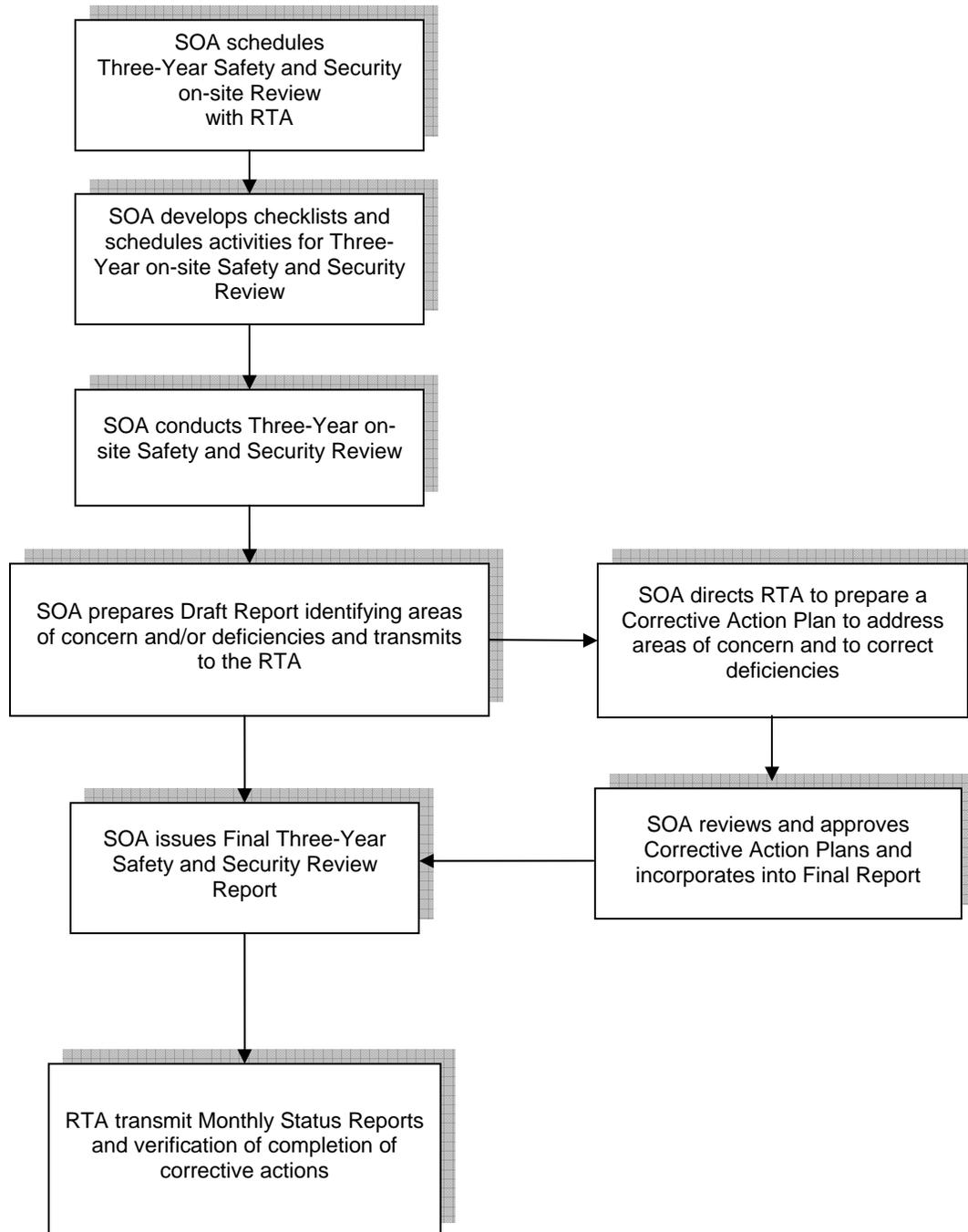
Figure 7 shows the Three-Year Safety and Security Review process.

7.3 Process and Procedure

7.3.1 Pre-Review Preparations

The SOA point-of-contact will establish a schedule for conducting the review at each RTA operating within the state's jurisdiction. This schedule will include milestones for the development of checklists to guide the review, notification of the RTA regarding the review, conduct of a pre-review meeting with the RTA, conducting the review, preparation of a draft report, delivery of the draft report to the RTA, issuance of a final report, and the receipt, review, approval and tracking through to implementation of RTA corrective action plans.

Figure 7: Three-Year Safety and Security Review Process



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The SOA point-of-contact will determine whether the review will be conducted by SOA personnel, a contractor, or a combination of both. If a contractor is to be used, required activities to ensure that contractor services are available in time to plan for and conduct the review will be added to the milestone schedule.

Based on the milestone schedule, the SOA point-of-contact will assign a team of SOA and/or contractor personnel to conduct the review. Each team shall have a designated Lead Reviewer and supporting Team Members.

Once assigned, the team will begin its work by reviewing in detail the RTA's SSPP, System Security Plan, and referenced and supporting procedures and materials. These materials will form the basis of SOA's review checklist. As necessary, while preparing this checklist, the SOA point-of-contact may contact the RTA's safety or security point-of-contact and request additional information, procedures, or documentation. These requests may be transmitted via email, letter or fax. For example, the team may request and review the RTA's operating rule book, bulletins, orders, instructions, and procedures; maintenance manuals and procedures for vehicles, track and signals; design criteria and project engineering procedures for extensions or modifications; internal safety and security audit checklists and reports; the results of the hazard management process; and the status of all corrective action plans.

Utilizing these materials, the team will complete its checklist development. This checklist will identify:

- the safety and security requirements to be reviewed;
- the applicable reference documents that establish the acceptance criteria for those requirements; and
- the method of verification.

Space shall also be provided on the checklists to record the results of the review. Once the checklists are completed, SOA will formally notify the RTA safety and security points-of-contact of the upcoming review, no less than 60 days before the review is schedule. This notification will occur via letter.

Shortly after notification, SOA will schedule a pre-review meeting with the RTA for clarification of any questions and concerns, and coordination of daily schedules with the RTA. Either during this meeting or via email or hard copy mail, SOA's point-of-contact will also transmit its review checklists to the RTA safety and security points-of-contact. The checklists will be delivered to RTA at least 30 calendar days prior to the start date of the review.

7.3.2 On-Site Review

To begin the review, the SOA team will conduct an entrance meeting with the RTA to resolve any outstanding issues and verify the schedule previously agreed to during the pre-review meeting. The SOA team will then conduct the on-site safety and security review using checklists developed during the pre-review period and transmitted to the RTA.

In performing this review, the SOA team will administer the checklists as specified, through interviews, document and record reviews, first-hand observations of operations and maintenance activities, spot checks, and visual examinations and measurements. Results will be recorded in the checklists. When the results indicate a deficiency or discrepancy with the acceptance criteria specified in the checklist, it will be noted and a supplemental form may be completed. At the conclusion of the on-site review, the SOA team will conduct an exit meeting with the RTA, providing an overview of the major findings, observations and concerns.

7.3.3 Draft and Final Three-Year Safety and Security Review Reports

Following the completion of the on-site review, the SOA team shall prepare a draft report with the completed review checklists and supplemental forms included as attachments. A sample review checklist and supplemental form are provided in **Appendix J**.

This draft report will provide:

- Verification that the SSPP and System Security Plan are integral parts of the RTA's overall management, engineering, operating, and maintenance practice and/or identification of deficiencies or areas requiring improvement.
- Verification that the SSPP and System Security Plan are reviewed, at a minimum, on an annual basis in order to ensure that they remain dynamic and viable documents and/or identification of deficiencies or areas requiring improvement.
- Verification that the RTA regularly monitors compliance with the SSPP and System Security Plan, through a continuous and on-going internal safety and security audit process and/or identification of deficiencies or areas requiring improvement.
- Verification that the RTA identifies potentially serious conditions, hazards, threats and vulnerabilities and ensures that methods to eliminate, control, and mitigate them are implemented and/or identification of deficiencies or areas requiring improvement.
- Verification that investigations are conducted following established procedures adopted by RTA and/or identification of deficiencies or areas requiring improvement.

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- Verification that the RTA's emergency preparedness and terrorism preparedness programs are being implemented as specified in the SSPP and System Security Plan and/or identification of deficiencies or areas requiring improvement.
- Verification that specific activities and tasks identified in the SSPP and System Security Plan are being carried out as specified in these plans and/or identification of deficiencies or areas requiring improvement.

The draft report will be delivered to the RTA safety and security points-of-contact via email no later than 30 working days after the conclusion of the on-site review. The RTA will have 30 days to respond to the draft report and to prepare corrective actions as requested by the SOA in the draft report to address any identified findings, recommendation or concerns. Upon receipt of the RTA's response, SOA will make any required revisions to the draft and issue the final report. The final report shall be issued no later than 90 days after the conclusion of the on-site review.

While individual reports may vary, the basic outline used for the SOA Three-Year Safety and Security Review Report is presented in Figure 8.

The SOA will transmit the completed three-year on-site safety and security review reports to FTA as part of its Annual Submission.

Corrective action plans submitted by the RTA to address review findings will be reviewed, approved and tracked through to implementation following the process specified in Section 8 of this document.

Figure 8: Sample Three-Year Safety and Security Review Final Report Outline

<ul style="list-style-type: none"> ▪ Executive Summary ▪ Introduction ▪ Methodology for Three-Year Safety and Security Review ▪ RTA Implementation of System Safety Program Plan <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ RTA Implementation of System Security Plan <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Hazard Management Process <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Threat and Vulnerability Resolution Process <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ System Safety Function Tasks and Activities <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Security/Police Function Tasks and Activities <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Emergency/Terrorism Preparedness Program <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations 	<ul style="list-style-type: none"> ▪ Employee Training and Rules Compliance Programs <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Internal Safety and Security Audit Process <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Safety and Security in Capital Project Planning and Implementation <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Safety-Sensitive Employee Fitness-For-Duty <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Facilities Inspections and Employee/Contractor Safety <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Maintenance Inspections and Employee/Contractor Safety <ul style="list-style-type: none"> ○ Description ○ Current Situation ○ Evaluation Criteria ○ Findings and Observations ▪ Comments and/or Exceptions taken by the RTA ▪ RTA Corrective Actions Tracking Matrix
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8. Corrective Action Plans

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s process for requiring, reviewing, approving and tracking to close-out corrective action plans prepared by the rail transit agency. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section of the sample “Program Standard and Referenced Procedures” are provided:

§ 659.15(b)(7) System safety program standard: contents.

- (7) Corrective actions section. This section shall specify oversight agency criteria for the development of corrective action plan(s) and the process for the review and approval of a corrective action plan developed by the rail transit agency. This section shall also identify the oversight agency’s policies for the verification and tracking of corrective action plan implementation, and its process for managing conflicts with the rail transit agency relating to investigation findings and corrective action plan development.

§ 659.37 Corrective action plans.

- (a) The oversight agency must, at a minimum, require the development of a corrective action plan for the following:
 - (1) Results from investigations, in which identified causal and contributing factors are determined by the rail transit agency or oversight agency as requiring corrective actions; and
 - (2) Findings from safety and security reviews performed by the oversight agency.
- (b) Each corrective action plan should identify the action to be taken by the rail transit agency, an implementation schedule, and the individual or department responsible for the implementation.
- (c) The corrective action plan must be reviewed and formally approved by the oversight agency.
- (d) The oversight agency must establish a process to resolve disputes between itself and the rail transit agency resulting from the development or enforcement of a corrective action plan.
- (e) The oversight agency must identify the process by which findings from an NTSB accident investigation will be evaluated to determine whether or not a corrective action plan should be developed by either the oversight agency or rail transit agency to address NTSB findings.

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- (f) The rail transit agency must provide the oversight agency:
 - (1) Verification that the corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to oversight agency review and approval; and
 - (2) Periodic reports requested by the oversight agency, describing the status of each corrective action(s) not completely implemented, as described in the corrective action plan.
- (g) The oversight agency must monitor and track the implementation of each approved corrective action plan.

8.1 Objectives

This section addresses SOA's procedure to ensure that corrective action plans are developed and implemented by the RTA to address hazardous conditions identified through accident investigations, the hazard management process, deficiencies in the RTA's implementation of its SSPP or System Security Plan, or recommendations specified by SOA.

8.2 Minimum Requirements

The RTA must develop corrective action plans for the following:

- results from investigations in which identified causal factors are determined by the RTA or SOA as requiring corrective actions; and
- hazards or deficiencies identified from internal and external safety and security audits/reviews performed by the RTA or SOA or from the hazard management process.

Each corrective action plan shall identify:

- identified hazard or deficiency;
- planned activities or actions to resolve deficiency or hazard;
- RTA department(s) responsible for implementing corrective actions; and
- scheduled completion dates for implementation.

The corrective action plan shall be submitted to the SOA for review and approval. In the event that the SOA and the RTA dispute the need, findings, or enforcement of a corrective action plan, SOA will allow the RTA 30 calendar days to submit its case. SOA will then issue final direction to the RTA regarding the corrective action plan.

In the event that the NTSB conducts an investigation, the RTA and SOA shall review the NTSB findings and recommendations to determine whether or not a corrective action plan should be developed by the RTA. If a corrective action plan is required either by the NTSB or SOA, the RTA shall develop it.

The RTA shall develop and maintain a **Corrective Action Monitoring Log**, which identifies all corrective action plans approved by SOA and presents their status. This log shall be submitted monthly to the SOA point-of-contact in electronic form via email or in hard copy via mail or fax. As corrective action plans are closed out, the RTA must submit verification that the corrective action(s) has been implemented as described in the corrective action plan or that a proposed alternative action(s) has been implemented. This verification should be submitted with the monthly Corrective Action Plan Tracking Log in electronic or hard copy format. In the monthly log, the RTA must also inform SOA concerning any alternative actions for implementing a corrective action plan.

8.3 Notification

The RTA shall develop a corrective action plan with the intent of addressing the hazard or deficiency identified as a result of an accident investigation, the hazard management process, or the internal and external safety and security audits/reviews performed by the RTA or SOA. The RTA shall submit the corrective action plan to the SOA for approval within 30 calendar days after the need for the corrective action plan been identified by either the RTA or SOA. Depending on the complexity of the issue requiring corrective action, and at SOA's discretion, additional time may be granted to the RTA to prepare the corrective action plan.

8.4 Corrective Action Plan Review and Approval

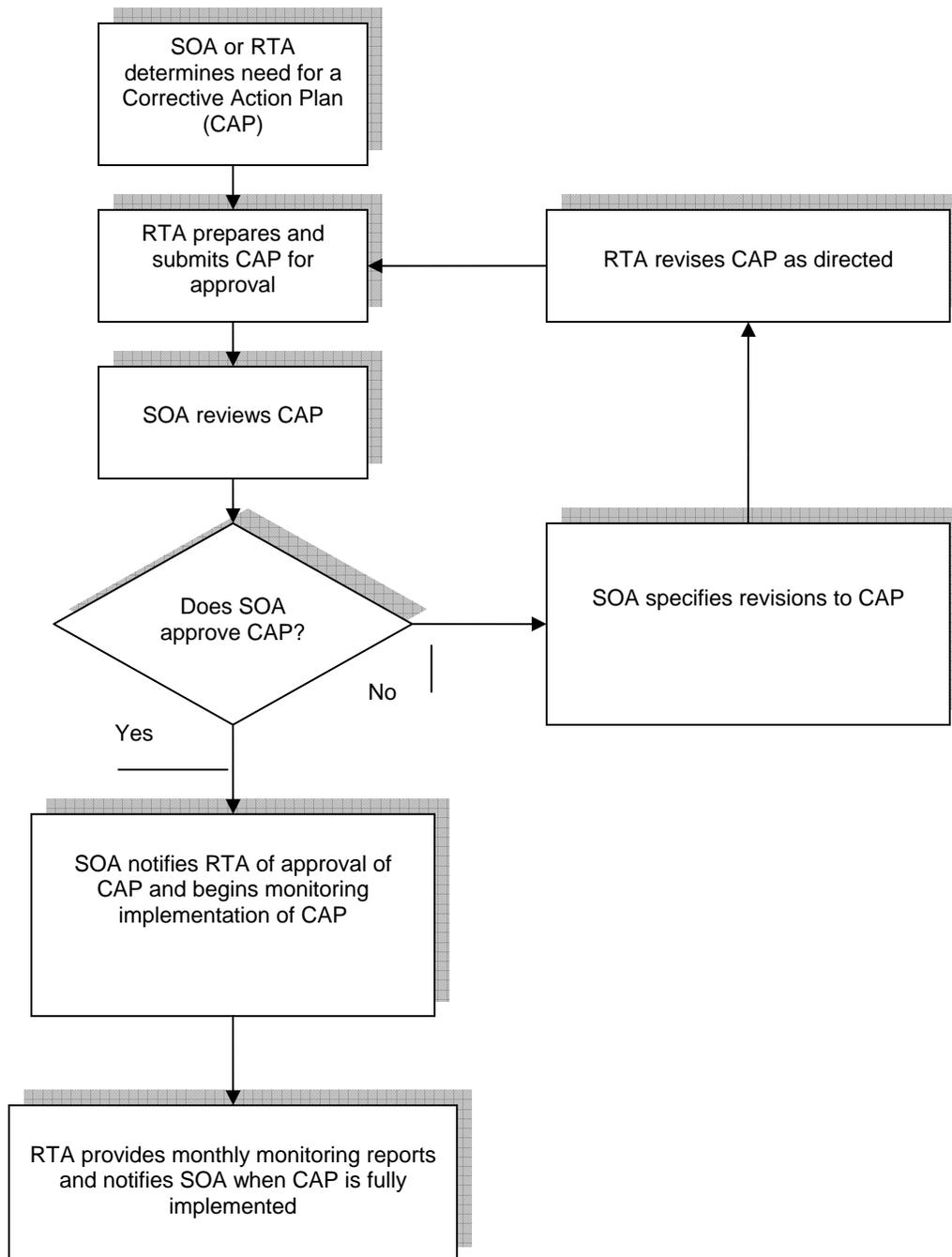
SOA will notify the RTA of its approval or rejection of a corrective action plan within 15 calendar days of receiving the corrective action plan. In the event SOA rejects a corrective action plan, SOA will state its reasons in writing and recommend revisions. The RTA shall submit a revised corrective action plan to SOA no later than 15 calendar days following the rejection.

8.5 Monitoring and Tracking

The RTA shall maintain a Corrective Action Monitoring Log and provide the SOA with monthly corrective action implementation updates. The RTA shall verify to SOA in writing when a corrective action has been fully implemented. The RTA corrective action is subject to independent SOA verification.

Figure 9 identifies the corrective action plan process.

Figure 9: Corrective Action Plan Process



9. Reporting to FTA

This section of the “Program Standard and Referenced Procedures” introduces the state oversight agency’s process for reporting to FTA. Below, the relevant citations of the revised 49 CFR Part 659, which are addressed in this section of the sample “Program Standard and Referenced Procedures” are provided:

§ 659.39 Oversight agency reporting to the Federal Transit Administration.

- (a) Initial submission. Each designated oversight agency with a rail fixed guideway system that is in passenger operations as of April 29, 2005 or will begin passenger operations by May 1, 2006, must make its initial submission to FTA by May 1, 2006. In states with rail fixed guideway systems initiating passenger operations after May 1, 2006, the designated oversight agency must make its initial submission within the time frame specified by the state in its designation submission, but not later than at least sixty (60) days prior to initiation of passenger operations. Any time a state changes its designated oversight agency to carry out the requirements identified in this part, the new oversight agency must make a new initial submission to FTA within thirty (30) days of the designation.
- (b) An initial submission must include the following:
 - (1) Oversight agency program standard and referenced procedures; and
 - (2) Certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.
- (c) Annual submission. Before March 15 of each year, the oversight agency must submit the following to FTA:
 - (1) A publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the causal factors of investigated accidents, status of corrective actions, updates and modifications to rail transit agency program documentation, and the level of effort used by the oversight agency to carry out its oversight activities.
 - (2) A report documenting and tracking findings from three-year safety review activities, and whether a three-year safety review has been completed since the last annual report was submitted.
 - (3) Program standard and supporting procedures that have changed during the preceding year.

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- (4) Certification that any changes or modifications to the rail transit agency system safety program plan or system security plan have been reviewed and approved by the oversight agency.
- (d) Periodic submission. FTA retains the authority to periodically request program information.
- (e) Electronic reporting. All submissions to FTA required in this part must be submitted electronically using a reporting system specified by FTA.

§ 659.43 Certification of compliance.

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

9.1 Objective

This section addresses SOA's procedures for making initial, annual and periodic submissions to FTA's Office of Safety and Security, in compliance with 49 CFR Part 659.39 and Part 659.43.

9.2 Reporting Requirements to FTA

Initial Submission. SOA will make its Initial Submission to FTA's Office of Safety and Security by May 1, 2006. This submission will be delivered to FTA's Office of Safety and Security in the format and method specified by FTA and communicated to the SOA point-of-contact. The Initial Submission includes:

- SOA's program standard and referenced procedures; and
- SOA's certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.

A sample certification that the system safety program plan and the system security plan have been developed, reviewed, and approved is located in **Appendix K**.

In the event that the state should ever determine that oversight authority should be transferred to another agency of the state, SOA will work with this agency to ensure that a new Initial Submission is delivered to FTA within thirty (30) days of the determination to make change. SOA will also work with this agency to ensure that at no point are the RTAs affected by 49 CFR Part 659 left without a duly authorized oversight agency.

Annual Submission. Before March 15 of each year, SOA must submit the following to FTA:

- A publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the causal factors of investigated accidents, status of corrective actions, updates and modifications to rail transit agency program documentation, and the level of effort used by the oversight agency to carry out its oversight activities.
- A report documenting and tracking findings from three-year safety review activities and whether a three-year safety review has been completed since the last annual report was submitted.
- Program standard and supporting procedures that have changed during the preceding year.
- Certification that any changes or modifications to the rail transit agency system safety program plan or system security plan have been reviewed and approved by the oversight agency.

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Annual Certification. With its Annual Submission, SOA must certify to the FTA that it has complied with the requirements of 49 CFR Part 659. SOA will submit this certification electronically to FTA using a reporting system specified by FTA. SOA will maintain a signed copy of each annual certification to FTA, subject to audit by FTA.

Periodic Submissions. Status reports of accidents/incidents, hazardous conditions, and corrective action plans or other program information must be forwarded to the FTA upon request.

SOA will ensure that all submissions to FTA are submitted electronically using the reporting system specified by FTA.