

Program Standard
Technical Assistance Guide
In Compliance with 49 CFR Part 674

Provided as Technical Assistance
By the Federal Transit Administration
Office of Transit Safety and Oversight

Foreword

The Federal Transit Administration (FTA) developed this *Program Standard Technical Assistance Guide* to provide guidance to States in implementing new regulations for State Safety Oversight (SSO) programs. The new SSO final rule, 49 CFR Part 674, replaces the current SSO rule at 49 CFR Part 659, and significantly strengthens each State's authority and responsibility for overseeing safety at the rail fixed guideway public transportation systems (RFGPTS) within its boundaries.

This new regulation implements statutory mandates from the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141, July 6, 2012) designed to further strengthen each SSO Agency's (SSOA) investigative and enforcement authority, and to equip each SSOA with the financial and personnel resources needed to effectively oversee the safety of each RFGPTS in its jurisdiction. 49 CFR Part 674 also requires SSOA personnel to have the proper training and certification for their roles. It requires SSO programs to be certified to Federal standards by the FTA. It also outlines requirements for developing Program Standards, notifying the FTA of incidents and accidents, and monitoring corrective actions at the RFGPTS.

As specified in 49 CFR Part 674.27, each State must update its existing Program Standard to address MAP-21 statutory mandates, and to be consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans, also implemented by the FTA to address 49 U.S.C. 5329 requirements. The updated Program Standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard.

By following and using this guide, States will be able to update their Program Standards and ensure general conformance with 49 U.S.C 5329(e) and 49 CFR Part 674 requirements. The FTA's guide is not a minimum standard, but rather a tool for identifying activities and requirements that clearly address 49 U.S.C. 5329(e) and 49 CFR Part 674 elements. States may propose other methods for addressing these requirements; however, the FTA will not accept alternate methods unless they adequately address 49 U.S.C. 5329(e) and 49 CFR Part 674 requirements.

The Program Standard specified in 49 CFR Part 674.27 requires nine (9) sections:

- Section 1: Program Management
- Section 2: Program Standard Development
- Section 3: Program Policy and Objectives
- Section 4: Oversight of Agency Safety Plans and RFGPTS Internal Safety Reviews
- Section 5: Triennial SSO Program Audits
- Section 6: Accident Notification
- Section 7: Accident Investigation
- Section 8: Corrective Actions
- Section 9: Annual Reporting

For each of these sections, this guide provides the rule text and breaks the text into down into its composite elements. Each section might contain four or five elements. For each element, the FTA provides "anticipated topics" that the FTA would expect to see addressed in the State's updated Program Standard. For each element, the guide also provides a list of "anticipated appendices referenced in this section" that the State may want to develop and include to further strengthen its Program Standard.

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Section 1: Program Management

49 CFR Part 674.27(a)(1) - Program Management Requirements

The SSO program standard must explain the authority of the SSOA to oversee the safety of RFGPTS; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the RFGPTS; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every RFGPTS within its oversight.

1.1 Purpose and Organization of SSO Program

This section identifies the purpose of the Program Standard, and introduces the SSO agency and the RFGPTS covered by the State's SSO program.

Anticipated Topics

1. The purpose of the Program Standard:
 - a. To describe the State's program for carrying out its primary responsibility for overseeing and enforcing the safety of the rail fixed guideway public transportation systems within its jurisdiction
 - b. To clarify roles and responsibilities within the State and at the RFGPTS for implementing program requirements
 - c. To provide designated points-of-contact for the SSOA and each covered RFGPTS

Anticipated Appendices Referenced in This Section

1. None

1.2 SSO Agency Authority

This section explains the oversight framework established by the State and the specific regulations that define how the State will oversee RFGPTS safety.

Anticipated Topics

1. Description of the State's requirements, responsibilities and accountabilities regarding overseeing and enforcing the safety of the RFGPTS in its jurisdiction
2. Description of the enforcement authority available to the SSOA and the State, including provisions for requiring immediate and milestone-based corrective action to resolve identified deficiencies in the RTA's implementation of the Agency Safety Plan, and to address identified hazards and safety concerns that require mitigation
3. Citation of the Federal and State regulations, laws, general orders, and other relevant documents that support the SSO agency's authority to implement the Program Standard and other program elements sufficient to:
 - a. Promulgate and enforce State rules and regulation, including establishing enforcement and investigative authorities;
 - b. Enforce Federal rules and regulation;
 - c. Establish and carry out its legal and financial obligations independent of the RFGPTS in its jurisdiction;
 - d. Hire and develop staff and contract support;
 - e. Manage Federal and State grant programs; and
 - f. Implement a robust and active oversight program sufficient to meet the safety oversight needs of the RFGPTS in its jurisdiction.
4. List of the RFGPTS within the State jurisdiction subject to SSO program requirements, including systems in all phases of engineering, construction, and operations

Anticipated Appendices Referenced in This Section

1. Excerpted language of the relevant Federal and State regulations, laws, general orders, and other relevant documents

1.3 SSO Agency Policies

This section references the established internal policies for key oversight activities.

Anticipated Topics

1. Identification of the executive leadership positions at the State and the supporting organization of the SSOA responsible for developing and carrying out the SSO program policies
2. Established policies and mechanisms to ensure the capture and storage of information and data on RFGPTS hazards, safety risks, risk controls, and corrective action plans
3. Established policies and mechanisms to support the active exchange safety information with the RTA and FTA
4. Established policies and procedures for the recruitment, training and certification of SSOA staff and contractors
5. Established policies and procedures regarding the SSOA's right-to-access RFGPTS property, personnel, records and data, including the use of credentialing and roadway worker protection requirements
6. Established policies developed by the SSOA for conducting major oversight activities:
 - a. Triennial audits;
 - b. Investigations;
 - c. Inspections; and
 - d. Verification of corrective action plan implementation.

Anticipated Appendices Referenced in This Section

1. Policies referenced in this section

1.4 SSO Agency Reporting Requirements

This section details the requirements for Federal and State reporting.

Anticipated Topics

1. SSO Agency Annual Report to FTA
2. SSO Agency Annual Safety Report to the State Governor and the RFGPTS Board of Directors
3. SSO agency requirements for RFGPTS reporting to the SSO agency and FTA, including events, accidents, occurrences, etc.
4. SSO agency requirements for reporting safety events to FTA
5. SSO agency requirements for access to RFGPTS information, including reports generated and databases utilized to monitor the status and performance of the RFGPTS system

Anticipated Appendices Referenced in This Section

1. Stand-alone reporting policies and/or procedures

1.5 SSO Agency and RFGPTS Communications

This section specifies the process for communications with the RFGPTS.

Anticipated Topics

1. Coordination meetings: meetings at regular intervals to discuss safety topics or activities, such as open corrective action plans (CAPs), accident reports, inspections, etc.
 - a. SSO agency personnel involved
2. Communication methods: agency policies for methods of communications, such as expectations for RFGPTS correspondence or requests
3. Participation in RFGPTS activities: safety committee meetings, inspections, safety certification meetings, rules compliance activities, etc.
 - a. SSO agency personnel involved
4. Participation in RFGPTS activities, particularly as applies to access to RFGPTS property
 - a. SSO agency personnel involved

Anticipated Appendices Referenced in This Section

1. Standalone policies and/or procedures for communications
-

Section 2: Program Standard Development

49 CFR Part 674.27(a)(2) – Program Standard Requirements

The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the RFGPTS.

2.1 Program Standard Development

This section details the process for developing the Program Standard and for developing minimum safety standards.

Anticipated Topics

1. Program Standard development
 - a. Basic requirements
 - b. Minimum safety standards
 - i. Procedures for identifying RFGPTS program areas for which a minimum safety standard is appropriate or necessary
 1. Data sources
 - ii. Procedures for developing minimum safety standards, including FTA and RFGPTS consultation and review

Anticipated Appendices Referenced in This Section

1. Standalone policies and/or procedures for developing the Program Standard and minimum safety standards
2. Referenced Federal or State or industry guidance upon which the SSO agency bases its minimum safety standards

2.2 Program Standard Review and Revision

This section details the process to review and revise its Program Standard and minimum safety standards.

Anticipated Topics

1. Overall Program Standard and Revision timeline
2. Program Standard review
 - a. Frequency/schedule for routine review
 - b. SSO agency department or individual responsible for Program Standard review
 - c. Minimum safety standards review frequency
 - d. Frequency/schedule for routine review
 - e. Policy for reviewing based on RFGPTS or other entity complaints or based on changing RFGPTS operational environment
 - f. SSO agency department or individual responsible for safety standard review
3. Program Standard revision
 - a. Frequency/schedule for routine revision
 - b. SSO agency department or individual responsible for Program Standard revision
 - c. Minimum safety standards revision frequency
 - d. Frequency/schedule for routine revision
 - e. Policy for revision based on RFGPTS or other entity complaints or based on changing RFGPTS operational environment
 - f. SSO agency department or individual responsible for safety standard revision
4. Program Standard external review
 - a. Schedule for soliciting comments from RFGPTS
 - b. Process for incorporating comments
5. Minimum safety standards external review
 - a. Schedule for soliciting comments from RFGPTS
 - b. Process for incorporating comments

- c. Document control policies and procedures
- 6. Program Standard approval
 - a. SSO agency department or individual responsible for final approval of each Program Standard revision
- 7. Minimum safety standards approval
 - a. SSO agency department or individual responsible for final approval of each minimum safety standard revision

Anticipated Appendices Referenced in This Section

- 1. Standalone policies and/or procedures for developing, reviewing, revising, soliciting comments on, and approving the Program Standard and minimum safety standards

2.3 Program Standard Distribution

This section describes the process for distributing its Program Standard and minimum safety standards.

Anticipated Topics

- 1. Program Standard distribution
 - a. Method by which the SSO agency distributes the most recent Program Standard, including signatures to acknowledge receipt, if appropriate
 - b. Distribution list
- 2. Minimum safety standards
 - a. Method by which the SSO agency distributes the most recent minimum safety standards, to include considerations for:
 - i. Coordination with RFGPTS and other involved stakeholders
 - ii. Ensuring the retraction of any previous related minimum safety standards in conflict with the newest standards
 - iii. Verifying safety standard implementation
 - iv. Signatures to acknowledge receipt, as appropriate

Anticipated Appendices Referenced in This Section

- 1. Standalone policies and/or procedures for distributing the Program Standard and minimum safety standards

Section 3: Program Policy and Objectives

49 CFR Part 674.27(a)(3) Program policy and objectives

The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation systems throughout the State.

3.1 SSO Agency Policy for RFGPTS Safety

This section describes the SSO agency's overall mission and approach to ensuring RFGPTS safety.

Anticipated Topics

1. Overarching principles that govern the SSO agency's safety oversight activities
2. Commitment to actions that the SSO agency is authorized and prepared to take to oversee and enforce RFGPTS implementation of the Agency Safety Plan

Anticipated Appendices Referenced in This Section

1. SSO Agency Policy for RFGPTS Safety
2. Stand-alone policies or procedures for utilizing the SSO agency's enforcement authorities

3.2 SSO Agency Objective for RFGPTS Safety

This section describes the SSO agency's safety objectives

Anticipated Topics

1. Overarching goals that govern the SSO agency's safety activities

Anticipated Appendices Referenced in This Section

1. SSO Agency Policy for RFGPTS Safety as signed by the SSO agency's accountable executive and the RFGPTS accountable executive and/or Board of Directors

Section 4: Oversight of Agency Safety Plans and Transit Agencies' internal safety reviews

49 CFR Part 674.27(4) – Oversight of Rail Public Transportation Agency Safety Plans Requirements

The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's accountable executive.

49 CFR Part 674.29 –Public Transportation Agency Safety Plans: General Requirements

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

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

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

49 CFR Part 674.27(4) – Oversight Rail Transit Agencies' Internal Safety Review

The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any internal safety reviews of the RFGPTS. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's accountable executive. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its RFGPTS.

4.1 Public Transportation Agency Safety Plan Review

This section outlines the role and responsibilities the SSO agency must fulfill in its oversight of the RFGPTS' execution of its System Safety Program Plan or Public Transportation Agency Safety Plan (Agency Safety Plan).

Anticipated Topics

1. Process for Plan review
 - a. Timeline and process for RFGPTS internal review, update, and submission of the Plan
 - b. SSO agency requirements for Plan submission: required signatories, including the RFGPTS accountable executive
 - c. RFGPTS personnel or department responsible for RFGPTS review and revision
 - d. Expectations for review periods, including SSO agency review

- e. Timeline and process for SSO agency review
- f. SSO agency personnel or department responsible for review
- g. Requirements for RFGPTS to address SSO agency comments
- h. Process to confer approval or to reject RFGPTS Plan submission
- i. Determining Plan sufficiency
- j. Federal and State expectations and requirements for the Plan
 - i. Approval by the RFGPTS Board of Directors
 - ii. Sufficient process for safety risk management, including adequate risk mitigation strategies
 - iii. Hazard management procedures
 - iv. Accident notification and investigation procedures or processes
 - v. Corrective Action Plan (CAP) procedures or processes
 - vi. Internal audit, review, and inspection programs
 - vii. Rules compliance and safety assurance programs
 - viii. Sufficient training for operations personnel directly responsible for RFGPTS safety
 - ix. Identification of an adequately trained safety officer reporting directly to the General Manager
 - x. Sufficient methods of to support execution of the Plan
 - xi. Policy and procedures for internal review and incorporation of findings into subsequent versions
 - xii. Document control process

Anticipated Appendices Referenced in This Section

1. Stand-alone policies or procedures for Plan review, if applicable

4.2 RFGPTS Internal Reviews

This section details the SSO's expectations for the RFGPTS in conducting internal reviews

Anticipated Topics

1. Requirements for scheduling internal reviews
 - a. Expectations for review frequency
 - b. Method to ensure review of all elements
 - c. Preliminary schedule for internal reviews and requirement to update schedule
 - d. Notification procedure
 - e. Method of notification
 - f. Notification timeframe (ex.: 30 days prior to review)
 - g. Distribution of review documents, such as review activities, checklists, procedures, participants, schedule, etc.
 - h. Identification of RFGPTS personnel responsible for the review
2. Requirements for internal review report
3. Clear indication of whether each safety element is compliant with the Plan or other relevant documentation
4. Expectations for resolution of findings or safety concerns, such as CAP requirements
5. Report submission
 - a. Schedule for report promulgation and submission
 - b. Requirement for submission under the accountable executive's signature
 - c. Schedule for review and comment, including policies and procedures for approval
6. Oversight of other RFGPTS safety reviews
7. Expectations for notification and reporting

Anticipated Appendices Referenced in This Section

1. Stand-alone policies or procedures for internal reviews, if applicable

Section 5: Triennial SSO Agency Audits

49 CFR Part 674.27(5) - Triennial SSO agency audits of Rail Public Transportation Agency Safety Plans

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

49 CFR Part 674.31 - Triennial Audits: General Requirements

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

5.1 SSO Agency Triennial Audit Schedule

This section specifies the SSO agency's policies for scheduling RFGPTS audit activities.

Anticipated Topics

1. Audit timing: three-year or ongoing audit activities
 - a. Method to ensure that all program elements are audited within the three-year cycle
 - b. Prioritization of activities to assess highest risk elements based on inspection reports, trends, observations, etc.
2. Audit schedule, projected as far in advance as possible
 - a. Procedures for audit activity scheduling
 - i. Requirements for RFGPTS notification and coordination, including minimum days prior to activity
 - ii. Policy for rescheduling audit activities due to RFGPTS request, area special event, etc.
 - iii. Process to ensure the independence of the SSO agency's audit activities
 - iv. Process to develop detailed onsite audit schedule in advance of audit activities
 - v. Policy for the performance of unannounced audit-related activities

Anticipated Appendices Referenced in This Section

1. Stand-alone policies or procedures for scheduling audit activities, if applicable
2. Stand-alone policies or procedures for analyzing safety data to prioritize audit activities
3. Sample notification package, including information to ensure availability of key personnel for interviews, etc.

5.2 SSO Agency Triennial Audit Activities

This section details the SSO agency's typical onsite audit activities.

Anticipated Topics

1. Entrance briefings: conducted to outline the audit process and schedule of activities
2. Employee interviews
 - a. Review implemented processes to assess Plan compliance
 - b. Review safety priorities with key safety personnel

- c. Review safety elements with frontline RFGPTS employees, such as rail operators and maintenance personnel
3. Records review: sample and audit documented activities such as meeting minutes for attendance, inspection checklists, maintenance work orders, training, etc.
4. Field activities
 - a. Inspections
 - b. Rules compliance checks
 - c. Unannounced inspections
 - d. Procedure implementation verification
 - e. Common safety hazards check
 - f. CAP implementation verification
5. Observation and tours of RFGPTS facilities, such as control center, maintenance facilities, yards, etc.
6. Exit briefing: to discuss preliminary observations and next steps

Anticipated Appendices Referenced in This Section

1. Audit procedures and checklists
2. Sample audit schedule
3. Sample interview questions

5.3 SSO Agency Triennial Audit Findings

This section specifies the SSO agency's process for identifying, communicating, tracking, and managing findings arising from triennial audit activities.

Anticipated Topics

1. Finding identification: standards to which the RFGPTS is held
2. Finding communication: process for determining which findings must be communicated immediately and appropriate forum for discussing findings outside of the audit report
3. Finding tracking: process for tracking the status of each finding to resolution
4. Finding management: process for ongoing communication with the RFGPTS regarding finding status and process for closure verification

Anticipated Appendices Referenced in This Section

4. Stand-alone policies or procedures for finding management
5. Sample finding tracking log

5.4 SSO Agency Triennial Audit Report

This section specifies the SSO agency's report development process.

Anticipated Topics

1. Process for incorporating onsite activities into a single document
2. For triennial audits conducted on an ongoing basis, SSO agency procedure for releasing individual audit reports and compiling into a master report at the end of each cycle
3. General report contents
4. Timeline
 - a. Report development
 - b. Report internal review
 - c. RFGPTS comment period
 - d. Incorporation of RFGPTS comments
 - e. Issuance of final report
 - f. Deadline for CAP submission
5. Process for incorporating RFGPTS comments, including conflict resolution

Anticipated Appendices Referenced in This Section

1. Sample report outline

Section 6: Accident Notification

49 CFR Part 674.27 (6) - Accident Notification Requirements

The SSO program standard must establish requirements for an RTA to notify the SSO agency of accidents on the RFGPTS. These requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSO agency.

49 CFR Part 674.33 – Notification of Accidents Requirements

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

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

6.1 Accident Definition

This section details the SSO agency's definition of "accident" as it pertains to notification of the FTA and the SSO agency.

Anticipated Topics

1. Requirement for two-hour notification to both the SSO agency and FTA
2. Additional requirements for notification to the SSO agency (ex.: within 4 hours, within 24 hours, etc.), such as:
 - a. Red signal violations
 - b. Signal device failures
 - c. Near misses with other rail vehicles, employees, automobiles, or pedestrians
 - d. Door faults including wrong-side door openings or door openings during train movement
 - e. Arcing electrical equipment
 - f. OSHA-reportable accidents
3. If appropriate, requirement for SSO notification for any event requiring FRA notification

6.2 Accident Notification Method

This section details the SSO agency's requirements for accident notification.

Anticipated Topics

1. Notification method, such as phone, text, email, etc. for two-hour notifications
2. Notification contents
3. Two-hour notification sample contents
 - a. RFGPTS involved
 - b. Person reporting accident
 - c. Location, date, and time of accident
 - d. Accident code
 - e. Description of accident
 - f. Number of fatalities or injuries
 - g. RFGPTS initial response and mitigations
4. Three-day initial accident report sample contents
 - a. RFGPTS involved
 - i. Person reporting and persons responsible for investigation
 - ii. Accident type
 - iii. Accident location, date, and time

- i. SSO and FTA notification time
- ii. Number of fatalities or injuries
- iii. RFGPTS vehicle(s) involved
- iv. Other vehicle(s) involved
- v. Estimated property damage
- vi. Accident description
- vii. Ongoing investigation activities

Anticipated Appendices Referenced in This Section

- 1. Sample notification
- 2. Sample three-day report
- 3. Stand-alone policies or procedures for notification, if available

Section 7: Accident Investigations

49 CFR Part 674.27(7) – Investigations

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

49 CFR Part 674.35 – Investigations

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

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

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

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

7.1 Accident Investigation Process

This section details the SSO agency's responsibility for and approach to investigating or requiring an investigation of any RFGPTS accident to ensure sufficient and thorough investigations.

Anticipated Topics

1. Policy on responsible party(ies) for conducting investigations
 - a. Process for determining whether the investigation will be conducted by the SSO agency, the RFGPTS, an independent investigation team, or any combination
 - b. Process for or requiring the training and qualifications of the investigation team
 - c. Process for ensuring the sufficiency of investigations conducted by parties other than the SSO agency
 - i. Independent SSO agency review
2. Process for participating in and supporting NTSB or FTA investigations
3. Process for incorporating findings into CAPs

Anticipated Appendices Referenced in This Section

1. Stand-alone checklists or procedures for independent SSO agency review of investigations conducted by outside parties

7.2 Accident Investigation Procedures

This section details the SSO agency's expectations for accident investigation activities.

Anticipated Topics

1. Expectations for accident investigation
 - a. Guidelines for:
 - i. Assembling an appropriate investigation team, including subject matter experts and personnel qualified to access the relevant RFGPTS facilities (ex.: right-of-way worker protection qualification)
 - ii. Conducting interviews
 - iii. Accessing and processing RFGPTS data
 - b. Policies for conducting accident investigations in tandem with the RFGPTS
 - c. Policies for observing RFGPTS accident investigations
 - i. Auditing program to ensure compliance with SSO expectations

Anticipated Appendices Referenced in this Section

1. Stand-alone accident checklists or procedures

7.3 Accident Investigation Report

This section details the SSO agency's process and expectations for accident investigation reports.

Anticipated Topics

1. Requirements for accident investigation reports
 - a. Clearly identified content requirements, such as:
 - i. Event description
 - ii. Notifications
 - iii. Incident response and command
 - iv. Precipitating event
 - v. Immediate corrective actions/mitigation strategies
 - vi. If involved, operator status
 1. Fatigue evaluation
 2. Training
 3. Post-accident testing
 - vii. Investigation records
 1. Operator or responding individual report
 2. Field supervision report
 3. Employee record/history
 4. Post-accident safety inspection
 5. Data analysis
 6. Factors causing or contributing to the accident
 7. Related CAPs
 8. Findings
 - b. Distribution list
2. Timeline for accident investigation reports, including expectations for:
 - a. Initial notification
 - b. Preliminary report
 - c. Draft report
 - d. Final report
 - e. Report comment periods
3. Process for reviewing investigations conducted by parties other than the SSO agency
 - a. Expectations for revisions based on SSO agency comments/requests

Anticipated Appendices Referenced in this Section

1. Stand-alone checklists or procedures for completing accident investigation reports
 2. Stand-alone checklist or procedures for reviewing investigation reports
 3. Stand-alone checklist or procedures for adopting investigation reports
 4. Policies or procedures for ensuring the confidentiality of investigation reports, if appropriate
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Section 8: Corrective Actions

49 CFR Part 674.27(8) - Corrective Actions Requirements

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

49 CFR Part 674.37 – Corrective Action Plans

(a) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions.

(b) In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

8.1 CAP Development

This section explains the SSO agency's policies and procedures for developing CAPs.

Anticipated Topics

1. CAP sources, such as:
 - a. SSO agency audits or inspections
 - b. Investigations of accidents, incidents, or hazards
 - c. RFGPTS internal safety reviews
 - d. RFGPTS risk identification or mitigation programs, such as:
 - i. Safety committees
 - ii. Customer service complaints
 - iii. Stakeholder or board meetings
 - iv. Safety hotline
 - e. NTSB recommendations
 - f. External bulletins or advisories
 - g. Threat and Vulnerability Assessments
2. Required elements of a CAP, such as:
 - a. Date CAP generated
 - b. Unique identifier
 - c. Source
 - d. Description
 - e. Hazard rating
 - f. Budget
 - g. Interim mitigations in place
 - h. Anticipated completion date
 - i. Responsible party
3. Thresholds for notification of immediate or emergency corrective actions
 - a. Timeframe for notification and timeframe for SSO review and approval of corrective actions

Anticipated Appendices Referenced in this Section

1. Sample CAP format
2. Stand-alone policies or procedures for constructing CAPs

8.2 CAP Approval

This section describes the SSO agency's approach to reviewing and approving submitted CAPs.

Anticipated Topics

1. Timeline for CAP submission and review
2. Process for CAP review and response
 - a. Responsible party(ies)
 - b. Expectations for RFGPTS incorporation of SSO comments and concerns
3. Policy or procedures for resolving disputes

Anticipated Appendices Referenced in this Section

1. Stand-alone policies or procedures for CAP review and approval
2. Stand-alone policies or procedures for resolving disputes

8.3 CAP Tracking

This section describes the SSO agency's approach to tracking each CAP to resolution and verification.

Anticipated Topics

1. SSO agency CAP tracking database
2. Open CAP review schedule and process
 - a. Coordination meetings
 - b. Process for RFGPTS submission towards CAP closure
 - c. Onsite progress review/inspection

Anticipated Appendices Referenced in this Section

1. Stand-alone policies or procedures for CAP tracking
2. Sample CAP tracking matrix
3. Stand-alone policies or procedures for reviewing CAP documentation

8.4 CAP Verification and Closeout

This section describes the SSO agency's requirements for CAP closure, including verification activities.

Anticipated Topics

1. CAP closeout steps
 - a. Required documentation, such as:
 - i. Work orders
 - ii. Training records
 - iii. Independent assessment
 - b. Onsite verification
 - c. Inspections
2. Policy or procedure for resolving disputes

Anticipated Appendices Referenced in this Section

1. Stand-alone CAP closeout checklist
2. Stand-alone CAP onsite documentation procedures
3. Sample CAP closeout letter
4. Stand-alone policies or procedures for resolving disputes

Section 9: Annual Reporting to FTA

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

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

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

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

9.1 RFGPTS Annual Report Requirements

This section details the SSO agency's expectations of the RFGPTS for annual data submission.

Anticipated Topics

1. Timeline for RFGPTS submission to SSO agency
2. Required report information, such as:
 - a. Safety Plan as updated and signed by the RFGPTS accountable executive
 - i. Clear description of changes made to the Plan
 - b. Comprehensive list of accidents reported to the SSO agency over the past year
 - i. Summary of causal factors and findings identified through accident investigations
 - c. Summary of internal safety reviews
 - i. Schedule of reviews completed in the past year and for reviews upcoming in the next year
 - ii. Summary of findings and status
 - d. Statuses
 - i. Responses to SSO agency triennial audit findings, reviews, inspections, audits, etc.
 - ii. CAPs
 - iii. Outstanding accident reports
 - iv. Responses to external review recommendations, findings, advisories, etc.
 - e. Publicly available safety report as distributed to the Governor and RFGPTS Board of Directors
 - i. Documentation of submission to the Governor and RFGPTS Board of Directors

Anticipated Appendices Referenced in this Section

1. Sample safety report