NEW YORK STATE

SAFETY AND SECURITY OVERSIGHT

PROGRAM STANDARD AND REFERENCED PROCEDURES

FOR

RAIL FIXED GUIDEWAY

HEAVY AND LIGHT

RAIL TRANSPORTATION SYSTEMS

(Revised November 2015)
PREFACE

The Federal Transit Administration’s requirements for compliance to the 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 oversight agency program standard and referenced procedures; and certification that the System Safety Program Plan and the System Security Plan have been developed, reviewed, and approved."

This document was tailored to describe New York State’s rail fixed guideway oversight program and includes programs and procedures that have been adopted by the designated state oversight agency to support the development of compliant System Safety Program Plans and System Security Plans at rail transit agencies.

The "Program Standard and Referenced Procedures (PSRP)" follows the section by section outline recommended by the Federal Transit Administration, including:

- Section 1 Program Management
- Section 2 Program Standard Development
- Section 3 Oversight of Rail Transit Agency (RTA) Internal Safety and Security Reviews
- Section 4 Oversight Agency Safety and Security Review
- Section 5 Accident Notification
- Section 6 Investigations
- Section 7 Corrective Action Plans
- Section 8 System Safety Program Plan
- Section 9 Security Plan

The PSRP also includes twelve appendices as support documents. The Appendices include:

- Appendix 1: Glossary of State Oversight Terms;
- Appendix 2: Designation of State Oversight Agency;
- Appendix 3: 49 CFR Part 659 (as of April 29, 2005);
- Appendix 4: State Oversight Agency Organization Charts;
- Appendix 5: Rail Transit Agency Safety and Security Points-of-Contact;
- Appendix 6: Program Requirements for Development of a Rail Transit Agency System Safety Program Plan (SSPP);
- Appendix 7: State Oversight Agency SSPP Review Checklist;
- Appendix 8: Program Requirements for Development of a Rail Transit Agency System Security and Emergency Preparedness Program Plan;
- Appendix 9: State Oversight Agency System Security Program Plan Checklist;
- Appendix 10: Checklist for Reviewing Rail Transit Agency Accident Investigation Reports and Supporting Documentation;
- Appendix 11: Three-Year Safety and Security Review Checklist; and

Each section incorporates the elements of the Rule which are applicable to that section. A cross matrix identifying the section of the Rule, where it is addressed in the PSRP and in what Module it can be found in the State’s System Safety Program Guidelines follows.
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## Cross-Walk Matrix

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PROGRAM MANAGEMENT

1.0 Introduction and Overview

This section of the Program Standard and Referenced Procedures (PSRP) introduces the state oversight agency, its authority and minimum requirements for safety and security programs: its support staff including the designated point-of-contact; the rail transit agencies overseen by the program; the oversight agency's provisions regarding conflict of interest; and the definitions used by the oversight in managing its program. The relevant sections of the revised 49 CFR Part 659 addressed in this section are:

§ 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.
(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; and
§ 659.39 - Oversight agency reporting to the Federal Transit Administration.

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

(b) An initial submission must include the following:
   
   (1) Oversight agency program standard and referenced procedures; and
   (2) Certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.

(c) Annual submission. Before March 15 of each year, the oversight agency must submit the following to FTA:

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

(d) Periodic submission. FTA retains the authority to periodically request program information.

(e) Electronic reporting. All submissions to FTA required in this part must be submitted electronically using a reporting system specified by FTA.

§ 659.43 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. Definitions – Glossary of Terms (See Appendix 1)
1.1 Purpose

This document describes New York 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 the rail transit agencies in order to implement the program specified by the state safety oversight agency (SSOA).

1.2 Authority

There has been established within the New York State Department of Transportation (article 9-B of the Transportation Law) an investigative and advisory body known as the Public Transportation Safety Board which shall be responsible for assuring the health and safety of the citizens of the State who use public transportation systems, services and facilities [Statutory authority: Transportation Law, § 17-b, Art. 9-B; Highway Law, § 14; L. 1985, ch. 549]. In a letter addressed to the Federal Transit Administration (FTA) dated July 17, 1996, Governor George E. Pataki announced that the Public Transportation Safety Board (PTSB), which will be referred to as the State Safety Oversight Agency (SSOA) throughout this document, is responsible for rail transit safety and security oversight in New York State. Appendix 2 contains a copy of the letter that grants authority to the PTSB to develop, manage, and carry out the FTA’s safety and security program requirements in New York State.

FTA’s authority to require this program is derived from its authority to condition the receipt of FTA grant funds in 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 (SAFETEA-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 revised 49 CFR Part 659 on April 29, 2005, hereinafter referred to as “the Rule” or “Part 659”. Appendix 3 contains a copy of the revised final rule.

The Executive Order and Part 659 establish authority for the SSOA’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 SSOA’s program standard and procedures and recertifies the State’s current submission to FTA as well as establishing the framework for any future submissions. It documents both RTA and SSOA required activities to implement the Executive Order and Part 659. It also specifies the program in place to ensure ongoing communication between the SSOA staff and each affected RTA regarding safety and security information, and to address ongoing communication with the FTA, including initial, annual, and periodic submissions.
1.3 SSOA Point of Contact

The program is administered by the Program Manager of the SSOA. The current Program Manager is:

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<th>New York State Public Transportation Safety Board</th>
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<td>Mr. Stephen P. Trudell, Program Manager</td>
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<tr>
<td>Transit &amp; Commuter Rail Safety Section, Rail Safety &amp; Intermodal Security Bureau</td>
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<tr>
<td>New York State Department of Transportation</td>
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<tr>
<td>50 Wolf Road POD #53</td>
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<tr>
<td>Albany, NY 12232</td>
</tr>
<tr>
<td>Phone: 518-457-7596</td>
</tr>
<tr>
<td>Fax: 518-457-6513</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:Stephen.Trudell@dot.ny.gov">Stephen.Trudell@dot.ny.gov</a></td>
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The Director of the Office of Modal Safety and Security serves as the Public Transportation Safety Board’s Executive Director. The Executive Director or the Commissioner’s designee shall coordinate and direct the activities of the staff, which shall be the primary investigative unit of the Public Transportation Safety Board. The Executive Director or Commissioner’s designee is also authorized to arrange a meeting with the Public Transportation Safety Board in the event that agency-wide attention should be focused on a specific RTA safety or security issue.

The SSOA Program Manager oversees the state safety and security oversight program. SSOA staff are located within the New York State Department of Transportation’s Rail Safety Bureau in the Office of Modal Safety and Security. Staff services for the Board shall be performed by personnel of the Department of Transportation and such others as the Board may deem appropriate, including but not limited to, private consultants. Organization charts for both the Office of Modal Safety and Security and the Rail Safety Bureau are provided in Appendix 4.

The SSOA Program Manager oversees the daily SSOA activities. The SSOA, in part, is responsible for the activities that result in the implementation and closure of recommendations formally issued by the Board; and the development and implementation of system safety program plans and system security plans certified by the Board. The SSOA is also responsible for conducting and reporting on special studies, audits and accident investigations; the monitoring and approval of any corrective action plans; and for reporting the accomplishments of the SSOA annually to the FTA.

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
- 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 Agencies subject to the provisions of the state’s program include:

| RTA Number 1 | MTA New York City Transit
Department of Subways
2 Broadway
New York, New York 10004 |
|--------------|-----------------------------------------------------------------|
| RTA Number 2 | Niagara Frontier Transportation Authority
Metro Rail
181 Ellicott Street
Buffalo, New York 14203 |

Affected RTAs shall supply, and update as necessary, points-of-contact for their safety and security programs to SSOA. This information is attached as Appendix 5.

1.5 Conflict of Interest

No individual or entity may provide services to both the SSOA 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 SSOA is unable, or potentially unable, to render impartial assistance or advice on the development or implementation of the standards and provisions of this Program Standard, or to objectively perform such work without bias. A third party contractor to the SSOA 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 the SSOA or an RTA.

1.6 Reporting Requirements to FTA

Initial submission – The SSOA made its Initial Submission to FTA’s Office of Safety and Security in April 2006. This submission was delivered to FTA’s Office of Safety and Security in the format and method specified by FTA and communicated to the SSOA Program Manager (Program Manager). The Initial Submission included:

- SSOA’s program standard and referenced procedures; and
- SSOA’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 12. In the event that the state should ever determine that oversight authority should be transferred to another agency of the state, the SSOA 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. The SSOA 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, the SSOA 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.

**Annual Certification** - With its Annual Submission, SSOA must certify to the FTA that it has complied with the requirements of 49 CFR Part 659. The SSOA will submit this certification electronically to FTA using a reporting system specified by FTA. The SSOA 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 by the SSOA to the FTA upon request.

The SSOA will ensure that all submissions to FTA are submitted electronically using the reporting system specified by FTA.
PROGRAM STANDARD DEVELOPMENT

2.0

This document is distributed through the SSOA’s Program Manager. Copies can be obtained from:

Office of Modal Safety & Security
Rail Safety & Intermodal Security Bureau
Transit and Commuter Rail Safety Section
(State Safety Oversight)
POD #53
50 Wolf Road
Albany, NY 12232

Copies of this document shall be distributed to the designated safety and security points-of-contact established by each RTA as noted in Appendix 6.

2.1 Revisions and Updates

To ensure prevalence, this document will be reviewed on a biennial schedule to determine if updates are necessary, commencing in 2008.

Following each biennial review, the changes will be incorporated into the next version of the document and submitted to the RTA safety and security points-of-contact. The revised document will also be submitted to FTA’s Office of Transit Safety and Oversight as part of the SSOA’s Annual Submission.

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 the FTA, the SSOA, or based on policy changes, statewide meetings, and/or organizational changes. Each request for change will be reviewed by the SSOA in a timely manner. 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 SSOA’s Annual Submission.
OVERSIGHT OF RAIL TRANSIT AGENCY INTERNAL SAFETY AND SECURITY REVIEW

3.0 Internal Safety and Security Audit/Review Program

This section of the Program Standard and Referenced Procedures introduces the requirements for the internal safety and security audit/review program, which must be performed by the rail transit agency, and formally reviewed and approved by the oversight agent. The SSOA must ensure that the rail transit agency chief executive officer certify on annual basis that, based on the results of this process, the rail transit agency is in compliance with its System Safety Program Plan (SSPP) and System Security Plan (SSP). 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.

(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.

3.1 Objectives

The section describes the requirements for the internal safety and security audit/review program to be implemented by the RTA including special considerations given to larger properties. The RTA must implement a process for the performance of on-going internal safety and security audits/reviews to ensure the implementation of the RTA SSPP and SSP, and to evaluate the effectiveness of these plans.

In general, to ensure compliance with the FTA’s 49 CFR Part 659.27, the RTA must:

- Develop and submit to SSOA an internal safety and security audit/compliance review 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. Annual updates of this schedule must be provided to the SSOA by March 1.

- Develop checklists and procedures for conducting each of the 21 required SSPP audits/reviews. These materials must ensure sufficient criteria to determine if all audited/reviewed elements are performing as intended.

- Develop checklists and procedures for conducting each of the five (5) required System Security Plan audits/reviews. These materials must ensure sufficient criteria to determine if all audited/reviewed elements are performing as intended.

- Not less than 30 days prior to the conduct of an internal safety or security review/audit, notify the SSOA. Notification must be in writing and may be transmitted to the SSOA Program Manager via letter, email or fax. Notification should include the time and location of the internal audit/review. The SSOA may participate in any internal audit/review of which it is notified.

- In addition, at the time of notification, checklists and procedures relevant for the audit/review being conducted must be submitted to the SSOA. These materials may be submitted to the SSOA Program Manager in electronic copy via email or in hard copy via mail or fax. For security reviews/audits, any special provisions established by the RTA or SSOA to ensure the protection of these materials must be followed.

- Based on the results of each audit/review conducted, the RTA must prepare a written report documenting recommendations and any corrective actions identified as a result of the audit/review. The SSO shall review each written report and submit a formal letter of approval to the RTA which explains acceptance of the final report and corrective actions delineated from the report. The RTA is required to provide quarterly updates to the SSOA on the status of the corrective action plans derived from these audits/reviews.
The RTA must also maintain an Internal Safety and Security Audit/Review Findings Log or database to track through to implementation all findings, recommendations, and corrective actions developed as a result of the internal safety and security audit/review process. This log should be available to the SSOA and may be referenced during activities performed in support of the Hazard Management Process.

The above procedures are applicable for all properties. It is the intention of the SSOA to participate in the internal safety and security review process as required of NYCT and NFTA. However, because of the size and complexity of the country’s largest transit operation, special arrangements have been made with the MTA New York City Transit in order to ensure compliance. These considerations allow for the modification of the three-year review process through an ongoing participation in the property’s internal safety audits and reviews over the three-year period. By incorporating the results of the combined process, a reasonable and thorough review of numerous segments of the MTA NYCT’s operations is feasible.

3.2 Minimum Requirements for Annual Report on the Internal Safety and Security Audit/Review Process

By March 1 of each year, the SSOA requires the RTA to submit an annual report to the SSOA Program Manager that documents the internal audits/reviews 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 reviews/audits, any special provisions established by the RTA or the SSOA to ensure the protection of these materials must be followed.

This annual report must include:

- a listing of the internal safety and security audits/review conducted for that year;
- a discussion of where the RTA is in meeting its three-year internal audit/review 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/reviews;
- the status of all findings, recommendations and corrective actions resulting from the audits/reviews 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 SSOA will review and approve this report within 30 days. While conducting its review, the SSOA may request additional information, clarifications or revisions from the RTA. Any additional requirements will be conveyed to the RTA by the SSOA Program Manager. In addition to the annual report, also by March 1, the SSOA 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/review process during the previous year, the RTA is in compliance with its SSPP and System Security Plan. If the RTA determines that findings from its internal safety and security audits/reviews 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. The SSOA must review and approve this action plan using the procedures specified in this document.
RTA forwards notification, checklists and procedures to SSOA at least 30 calendar days prior to conducting internal safety or security audit/review.

SSOA reviews checklists and procedures.

RTA conducts internal safety or security audit/review. SSOA reserves option to attend and observe.

RTA prepares written report documenting the results of the internal safety or security audit/review. RTA maintains log of status of findings, recommendations and corrective actions.

RTA prepares Annual Report and Annual Certification documenting the results of the internal safety or security audit/review process and submits to SSOA.

RTA provides additional data/corrective actions to SSOA.

SSOA requests additional data/corrective actions.

SSOA approves annual report?

YES

RTA tracks corrective actions, if any, and reports status to SSOA.

NO

SSOA requests additional data/corrective actions.
OVERSIGHT AGENCY SAFETY AND SECURITY REVIEW

4.0 Three-Year On-site Safety and Security Review

This section of the “Program Standard and Referenced Procedures” introduces the SSOA’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 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 onsite 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.

4.1 Objective

As specified in 49 CFR Part 659.29, at least every three (3) years, the SSOA must conduct an onsite review of the RTA’s implementation of its SSPP and System Security Plan. 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. To accommodate the SSOA in conducting this review on the larger systems, the on-site review may be conducted over the three-year timeframe in lieu of being completed all within one year.

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

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

4.2 Process and Procedure

4.2.1 Pre-Review Preparations

The SSOA Program Manager 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.

The SSOA Program Manager will determine whether the review will be conducted by SSOA 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 SSOA Program Manager will assign a team of SSOA 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 the SSOA’s review checklist. As necessary, while preparing this checklist, the SSOA Program Manager 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/review checklists and reports; the results of the hazard management process; and the status of all corrective action plans.
SSOA schedules Three-year Safety and Security On-site Review with RTA

SSOA develops checklists and schedules activities for Three-Year On-site Safety and Security Review

SSOA conducts Three-Year On-site Safety and Security Review

SSOA prepares Draft Report identifying areas of concern and/or deficiencies and transmits to the RTA

SSOA directs RTA to prepare a Corrective Action Plan to address areas of concern and to correct deficiencies

SSOA reviews and approves corrective action plans and incorporates into Final Report

RTA transmit monthly status reports and verification of completion of corrective actions

Three-Year Safety and Security Review Process

Figure 2
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, the SSOA will formally notify the RTA safety and security points-of-contact of the upcoming review, no less than 30 days before the review is schedule. This notification will occur via letter.

Shortly after notification, SSOA 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, SSOA Program Manager will also transmit its review checklists to the RTA safety and security points-of-contact. The checklists will be delivered to RTA at least 15 calendar days prior to the start date of the review.

Because of the size and complexity of the MTA New York City Transit, the country’s largest transit operation, an exception to the above procedure is permissible. Special arrangements have been made with the MTA New York City Transit in order to ensure compliance. Nonetheless, all RTAs must submit to the Minimum Requirements for Audits/Reviews identified in section 3.1 of this Program Standard.

These considerations allow for the modification of the three-year review process through an ongoing participation in the property’s safety and security audits and reviews over the three-year period. By incorporating the results of the combined process, a reasonable and thorough review of numerous segments of the MTA NYCT’s SSPP and System Security Plan is feasible.

4.2.2 On-Site Review

To begin the review, the SSOA 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 SSOA 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 SSOA 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 SSOA team will conduct an exit meeting with the RTA, providing an overview of the major findings, observations and concerns.
Due to the size of New York City Transit, the SSOA will conduct on-site reviews of the property along with the internal safety and security review program developed by the property. The SSOA will maintain its own checklists and develop a corresponding report of findings and recommendations to be issued to the property. Since the review process considers the SSPP elements separately over the three-year period, the SSOA will maintain the same schedule as the property for the specified review period.

In addition to the SSPP and System Security Plan elements, the SSOA will also conduct spot audits related to corrective action plans put into action that were developed as a result of accident investigations, hazard assessments, special investigations, and recommendations derived from previous internal and external safety and security audits.

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

Following the review, the SSOA team shall prepare a draft report with the completed audit checklists and supplemental forms included as attachments. A sample review checklist and supplemental form are provided in Appendix 11.

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/review 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.

- 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 SSOA in the draft report to address any identified findings, recommendation or concerns. Upon receipt of the RTA’s response, the SSOA will make any required revisions to the draft and issue the final report. The final report shall be adopted by the SSOA and transmitted to the RTA no later than 90 days after the conclusion of the on-site review.

The SSOA 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.

As this section relates to New York City Transit, the SSO will transmit periodic review reports to the RTA at the conclusion of reviewing scheduled SSPP elements. Additionally those review reports will be submitted to FTA annually as required in section 659.39. Such reports will indicate the year of completion for the three-year safety review cycle.
5.0 Overview - Accident Notification, Investigation and Reporting

This section of the Program Standard and Referenced Procedures introduces the requirements for accident notification, investigation and reporting. The applicable sections of 49 CFR 659 follows:

§ 659.15 (b) (5), (6). 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.

§ 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

5.1 Objective

This section addresses the requirements for notifying the SSOA of accidents which meet the thresholds specified in 49 CFR Part 659.33 (a) or the PTSB Rules and Regulations. Notification to the SSOA should occur within the specified timeframe for 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 vehicle, 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.

NOTE: Should the rail property share track or connect with the general railroad system, it would be subject to the Federal Railroad Administration (FRA) rules and notification requirements identified in the PTSB’s Rules and Regulations (Section 990) shall apply.

5.2 Initial Notification

The RTA shall provide initial notification to the SSOA telephonically to New York’s Statewide Transportation Information and Coordination Center (STICC) of a reportable event. The STICC then will contact the SSOA on-call investigator regarding an event and follow-up with an e-mail to the SSOA on-call investigator. 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 and/or Injuries
- Rail transit vehicle(s) involved (type, number)
- Other vehicle(s) involved (type, number)
- Property damage estimate
- 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

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

5.3 Accident Validation

The SSOA will periodically validate accidents reported by the RTA with data reported to the National Transit Database (NTD) by the RTA. The SSOA will contact the FTA contractor managing the NTD and request downloads of NTD reportable accidents as submitted by the RTA. Comparisons are conducted by the SSOA to ensure comparable information is consistent as reported to the SSOA and NTD by the RTA. Additionally, the RTA submits end-year summary of reportable incidents to ensure consistency between the RTA database and SSOA database. Conflicting information between the SSOA database and the NTD will be discussed with the RTA with the goal of assuring consistent accident data will be reflected in both databases.
INVESTIGATIONS

6.0 Accident Investigations

This section of the Program Standard and Referenced Procedures introduces the requirements for investigation of accidents and incidents. The applicable sections of 49 CFR 659 follows:

§ 659.35 Investigations

(a) The oversight agency must investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in § 659.33(a).

(b) The oversight agency must use its own investigation procedures or those that have been formally adopted from the rail transit agency and that have been submitted to FTA.

(c) In the event the oversight agency authorizes the rail transit agency to conduct investigations on its behalf, it must do so formally and require the rail transit agency to use investigation procedures that have been formally approved by the oversight agency.

(d) Each investigation must be documented in a final report that includes a description of investigation activities, identified causal and contributing factors, and a corrective action plan.

(e) A final investigation report must be formally adopted by the oversight agency for each accident investigation.

   (1) If the oversight agency has conducted the investigation, it must formally transmit its final investigation report to the rail transit agency.

   (2) If the oversight agency has authorized an entity other than itself (including the rail transit agency) to conduct the accident investigation on its behalf, the oversight agency must review and formally adopt the final investigation report.

   (3) If the oversight agency does not concur with the findings of the rail transit agency investigation report, it must either:

      (i) Conduct its own investigation according to paragraphs (b), (d) and (e) (1) of this section; or

      (ii) Formally transmit its dissent to the findings of the accident investigation, report its dissent to the rail transit agency, and negotiate with the rail transit agency until a resolution on the findings is reached.

(f) The oversight agency shall have the authority to require periodic status reports that document investigation activities and findings in a time frame determined by the oversight agency.
6.1 Investigations of Reportable Events

49 CFR Part 659.35 requires the SSOA 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 5.1. All accidents that meet the reporting criteria shall be investigated and a report will be submitted to the SSOA for its review and adoption. Corrective actions, if required, will be indicated in the final report and followed up by the SSOA. If the NTSB is investigating the accident, the SSOA may request to join in the investigation through NTSB’s Party System.

The following sets forth the procedures for said investigations;

(a) Public transportation system and public transportation service accident investigations are conducted by the RTA and overseen by the SSOA staff in order to determine the facts, conditions, and circumstances relating to each accident, the probable cause thereof, and to ascertain measures that will best prevent similar accidents in the future. The investigations, carried out in accordance with procedures developed by the RTA and approved by the SSOA, include field investigation, report preparation, and where ordered, a public hearing. The SSOA is authorized to enter upon any property where a public transportation accident has occurred, where wreckage from any such accident is located or where a vehicle involved in any such accident is located, and do all things necessary for a proper accident investigation, including but not limited to interviewing of witnesses and others, examination and/or testing of any vehicle, train or facility or any part or appurtenance thereof, which vehicle, train, facility or part or appurtenance thereof shall immediately be made available for inspection and shall be preserved by the public transportation system and/or public transportation service, to the maximum extent feasible, for the purpose of an accident investigation, which accident investigation shall be commenced and completed with reasonable promptness. The SSOA may order a vehicle or any part or appurtenance thereof impounded for a period which shall not exceed two business days from the time of notification so that a proper investigation including testing may be conducted. The SSOA may inspect all records, files, papers, processes, controls, equipment and facilities of a public transportation system and/or public transportation service and other relevant factors in connection with the investigation of any accident involving such system or service.

(b) Cooperation: Each RTA will work closely with the SSOA to conduct investigations of all accidents that meet FTA criteria as prescribed in 49 CFR Section 659.33. Each public transportation system or service by its officers, directors, owners, members and employees, shall fully cooperate with the SSOA in the investigation of public transportation accidents. Such cooperation shall include, but shall not be limited to, making the public transportation system’s or service’s employees available for the purpose of interviews and providing investigators with all information requested, including the names of witnesses and all details of the accident. The failure to cooperate with the investigation as stated herein shall be deemed a violation of the SSOA’s Rules and Regulations and may be treated as grounds for the withholding of statewide mass transportation operating assistance.

6.2 Independent SSOA Investigations

The SSOA may conduct an independent investigation of any accident meeting the thresholds specified in Section 5.1 utilizing its own personnel or an authorized
contractor or the RTA. SSOA investigations will be conducted according to the SSOA’s rules and regulations. Any investigation conducted by someone other than the SSOA must be in accordance with the approved investigation procedures of the entity.

The SSOA 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 SSOA 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, the SSOA will, at a minimum, perform the following activities:

The SSOA Program Manager 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. Technical expertise may be provided by the RTA personnel who are knowledgeable of specific transit equipment and operations. 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, but are not limited to, the following areas.

- System Safety and Training
- Transportation Management and Operations
- Vehicles and Vehicle Maintenance
- Worker Health & Safety, Facility Safety, & Hazardous Materials
- Emergency Operations
- Track, Structures, Signals & Communications
- Transit System Security

The SSOA on-site team may wait until the RTA and/or other emergency response personnel have secured the accident/incident scene area before commencing its on-site accident investigation. The SSOA 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 the SSOA team members. The SSOA 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, the SSOA 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.

In the event the SSOA chooses to allow another entity such as the RTA or an outside contractor to conduct an accident investigation, the SSOA must ensure that the investigation is conducted according to established and approved accident investigation procedures.
Regardless of the type of investigation preformed, all information gathered, including investigation reports drafted and adopted by the RTA, from the accident/incident investigation will be documented and incorporated in the SSOA accident investigation report of the accident to the SSOA.

The SSOA draft accident investigation report will be provided to the RTA for its review. Comments will be due to the SSOA 30 work days after initial RTA receipt of the draft report. If necessary, a meeting to discuss the draft report will also be held between SSAO and the RTA.

If necessary, and based upon the comments received from the transit agency, the draft report could be revised. A final accident investigation report will be submitted by SSOA to the SSOA for adoption at its earliest opportunity.

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. The SSOA 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 SSOA 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 SSOA with a copy of all written correspondence to the NTSB concerning a reportable event or investigation, and also shall provide the SSOA a copy of all NTSB reports and any recommendations concerning the event or its investigation, upon receipt by the RTA. The SSOA 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 SSOA is authorized to participate in any discussions and reviews with the RTA and NTSB. The SSOA 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 and the corrective actions will be tracked by the SSOA in their comprehensive corrective actions database.
7.0 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.

§ 659.31 Hazard management process.

(a) The oversight agency must require the rail transit agency to develop and document in its system safety program plan a process to identify and resolve hazards during its operation, including any hazards resulting from subsequent system extensions or modifications, operational changes, or other changes within the rail transit environment.

(b) The hazard management process must, at a minimum:

(1) Define the rail transit agency’s approach to hazard management and the implementation of an integrated system-wide hazard resolution process;

(2) Specify the sources of, and the mechanisms to support, the on-going identification of hazards;

(3) Define the process by which identified hazards will be evaluated and prioritized for elimination or control;

(4) Identify the mechanism used to track through resolution the identified hazard(s);

(5) Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and

(6) Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency.

§ 659.37 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.

7.1 Objectives

The SSOA’s shall 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 the SSOA. The SSOA will maintain and update a comprehensive corrective actions database that will be used for annual reports to the FTA.

7.2 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 SSOA as requiring corrective actions;
- hazards, vulnerabilities or deficiencies identified from internal and external safety and security audits/reviews performed by the RTA or SSOA or from the hazard management process; and
- hazards identified that could lead to safety or security related incidents (i.e., obstacle hazards, near miss incidents).

Each corrective action plan shall identify:

- identified hazard, vulnerability or deficiency;
- planned activities or actions to resolve hazard, vulnerability or deficiency;
- RTA department(s) responsible for implementing corrective actions;
- scheduled completion dates for implementation.
• qualified verifications to indicate accepted completion/implementation.

The corrective action plan shall be submitted to the SSOA for review and approval. In the event that the SSOA and the RTA dispute the need, findings, or enforcement of a corrective action plan, SSOA will allow the RTA 30 calendar days to submit its case. The SSOA will then issue final direction to the RTA regarding the corrective action plan. In the event SSOA staff and the RTA staff cannot reach agreement, the corrective action shall be presented to the PTSB at one of its bimonthly meetings for recommended resolution.

For CAPs related to sensitive security information (SSI), the SSOA will follow the RTA security review procedures. Such that CAPs developed as a result of the RTA’s internal security review, TVAs or security related CAPs required by the SSOA as a result of a security compliance review, the RTA will notify the SSOA of the drafted CAP. The SSOA will then schedule a review of the drafted CAP on the RTA property, complete the review and submit a formal letter accepting the drafted CAP. Once formally accepted, the RTA will provide periodic updates as to the status of the CAP until closure. When the RTA formally responds that the CAP has been closed and informs the SSOA that it has either appropriate documentation or can provide visual evidence of satisfactory closure, the SSOA will then schedule a closeout meeting to review the stated documentation or observe the visual evidence associated with subject CAP. When the SSOA determines that the CAP is satisfactorily closed, the SSOA will submit a formal letter of acceptance of closure to the RTA.

In the event that the NTSB conducts an investigation, the RTA and the SSOA 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 the SSOA, the RTA shall develop it.

The RTA shall develop and maintain a Corrective Action Monitoring Log, which identifies all corrective action plans approved by the SSOA and presents their status. This log shall be submitted quarterly to the SSOA Program Manager 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 along with the Corrective Action Monitoring Log in electronic or hard copy format. The RTA must also inform the SSOA concerning any alternative actions for implementing a corrective action plan. The Monitoring Logs are to be used by the SSOA to update its comprehensive corrective actions database.

7.3 Notification

The RTA is required to notify the SSOA within 24 hours upon identification of an unacceptable hazardous condition that may lead to a potentially catastrophic outcome that may also severely impact revenue service. Such notification is to be initiated telephonically and followed by an electronic notification via e-mail stating information pertaining to the hazard as follows: hazard source, hazard location, description of hazard, immediate actions to be taken, potential long term actions (solutions) to follow, and any other pertinent information that directly addresses the hazard. Such an identified unacceptable hazard may require an immediate remedial action with a long-term corrective action to be developed that completely addresses the identified hazardous condition. This type of notification is separate from the 2-hour accident notification requirements as cited in 49 Part 659.33.
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 the SSOA. The RTA shall submit the corrective action plan to the SSOA for approval within 30 calendar days after the need for the corrective action plan been identified by either the RTA or the SSOA. Depending on the complexity of the issue requiring corrective action, and at the SSOA’s discretion, additional time may be granted to the RTA to prepare the corrective action plan. In the event of a corrective action being required to address an imminent hazard or event that is potentially catastrophic in nature, the RTA shall submit a report describing the immediate corrective action and describe any long term corrective actions that will be pursued. The process for approval prescribed above will be followed as it relates to long term corrective actions.

7.4 Corrective Action Plan Review and Approval

The SSOA 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 the SSOA rejects a corrective action plan, the SSOA will state its reasons in writing and recommend revisions. The RTA shall submit a revised corrective action plan to the SSOA no later than 15 calendar days following the rejection.

7.5 Monitoring and Tracking

The RTA shall maintain a Corrective Action Monitoring Log and provide the SSOA with corrective action implementation updates quarterly. The SSOA will use the updates to maintain its comprehensive CAP database. The Corrective Action Monitoring log shall consist of corrective action plans developed as a result of internal safety reviews, hazard analysis, accident investigations, and outside agency investigations or audits. Such updates shall include status of corrective action, outstanding issues, and date of implementation and date of acceptance of the corrective action. The RTA shall verify to the SSOA in writing when a corrective action has been fully implemented. The RTA corrective action is subject to independent SSOA verification. SSOA verification may be in the form of targeted audits, documentation requests, site reviews, and requested demonstrations. The SSOA will formally notify the RTA when corrective actions have been satisfactorily met.
SSOA or RTA determines need for a corrective action plan (CAP)

RTA prepares and submits CAP for approval

SSOA reviews CAP

Does SSOA approve CAP

YES

SSOA notifies RTA of approval of CAP and begins monitoring implementation of CAP

NO

SSOA specifies revisions to CAP

RTA revises CAP as directed

RTA provides monthly monitoring reports and notifies SSOA when CAP is fully implemented

Figure 3 identifies the corrective action plan process.
8.0 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 staff. The SSOA must also ensure that the rail transit agency 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:

§ 659.11 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.

§ 659.15 (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 safety issues.

(d) The process used to control changes to the system safety program plan, including:
   (1) Specifying an annual assessment of whether the system safety program plan should be updated; and
   (2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval.

(e) A description of the specific activities required to implement the system safety program, including:
   (1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and
   (2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format.
(f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:

1. Hazard identification;
2. Hazard investigation, evaluation and analysis;
3. Hazard control and elimination;
4. Hazard tracking; and
5. Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.

(g) A description of the process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification but which may have safety impacts.

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

(i) A description of the process used to collect, maintain, analyze, and distribute safety data, to ensure that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program.

(j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including:

1. Notification thresholds for internal and external organizations;
2. Accident investigation process and references to procedures;
3. The process used to develop, implement, and track corrective actions that address investigation findings;
4. Reporting to internal and external organizations; and
5. Coordination with the oversight agency.

(k) A description of the process used by the rail transit agency to develop an approved, coordinated schedule for all emergency management program activities, which include:

1. Meetings with external agencies;
2. Emergency planning responsibilities and requirements;
3. Process used to evaluate emergency preparedness, such as annual emergency field exercises;
4. After action reports and implementation of findings;
5. Revision and distribution of emergency response procedures;
6. Familiarization training for public safety organizations; and
7. Employee training.

(l) A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the system
safety program plan, including:
(1) Identification of departments and functions subject to review;
(2) Responsibility for scheduling reviews;
(3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings;
(4) Review of reporting requirements;
(5) Tracking the status of implemented recommendations; and
(6) Coordination with the oversight agency.

(m) A description of the process used by the rail transit agency to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:

(1) Identification of operating and maintenance rules and procedures subject to review;
(2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing;
(3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and
(4) Process for documenting results and incorporating them into the hazard management program.

(n) A description of the process used for facilities and equipment safety inspections, including:

(1) Identification of the facilities and equipment subject to regular safety-related inspection and testing;
(2) Techniques used to conduct inspections and testing;
(3) Inspection schedules and procedures; and
(4) Description of how results are entered into the hazard management process.

(o) A description of the maintenance audits and inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.

(p) A description of the training and certification program for employees and contractors, including:

(1) Categories of safety-related work requiring training and certification;
(2) A description of the training and certification program for employees and contractors in safety-related positions;
(3) Process used to maintain and access employee and contractor training records; and
(4) Process used to assess compliance with training and certification requirements;

(q) A description of the configuration management control process, including:

(1) The authority to make configuration changes;
(2) Process for making changes; and
(3) Assurances necessary for formally notifying all involved departments.

(r) A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements, including:
(1) Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency property; and

(2) Processes for ensuring the employees and contractors know and follow the requirements.

(s) A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.

(t) A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.

(u) A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency’s procurement process.

8.1 Objective

The SSOA shall establish the minimum requirements for the System Safety Program Plan (SSPP) to be developed, submitted for approval and implemented by the each RTA in the SSOA program.

8.2 SSPP Minimum Requirements

Every public transportation system and public transportation service subject to Section 17-b of the Codes, Rules and Regulations of the State of New York and Article 9-B of the State’s Transportation Law shall initially prepare and publicize a plan detailing their transportation system safety program as well as comply with the appropriate portions of the current Safety Board System Safety Program Plan Guidelines which are incorporated herein by reference and depicted in Appendix 6. Additionally, the SSOA has adopted guidelines as 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. The SSOA encourages the RTAs to go beyond 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 guidelines (Appendix 6) and CFR 49 Part 659. The SSPP must contain the 21 items detailed in CFR 49 Part 65.19 a thru u.

8.3 Initial Review and Approval of SSPP

In carrying out its oversight responsibilities under FTA’s SSO Program (49 CFR 659.17), the SSOA will receive, review and submit to the SSOA for certification and approval, 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/review 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 insure that it has, on file with the State, an approved SSPP which is in compliance with the program requirements specified in Appendix 6 and all referenced procedures/materials identified in the
SSPP. The SSPP should be submitted in electronic format via email to the SSOA Program Manager. Supporting procedures may be submitted in hard copy via mail or fax. The SSOA will review the submitted SSPP using the checklist provided in Appendix 7 which identifies all items noted in §659.19 (a-u) and, upon completion of its review, forward the SSPP to the SSOA for approval. The SSOA Program Manager will provide a signed letter of approval and copy of the approving resolution to the RTA.

8.4 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, if necessary, submit a revised SSPP to the SSOA Program Manager by March 1 of the current year. As appropriate, referenced materials affected by the revision(s) should also be submitted with the SSPP.

Each revised SSPP submitted to the SSOA 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. The SSOA will review subsequent all SSPP submissions from RTAs. Upon completion of the review of any modifications, the SSOA will forward the document to the SSOA at its earliest convenience for re-certification. Once re-certified, the SSOA Program Manager will transmit a copy of the recertification to the RTA.

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 the SSOA of this determination. If the SSOA wishes to object to this determination, the SSOA Program Manager 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 SSOA’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 SSOA for SSPP modifications, the RTA shall submit a revised SSPP to the SSOA within a designated timeframe. The SSOA will review and submit the document for approval as expeditiously as possible.

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 SSOA. The review and approval process will follow as described above.

8.5 SSPP Submittals from New Starts Projects

In the event of a New Starts project developing, New Starts shall make an initial submittal of an SSPP and all referenced procedures/materials to the SSOA 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.

The SSOA will review and seek approval of 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, the SSOA 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 SSOA during its review of the SSPP. Any additional requirements will be conveyed by the SSOA Program Manager.

8.6

SSPP Readiness

The SSOA 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 the SSOA review and approval of the initial SSPP submission. The assessment may be conducted formally, following specified procedures or the assessment may be conducted less formally, as via an on-site walk-thru 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 RTA’s capacity to implement its SSPP.

Based on the type of review conducted, the SSOA may issue an official report with required actions or may address findings through the review and approval process used for the RTA’s SSPP.

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**Figure 4**

System Safety Program Plan Approval Process

- SSOA adopts and maintains its Standard and System Safety Program Plan Requirements and transmits them to the RTA.
- Each RTA reviews its System Safety Program Plan at least annually and prepares updates, as necessary.
- Each RTA submits its System Safety Program Plan to SSOA for approval.
- RTA revises its System Safety Program Plan as directed.
- SSOA reviews RTA System Safety Program Plan using review checklist.
- Is System Safety Program Plan Acceptable?
  - NO: SSOA request additional information; specifies modifications/revisions.
- SSOA notifies RTA in writing that System Safety Program Plan is approved.
8.7 Hazard Management Process

A Hazard Management Process must be developed by the RTA and be formally reviewed and approved by the oversight agency. The SSOA must also ensure on-going participation in the RTA’s Hazard Management Process. The relevant citation of the revised 49 CFR Part 659.31, addressed in this section of the Program Standard and Referenced Procedures, are listed below.

§ 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.

The SSOA has an on-going role in overseeing the RTA’s identification, assessment and resolution of hazards and 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 SSOA; and
- specify the process by which the RTA will provide on-going reporting of hazard resolution activities to the SSOA.
The 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/reviews, 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 available and acceptable processes, (i.e. Mil-Std 882, Preliminary Hazard Analysis, Failure Modes and Effects Analysis, Job Hazard Analysis, etc.) and/or 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 and establish a Hazard Tracking Log which reflects the consolidation of information in the hazard management process. The Hazard Tracking Log must contain all hazards identified through the various methods applied by the RTA; may be organized by the hazard number assigned by the RTA or by the type of hazard; the source from which it was identified; or the element of the RTA's operation affected by the hazard (i.e., facilities, vehicles, track and signal, communications/SCADA, tunnel ventilation, personnel training and procedures, etc.). The Hazard Tracking Log must be submitted by the RTA to the SSOA for review and approval via electronic copy or in hard copy via mail or fax. The SSOA will review the Hazard Tracking Log and forward any questions or requests for information to the RTA safety point-of-contact.

8.8 Investigation of Unacceptable Hazards

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

8.8.1 Initial Investigation Report

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

8.8.2 Status Investigation Reports

The RTA shall submit to the SSOA Program Manager a status report 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.

8.8.3 Final Investigation Report

Upon completing the investigation of the unacceptable hazard, the RTA shall prepare and submit to the SSOA 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 SSOA Program Manager via email. Within 30 calendar days of receiving a report designated
as final, the SSOA will review the report, using the process specified. Within 30 calendar days of acceptance of the RTA investigation report, the SSOA will issue to the RTA written approval of the report. In the event that SSOA does not accept the RTA report, the SSOA 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 the SSOA.

8.8.4 Corrective Action Plans (CAP)

The RTA shall develop a corrective action plan to correct those elements or activities identified as deficient. In addition, the SSOA 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. At any time during an investigation, SSOA reserves the right to request a full briefing from the RTA on the known circumstances of the investigation, including corrective actions.

8.8.5 SSOA Investigation of Hazards

The SSOA reserves the right to conduct independent investigations of identified unacceptable hazards. Upon its determination to conduct an independent investigation, SSOA will inform the RTA in writing of its intention to conduct an investigation of a reported hazard no later than seven (7) calendar days following receipt of the RTA initial report. The SSOA 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 SSOA investigators by providing required information and resources necessary for conducting the investigation. The SSOA 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 SSOA Program Manager.
9.0. 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 sections of the revised 49 CFR Part 659, addressed in this section, are:

\[ \text{§ 659.15 (b) (9). System safety program standard: contents.} \]

(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.

\[ \text{§ 659.11 Confidentiality of investigation reports and security plans.} \]

(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.

\[ \text{§ 659.21 System security plan: general requirements.} \]

(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.

\[ \text{§ 659.23 System security plan: contents.} \]

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.

9.1 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 SSOA program. The SSOA 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 8 of this document. This appendix is based on FTA’s System Security and Emergency Preparedness Planning Guide, issued in January 2003 and should be used as a reference for the completions of an SSP. The program requirements in Appendix 8 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 contain the following five elements:

- 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 concepts/controls in place that address the personal security of passengers and employees;
- document the RTA process for conducting internal security reviews 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 SSOA for review and approval.

In addressing this last item, the SSOA has the authority in place to protect against the public disclosure of RTA security documents. To ensure further protection of these documents, all
security documents will remain at the RTA’s place of business in readiness for review by the SSOA should the need arise.

9.3 Initial Review and Approval of System Security Plan

In carrying out its oversight responsibilities under FTA’s SSO Program (49 CFR 659.21), and recognizing the sensitivity of System Security Plans, the SSOA, rather than requiring the submittal of said plans, will require a physical review prior to a written approval of each RTA System Security Plan. With the System Security Plan, the RTA should also make available for review any referenced materials, including procedures and checklists for the threat and vulnerability identification/assessment/resolution process, the internal security audit/review program, and the controls in place that address the personal security of passengers and employees.

To ensure compliance with FTA’s initial submission requirements, each RTA must make available for review a System Security Plan, in compliance with the program requirements specified in Appendix 8 and all referenced procedures/materials to the SSOA. The SSOA will review the submitted SSP, using the checklist provided in Appendix 9 and, upon approval, will provide a written letter of approval and a copy of the completed checklist to the RTA.

9.4 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 notify the SSOA Program Manager by March 1 that, if warranted, a revised System Security Plan is available for review. As appropriate, referenced materials affected by the revision(s) should also be made available for review with the System Security Plan.

Each revised System Security Plan available for review shall include a text or tabular summary that identifies and explains proposed changes and includes a time frame for completion of the associated activities. The SSOA will review subsequent System Security Plan submissions from RTAs and upon submitting them to the SSOA for approval of the modifications, the SSOA will issue to the RTA, a 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 the SSOA of this determination. If the SSOA wishes to object to this determination, the SSOA Program Manager 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 Program Standard and Referenced 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 SSOA for System Security Plan modifications, the RTA shall make available a revised System Security Plan to the SSOA within 30 calendar days for review. The SSOA will review and forward for approval, the revised System Security Plan.

The SSOA encourages the RTA to ensure that updates to the System Security Plans are also
made available for review to any outside agencies following the conditions specified in grant program, directives or other requirements and regulations administered by these agencies.

9.5 **System Security Plan Submittals from New Starts Projects**

Should a RTA New Starts project commence, the New Start shall make an initial submittal of a System Security Plan and all referenced procedures/materials to the SSOA 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 the SSOA to ensure their protection from public release. The initial System Security Plan shall be approved and adopted by the SSOA as part of the New Starts project safety certification process.

9.6 **System Security Plan Readiness Review**

The SSOA 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 the SSOA review and approval of the initial System Security Plan submission. The assessment may be conducted formally, following specified or the 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, the SSOA may issue an official report with required corrective actions or may address any findings through the review and approval process used for the RTA’s System Security Plan.

Figure 5 provides a visual depiction of the SSOA System Security Plan review and approval process.
System Security Plan Approval Process

SSOA adopts and maintains its Standard and System Security Plan Program Requirements and transmits them to the RTA.

Each RTA reviews its System Security Plan at least annually and prepares updates, as necessary.

Each RTA submits its System Security Plan to SSOA for approval.

SSOA reviews RTA System Security Plan using review checklist.

Is System Security Plan Acceptable?

YES

SSOA approves System Security Plan, completing review checklist.

SSOA notifies RTA in writing that System Security Plan is approved.

NO

RTA revises its system Security Plan as directed.

SSOA requests additional information; specifies modifications/revisions.