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Federal Transit Administration

Corrective Action Plans (CAP)

Lauren Tuzikow
Program Manager, Office of Safety Review
Office of Transit Safety and Oversight
Federal Transit Administration

Rachael Wenger
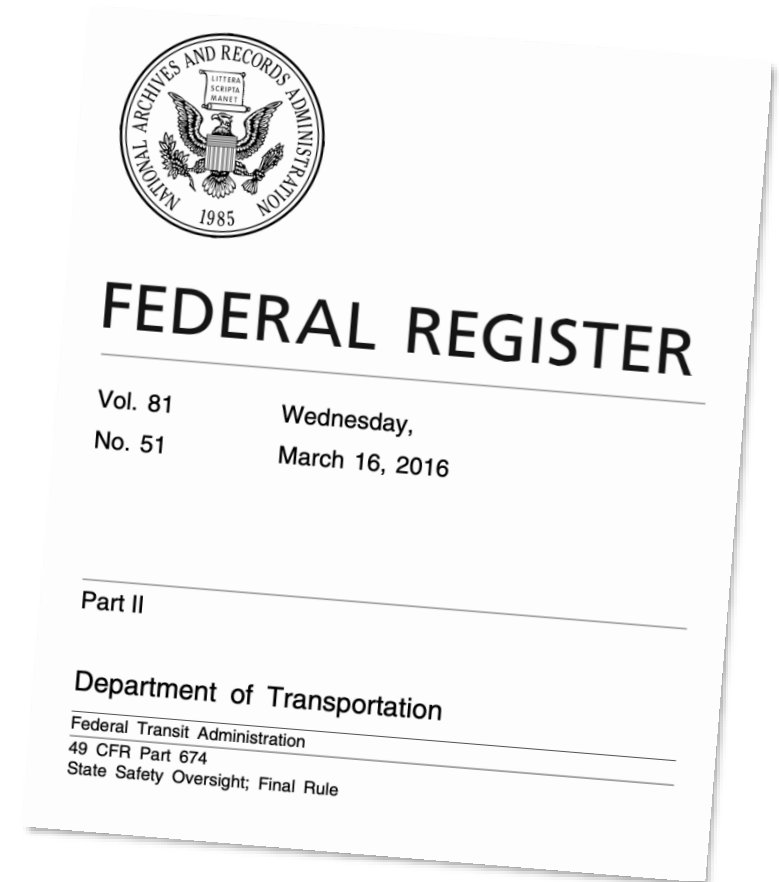Senior Consultant
Boyd Caton Group

Overview

- What are CAPs?

- Lifecycle of a CAP

  o Identification and development

  o SSOA approval

  o Management

  o Closure and monitoring

- Emergency CAPs

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What is a CAP?

A plan that describes actions an RTA will take to minimize, control, correct, or eliminate risk and hazards and a schedule for taking those actions (Part 674.7)

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CAPs and 49 CFR Part 674

- Definitions – Part 674.7

- SSO program standards – Part 674.27(a)(8)

- Investigations – Part 674.35(b)

- Corrective Actions – Part 674.37

- SSOA annual reporting to FTA – Part 674.39(a)(3) and Part 674.39(a)(4)

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Part II

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49 CFR Part 674
State Safety Oversight; Final Rule

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Typical CAP Lifecycle

Identify and Develop → Approve → Manage → Close and Monitor

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When is a CAP necessary?

The SSOA or FTA may require an RTA to develop and carry out a CAP in response to:

- Non-compliance with ASP

- SSOA triennial audit of RTA

- Safety event investigations

- Internal safety reviews

- Inadequate safety risk mitigation

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When is a CAP necessary?

- Noncompliance with [ASP] – Part 674.25(b) and Part 674.25(c)

  o An SSOA must enforce the execution of a[n ASP], through an order of a CAP or any other means, as necessary or appropriate. (Part 674.25(b))

  o An SSOA has primary responsibility for the investigation of any allegation of noncompliance with an [ASP] (Part 674.25(c))

- SSOA triennial audit of RTA – Part 674.31

  o At least once every three years, an SSOA must [audit] an RTA's compliance with its [ASP]… [and] issue a report with … a corrective action plan, if necessary or appropriate

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When is a CAP necessary?

- Safety event investigations – Part 674.35(b)

  o The [investigation] report must … set forth a [CAP], as necessary or appropriate

- Internal safety reviews – Part 674.27(a)(4)

  o The [Program Standard] must explain the role of the SSOA in overseeing … safety reviews … [and] the process whereby the SSOA will receive and evaluate all material submitted…

- General requirements (insufficient safety risk mitigation) – Part 674.29(b)

  o [A]n SSOA must determine … whether the [ASP] … sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation …

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Anatomy of a CAP

Elements *required* under Part 674:

1. Actions to minimize, control, correct, or eliminate risk and hazards identified by the CAP

2. Schedule for taking those actions

3. Individuals responsible for taking those actions

Additional elements you can consider:

- Common identifier

- Interim steps, coordinating milestones and responsible parties

- Performance metrics

- Verification activities

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CAP Development – Considerations

- Who at the RTA develops CAPs?

  o Individuals, committees, departments, etc.

- What does a CAP look like?

  o Templates or forms, elements beyond regulatory requirements

- How long does a CAP take to develop?

  o RTA internal deadlines, SSOA deadlines, etc.

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What is CAP approval?

Once developed, the SSOA must review and approve a CAP before the RTA carries out the plan – Part 674.37

1. Review submitted CAPs

2. Approve submitted CAPs

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CAP Approval

Does the submitted CAP meet regulatory and the SSOA's established CAP standards and address the initial safety concern that prompted the CAP?

- If yes, continue to CAP approval

- If no, the SSOA uses the process it established in its Program Standard to manage conflicts – Part 674.27(a)(8)

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CAP Approval

If the CAP meets the SSOA's expectations, it can approve the CAP

- This says to the RTA that the SSOA concurs that the CAP will appropriately address the identified hazard or risk

- The Program Standard outlines how the SSOA will approve CAPs

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CAP Approval – Considerations

Some SSOAs may use a checklist outlined in their Program Standard to guide their review

- Incorporating optional elements, such as submission number, CAP identifiers, etc. can help simplify documentation and tracking

CAP Review   #B142   Rev. 2

☑ Action(s) the agency will take

☑ Timeline for completing action(s)

☑ Responsible party(ies)

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CAP Management

- A CAP must describe … the actions the RTA will take to control, correct, or eliminate the risks and hazards identified by the CAP … – Part 674.37(a)

- The RTA must periodically report to the SSOA on its progress in carrying out the CAP – Part 674.37(a)

- The Program Standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP – Part 674.27(a)(8)

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CAP Management – Considerations

- Although not required, some SSOAs establish basic documentation and tracking requirements throughout the process, such as:

  o Specific format and timeline for sending progress updates

  o Documentation requirements for specific steps within the CAP

- Some SSOAs also establish a process to monitor CAP implementation

  o Routine meetings to discuss progress

  o Scheduled or unscheduled verification activities to monitor implementation

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CAP Management – Considerations

Although not required, some SSOAs establish a process for managing mid-implementation CAP changes, such as:

- New approaches to the action(s) listed in the CAP

- Revisions to relevant equipment, processes, or other system elements

- Changes in responsible parties

- Changes in CAP timeline

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CAP Closure

Once the RTA takes the actions listed in the CAP, the RTA can request that the SSOA close the CAP

- This indicates that the RTA believes it has undertaken the activities in the CAP and they have addressed the identified hazard or risk

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CAP Closure – Considerations

The SSOA can establish specific requirements for CAP closure, such as:

- Specifying a template or format for the RTA to request CAP closure

- Requiring and/or conducting verification activities

- Establishing a process to manage disagreements between the SSOA and RTA on CAP closure

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CAP Monitoring

In most cases, CAP closure is not the end of the CAP's lifecycle

- The RTA will continue monitoring the impacts of CAPs through its Safety Assurance process and its internal safety review processes

- The SSOA will oversee the RTA's Safety Assurance process and the RTA's internal safety review process and may monitor the impacts of closed CAPs through its triennial audit process and routine monitoring

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What about emergency CAPs?

General CAP Process

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Emergency CAP Process

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Why are steps swapped in emergency CAPs?

Part 674 allows RTAs to take immediate, emergency corrective actions to ensure immediate safety – Part 674.37(a)

- The RTA must provide the SSOA timely notification

- The SSOA reviews and approves the CAP after the RTA begins CAP implementation

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CAP Responsibilities Summary

SSOA CAP Responsibilities

- Direct the RTA to develop and carry out CAPs

- Review and approve RTA CAPs

- Track and verify an RTA's compliance with CAPs

- Manage any CAP conflicts between the SSOA and RTA

RTA CAP Responsibilities

- Develop and carry out CAPs

- Submit CAPs to SSOA for approval

- Report to the SSOA periodically on CAP progress

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Contact Information

Ruth Lyons
Senior Program Manager, Office of Safety Review
Office of Transit Safety and Oversight
Federal Transit Administration
Ruth.Lyons@dot.gov
(202) 366-2233