

Part 674 – State Safety Oversight (SSO)

Summary of Updates

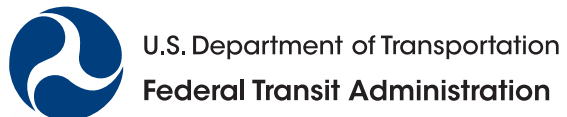
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U.S. Department of Transportation
Federal Transit Administration

Opening Remarks

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Agenda

1. Background

2. NPRM Comments

3. Regulatory Updates

- Effective Date
- Oversight of Public Transportation Safety Certification Training Program (PTSCTP)
- Oversight of Internal Safety Reviews
- Oversight of RTA Vehicle Maintenance and Testing

4. Questions



Background

2005: FTA revised part 659 to update SSO program requirements.

2016: FTA published **49 CFR part 674**, which replaced the existing Part 659

2023: FTA initiated the Notice of Proposed Rulemaking (NPRM) process to update part 674.

2024: FTA published the revised State Safety Oversight final rule on October 16, 2024.

Notice of Proposed Rulemaking (NPRM)

- FTA published an NPRM on **November 15, 2023**
- The comment period closed on **February 15, 2024**
- FTA received **27 comment submissions**
 - **8** individuals
 - **7** State Safety Oversight Agencies (SSOAs)
 - **6** rail transit agencies (RTAs)
 - **2** labor organizations,
 - **2** industry associations,
 - **1** vendor, and
 - National Transportation Safety Board (NTSB) (**1**)
- These submissions contained over **300 individual comments** on specific topics

Thanks to all commenters!



Response to Comments

FTA reviewed and considered all comments received

- The Final Rule was largely finalized as proposed
- In response to comments, FTA:
 - Made clarifying revisions to definitions
 - Clarified notification criteria and safety event applicability
 - Clarified PTSCPT oversight requirement
 - Clarified SSO program standard requirements related to data collection
- FTA has provided responses to all relevant comments received in the preamble to the Final Rule (available in the *Federal Register*)



What's New in the Revised Part 674?

- New/revised definitions – alignment with other FTA programs and regulations
- Removal of outdated references
- Clarification of SSOA responsibility for safety oversight during engineering or construction phase.
- Explicit SSO Program Standard content requirements
- Simplification of notification criteria
- Clarification of required Corrective Action Plan sources

Effective
January 1,
2025!

New and Revised Definitions (§ 674.7)

The Final Rule includes new and revised definitions to provide clarity and synchronization with other FTA programs and safety rulemakings.

- Collision
- Derailment
- Designated Personnel
- Disabling damage
- Evacuation for Life Safety Reasons
- Fatality
- Injury
- Inspection
- Potential Consequence
- Rail fixed guideway public transportation system
- Rail transit vehicle
- Revenue vehicle
- Risk-Based Inspection Programs
- Safety Event
- Safety Risk
- Unintended Train Movement

SSO Program Standards (§ 674.27)

The Final Rule includes new and revised subsections that clarify requirements for SSO Program Standards

§ 674.27(a)(3) Disposition of RTA comments

§ 674.27(a)(5) Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews

§ 674.27(a)(6) Oversight of safety risk mitigations

§ 674.27(a)(7) Oversight of RTA compliance with the Public Transportation Safety Certification Training Program

§ 674.27(a)(12) Inspections

§ 674.27(a)(13) Vehicle maintenance and testing

§ 674.27(a)(14) Data collection

Disposition of RTA Comments (§ 674.27(a)(3))

§ 674.27(a)(3) requires SSOAs to develop a process to address comments from an RTA regarding an SSO program standard.



“The SSO program standard must establish a disposition process that defines how the SSOA will address any comments the RTA makes with respect to the SSO program standard.”

- SSOAs must have a process to address comments.
- SSOAs do not have to accept RTA suggestions.

Oversight of RTA ASPs and internal safety reviews – § 674.27(a)(5)

§ 674.27(a)(5) explicitly states the minimum requirements for overseeing the RTA's internal safety review process.

Revision Background

- Part 659 included detailed requirements for internal safety reviews.
- In 2016, part 674 removed these requirements and expected them to be addressed in the PTASP final rule (part 673).
- However, the part 673 did not address internal safety reviews, creating confusion.
- The *revised* part 674 confirms the internal safety review requirements, which are also referenced in the *revised* PTASP rule at § 673.27(d)(1)(iii).

Internal safety review requirements

§ 674.27(a)(5) explicitly states the minimum requirements for overseeing the RTA's internal safety review process.

Requirements for RTAs



Verify the implementation of all ASP elements over a three-year period by conducting ongoing internal safety reviews.



Notify the SSOA thirty days before conducting an internal safety review and provide any checklists or procedures it will use.



Submit an annual report to the SSOA documenting the internal safety review activities and the status of subsequent findings and corrective actions.

Oversight of safety risk mitigations

§ 674.27(a)(6)



“The SSO program standard must explain the role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations related to rail fixed guideway transportation, including how the SSOA will track RTA safety risk mitigations. The SSO program standard must specify the frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness.”

- The original part 674 was published prior to part 673 and did not include specific *oversight* requirements related to safety risk mitigations.
- The revised part 674 includes these requirements.

Oversight of RTA compliance with the PTCTP – § 674.27(a)(7)

§ 674.27(a)(7) requires SSOAs to document a process to overseeing RTA PTCTP compliance.



“The SSO program standard must explain how the SSOA will ensure that the RTA satisfies the requirements of the Public Transportation Safety Certification Training Program, including the RTA’s designation of personnel and the RTA’s identification of refresher training.”

- The final rule does not require the SSOA to formally approve RTA personnel designations or RTA-defined PTCTP refresher training.
- SSOA has flexibility in defining how it will oversee RTA compliance with the PTCTP.

Inspections – § 674.27(a)(12)

The final rule includes a new § 674.27(a)(12) to address statutory requirements for risk-based inspections by requiring SSOAs to document or incorporate by reference in its SSO program standard a risk-based inspection program that:



- “(i) is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems that the State safety oversight agency oversees;*
- (ii) provides the SSOA with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the SSOA oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that the RTA collects when identifying and evaluating safety risks; and*
- (iii) include policies and procedures regarding the access of the SSOA to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the RTA.”*

Vehicle maintenance and testing – § 674.27(a)(13)

§ 674.27(a)(13) requires RTAs to perform periodic testing of vehicle braking systems and requires SSOAs to document how it will oversee this program.



“The SSO program standard must include the process by which the SSOA will review an RTA’s rail transit vehicle maintenance program, including the RTA’s periodic testing of rail transit vehicle braking systems to ensure performance and to detect potential latent system failures.”

- The final rule does not require SSOAs to perform braking system tests.
- The new requirement is consistent with NTSB Recommendation R-17-004 (<https://data.nts.gov/carol-main-public/sr-details/R-17-004>).

Data collection – § 674.27(a)(14)

§ 674.27(a)(14) requires SSOAs to document how they will collect and review data the RTA uses to support its safety risk management processes.



“The program standard must include policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and explain how the SSOA uses collected data to support oversight of the RTA’s safety risk management process. The frequency of collection shall be commensurate with the size and complexity of the rail fixed guideway public transportation system.”

- The final rule preserves flexibility for SSOAs to define processes that are effective for their programs and the RTAs that they oversee.

Notifications of safety events – § 674.33

§ 674.33(a) establishes the criteria for safety events that require two-hour notification and SSOA investigation.



“(a) An RTA must notify FTA and the SSOA within two hours of any safety event occurring on a rail fixed guideway public transportation system that results in one or more of the following:

- (1) Fatality
- (2) Two or more injuries
- (3) Derailment
- (4) Collision resulting in one or more injuries
- (5) Collision between two rail transit vehicles
- (6) Collision resulting in disabling damage to a rail transit vehicle
- (7) Evacuation for life safety reasons
- (8) Unintended train movement.”

Notification thresholds – what’s different?

Injuries (two or more)

- “Serious injury” has been removed. The rule now uses “injury” which means immediate medical transport away from the scene.
- If there are two people transported, the event requires 2-hour notification.

Collisions

- The final rule establishes collision-specific criteria for notifications.
- For a collision, if:
 - There was **one** or more injuries (transport) – **NOTIFICATION REQUIRED**
 - The collision was between two rail transit vehicles – **NOTIFICATION REQUIRED**
 - The collision resulted in disabling damage to the rail transit vehicle – **NOTIFICATION REQUIRED**

Notification thresholds – what else is different?

Disabling damage

Previously, FTA used a “substantial damage” collision threshold. This term included collisions that resulted in damage requiring a tow for a rail transit vehicle or for a privately owned vehicle involved in the collision.

- If a car involved in the collision required towing, the event required 2-hour notification.

Now, under the new final rule, the threshold is *limited to the rail transit vehicle*.

- If an automobile involved in the collision requires towing, the event does not require 2-hour notification – unless another threshold is met (injury, fatality, disabling damage to the rail transit vehicle, etc.)

Unintended train movement

- FTA has replaced the term “runaway train” with “unintended train movement.” The related definition is unchanged.

Notifications of safety events – § 674.33

§ 674.33(b) establishes that the events requiring notification exclude security events such as homicides and assaults.



(b) The two-hour notification requirement excludes criminal actions that result in fatalities or injuries, such as homicides and assaults.

- This new language changes existing policy which required notification and SSOA investigation for assaults and homicides that involved collisions with rail transit vehicles. These events no longer require notification and SSOA investigation.

Beginning on January 1, 2025, FTA's system for collecting investigation data from SSOAs (SSOR) will apply new criteria.

Corrective action plans – § 674.37

§ 674.37 clarifies when corrective action plan (CAP) development is required.



“(a) The SSOA must, at a minimum, require the development of a CAP for the following:

- (1) Results from investigations, in which the RTA or SSOA determined that causal or contributing factors require corrective action;*
- (2) Findings of non-compliance from safety reviews and inspections performed by the SSOA; or*
- (3) Findings of non-compliance from internal safety reviews performed by the RTA.”*

- The language does not reflect a change in current policy or practice.
- The final rule explicitly states FTA’s expectation for CAP development that was left out of the first iteration of part 674 but was included in the earlier part 659.

SSOA Annual Reporting to FTA – § 674.39

§ 674.39 includes two additions to align with existing Annual Reporting policies



(4) Final investigation reports for all safety events meeting one or more of the criteria specified at § 674.33.

- This new language aligns with existing program policy. SSOAs will continue to upload final investigation reports in SSOR.



(5) A summary of the internal safety reviews conducted by RTAs during the previous twelve months, and the RTA's progress in carrying out CAPs arising under § 674.37(a)(3).

- This new language aligns with existing program policy. SSOAs will continue to upload annual reports on internal audits and related CAPs SSOR.

Questions

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