



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SENT VIA EMAIL**

March 26, 2025

Ms. Meredith Biggica  
Deputy Secretary for Multimodal Transportation  
Pennsylvania Department of Transportation  
Keystone Building  
400 North St., Fifth Floor  
Harrisburg, PA 17120

Subject: Resubmission Required for FTA-24-5-008 (SEPTA REE&M Safety Rules Compliance Program)

Dear Ms. Biggica,

On January 22, 2025, the Pennsylvania Department of Transportation (PennDOT) submitted a closure request for required action FTA-24-5-008. The Federal Transit Administration (FTA) has reviewed this request, along with PennDOT's other submissions, to close this required action to address Finding 8 of Special Directive 24-5: "PennDOT Has Not Ensured that [Southeastern Pennsylvania Transportation Authority's (SEPTA) Rail Equipment Engineering and Maintenance Department (REE&M)] Implements a Formal Safety Rules Compliance Program."

Required action FTA-24-5-008 required PennDOT to direct the SEPTA REE&M to formalize its safety rules compliance program and to submit both its direction to SEPTA and the formalized program to FTA for review, approval, and implementation monitoring.

Our evaluation found deficiencies in the final Standard Operating Procedure (SOP) approved by SEPTA and submitted to FTA on February 21, 2025. This SOP fundamentally fails to establish a formal safety rules compliance program essential for ensuring safety in rail transit vehicle maintenance. Given this, FTA cannot approve PennDOT's closure request and instead requires a resubmission.

**Actions Required to Address FTA-24-5-008 (SEPTA REE&M Safety Rules Compliance Program)**

To fully address FTA-24-5-008, PennDOT must ensure that SEPTA corrects the following deficiencies, either by revising the SOP and/or through supporting program documentation.

- **Document Control**

- **Title and Reference Number:** The SOP lacks a formal title and identification number. PennDOT must ensure SEPTA properly identifies this SOP for clear referencing and control.
- **Document Dating:** The SOP indicates a document date of November 15, 2024, but signatures are dated February 13, 2025. This discrepancy creates confusion regarding the procedure's effective date and compliance timeline. PennDOT must ensure SEPTA establishes a clear effective date.
- **Review Cycle:** The SOP states a one-year review cycle but does not specify the next review date. This issue is compounded by the lack of clarity regarding the document's effective date. PennDOT must ensure SEPTA establishes a clear date that starts the review cycle and/or a clear date by which the next review cycle must be completed.

- **Rule References (Table, Section 4.1.1)**

- **References:** No rule or procedure is cited for "Proper storage of stingers." PennDOT must ensure SEPTA clearly cites all referenced rules.
- **Fact Sheets:** The SOP lists several rules and procedures that are subject to the safety rules compliance program. However, the table also includes non-enforceable fact sheets (e.g., SS Fact Sheet 5030) and it is unclear how compliance with a non-enforceable fact sheet can be included in a safety rules compliance program at the same level as a rule or procedure. PennDOT must ensure all elements of SEPTA's safety rules compliance program are enforceable and clear.
- **Rule Applicability:** The table cites Rail Division Rule 1B (RDR-1B) for compliance checks for "use of [personal protective equipment (PPE)]" and "proper use and storage of fall restraint equipment." As RDR-1B is a general, rail division-wide rule, FTA expects that workers under the REE&M program have additional PPE that should be documented to audit. It is also unclear whether the omission of a shop fall protection procedure for the line item "proper use and storage of fall restraint equipment" is intentional. FTA's understanding is that RDR-1B does not mention fall restraint equipment or any fall protection equipment or activities. PennDOT must ensure that SEPTA incorporates all applicable rules and procedures as appropriate. SEPTA's SOP must explicitly define parameters for rules/procedures cited for several line items that currently lack definitions. PennDOT must also report to FTA regarding whether REE&M has a separate, specific shop fall protection procedure.
- **Sufficiency of Referenced Materials to Assess Compliance:** The table indicates compliance checks for "personal tool inventory audit against craft requirements" with the referenced rule Authority Standard Rule 15 (ASR-15) for "Personal tool inventory audit against craft requirements." This appears to be an insufficient

reference for compliance monitoring, as ASR-15 simply states that “employees must have all necessary tools, equipment, and materials when reporting for duty...” and does not reference any other rule or procedure that establishes “all necessary tools, equipment, and materials” for “craft requirements.” PennDOT must ensure that SEPTA’s SOP references enforceable requirements for specific tools for craft requirements.

- o **Tool Calibration Limitations:** Limiting calibration compliance checks to “while in use” is impractical and unnecessarily limits the potential pool of compliance checks—compliance should also be verified when tools are not actively in use. PennDOT must ensure that SEPTA does not limit rules compliance checks to only “while in use.”
- o **Compliance Check Frequency:** The table identifies a check frequency of one to two checks per month per line item. It is unclear whether the frequency is based on safety risk. For example, while use of the approved vest is to be checked twice per month per location, fall restraint equipment is to be checked only once per month. PennDOT must ensure that SEPTA establishes compliance check frequency based on safety risk.

- **Compliance Check Parameters**

- o **Randomization of Compliance Checks (Section 4.1.2):** The SOP acknowledges that compliance checks cannot be completely evenly distributed across workers but does not establish a minimum distribution threshold or other guidance to ensure checks occur on a representative sample of workers over time. PennDOT must ensure that SEPTA’s SOP provides sufficient guidance to ensure a representative sample of workers is collected over time.
- o **“Incognito Approach” (Section 4.1.3):** The SOP references an “incognito approach” for individuals conducting compliance checks but lacks clear guidelines for its consistent application. The reliance on covert checks may reduce transparency and limit comprehensive observations. PennDOT must ensure that SEPTA establishes clear guidelines for consistent application and that these guidelines do not reduce transparency or limit comprehensive observations.
- o **Post-Safety Event Compliance Checks:** The SOP does not require increased compliance checks following safety events or near-misses and in response to identified safety trends. PennDOT must ensure that SEPTA establishes a baseline and requirements for additional compliance checks beyond the normal frequency in response to safety events or near-misses and in response to identified safety trends.

- **Documentation and Data Management**

- o **Minimum Information Collected (Section 4.2.1):** The SOP does not require documentation of the individual conducting the compliance check. It is unclear how SEPTA can ensure traceability without this information. PennDOT must ensure that SEPTA revises the SOP to require documentation of the individual conducting the compliance check.

- **Documentation Method (Section 4.2.2):** Section 4.2.2 allows Location Directors to establish their own preferred documentation methods (e.g., paper, digital, and direct entry) without uniform templates. It is unclear how SEPTA can collect, document, and analyze consistent data. PennDOT must ensure that the SEPTA SOP establishes a process to collect and document consistent data.
  - **Documentation Accuracy (Section 4.2.2)** The SOP does not include a process to verify the accuracy of data transferred from paper to digital records for Location Directors who opt to use paper records. PennDOT must ensure that the SEPTA SOP establishes a process to ensure the accuracy of data transferred from paper to digital records.
  - **Reporting Deadlines (Section 4.3.2):** This Section establishes deadlines for entering data based on the reporting system but does not include enforcement measures for late submissions. PennDOT must ensure that the SEPTA SOP clearly outlines a process for ensuring submissions are entered on time.
  - **Trend Analysis (Section 4.3.3):** This section requires data systems to enable audits and trend analyses, but the SOP does not define analysis methodologies or risk thresholds. PennDOT must ensure that SEPTA's SOP defines analysis methodologies and risk thresholds.
- **Compliance Check Follow-up**
    - **Follow-up for “Compliant” Checks (Section 4.4.1):** This section does not indicate that managers notify workers of when a compliance check involving the worker or their work is found to be compliant. This misses an opportunity to positively reinforce adherence to safety rules. PennDOT must ensure that SEPTA's SOP includes provisions for notifying workers who are the subject or involved in a “compliant” check.
    - **Follow-up for Identified Deficiencies (Section 4.4.2):** The section instructs managers to make a “reasonable effort” to inform workers of non-compliance immediately but does not define this standard and allows notifications on the subsequent shift. Additionally, the SOP encourages consultation with Location Directors if workers are uncooperative but does not establish a standard for response. PennDOT must ensure that SEPTA's SOP provides explicit guidance for notification of non-compliance as soon as practicable and safe and a standard for response to uncooperative workers.
    - **Identifying and Monitoring Repeat Violations (Section 4.4):** Although this section discusses repeat violations, it does not outline procedures for identifying or monitoring workers with repeat violations. It is unclear how SEPTA will effectively implement its processes for addressing repeat violations without this step. PennDOT must ensure that SEPTA's SOP outlines procedures for identifying and monitoring workers with repeat violations.
- **Management and Oversight**

- **Manager Accountability:** In various sections of the SOP, it states that managers must meet compliance check quotas but does not include enforcement measures for failure to meet quotas. PennDOT must ensure that the SEPTA SOP clearly outlines a process for ensuring managers meet their quotas.
- **Audit Independence:** While the SOP describes internal annual reviews, it does not describe independent audits by the System Safety Division or other external evaluators. PennDOT must ensure that the SEPTA SOP includes independent audits in its safety rules compliance program.
- **Reporting Structure:** The SOP describes quarterly Location Director-level compliance data reviews but does not include provisions for reporting to senior leadership, including formal reports or corrective action plans. PennDOT must ensure that the SEPTA SOP describes reporting requirements to senior leadership.
- **Dissemination of Updated Requirements:** While the Senior Director of REE&M can add rules subject to compliance checks under the safety rules compliance program, the SOP does not outline a process for notifying workers of these changes. PennDOT must ensure that the SEPTA SOP describes a notification process for workers when a new rule is added to the safety rules compliance program.
- **Whistleblower Protection (Section 3.4.2):** This section encourages workers to report unsafe conditions but does not discuss confidentiality or protection against retaliation. PennDOT must ensure that the SEPTA SOP addresses confidentiality and protection against retaliation.

In light of these findings, FTA requires PennDOT to ensure SEPTA revises this SOP and, in addition, provide:

- A justification for compliance check frequencies, demonstrating how SEPTA determined adequacy based on safety risk.
- An analysis of check distribution, particularly for high-risk rules.
- Clarifications of rule references in the Compliance Check Quotas table.
- Procedures for addressing repeat rule violations.

## Conclusion

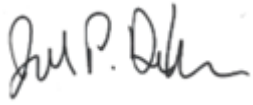
PennDOT's review of SEPTA's submission, including the REE&M SOP, lacked the necessary rigor for comprehensive safety oversight. As the State Safety Oversight Agency for SEPTA, PennDOT must ensure that the REE&M safety rules compliance program fully addresses these deficiencies. If elements of the program exist outside the SOP, they must be formally documented and submitted for approval.

PennDOT must submit a revised SOP, supporting documents, and PennDOT's certification of review within 60 business days of the date of this letter. This submission must include a detailed explanation of how each issue has been resolved.

If you have any questions, please contact Special Directive Coordinator Syed Ahmed at (202) 603-6765 or syed.ahmed@dot.gov.

We appreciate your continued cooperation and commitment to safety oversight.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe P. DeLorenzo".

Joe DeLorenzo  
Associate Administrator and  
Chief Safety Officer  
Office of Transit Safety and Oversight

cc: Elizabeth Bonini, Director, State Safety Oversight Office, PennDOT  
J.M. McLaughlin, State Safety Oversight Regional Manager, PennDOT  
Terry Garcia Crews, Regional Administrator, FTA Region 3  
David Burns, General Engineer, FTA Region 3