



2025 FTA JOINT STATE SAFETY OVERSIGHT AND RAIL TRANSIT AGENCY WORKSHOP

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Session 5

State Safety Oversight (SSO) Final Rule (Part 674) Requirements

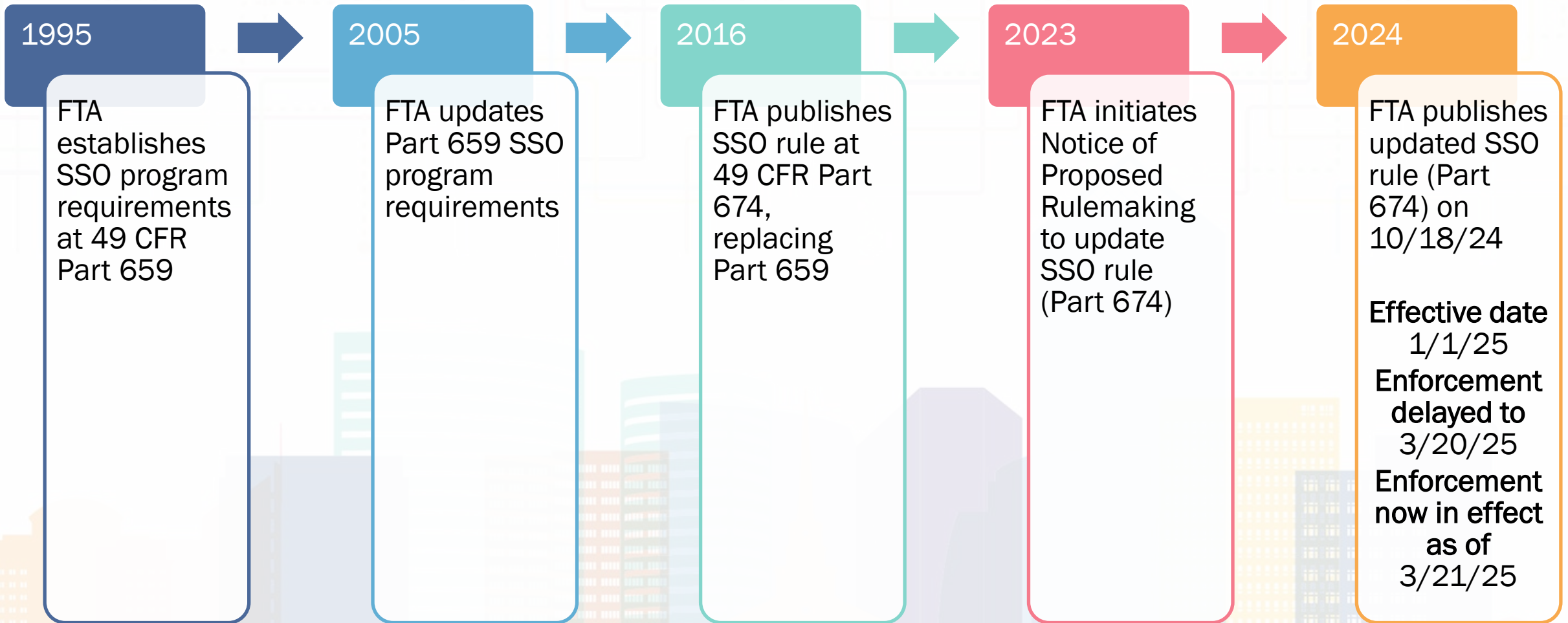


Agenda

- 1. Background**
- 2. Notice of Proposed Rulemaking (NPRM) Comments**
- 3. Regulatory Updates**
- 4. Final Rule Markup**
- 5. Questions**



Background



Notice of Proposed Rulemaking (NPRM)

- FTA published an NPRM on 11/15/23
- Comment period closed on 2/15/24
- FTA received **27 comment submissions** from:
 - 8 individuals,
 - 7 State Safety Oversight Agencies (SSOAs),
 - 6 rail transit agencies (RTAs),
 - 2 labor organizations,
 - 2 industry associations,
 - 1 vendor and
 - The National Transportation Safety Board (NTSB)
- 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 oversight requirement for the Public Transportation Safety Certification Training Program (PTSCTP)
 - Clarified SSO program standard requirements related to data collection
- FTA provided responses to all relevant comments received in the preamble to the final rule



What's New?

- New/revised definitions to align with other FTA programs and regulations
- Removed outdated references
- Clarified SSOA responsibility for safety oversight during engineering or construction phase
- Explicit SSO program standard content requirements
- Simplified notification criteria
- Clarified required sources for Corrective Action Plans (CAP)



New and Revised Definitions – § 674.7

The final rule includes new and revised definitions to provide clarity and alignment 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

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 PTSCTP
- § 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) 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.”

- Requires SSOAs to establish a process by which SSOAs will address RTA comments regarding the SSO program standard.
- Reflects industry concerns that some SSOAs do not formally respond to RTA comments.
- The requirement does not require the SSOA to accept all suggestions made by the RTA.

Oversight of RTA Agency Safety Plans (ASP) and Internal Safety Reviews

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

Revision Background

- § 659.19 included explicit requirements for internal safety reviews.
- In 2016, Part 674 removed the prescriptive requirements in § 659.19 with the expectation that they would be addressed in the PTASP final rule. However, the PTASP final rule did not address internal safety reviews, prompting some RTAs to ask whether they were no longer required by FTA, even though SSOAs continued to require them under their SSO program standards.
- This final rule 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

- RTAs must verify the implementation of all elements of the ASP over a three-year period by conducting ongoing internal safety reviews.
- RTAs must notify the SSOA thirty days before conducting an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures to be used during the review.
- RTAs must submit an annual report to the SSOA that documents 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.”

- Although Part 673 established specific requirements for safety risk management, including the development, implementation and monitoring of safety risk mitigations, Part 674 was published prior to Part 673 and did not include specific **oversight** requirements related to safety risk mitigation.
- The revised Part 674 includes these requirements to ensure SSOAs have a documented process to oversee RTA safety risk mitigation processes.

Oversight of RTA Compliance with the PTSCTP

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



“The SSO program standard must explain how the SSOA will ensure that the RTA satisfies the requirements of the [PTSCTP], 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 PTSCTP refresher training.
- The SSOA has flexibility in defining how it will oversee RTA compliance with the PTSCTP.

Inspections

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 their SSO program standard a risk-based inspection program that:



“(i) is commensurate with the number, size, and complexity of the [RFGPTS] that the [SSOA] oversees;

(ii) provides the SSOA with the authority and capability to enter the facilities of each [RFGPTS] 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) requires RTAs to perform periodic testing of vehicle braking systems and requires SSOAs to document how they will oversee these programs.



“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.”

- SSOAs should amend their SSO program standard to document how they ensure that RTAs conduct maintenance and testing procedures of braking systems.
- The requirement does not require SSOAs to perform these 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) 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 [RFGPTS].”

- This new requirement responds to industry feedback regarding the role of the SSOA in overseeing safety risk management of the RTAs under their jurisdiction.
- 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(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 [RFGPTS] 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)

- FTA removed “Serious injury.” 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 it:
 - Resulted in **one** or more injuries (transport) – **NOTIFICATION REQUIRED**
 - Was between two rail transit vehicles – **NOTIFICATION REQUIRED**
 - 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(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.

The SSO Reporting System (SSOR) applies new criteria to rail events in the National Transit Database occurring on or after January 1, 2025.

Corrective Action Plans

§ 674.37 clarifies when 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(a) includes two additional items 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 the 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 in the SSOR.

SSO Final Rule Markup

Visit the QR code below to visit FTA's website and view a list of changes to Part 674. Changes are noted in red text.



A screenshot of the Federal Transit Administration (FTA) website. The header is dark blue with the FTA logo and name on the left, a search bar in the center, and navigation links for 'About', 'Funding', and 'Regulations & Programs' on the right. A left sidebar contains a list of menu items: 'Safety Management Inspections', 'Drug & Alcohol Program', 'Program Oversight', 'TRACS', 'Safety Training', 'Stakeholder Outreach', and 'FAQ', each with a right-pointing chevron. The main content area features the heading 'State Safety Oversight Final Rule Updates'. Below this, a paragraph states that FTA has published updates to the SSO regulation in the Federal Register to strengthen the program, implement new requirements from the Bipartisan Infrastructure Law, remove outdated references, clarify requirements, and simplify notification requirements, effective January 1, 2025. Two bullet points follow: 'Part 674 Final Rule Formatted' and '49 CFR Part 674 Changes'. Another paragraph mentions a webinar on Wednesday, October 30, 2024, where presenters addressed attendee questions. A final bullet point links to 'Presentation' and 'Recording'.

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