



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

June 9, 2025

Mr. Brian Galvin
Acting Manager, Rail Safety Program
New York State Department of Transportation
50 Wolf Road, POD 53
Albany, NY 12232

Subject: Approval of PTSB Audit Report and NYCT Corrective Action Plans for Required Action FTA-24-7-003

Dear Mr. Galvin,

The Required Action associated with Finding 3 (tracking number FTA-24-7-003) of Special Directive (SD) 24-7 directs the New York Public Transportation Safety Board (PTSB) to “conduct an independent audit of” the New York City Transit’s (NYCT) Roadway Worker Protection (RWP) “training program and require NYCT to develop and implement [Corrective Action Plans (CAPS)] to address the results of the audit.” The required action further directs PTSB to “submit the audit report and approved” CAPs to the Federal Transit Administration (FTA) “for review, approval, and implementation monitoring.” This letter acknowledges receipt of PTSB’s audit report and approved CAPs, submitted pursuant to FTA-24-7-003.

FTA has reviewed the final RWP training program audit, submitted on November 11, 2024, along with NYCT’s CAP responses and the corresponding PTSB CAP acceptance letters, dated November 11, 2024, and February 12, 2025, respectively. Based on this review, FTA finds the audit was comprehensive in its assessment of training content, administration, and oversight processes, and the CAPs developed by NYCT are appropriately responsive and actionable. With this letter, FTA formally approves these submissions.

Also based on this review, and discussed later in this letter, FTA identified five areas for continued PTSB focus during CAP verification.

Summary of Audit Findings and Methodology

To complete the audit, PTSB evaluated NYCT's Track Safety and Track Flagging training programs by reviewing course materials, including participant guides, slide decks, syllabi, and assessment tools. The audit also compared NYCT's training elements to the American Public Transportation Association (APTA) Standard RT-OP-S-016-11 for RWP Programs to assess alignment with industry standards.

The PTSB audit team also conducted structured interviews with staff from NYCT's Operations Training, Office of System Safety (OSS), and Department of Subways (DOS) Safety. The PTSB's interviews were structured by a predefined question set to evaluate instructor qualifications, content updates, and training administration. The PTSB staff further leveraged their recent attendance at NYCT's on-track safety and flagging refresher courses to inform their evaluation of instructional quality and effectiveness.

The PTSB concluded that the NYCT RWP training program is generally well-aligned with industry standards and incorporates classroom instruction, field exercises, and mechanisms for continual improvement. The PTSB also determined the program is supported by qualified instructors and processes for updating training materials in response to rule changes and audit findings. Overall, course content and delivery were found to be structured and sufficient to address roadway worker safety risks.

NYCT CAP Responses and Due Dates

In response to the audit, NYCT submitted two formal CAPs, both of which were accepted by PTSB:

- **PTSB-RWP-11/09/2024-REC1:** The NYCT committed to revising its Track Safety and Flagging training to align with the guidance in NYCT Department of Subways Bulletin 24-33, which outlines requirements for establishing, operating, and documenting safe work zones. NYCT will review and revise the course curricula accordingly. The due date for this CAP is June 30, 2025.
- **PTSB-RWP-02/12/2025-REC2:** The NYCT committed to updating the NYCT rulebook, which was last revised in 2016. A final draft has been completed, with plans to print and distribute the updated rulebook by the end of Q2 2025. While NYCT does not yet have a formalized update cycle, ongoing changes are communicated through safety bulletins. (To ensure the flagging rules for NYCT's Department of Subways (DOS) are updated to include all bulletins, a newer version of the Flagging Rules from the MTA Rules and Regulations Chapters 3, 4, and 6 was published in August 2024.) The due date for this CAP is also June 30, 2025.

The NYCT also submitted documentation of its planned activities to address other areas of concern identified by PTSB, including efforts to automate class sign-ins, continue expanding the Safety Hazards and Risk Prevention initiative, and improve access to and compliance with PPE

requirements. The PTSB has accepted these responses and is monitoring them through ongoing safety risk management efforts.

Areas for Continued PTSB Focus During CAP Verification

Although PTSB's audit was well-structured, FTA identified several areas requiring further attention during CAP verification to ensure comprehensive assessment of training program effectiveness and address the concerns identified in FTA-24-7-003. To close FTA's required action, PTSB must complete the following activities prior to its closure of NYCT's CAPs PTSB-RWP-11/09/2024-REC1 and PTSB-RWP-02/12/2025-REC2:

- **Address Limited Independent Field Observation:** The audit relied on prior classroom participation and document reviews, with limited direct observation of live or simulated training. As the requirement is for an independent audit of NYCT's RWP training, before closing CAP PTSB-RWP-11/09/2024-REC1, FTA expects to see the results of independent observations of the current NYCT RWP program, beyond those that may have previously been conducted by PTSB as part of their own certification requirements necessary to access the NYCT right-of-way.
- **Confirm Reliance on NYCT Self-Reported Information:** Much of the audit evidence was based on NYCT documentation and verbal responses; independent validation was limited. Before closing CAP PTSB-RWP-11/09/2024-REC1, PTSB must perform independent audits to verify NYCT's evaluation of training effectiveness and submit results to FTA.
- **Focus on Training Delivery, Not Impact:** The audit did not assess the measurable outcomes of training, such as changes in incident rates, near miss events, or audit findings. The PTSB must use measurable outcomes to evaluate the effectiveness of training on newly trained staff and report findings to FTA before closing CAP PTSB-RWP-11/09/2024-REC1.
- **Review Contractor and Third-Party Training:** The audit did not evaluate in detail how NYCT's contractor training requirements are implemented, although PTSB did note a NYCT OSS Internal Safety Review completed on January 9, 2024, resulted in the Metropolitan Transportation Authority's Construction & Development department receiving four recommendations to assure the project teams and contractors complete required activities and training. The PTSB must conduct independent observations of contractor training to confirm adherence to approved materials and effectiveness in responding to participant questions and provide a report to FTA prior to closing CAP PTSB-RWP-11/09/2024-REC1.
- **Establish Timeframe for RWP Rules and Regulations Updates:** Finally, prior to closing PTSB-RWP-02/12/2025-REC2, PTSB should work with NYCT to confirm the timeframe for how often NYCT's RWP rules and regulations will be updated and distributed to NYCT transit workers, and report to FTA.

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Coordination with FTA's New RWP Rule (49 CFR Part 671)

As noted above, FTA's RWP final rule codified at 49 CFR Part 671 became effective on December 2, 2024. The rule established enforceable, minimum safety standards for roadway worker protection, including requirements for RWP program documentation and training. Additionally, the rule requires each rail transit agency to "establish and maintain a separate, dedicated manual documenting its RWP program," with SSOA approval of the initial version required by December 2, 2025 (49 CFR § 671.13(a) and (d)).

Further, the RWP manual must be updated not less than every two years (§ 671.13(e)) and must be revised "as necessary and as soon as practicable" following any change in system operations that impacts RWP procedures (§ 671.13(f)).

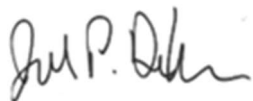
The FTA understands PTSB is currently working with NYCT to ensure compliance with 49 CFR Part 671 and encourages PTSB to align its CAP verification and ongoing oversight under FTA-24-7-003 with this effort. By doing so, PTSB can maximize the impact of its oversight activities and help ensure NYCT's training, procedures, and manuals meet all applicable requirements.

Conclusion

With this letter, FTA formally approves the PTSB audit report, and the two CAPs submitted by NYCT in response to Required Action FTA-24-7-003. The PTSB may proceed with ongoing oversight and implementation monitoring of the CAPs. Please continue to provide timely progress updates to FTA, including notification of any changes in scope, schedule, or responsible parties, and provide the additional information specified above to FTA before closeout of CAPs PTSB-RWP-11/09/2024-REC1 and PTSB-RWP-02/12/2025-REC2.

If you have any questions, please contact Gibran Abifadel, Special Directive Coordinator, at gibran.abifadel@dot.gov.

Sincerely,



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

cc: Clifford Thomas, Executive Director, NY PTSB
Tina Labello, SSO Program Manager, NY PTSB
Michael Culotta, Regional Administrator, FTA Region 2