U.S. Department of Transportation
Federal Transit Administration

FEDERAL TRANSIT ADMINISTRATION

OFFICE OF SAFETY OVERSIGHT AND COMPLIANCE

SSO Program Triennial Audit Manual

Version 1.0

Document Prepared for: State Safety Oversight Agencies

Last Update: 07/02/2026

Contents

Chapter 1. Overview

The Federal Transit Administration (FTA) developed this SSO Program Triennial Audit Manual to provide transparency to the process and methodology used to monitor the effectiveness of the enforcement authorities and practices of State Safety Oversight Agencies (SSOAs). This manual reflects the requirements of FTA's State Safety Oversight (SSO) regulation under 49 CFR Part 674.

Section 674.11 requires FTA to monitor and evaluate SSOA compliance with the regulation on a triennial basis. Findings of noncompliance issued as specified in this manual will be determined through interviews, document reviews, record and field observations, and other verification activities. The absence of findings does not guarantee the effectiveness of a State's Safety Oversight (SSO) program or the safety of the respective rail transit agencies (RTAs). Elements of this manual may undergo revision due to future rulemaking or necessary updates as required by FTA.

A glossary of acronyms and definitions is appended to this guide as Appendix A.

Purpose

This manual describes how the FTA audit team will audit each SSOA for compliance with SSO program requirements including 49 CFR Part 674 and related regulations. Audits of an SSOA's program rules require evaluating the State's ability to oversee RTAs within its jurisdiction according to those SSO program rules, the State's adopted Program Standard, and each RTA's Public Transportation Agency Safety Plan (ASP) in effect during the period of the audit. Note that the governing directives cited in the manual are based on regulations in effect at the time this manual was published.

The FTA audit team is primarily responsible for ensuring that appropriate oversight activities are properly executed and will conduct audits of the SSOAs for compliance with SSO program rules over the period of review. Note that the FTA triennial audit addresses minimum standards and documentation must address all components of the regulation(s) being reviewed.

The FTA audit team will conduct most of the document review activities prior to on-site arrival and will address any preliminary findings as part of the on-site audit activities. While on-site, the auditors will conduct interviews with the SSOA Program Manager and other appropriate personnel.

Audit Review Areas and Question Format

The SSO Program Triennial Audit Manual includes specific compliance indicators and factors for pre-audit document reviews, on-site interviews, and records and field verifications to guide the FTA audit team through its pre-audit and on-site audit activities and assists the FTA audit team in identifying findings of noncompliance. The FTA Audit team must maintain an objective view of each audit. This standardized approach provides reasonable assurance that each SSOA is audited to the same standards.

The SSO Program Triennial Audit Manual includes questions for the FTA audit team to audit for compliance with 49 CFR Part 674 and related regulations and follows the format in Table 1. Questions are grouped by review area rather than the order of the Rule and consist of the following six items:

SSO Program Triennial Audit Manual Format	
Chapter - Audit Review Area	Requirements are organized into broad audit review areas, covered in chapters 2-13.
Audit Review Sub-area	Audit review sub-areas are identified by letter (A, B, C, etc.), that group related audit questions.
Audit Question	Question the audit team will examine to determine whether a recipient is or is not deficient.
Governing Directive(s)	Citations from law, regulation, circular, master agreement or other binding guidance that identifies the basis of the requirement and any deficiencies
Evaluating Compliance	Instructions for FTA reviewers describing what to evaluate for each audit question and how to evaluate it, along with suggested interview questions for SSOA and/or RTA staff where appropriate.
Finding of Noncompliance	Condition(s) under which a recipient could be deficient along with the Finding of noncompliance Finding of noncompliance codes should be read as follows: e.g. Finding of noncompliance 2-B-1a 2 – Chapter (Audit Review Area) B – Review Sub-area 1 – Audit Question a – Finding Variant (a single question can produce multiple possible findings) (e.g., Finding of noncompliance 2-B-1a)

Table 1: SSO Program Triennial Audit Manual Format

Auditors will evaluate SSO program compliance through interviews, document reviews, record and field observations, and other verification activities as described in Table 2:

Evaluating Compliance Format	
Document Reviews	Document reviews consist of, but are not limited to, a review of the SSO Program Standard, related SSO documents, and documents maintained by each RTA subject to oversight by the SSOA. The FTA audit team will conduct most of the document review activities prior to on-site arrival and will address any preliminary findings as part of the on-site audit activities.
Records/Field Verifications	Records/Field Verifications are done on-site through the SSOA/RTA providing documentation.
Interviews	Interviews with the SSOA Program Manager and other appropriate personnel are conducted by the FTA audit team on-site.

Table 2: Evaluating Compliance Format

Chapter 2. Program Management

Focus of This Review Area

- Establishment of SSOA as legal entity
- Legal and financial independence from RTA
- Overlap of transportation services
- Employment conflict of interest
- Contractor conflict of interest
- Acknowledgement of responsibility
- Minimum standards for safety
- Multi-state system oversight agency designation
- Investigative, inspection, and enforcement authority
- Adoption of Federal and State laws
- Allegations of noncompliance
- Ongoing communication

A) Legal Entity

2-A-1: Does the State have an established SSOA by State law?

Governing Directives:
Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (c) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329 and this part.

Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State.

Evaluating Compliance:

- Review legislation, regulation, administrative code, and SSO Program Standard for the establishment of the SSO program. States demonstrate compliance with this requirement through language in their Program Standard and the legislation, administrative code or other documentation through which the State establishes its status as a legal entity
    - If available, review the designation letter from the State Governor
    - If a Governor establishes the State's SSOA through an executive order, the State must obtain a legal opinion regarding the sufficiency of the order and its ability to guarantee SSOA authorities through changes in administration
- Discuss with the SSOA whether there are any anticipated changes

Finding of noncompliance:

- 2-A-1a: The State has not properly established an SSOA by State law.

B) Legal Independence from RTA

2-B-1: Is the SSOA legally independent from each RTA it oversees as described in the State's legislation?

Governing Directives:
Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee.

Section 674.41(a): An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

Evaluating Compliance:
- Review legislation for legal independence from any public transportation agency the SSOA is obliged to oversee
- Review State DOT and SSOA organization chart and any other available SSOA documentation to determine legal independence
- Review approved waiver(s), if applicable.
    - Note that at the request of the Governor of a State, the Administrator may waive the requirements for legal independence and under 674.13(b)
    - SSOA is compliant if Administrator has issued a waiver of this requirement in accordance with § 674.13(b)
- Discuss how the SSOA maintains legal independence from the RFGPTS it oversees

Finding of noncompliance:
- 2-B-1a: The SSOA is not legally independent from each RTA it oversees.

C) Financial Independence from RTA

2-C-1: Is the SSOA financially independent from each RTA it oversees as described in the State's legislation?

Governing Directives:
Section 674.41(a): An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

Evaluating Compliance:
- Review legislation for financial independence. Financial independence means:
    - The SSOA and RTAs do not have monetary dependencies or connections
    - SSOA personnel and actions are not controlled or limited by financial resources supplied by the RTAs or by pressures exerted from the SSOA's vested interest in RTAs' success, or that of their projects or activities
    - The RTAs do not fund the SSOA or direct its budget or activities in any way

    - The SSO program budget and/or resources cannot be subverted or redirected towards programs designed to fund, support, or enhance public transportation in the State
- Review State DOT and SSOA organization chart, financial streams and budget, and any other available SSOA documentation for financial independence
- Review approved waiver(s), if applicable
    - Note that at the request of the Governor of a State, the Administrator may waive the requirements for financial independence under 674.13(b)
    - SSOA is compliant if the Administrator has issued a waiver of this requirement in accordance with § 674.13(b)
- Discuss whether the SSOA maintains financial independence from the RFGPTS it oversees

Finding of noncompliance:

- 2-C-1a: The SSOA is not financially independent from each RTA it oversees.

2-C-2: Does the State, by law, prohibit any public transportation agency in the State from providing funds to the SSOA?

Governing Directives:

Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (f) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.

Evaluating Compliance:

- Review legislation, directive, administrative code, or other vehicle through which the State prohibits the RTA from funding the SSOA
- Review any other available documentation that reflects the funding prohibition

Finding of noncompliance:

- 2-C-2a: The State, by law, does not prohibit any public transportation agency in the State from providing funds to the SSOA.

D) Overlap of Transportation Services

2-D-1: Does the SSOA directly provide public transportation in the same areas where it is the oversight entity?

Governing Directives:

Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (2) The SSOA does not directly provide public transportation services in an area with a rail fixed guideway public transportation system the SSOA is obliged to oversee.

Evaluating Compliance:

- Review documentation, such as the SSOA's mission statement or charter, showing that the SSOA does not directly provide public transportation in the same area as each RTA it oversees, to include, as applicable, a detailed review of any potentially competitive services provided in the same area as the RTAs
- Discuss organizational changes with the SSOA to confirm there have been no changes where the oversight agency would also be providing transit services
    - FTA generally does not consider single-point interfaces, such as ferry terminals or commuter bus stations, located in the RTA service area as overlapping public transportation service since these do not generally actively compete with the RTA for passengers or revenue

Finding of noncompliance:

- 2-D-1a: The SSOA directly provides public transportation in an area where it is the oversight entity.

E) Employment Conflict of Interest

2-E-1: Does the SSOA employ an individual who is responsible for administering an RFGPTS that the SSOA oversees?

Governing Directives:

Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (3) The SSOA does not employ any individual who is also responsible for administering a rail fixed guideway public transportation system the SSOA is obliged to oversee.

Section 674.41(b): An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).

Evaluating Compliance:

- Review the SSO Program Standard for conflict of interest, recusal, or other policies to manage potential conflicts of interest as appropriate
- Review staffing records, SSOA organization chart, resumes, SSOA and RTA staff lists, and job descriptions of staff to identify any individuals responsible for administering an RFGPTS that the SSOA oversees
- Review approved waiver(s), if applicable.
    - Note that at the request of the Governor of a State, the Administrator may waive the requirements for the prohibitions on employee conflicts of interest under § 674.13(b)
    - SSOA is compliant if Administrator has issued a waiver of this requirement in accordance with § 674.13(b)
- Discuss with SSOA Program Manager staff employee responsibilities and job descriptions

Finding of noncompliance:

- 2-E-1a: The SSOA employs an individual who is responsible for administering a RFGPTS that the SSOA oversees.

F) Contractor Conflict of Interest

2-F-1: Do contractors provide services to both the SSOA and a RFGPTS the SSOA oversees?

Governing Directives:
Section 674.41(c): A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.

Evaluating Compliance:
- Review the SSO Program Standard for statements on conflict of interest, recusal, or other policies to manage potential conflicts of interest as appropriate
- If applicable, review SSOA staffing/contractors and RTA staffing/contractor documentation to ensure that a contractor does not provide services to both entities in the same state or jurisdiction
- Review any other available documentation that reflects the SSOA's and RTA contractor employment information
- Review contract documents including new contracts
- Review any available documentation that officially cites this prohibition, including provisions used in Requests for Proposals (RFPs) or Statements of Work (SOW)
- Interview the SSOA Project Manager or contract administrator about changes within contractor staff

Finding of noncompliance:
- 2-F-1a: A contractor provides services to both the SSOA and a RFGPTS the SSOA oversees.

G) Acknowledgement of Responsibility

2-G-1: Does the SSOA explicitly acknowledge primary responsibility for overseeing the safety of RFGPTSs within the State?

Governing Directives:
Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (a) Explicitly acknowledge the State's responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State.

Evaluating Compliance:
- Review the SSO Program Standard, legislation, administrative code, or other documentation for acknowledgement of a State's responsibility for overseeing the safety of RTAs within the State
- If available, review formal designation letters from the Governor and/or State legislation that clearly identify the State's primary responsibility for RTA safety and clarify the State's commitment to meet this responsibility through the designation and support of the SSOA
- Discuss and, if available, review documentation of an instance (or instances) where the SSOA utilized its primary responsibility to compel action at the RTA, to include, as available, directives or emergency orders, suspension of service, inspection of equipment, etc.

Finding of noncompliance:

- 2-G-1a: The SSOA does not explicitly acknowledge its primary responsibility for overseeing the safety of RFGPTSs within the State.

H) Minimum Standards for Safety

2-H-1: Does the SSOA establish or maintain minimum safety standards for each RFGPTS it oversees?

Governing Directives:
Section 674.25(a): An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

Evaluating Compliance:

- Review the SSO Program Standard, legislation, or other documentation to verify SSOA's authority to establish minimum safety standards. Common safety standards include:
    - American Railway Engineering and Maintenance-of-Way Association (AREMA)
    - Roadway Worker Protection (RWP)
    - American Public Transportation Association (APTA)
- Discuss the process for ensuring safety standards are addressed as part of SSOA daily activities
- Discuss any revisions or development of the safety standards

Finding of noncompliance:

- 2-H-1a: The SSOA does not establish or maintain minimum safety standards for each RFGPTS it oversees.

2-H-2: Are the minimum standards consistent with the National Public Transportation Safety Plan?

Governing Directives:
Section 674.25(a): An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

Section 670.31: Periodically, FTA will issue a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. Chapter 53. The National Public Transportation Safety Plan will include the following—

(a) Safety performance criteria for all modes of public transportation, established through public notice and comment;
(b) The definition of state of good repair;
(c) Minimum safety performance standards for vehicles in revenue operations, established through public notice and comment;

(d) Minimum performance standards for public transportation operations established through public notice and comment;
(e) The Public Transportation Safety Certification Training Program;
(f) Safety advisories, directives and reports;
(g) Best practices, technical assistance, templates and other tools;
(h) Research, reports, data and information on hazard identification and risk management in public transportation, and guidance regarding the prevention of accidents and incidents in public transportation; and
(i) Any other content as determined by FTA.

Evaluating Compliance:

- Review the SSO Program Standard for language and practices supporting the National Public Transportation Safety Plan standards
- Review the legislation or other documentation to ensure it states that the minimum standards established for each RTA in the State's SSO program are consistent with FTA rules under the National Public Transportation Safety Plan
- Discuss with the SSOA how they verify that each RTA has adopted the SSOA's minimum safety standards and comply with the National Public Transportation Safety Plan

Finding of noncompliance:

- 2-H-2a: The SSOA's minimum safety standards are not consistent with the National Public Transportation Safety Plan.

2-H-3: Are the minimum standards consistent with the PTSCTP?

Governing Directives:
Section 674.25(a): An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

Section 672.1(a): This part implements a uniform safety certification training curriculum and requirements to enhance the technical proficiency of individuals who conduct safety reviews, inspections, examinations, and other safety oversight activities of public transportation systems operated by public transportation agencies and those who are directly responsible for safety oversight of public transportation agencies.

Evaluating Compliance:

- Review the SSO Program Standard for language and practices adopting PTSCTP minimum safety standards

Finding of noncompliance:

- 2-H-3a: The SSOA's minimum standards are not consistent with the PTSCTP.

2-H-4: Are the minimum standards consistent with the rules for the ASP?

Governing Directives:
Section 674.25(a): An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be

consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

Evaluating Compliance:
- Review the SSO Program Standard for language and practices supporting ASP minimum safety standards

Finding of noncompliance:
- 2-H-4a: The SSOA's minimum safety standards are not consistent with the ASP.

2-H-5: Are the minimum standards consistent with applicable Federal and State law?

Governing Directives:
Section 674.25(a): An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

Evaluating Compliance:
- Review the SSO Program Standard for language and practices adopting applicable Federal and State laws
- Review the legislation or other documentation to ensure it states that the minimum standards established for each RTA in the State's SSO program are consistent with FTA rules under applicable Federal and State law

Finding of noncompliance:
- 2-H-5a: The SSOA's minimum safety standards are not consistent with applicable Federal and State law.

2-H-6: Does the SSOA follow the process stated in its SSO Program Standard for developing, reviewing, adopting, revising, and distributing minimum standards to RTAs?

Governing Directives:
Section 674.27(a)(2): Program standard development. The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.

Evaluating Compliance:
- Review the SSO Program Standard process for developing, reviewing, adopting, revising, and distributing minimum safety standards to RTAs. The process may include:
    - Timeframe for review and submission of comments
    - Process for document control
    - Group responsible for reviewing and revising the Program Standard
- Review the SSOA's communication plan for distributing safety standards
- Discuss whether the SSOA followed the established process in its SSO Program Standard for developing, reviewing, adopting, revising, and distributing minimum safety standards

Finding of noncompliance:

- 2-H-6a: The SSOA did not follow the process stated in its Program Standard for developing, reviewing, adopting, revising, and distributing minimum standards to RTAs.

I) Multi-State System Oversight Agency Designation

2-I-1: If the SSOA oversees an RFGPTS that operates in more than one State, does the State ensure that the safety standards and procedures it applies to the multi-state RFGPTS are uniform across oversight agencies, or has the State designated a single entity to serve as the SSOA for the RFGPTS?

Governing Directives:
Section 674.15: In an instance of a rail fixed guideway public transportation system that operates in more than one State, all States in which that rail fixed guideway public transportation system operates must either:

> (a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator; or
> (b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator.

Evaluating Compliance:

- If the State has not designated an SSOA to oversee the multi-state RFGPTS:
  - Review documentation (e.g., state legislation, SSO Program Standard, agreements with each RTA to verify the multi-state oversight approach
  - Review each State's safety standards and procedures for the multi-state RFGPTS to ensure they are uniform
  - Discuss how the SSOA ensures safety standards and procedures are uniformly applied across oversight agencies
- If the State has designated an SSOA to oversee the multi-state RFGPTS:
  - Review whether the multi-state SSO Program was approved by the FTA Administrator
  - Review the multi-state memorandum of understanding or other agreement that outlines joint or partnered oversight of a RFGPTS
  - Review the joint SSO Program Standard to ensure SSOAs assume oversight responsibility of a RFGPTS in multiple States

Finding of noncompliance:

- 2-I-1a: The State has not designated a single entity to serve as an SSOA, or it has not ensured the safety standards and procedures it applies to the multi-state RFGPTS are uniform across oversight agencies.

J) Investigative Authority

2-J-1: Does the SSOA have investigative authority with respect to the safety of all RFGPTSs within the State?

Governing Directives:
Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (5) The SSOA has investigative, inspection, and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State.

Section 674.25(f): An SSOA has primary responsibility for the investigation of a safety event on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f).

Evaluating Compliance:

- Review legislation, executive order, administrative code or other means for citation of investigative authority
  - If based on executive order, the State must obtain a legal opinion from FTA regarding the sufficiency of the order and its ability to guarantee SSOA authority through changes in administration
  - The SSOA's Investigative authority must be sufficient to enable it to:
    - Access each RTA, including property, personnel, records, and infrastructure or equipment for purposes of investigation
    - Direct each RTA to conduct investigations and undertake specific investigative activity on the State's behalf
    - Issue findings of causality and require corrective action as warranted
    - Empower it to compel RTA action to address identified deficiencies or safety concerns
- Review the SSO Program Standard investigation requirements
- Review the SSOA investigation policies and procedures outlining access to RTA property, personnel, and files
- Discuss whether the SSOA understands its investigative responsibilities

Finding of noncompliance:

- 2-J-1a: The SSOA does not have investigative authority with respect to the safety of all RFGPTSs within the State.

K) Inspection Authority

2-K-1: Does the SSOA have inspection authority with respect to the safety of RFGPTSs within the State?

Governing Directives:
Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (5) The SSOA has investigative, inspection, and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State.

49 U.S.C. 5329(k)(1)(A): A State safety oversight program shall provide the State safety oversight agency established by the program with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the State safety oversight agency oversees to

inspect infrastructure, equipment, records, personnel, and data, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks.

Evaluating Compliance:

- Review legislation, executive order, administrative code or other means, for citation of inspection authority
    - If based on executive order, the State must provide a legal opinion regarding the sufficiency of the order and its ability to guarantee SSOA authority through changes in administration
- Review the SSOA's policies and procedures related to SSOA's ability to conduct inspections, including risk-based inspections
    - This should include having access and capability to conduct announced and unannounced inspections of infrastructure, equipment, records, personnel, and data, including the data that the RFGPTS collects when identifying and evaluating safety risks at each RTA the SSOA oversees
- Discuss whether the SSOA understands its inspection responsibilities

Finding of noncompliance:

- 2-K-1a: The SSOA does not have inspection authority with respect to the safety of all RFGPTSs within the State.

L) Enforcement Authority

2-L-1: Does the SSOA have enforcement authority with respect to the safety of all RFGPTSs within the State?

Governing Directives:
Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (5) The SSOA has investigative, inspection, and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State.

49 U.S.C. 5329(k)(6): The Secretary may use any authority under this section, including any enforcement action authorized under subsection (g), to ensure the compliance of a State safety oversight agency or State safety oversight program with this subsection.

Evaluating Compliance:

- Review legislation executive order, administrative code or other means for citation of enforcement authorities
    - If based on executive order, the State must provide a legal opinion to FTA regarding the sufficiency of the order and its ability to guarantee SSOA authority through changes in the State's administration
- Review SSOA policies and escalation practices in place for enforcement
    - Characteristics of enforcement authority typically include authorities that are:
        - Authorized in statute or by executive order or direction or administrative code
        - Formally implemented, e.g., enforcement actions are delivered to the RTA in writing with clear deadlines and specific evidence of completion that must be demonstrated by the RTA
        - Escalated in the event of RTA noncompliance or non-responsiveness, and

        - Provides due process for the RTA
    - FTA's evaluation of a State's enforcement authority is focused on whether it is sufficient to allow the State to carry out its primary responsibilities for RTA safety in response to an imminent threat to public safety on the RTA
        - Imminent threats to public safety require immediate action. Authority to address imminent safety threats may include:
            - Suspending RTA operations
            - Inspecting and removing unsafe equipment or system infrastructure from service
            - Issuing an injunction, directive, or emergency order requiring the RTA to correct an unsafe condition prior to placing equipment or infrastructure back into passenger service
- Discuss whether the SSOA understands its enforcement authorities and responsibilities.
    - Typical SSOA enforcement authorities include the ability to:
        - Fine, ticket, or withhold funds
        - Inspect and remove unsafe equipment, individuals, or system infrastructure from service
        - Issue an emergency order requiring the correction of an unsafe condition
        - Suspend operations
        - Levy criminal or civil fines

Finding of noncompliance:

- 2-L-1a: The SSOA does not have adequate enforcement authority with respect to the safety of all RFGPTSs within the State.

2-L-2: Does the SSOA exercise its enforcement authority when necessary?

Governing Directives:
Section 674.13(a): Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329 must also establish an SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

> (5) The SSOA has investigative, inspection, and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State.

Evaluating Compliance:

- If applicable, discuss when the SSOA used its enforcement authority
    - Types of enforcement authority include:
        - Fines/withholding of funds
        - Removal of unsafe equipment, individuals, or infrastructure
        - Suspension of operations
        - Civil or criminal fines
        - Special corrective actions (Special Directives, injunctions)
- If applicable, discuss if the enforcement authority met its intended objective

Finding of noncompliance:

- 2-L-2a: The SSOA did not use its enforcement authority when necessary.

M) Adoption of Federal and State Laws

2-M-1: Does the SSOA demonstrate the ability to adopt and enforce Federal and relevant State law for safety in RFGPTSs?

Governing Directives:
Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (b) Demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems.

Evaluating Compliance:
- Review the SSO Program Standard, legislation, or other documentation for language and practices supporting the SSO Program's ability to adopt and enforce Federal and State laws relevant to RTA safety in all RFGPTSs
- Discuss the SSOA's ability to adopt and enforce relevant laws related to safety oversight

Finding of Noncompliance:
- 2-M-1a: The SSO Program does not demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in RFGPTSs.

N) Allegations of Noncompliance

2-N-1: Does the SSOA have primary responsibility for investigating any allegation of noncompliance with an ASP?

Governing Directives:
674.25(e): An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan. These responsibilities do not preclude the Administrator from exercising their authority under 49 U.S.C. 5329(f).

Evaluating Compliance:
- Review the SSO Program Standard, legislation, or other documentation for language stating SSOA has primary responsibility for the investigation of any allegation of noncompliance with an ASP
    - The SSOA must demonstrate that it has the authority and a process in place to collect information, evaluate findings, corroborate information, and require action from each RTA it oversees to correct any verified instances of noncompliance regarding implementation of the ASP
- Discuss this process with SSOA personnel and request an example of what happens when the SSOA identifies an allegation of noncompliance with the ASP

Finding of noncompliance:
- 2-N-1a: The SSOA does not have primary responsibility for investigating any allegations of noncompliance with an ASP.
- 2-N-1b: The SSOA did not investigate allegations of noncompliance with the ASP.

O) Ongoing Communication

2-O-1: Does the SSOA take the steps outlined in its Program Standard to ensure open, ongoing communication with every RFGPTS it oversees?

Governing Directives:
Section 674.27(a)(1): Program management. The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

Evaluating Compliance:

- Review the SSO Program Standard for steps the SSOA will take to ensure ongoing communication with each RTA
- Review documentation of the tools, processes, or methods the SSOA uses to ensure ongoing communication with each RTA
- Review if SSOA conducts regular coordination meetings with each RTA
- Verify that the data reported in SSOR related to meetings between the SSOA and RTAs is accurate
- Review meeting minutes for meetings with RTA(s)
- Discuss with the SSOA ongoing communications with its RTA(s)

Finding of noncompliance:

- 2-O-1a: The SSOA did not effectively take the steps outlined in its Program Standard to ensure open, ongoing communication with every RFGPTS it oversees.
- 2-O-1b: The SSOA did not follow its communication plan outlined in its Program Standard.

Chapter 3. Grant Program

Focus of This Review Area

- 20 percent non-Federal match
- Use of Federal funds
- SSO program spending

A) 20 Percent Non-Federal Match

3-A-1: Does the State have at least a 20 percent non-Federal match for the grant received?

Governing Directives:
Section 674.17(d): The Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.

Section 674.17(e): The non-Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency.

Evaluating Compliance:

- Review financial documentation on program expenses (e.g., grant application in the TrAMS)
    - The match may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency
    - The expenses eligible for reimbursement include, specifically, the expense of employee training and the expense of establishing and maintaining a SSOA in compliance with 49 U.S.C. 5329)
- Review the SSO Program Standard, State legislation, or other documents describing the grant program and matching funds
- Review the SSOA's financial plan or other documents summarizing the grant drawdowns.
- Discuss with the SSOA how SSO grants are funded

Finding of noncompliance:

- 3-A-1a: The SSOA does not have at least a 20 percent non-Federal match for the grant received.

B) Use of Federal Funds

3-B-1: Does the SSOA use Federal funds for the SSO program operational and administrative expenses?

Governing Directives:
Section 674.17(a): In accordance with 49 U.S.C. 5329(e)(6), FTA will make grants of Federal financial assistance to eligible States to help the States develop and carry out their SSO programs. This Federal financial assistance may be used for reimbursement of both the operational and administrative expenses of SSO programs, consistent with the uniform administrative requirements for grants to States under 2 CFR parts 200 and 1201. The expenses eligible for reimbursement

include, specifically, the expense of employee training and the expense of establishing and maintaining an SSOA in compliance with 49 U.S.C. 5329.

Evaluating Compliance:

- Review all grant Applications/Awards in TrAMS
- Review the SSOA's financial plan or other documents summarizing funding drawdown
- Review the apportioned funding and disbursed amounts and verify consistent drawdowns or potential lapse.
- Discuss SSOA grant application/award process

Finding of noncompliance

- 3-B-1a: The SSOA does not effectively use Federal funds for the SSO program's operational and administrative expenses.

3-B-2: Does the State disburse obligated Federal grants in accordance with the FTA Circular 5010 and the grant agreement?

Governing Directives:
FTA Circular 5010.1F Chapter VI (2)(g)(3)(b)(vii): Cash Management. Procedures for minimizing the time elapsing between the transfer of funds from the Treasury and disbursement by recipients and subrecipients must be followed whenever advance payment procedures are used. Recipients must establish reasonable procedures to ensure the reports on subrecipients' cash balances and cash disbursements are received in sufficient time to enable them to prepare complete and accurate cash transaction reports to the awarding agency. When advances are made by electronic transfer of funds methods, the recipient must make drawdowns as close as possible to the time of making disbursements. Recipients must monitor cash drawdowns by their recipients to ensure that they conform substantially to the same standards of timing and amount that apply to advances to recipients. Payment received from FTA generally must be disbursed within three business days. If not disbursed within three days, funds become excess funds and must be returned to FTA with interest.

FTA Circular 5010.1F Chapter VI 10. PAYMENT PROCEDURES. g. Policy for ECHO Payments. Disbursement guidelines are in accordance with policies established by the Department of the Treasury and by the applicable FTA grant or cooperative agreement. These guidelines state that the recipient must commit itself to:

> (2) Reporting large disbursements to the appropriate FTA Regional Office in advance of the transaction settlement date. The recipient must provide a minimum notice of two business days for a disbursement totaling $50 million or more, and a minimum notice of five days when a disbursement of more than $500 million is anticipated. When specific information has not been finalized, the recipient must inform the FTA Regional Office of approximate amount(s) and approximate deposit date(s). The FTA Headquarters Accounting Payable Division should be notified by the FTA Regional Office due to the requirement that FTA must provide the Treasury 48 hour's notification prior to drawdown of Federal assistance exceeding $50 million.

Evaluating Compliance:

- If available, review the grant expenditure plan, grant procedures, and documentation of SSOA Program expenses for compliance with the grant agreement
- Review a selective sample of drawdown funds (including any drawdowns exceeding $50 million, if applicable) and SSOA training and auditing of the drawdown to ensure documentation supports the grant drawdown, and review documentation to determine if:

- The purpose of the draw was eligible under the award
  - The SSOA has made the appropriate requests for budget amendments or revisions
  - The calculation and documentation were accurate and complete
  - The funds were disbursed within three business days
  - FTA was timely notified for drawdowns exceeding $50 million
  - If there are any refunds, obtain and review documentation that the SSOA returned amounts as demanded

Finding of noncompliance

- 3-B-2a: The SSOA did not disburse obligated Federal grants in accordance with FTA Circular 5010 and the grant agreement.

C) SSO Program Spending

3-C-1: Are the SSO program expenses consistent with the grant?

Governing Directives:
Section 674.17(a): In accordance with 49 U.S.C. 5329(e)(6), FTA will make grants of Federal financial assistance to eligible States to help the States develop and carry out their SSO programs. This Federal financial assistance may be used for reimbursement of both the operational and administrative expenses of SSO programs, consistent with the uniform administrative requirements for grants to States under 2 CFR parts 200 and 1201. The expenses eligible for reimbursement include, specifically, the expense of employee training and the expense of establishing and maintaining an SSOA in compliance with 49 U.S.C. 5329.

2 CFR Section 200.332: A pass-through entity must: (e) Monitor the activities of a subrecipient as necessary to ensure that the subrecipient complies with Federal statutes, regulations, and the terms and conditions of the subaward. The pass-through entity is responsible for monitoring the overall performance of a subrecipient to ensure that the goals and objectives of the subaward are achieved. In monitoring a subrecipient, a pass-through entity must:

(1) Review financial and performance reports.
(2) Ensure that the subrecipient takes corrective action on all significant developments that negatively affect the subaward. Significant developments include Single Audit findings related to the subaward, other audit findings, site visits, and written notifications from a subrecipient of adverse conditions which will impact their ability to meet the milestones or the objectives of a subaward. When significant developments negatively impact the subaward, a subrecipient must provide the pass-through entity with information on their plan for corrective action and any assistance needed to resolve the situation.
(3) Issue a management decision for audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by § 200.521.
(4) Resolve audit findings specifically related to the subaward. However, the pass-through entity is not responsible for resolving cross-cutting audit findings that apply to the subaward and other Federal awards or subawards. If a subrecipient has a current Single Audit report and has not been excluded from receiving Federal funding (meaning, has not been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant agency for audit or oversight agency for audit to perform audit follow-up and make management decisions related to cross-cutting audit findings in accordance with § 200.513(a)(4)(viii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

Evaluating Compliance:

- Review relevant SSOA expenses in accordance with the grant application.
- Confirm the SSOA uses grant funds for relevant SSO employee training and SSO activities in compliance with 49 U.S.C. § 5329
- Discuss SSOA program expenses
- Discuss the process which SSOA determines if an expense is relevant/necessary for the SSO Program
- Discuss financial records with SSOA
- Discuss financial records with FTA Region(s)

Finding of noncompliance

- 3-C-1a: The SSO program expenses are not consistent with the grant.

Chapter 4. Program Standard

Focus of This Review Area

- SSO Program Standard development, adoption, and distribution

At a minimum, the Program Standard must contain authorities, process, procedures, or guidance for:

- Program Management
- Program Standard Development
- Disposition of RTA Comments
- Program Policy and Objectives
- Oversight of ASP and Internal Safety Reviews (also see Chapter 9 of this manual)
- Oversight of Safety Risk Mitigations (also see Chapter 6 of this manual)
- Oversight of RTA Compliance with the PTSCTP
- Triennial SSOA Audits of RTA ASPs (also see Chapter 11 of this manual)
- Safety Event Notifications (also see Chapter 10 of this manual)
- Investigations (also see Chapter 10 of this manual)
- Corrective Actions (also see Chapter 12 of this manual)
- Inspections (also see Chapter 7 of this manual)
- Vehicle Maintenance and Testing
- Data Collection (also see Chapter 7 of this manual)
- Oversight of RWP Program (also see Chapter 8 of this manual)

A) SSO Program Standard Development, Adoption, and Distribution

4-A-1: Does the SSO Program Standard meet the minimum requirements regarding Program Management, including 1) an explanation of the authority of the SSOA to oversee the safety of RFGPTSs; 2) the policies that govern the activities of the SSOA; 3) the reporting requirements that govern both the SSOA and the RFGPTSs; and 4) the steps the SSOA will take to ensure open, ongoing communication between the SSOA and every RFGPTS within its oversight?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (1) Program management. The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Program Management including the:
    - Authority of SSOA to oversee the safety of RFGPTSs
    - Policies that govern the activities of the SSOA
    - Reporting requirements that govern the SSOA and RFGPTSs
    - Steps the SSOA will take to ensure open, ongoing communication between the SSOA and every RFGPTS within its oversight

Finding of noncompliance:

- 4-A-1a: The SSO Program Standard does not adequately explain the authority of the SSOA to oversee the safety of RFGPTSs.
- 4-A-1b: The SSO Program Standard does not explain the policies that govern the activities of the SSOA.
- 4-A-1c: The SSO Program Standard does not explain the reporting requirements that govern both the SSOA and the RFGPTSs.
- 4-A-1d: The SSO Program Standard does not explain the steps the SSOA will take to ensure open, ongoing communication between the SSOA and every RFGPTS within its oversight.
- 4-A-1e: The SSO Program Standard did not describe the process for submitting the annual safety status report to necessary stakeholders.

4-A-2: Does the SSO Program Standard meet the minimum requirements regarding Program Standard Development, including an explanation of the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the RFGPTSs?

Governing Directives:

Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (2) Program standard development. The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Program Standard Development including the:
    - SSOA process for developing, reviewing, adopting, and revising minimum safety standards
    - SSOA process for distributing safety standards to the RFGPTSs

Finding of noncompliance:

- 4-A-2a: The SSO Program Standard does not adequately explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the RFGPTSs.

4-A-3: Does the SSO Program Standard meet the minimum requirements regarding Disposition of RTA Comments, including an explanation of a disposition process that defines how the SSOA will address any comments the RTA makes with respect to the SSO Program Standard?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (3) Disposition of RTA comments. 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.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Disposition of RTA Comments including an:
    - Explicit disposition process that defines how the SSOA will address each RTA's comments with respect to the SSO Program Standard

Finding of noncompliance:
- 4-A-3a: The SSO Program Standard does not include a disposition process that defines how the SSOA will address any comments the RTA makes with respect to the SSO Program Standard.

4-A-4: Does the SSO Program Standard meet the minimum requirements regarding Program Policy and Objectives, including an explicit policy and objectives for safety at RFGPTSs throughout the State?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (4) Program policy and objectives. The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Program Policy and Objectives including an:
    - Explicit policy and objectives for safety at RFGPTSs

Finding of noncompliance:
- 4-A-4a: The SSO Program Standard does not establish an explicit policy and objectives for safety at RFGPTSs throughout the State.

4-A-5: Does the SSO Program Standard meet the minimum requirements regarding Oversight of each RTA's ASP and Internal Safety Reviews, including an explanation of the role of the SSOA in overseeing an RTA's execution of its ASP and any related safety reviews of the RTA's RFGPTS, a description of the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive, and a definition of the baseline requirements for RTA internal safety reviews?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (5) Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews. The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The SSO program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:
>
> (i) The RTA must develop and document an ongoing internal safety review process to ensure that all elements of an RTA's Public Transportation Agency Safety Plan are performing and being implemented as intended.
> (ii) The RTA's internal safety review process must ensure that the implementation of all elements of its Public Transportation Agency Safety Plan are reviewed within a three-year period.
> (iii) The RTA must notify the SSOA at least thirty (30) days before the RTA conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review.
> (iv) The RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Oversight of ASPs and Internal Safety Reviews including the:
    - Role of the SSOA in overseeing each RTA's execution of its ASP and any related RTA internal safety reviews
    - Process where the SSOA receives and evaluates material submitted under the signature of an RTA's Accountable Executive
    - Minimum requirements for RTA internal safety reviews, including:
        - RTA process for ensuring all elements of each RTA's ASP is performing and being implemented as intended
        - RTA process for ensuring the implementation of its ASP is reviewed within a three-year period
        - Procedure for an RTA to notify the SSOA before each RTA conducts an internal safety review

        - Notification must occur at least 30 days prior to the internal safety review and the RTA must provide any checklists or procedures the RTA will use during the review.
    - Procedure for annually reporting to the SSOA each RTA's internal safety review activities and the status of subsequent findings and corrective actions

Finding of noncompliance:

- 4-A-5a: The SSO Program Standard does not adequately explain the role of the SSOA in overseeing an RTA's execution of its ASP and any related safety reviews of the RTA's RFGPTS.
- 4-A-5b: The Program Standard does not describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive.
- 4-A-5c: The Program Standard does not define the baseline requirements for RTA internal safety reviews.

4-A-6: Does the SSO Program Standard meet the minimum requirements regarding Oversight of Safety Risk Mitigations, including an explanation of the role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations related to RFGPTSs, and the frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (6) Oversight of safety risk mitigations. 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.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Oversight of Safety Risk Mitigations including the:
    - Role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations, including
    - How the SSOA will track safety risk mitigations
    - Frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness

Finding of noncompliance:

- 4-A-6a: The SSO Program Standard does not explain the role of the SSOA in overseeing an RTA's development, implementation, and monitoring of safety risk mitigations.
- 4-A-6b: The SSO Program Standard does not describe the frequency and format whereby the SSOA will receive and review information on RTA safety risk mitigation status and effectiveness.

4-A-7: Does the SSO Program Standard meet the minimum requirements regarding Oversight of RTA Compliance with the PTSCTP, including an explanation of how the SSOA will ensure an RTA satisfies the requirements of the PTSCTP?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (7) Oversight of RTA compliance with the Public Transportation Safety Certification Training Program. 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.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Oversight of RTA compliance with PTSCTP including the:
  - Process the SSOA will follow to ensure the RTA satisfies the requirements of the PTSCTP, including
  - The RTA's designation of personnel
  - The RTA's identification of recertification training

Finding of noncompliance:
- 4-A-7a: The SSO Program Standard does not explain how the SSOA will ensure an RTA satisfies the requirements of the PTSCTP.

4-A-8: Does the SSO Program Standard meet the minimum requirements regarding SSOA Triennial Audits of RTA ASPs, including a description of the process the SSOA will follow and the criteria it will apply in conducting an audit of an RTA's compliance with its ASP, and the procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (8) Triennial SSOA audits of RTA Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year

timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Triennial SSOA audits of ASPs including the:
    - Process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of each RTA's compliance with the ASP either triennially or on an ongoing basis over the three-year timeframe
    - Procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit

Finding of noncompliance:

- 4-A-8a: The SSO Program Standard does not explain the process the SSOA will follow and the criteria it will apply in conducting an audit of each RTA's compliance with its ASP.
- 4-A-8b: The SSO Program Standard does not establish the procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

4-A-9: Does the SSO Program Standard meet the minimum requirements regarding Safety Event Notifications, including a description of the requirements for RTA notification of safety events occurring on the RTA's RFGPTS, including notifications to the SSOA and to FTA?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (9) Safety event notifications. The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Safety Event Notification including:
    - The RTAs must notify the SSOA and FTA of safety events occurring on the RTA's RFGPTS
    - The requirements must address the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA

Finding of noncompliance:

- 4-A-9a: The SSO Program Standard does not establish requirements for RTA notification of safety events occurring on the RTA's RFGPTS, including notifications to the SSOA and to FTA.

4-A-10: Does the SSO Program Standard meet the minimum requirements regarding Investigations, including a description of safety events that require the RTA to conduct an

investigation, how the SSOA will oversee an RTA's internal investigation, the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA, and procedures for protecting the confidentiality of the investigation reports?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (10) Investigations. The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Investigations including:
  - Identifying safety events that require the RTA to conduct an investigation
  - How the SSOA will oversee an RTA's internal investigation
  - Role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA
  - Procedures for protecting the confidentiality of the investigation reports

Finding of noncompliance:
- 4-A-10a: The SSO Program Standard does not identify safety events that require the RTA to conduct an investigation.
- 4-A-10b: The SSO Program Standard does not address how the SSOA will oversee an RTA's internal investigation.
- 4-A-10c: The SSO Program Standard does not include the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA.
- 4-A-10d: The SSO Program Standard does not include procedures for protecting the confidentiality of the investigation reports.

4-A-11: Does the SSO Program Standard meet the minimum requirements regarding corrective actions, including a description of the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), a procedure for the SSOA to review and approve a CAP, the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and

procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (11) Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding corrective actions including the:
  - Process and criteria the SSOA may use to order an RTA to develop and carry out a CAP
  - Procedure to review and approve a CAP, which includes:
    - Specific timeframes for the RTA's initial CAP submission and SSOA approval
    - The forms or documentation for approving and closing the CAP
  - Policy and practice for tracking and verifying an RTA's compliance with the CAP, which includes:
    - The minimum frequency for the RTA(s) to report on open CAPs
    - The process for the RTA(s) to request a CAP extension
    - Activities or inspections for verifying CAP closure
  - Process for managing any conflicts between the SSOA and RTA(s) relating either to the development or execution of the CAP or the findings of an investigation

Finding of noncompliance:

- 4-A-11a: The SSO Program Standard does not explain the process and criteria by which the SSOA may order an RTA to develop and carry out a CAP.
- 4-A-11b: The SSO Program Standard does not explain the procedure for the SSOA to review and approve a CAP.
- 4-A-11c: The SSO Program Standard does not explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP.
- 4-A-11d: The SSO Program Standard does not explain the SSOA's procedures for managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

4-A-12: Does the SSO Program Standard meet the minimum requirements regarding Inspections, including a description of, or incorporating by reference, a risk-based inspection program that is commensurate with the number, size, and complexity of RFGPTSs that the SSOA oversees, that provides the SSOA with the authority and capability to enter the facilities of each RFGPTS that the SSOA oversees, and describes policies and procedures regarding the access of the SSOA to conduct inspections of the RFGPTS?

Governing Directives:

Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (12) Inspections. The SSO program standard must include or incorporate by reference 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.

Evaluating Compliance:

- Review the SSO Program Standard for minimum requirements regarding Inspections that:
  - Includes or incorporates by reference a risk-based inspection program that:
    - Is commensurate with the number, size, and complexity of the RFGPTS that the SSOA oversees
    - 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
    - Includes policies and procedures regarding the access of the SSOA to conduct inspections of the RFGPTS, including access for inspections that occur without advance notice to the RTA

Finding of noncompliance:

- 4-A-12a: The SSO Program Standard does not include or incorporate by reference a risk-based inspection program that is commensurate with the number, size, and complexity of RFGPTSs that the SSOA oversees.
- 4-A-12b: The SSO Program Standard does not include or incorporate by reference a risk-based inspection program that 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.
- 4-A-12c: The SSO Program Standard does not include or incorporate by reference a risk-based inspection program that describes policies and procedures regarding the access of the SSOA to conduct inspections of the RFGPTS, including access for inspections that occur without advance notice to the RTA.

4-A-13: Does the SSO Program Standard meet the minimum requirements regarding Vehicle Maintenance and Testing, including a description of 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?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (13) Vehicle maintenance and testing. 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.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Vehicle Maintenance and Testing including 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

Finding of noncompliance:
- 4-A-13a: The SSO Program Standard does not 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.

4-A-14: Does the SSO Program Standard meet the minimum requirements regarding Data Collection, including the policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and how the SSOA uses collected data to support oversight of the RTA's safety risk management process?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (14) Data collection. 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.

Evaluating Compliance:
- Review the SSO Program Standard for minimum requirements regarding Data Collection including the:

    - Policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and how the SSOA uses collected data to support oversight of each RTA's safety risk management process
    - The frequency of collection must be commensurate with the size and complexity of each RFGPTS

Finding of noncompliance:

- 4-A-14a: The SSO Program Standard does not include policies and procedures for collecting and reviewing data that the RTA uses when identifying hazards and assessing safety risk and how the SSOA uses collected data to support oversight of the RTA's safety risk management process.

4-A-15: Does the SSO Program Standard explain the role of the SSOA in overseeing the RTA's execution of its RWP Program?

Governing Directives:
Section 671.25(b): RWP program oversight. The SSOA must update its program standard to explain the role of the SSOA in overseeing an RTA's execution of its RWP program.

Evaluating Compliance:

- Review the SSO Program Standard to confirm it includes a description of the SSOA's role in overseeing each RTA's execution of its RWP program, including:
    - Verifying that each RTA it oversees reviews and updates its RWP training program at least every two years as described in § 671.41(a)(5)
    - Verifying that each RTA it oversees included roadway workers in the review and update process for the RWP training program

Finding of noncompliance:

- 4-A-15a: The SSO Program Standard does not explain the SSOA's role in overseeing each RTA's execution of its RWP program.

4-A-16: Is the SSO Program Standard consistent with the National Public Transportation Safety Plan?

Governing Directives:
Section 670.31: Periodically, FTA will issue a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. Chapter 53. The National Public Transportation Safety Plan will include the following—

(a) Safety performance criteria for all modes of public transportation, established through public notice and comment;
(b) The definition of state of good repair;
(c) Minimum safety performance standards for vehicles in revenue operations, established through public notice and comment;
(d) Minimum performance standards for public transportation operations established through public notice and comment;
(e) The Public Transportation Safety Certification Training Program;
(f) Safety advisories, directives and reports;
(g) Best practices, technical assistance, templates and other tools;

(h) Research, reports, data and information on hazard identification and risk management in public transportation, and guidance regarding the prevention of accidents and incidents in public transportation; and
(i) Any other content as determined by FTA.

Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard.

Evaluating Compliance:
- Review the Program Standard to confirm it is consistent with the most recent National Public Transportation Safety Plan issued by FTA
- Discuss with the SSOA the Program Standard review process
- Verify that the Program Standard submitted by the SSOA is the current governing document still in effect

Finding of noncompliance:
- 4-A-16a: The SSO Program Standard is not consistent with the National Public Transportation Safety Plan.

4-A-17: Does the SSOA adopt and distribute a written SSO Program Standard?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard.

Evaluating Compliance:
- Review documentation showing the SSOA has formally adopted its program standard
- Discuss with the SSOA the Program Standard review and distribution process

Finding of noncompliance:
- 4-A-17a: The SSOA did not adopt and distribute a written SSO Program Standard.

Chapter 5. Staffing and Qualifications of SSO Personnel and Contractors

Focus of This Review Area

- Staffing level
- Staffing qualifications

A) Staffing Level

5-A-1: Has the SSOA determined an appropriate staffing level for the SSO Program?

Governing Directives:
Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (d): Demonstrate that the State has determined an appropriate staffing level for the State safety oversight agency commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the State, and that the State has consulted with the Administrator for that purpose.

Evaluating Compliance:

- Review the staffing and resource levels in the most recent SSOA workload assessment and compare them to the staffing levels reported for all annual reports submitted during the audit review period
- Review current organization chart and contract scope (if applicable)
- Review staffing numbers used when the State received Part 674 certification and RBI development plan approvals
- Review the SSO Program Standard for safety event investigation personnel requirements
- Confirm the State has consulted with FTA for the purpose of determining an appropriate staffing level based on the number, size, and complexity of the RFGPTSs the SSOA oversees
- Discuss how SSOA determines staffing level requirements based on the size and complexity of the system
- Confirm that the most recent workload assessment accurately reflects the activities of SSOA staff

Finding of noncompliance:

- 5-A-1a: The SSOA has not determined an appropriate staffing level for the SSO Program.

5-A-2: Does the SSOA have a staffing level commensurate with the number, size, and complexity of the RFGPTSs in the State?

Governing Directives:
Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit

each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (d): Demonstrate that the State has determined an appropriate staffing level for the State safety oversight agency commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the State, and that the State has consulted with the Administrator for that purpose.

Evaluating Compliance:

- Confirm the current level of staffing matches the most recent workload assessment
- Confirm SSOA organization chart aligns with staffing level determinations approved by FTA
- Discuss contract procurement, as applicable
- If applicable, discuss the impact any new transit projects or extensions will have on the SSOA staff and resources
- Discuss staffing levels, vacancies, hiring, etc.
- Discuss if resources have changed since the last audit

Finding of noncompliance:

- 5-A-2a: The SSOA does not have a staffing level commensurate with the number, size, and complexity of the RTAs it oversees.
- 5-A-2b: The SSOA's actual staffing level and program duties do not align with the most recent workload assessment documentation.

B) Staffing Qualifications

5-B-1: Does the SSOA demonstrate that its employees and other personnel are qualified to perform their functions?

Governing Directives:

Section 672.21(e)(2): Each SSOA shall develop and maintain a technical training plan for designated personnel who perform reviews, inspections, examinations, and other safety oversight activities. The SSOA will submit its technical training plan to FTA for review and evaluation as part of its annual reporting to FTA as required under § 674.39 of this chapter. This review process will support the consultation required between FTA and SSOAs regarding the staffing and qualification of the designated personnel in accordance with 49 U.S.C. 5329(e)(3)(D).

Section 674.11: Every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(10). At minimum, an SSO program must:

> (e) Demonstrate that the employees and other personnel of the State safety oversight agency who are responsible for the oversight of rail fixed guideway public transportation systems are qualified to perform their functions, based on appropriate training, including substantial progress toward or completion of the Public Transportation Safety Certification Training Program.

Section 674.25(h): All designated personnel employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program.

Section 674.35(d): All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.

Evaluating Compliance:

- Review SSOA training documentation referenced in Part 672 for designated SSO staff and other personnel/contractors to ensure staff have met or are showing progress toward completion of the PTSCTP requirement
- Review the TTP to ensure it meets Part 672 requirements
- Review whether all designated personnel, including contractors, were appropriately included in the SSOA's TTP
- Discuss any additional training the SSOA requires of its staff members and contractors
- If non-designated administrative staff support the SSO Program, review a list of their duties to confirm they have no direct responsibilities for safety oversight of rail modes

Finding of noncompliance:

- 5-B-1a: The SSOA did not demonstrate its designated employees and other personnel are qualified to perform their functions.
- 5-B-1b: The SSOA did not ensure compliance with the PTSCTP requirements.

5-B-2: Does the SSOA periodically assess the effectiveness of its technical training?

Governing Directives:
Section 672.21(e)(4): The SSOA will determine the length of time for the technical training based on the skill level of the designated personnel relative to the applicable rail transit agency(s). FTA will provide a template as requested to assist the SSOA with preparing and monitoring its technical training plan and will provide technical assistance as requested. Each SSOA technical training plan that is submitted to FTA for review will:

> (vi) Periodically assess the effectiveness of the technical training. One method of validation and assessment could be efficiency tests or periodic review of employee performance.

Evaluating Compliance:

- Discuss how the SSOA periodically assesses the effectiveness of its technical training
  - For example, one method of validation and assessment could be efficiency tests or periodic review of employee performance

Finding of noncompliance:

- 5-B-2a: The SSOA did not periodically assess the effectiveness of its technical training.

Chapter 6. Public Transportation Agency Safety Plan (ASP)

Focus of This Review Area

- ASP review and approval
- ASP minimum requirements

A) ASP Review and Approval

6-A-1: Does the SSOA review and approve each RTA's ASP?

Governing Directives:
Section 673.13(a): Each direct recipient, or State as authorized in § 673.11(d), must certify that it has established a Public Transportation Agency Safety Plan meeting the requirements of this part by the start of operations. A direct recipient must certify that it and all applicable subrecipients are in compliance with the requirements of this part. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by a rail fixed guideway public transportation system, as authorized in 49 U.S.C. 5329(e) and its implementing regulations at 49 CFR part 674.

Section 674.13(a)(4): The SSOA has authority to review, approve, oversee, and enforce the Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d) and part 673 of this chapter.

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Section 674.29: (a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system, an SSOA must evaluate whether the Public Transportation Agency Safety Plan is compliant with 49 U.S.C. 5329(d) and part 673 of this chapter; is consistent with the National Public Transportation Safety Plan; and is in compliance with the SSO program standard set by the SSOA.

> (b) In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation and allow the RTA an opportunity to modify and resubmit its Public Transportation Agency Safety Plan for the SSOA's approval.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-5) to confirm that the SSOA has a process or procedure in place to review and approve each ASP developed by RTA(s) in their state including:
  - a process or procedure to provide a written explanation for not approving an ASP
  - a process or procedure to allow the RTA an opportunity to modify and resubmit its ASP for the SSOA's approval, in the case that the SSOA does not approve the ASP
- Discuss with the SSOA and RTA their review and approval process for ASPs

Finding of noncompliance:

- 6-A-1a: The SSOA did not review and approve each RTA's ASP.

6-A-2: Does the SSOA oversee the execution of each RTA's ASP?

Governing Directives:
Section 674.13(a)(4): The SSOA has authority to review, approve, oversee, and enforce the Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d) and part 673 of this chapter.

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-5) to confirm that the SSOA has a process or procedure in place to oversee the execution of each RTA's ASP
- Discuss with the SSOA how they oversee the execution of the ASP

Finding of noncompliance:

- 6-A-2a: The SSOA did not oversee the execution of each RTA's ASP.

6-A-3: Does the SSOA enforce the execution of each RTA's ASP through an order of a CAP or other means?

Governing Directives:
Section 674.13(a)(4): The SSOA has authority to review, approve, oversee, and enforce the Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d) and part 673 of this chapter.

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Section 674.37: (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 noncompliance from safety reviews and inspections performed by the SSOA; or
(3) Findings of noncompliance from internal safety reviews performed by the RTA.

(b) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan. However, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval.

(c) A CAP must describe, specifically, the actions the RTA will take to correct the deficiency identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.

(d) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB or FTA, the SSOA must evaluate whether the findings or recommendations by the NTSB or FTA require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-5) to confirm that the SSOA has a process or procedure in place to enforce the execution of each RTA's ASP through an order of a CAP or any other means, as necessary or appropriate
- Discuss with the SSOA their enforcement practices

Finding of noncompliance:

- 6-A-3a: The SSOA did not enforce the execution of each RTA's ASP through an order of a CAP or other means.

B) ASP Minimum Requirements

6-B-1: Does the SSOA verify whether each RTA's ASP is approved by the RTA's Board of Directors or equivalent entity, and, if applicable, the Safety Committee?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by—
(i) For a large urbanized area provider, the Safety Committee established pursuant to § 673.19, followed by the transit agency's Board of Directors or an equivalent entity; or
(ii) For all other transit agencies, the transit agency's Board of Directors or an equivalent entity.

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Section 674.29(b): In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation and allow the RTA an opportunity to modify and resubmit its Public Transportation Agency Safety Plan for the SSOA's approval.

Evaluating Compliance:

- Review documentation of approval (e.g., a resolution or meeting minutes) of each ASP by the RTA's board or equivalent Authority
- Review documentation of approval of each ASP by the Safety Committee (for RTAs that serve a large urbanized area) or that the ASP was developed in coordination with frontline workers (for RTAs that do not serve a large urbanized area)
- Discuss with each RTA the review and approval process for its ASPs
- Discuss with the SSOA its process to review whether ASPs were reviewed and approved by each RTA's board or equivalent authority

Finding of noncompliance:

- 6-B-1a: The SSOA did not verify each RTA's ASP was approved by the RTA's Board of Directors or equivalent authority.

6-B-2: Does the SSOA verify whether each RTA's ASP documents the processes and activities related to Safety Management System (SMS) implementation?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Evaluating Compliance:

- Review each RTA's ASP to confirm it documents the processes and activities related to SMS implementation
- Discuss with each RTA its SMS process included in its ASPs
- Discuss with the SSOA its process to review whether ASPs includes processes and activities related to SMS implementation

Finding of noncompliance:

- 6-B-2a: The SSOA did not verify each RTA's ASP includes processes and activities related to SMS implementation.

6-B-3: Does the SSOA verify whether each RTA's ASP includes performance targets based on the safety performance measures established under the National Public Transportation Safety Plan including safety performance targets related to the safety risk reduction program, as applicable?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (3) The Public Transportation Agency Safety Plan must include annual safety performance targets based on the safety performance measures established under the National Public Transportation Safety Plan. Safety performance targets for the safety risk reduction program are only required for large urbanized area providers.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes performance targets based on the safety performance measures established under the National Public Transportation Safety Plan
  - RTAs that serve a large urbanized area must include safety performance targets established by the Safety Committee for the safety risk reduction program. The Safety Committee must establish these targets using a 3-year rolling average of the data the agency submits to the NTD
- Discuss with each RTA whether performance targets based on performance measures are included in its ASP
- Discuss with the SSOA its process for reviewing each RTA's ASP for performance targets based on the safety performance measures established in the National Public Transportation Safety Plan

Finding of noncompliance:

- 6-B-3a: The SSOA did not verify each RTA's ASP includes performance targets based on the safety performance measures established under the National Public Transportation Safety Plan, including safety performance targets related to the safety risk reduction program, as applicable.

6-B-4: Does the SSOA verify whether each RTA's ASP includes a process and timeline to annually review and update the ASP?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a process and schedule to annually review and update the safety plan
- Discuss with each RTA whether it has a process and schedule to annually review and update its ASP
- Discuss the SSOA's procedures to confirm the SSOA is reviewing each ASP to ensure there is a process and schedule to annually review and update the ASP

Finding of noncompliance:

- 6-B-4a: The SSOA did not verify that each RTA's ASP includes a process and timeline to annually review and update the ASP.

6-B-5: Does the SSOA verify whether each RTA's ASP includes, or incorporates by reference, an emergency preparedness and response plan?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan:
>
> > (i) An emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of transit worker responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes, or incorporates by reference, an emergency preparedness and response plan
- Discuss with each RTA whether its ASP includes an emergency preparedness plan
- Discuss the SSOA's processes to confirm the SSOA is reviewing the ASP for an emergency preparedness and response plan that includes the following:
    - Assignment of employee responsibilities during an emergency
    - Coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in each RTA's service area

Finding of noncompliance:

- 6-B-5a: The SSOA did not verify each RTA's ASP includes or incorporates by reference an emergency preparedness and response plan.

6-B-6: Does the SSOA verify whether each RTA's ASP includes, or incorporates by reference, policies and procedures regarding rail transit workers on the roadway?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan:
>
> > (ii) Any policies and procedures regarding rail transit workers on the roadway the rail transit agency has issued.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes, or incorporates by reference, policies and procedures regarding rail transit workers on the roadway
- Discuss with each RTA whether its ASP includes policies and procedures for rail transit workers operating on the roadway
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for policies and procedures for all rail transit workers operating on the roadway

Finding of noncompliance:

- 6-B-6a: The SSOA did not verify that the ASP includes or incorporates by reference policies and procedures regarding rail transit workers on the roadway.

6-B-7: Does the SSOA verify whether each RTA's ASP includes, or incorporates by reference, policies and procedures developed in consultation with the SSOA to provide access and required data for the SSOA's risk-based inspection program?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan:
>
> > (iii) The transit agency's policies and procedures developed in consultation with the State Safety Oversight Agency to provide access and required data for the State Safety Oversight Agency's risk-based inspection program.

Evaluating Compliance:
- Review each RTA's ASP to confirm it includes, or incorporates by reference, policies and procedures to provide access and data for the SSOA's risk-based inspection program
- Discuss with each RTA whether its ASP includes policies and procedures for providing access and data to the SSOA for the risk-based inspection program in collaboration with the SSOA
- Discuss the SSOA's processes to confirm the SSOA collaborated with each RTA to ensure the ASP includes policies and procedures to ensure access to necessary data for the SSOA's risk-based inspection program

Finding of noncompliance:
- 6-B-7a: The SSOA did not verify that each RTA's ASP includes or incorporates by reference policies and procedures developed in consultation with the SSOA to provide access and required data for the SSOA's risk-based inspection program.

6-B-8: Does the SSOA verify that each RTA maintains its ASP in accordance with recordkeeping requirements of Part 673, subpart E?

Governing Directives:
Section 673.11(c): A transit agency must maintain its Public Transportation Agency Safety Plan in accordance with the recordkeeping requirements in subpart E of this part.

Section 673.31: At all times, a transit agency must maintain documents that set forth its Public Transportation Agency Safety Plan, including those related to the implementation of its SMS, and results from SMS processes and activities. A transit agency must maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the transit agency uses to carry out its Public Transportation Agency Safety Plan. These documents must be made available upon request by FTA or other Federal entity, or a State or State Safety Oversight Agency having jurisdiction. A transit agency must maintain these documents for a minimum of three years after they are created.

Evaluating Compliance:
- Review each RTA's ASP to confirm it includes recordkeeping requirements of Part 673, subpart E
- Discuss with each RTA its recordkeeping requirements for its ASP

- Discuss the SSOA's processes for reviewing that each RTA's ASP is in accordance with the following recordkeeping requirements:
  - Maintenance of documents that describe the programs, policies, and procedures that the agency uses to carry out its ASP for at least three years after they are created
  - Documents are made available by the RTA to FTA or other Federal entity, or to the SSOA upon request

Finding of noncompliance:

- 6-B-8a: The SSOA did not verify each RTA's ASP is maintained in accordance with recordkeeping requirements of Part 673, subpart E.

6-B-9: Does the SSOA verify that each RTA that serves a large urbanized area includes in its ASP a safety risk reduction program for transit operations to improve safety performance?

Governing Directives:

Section 673.11(a)(7): The Public Transportation Agency Safety Plan of each large urbanized area provider must include a safety risk reduction program for transit operations to improve safety performance by reducing the number and rates of safety events, injuries, and assaults on transit workers. The safety risk reduction program must, at a minimum:

(i) Address the reduction and mitigation of vehicular and pedestrian safety events involving transit vehicles that includes safety risk mitigations consistent with § 673.25(d)(3);
(ii) Address the reduction and mitigation of assaults on transit workers that includes safety risk mitigations consistent with § 673.25(d)(4);
(iii) Include the safety performance targets set by the Safety Committee pursuant to § 673.19(d)(2) for the safety risk reduction program performance measures established in the National Public Transportation Safety Plan. These targets must be set—

(A) Based on a three-year rolling average of the data submitted by the large urbanized area provider to the National Transit Database (NTD);
(B) For all modes of public transportation; and
(C) Based on the level of detail the large urbanized area provider is required to report to the NTD. The Safety Committee is not required to set a target for a performance measure until the large urbanized area provider has been required to report three years of data to the NTD corresponding to such performance measure. (iv) Include or incorporate by reference the safety risk mitigations identified and recommended by the Safety Committee as described in § 673.25(d)(5).

Evaluating Compliance:

- Review the ASP for each RTA that serves a large urbanized area to confirm it includes a safety risk reduction program for transit operations to improve safety performance that:
  - Addresses the reduction and mitigation of vehicular and pedestrian safety events involving transit vehicles that includes safety risk mitigations consistent with § 673.25(d)(3)
  - Addresses the reduction and mitigation of assaults on transit workers that includes safety risk mitigations consistent with § 673.25(d)(4)
  - Includes the safety performance targets set by the Safety Committee for the safety risk reduction program performance measures established in the National Public Transportation Safety Plan, which are set:
  - Based on a three-year rolling average of the data submitted to NTD
  - For all modes of public transportation

    - Based on the level of detail the large urbanized area provider is required to report to the NTD.
    - Includes or incorporates by reference the safety risk mitigations identified and recommended by the Safety Committee
- Discuss with each RTA its safety risk reduction program for transit operations
- Discuss the SSOA's processes to confirm the SSOA is verifying that each RTA that serves a large urbanized area includes a safety risk reduction program for transit operations to improve safety performance by reducing the number and rates of safety events, injuries, and assaults on transit workers

Finding of noncompliance:
- 6-B-9a: The SSOA did not verify each RTA's ASP includes a safety risk reduction program for transit operations to improve safety performance.

6-B-10: Does the SSOA verify that each RTA that serves a large urbanized area includes in its ASP a description of its Safety Committee including establishment, membership, procedures, and responsibilities in accordance with Part 673 requirements?

Governing Directives:
Section 673.17(a): Each large urbanized area provider must establish a Safety Committee that meets the requirements of § 673.19.

Section 673.19: (a) Establishing the Safety Committee. Each large urbanized area provider must establish and operate a Safety Committee that is:

(1) Appropriately scaled to the size, scope, and complexity of the transit agency; and
(2) Convened by a joint labor-management process.

(b) Safety Committee membership. The Safety Committee must consist of an equal number of frontline transit worker representatives and management representatives. To the extent practicable, the Safety Committee must include frontline transit worker representatives from major transit service functions, such as operations and maintenance, across the transit system.

(1) The labor organization that represents the plurality of the transit agency's frontline transit workers must select frontline transit worker representatives for the Safety Committee.
(2) If the transit agency's frontline transit workers are not represented by a labor organization, the transit agency must adopt a mechanism for frontline transit workers to select frontline transit worker representatives for the Safety Committee.

(c) Safety Committee procedures. Each large urbanized area provider must include or incorporate by reference in its Public Transportation Agency Safety Plan procedures regarding the composition, responsibilities, and operations of the Safety Committee which, at a minimum, must address:

(1) The organizational structure, size, and composition of the Safety Committee and how it will be chaired;
(2) How meeting agendas and notices will be developed and shared, and how meeting minutes will be recorded and maintained;
(3) Any required training for Safety Committee members related to the transit agency's Public Transportation Agency Safety Plan and the processes, activities, and tools used to support the transit agency's SMS;
(4) The compensation policy established by the agency for participation in Safety Committee meetings;

(5) How the Safety Committee will access technical experts, including other transit workers, to serve in an advisory capacity as needed; transit agency information, resources, and tools; and submissions to the transit worker safety reporting program to support its deliberations; (6) How the Safety Committee will reach and record decisions;
(7) How the Safety Committee will coordinate and communicate with the transit agency's Board of Directors, or equivalent entity, and the Accountable Executive;
(8) How the Safety Committee will manage disputes to ensure it carries out its operations. The Safety Committee may use the dispute resolution or arbitration process from the transit agency's Collective Bargaining Agreement, or a different process that the Safety Committee develops and agrees upon, but the Accountable Executive may not be designated to resolve any disputes within the Safety Committee; and
(9) How the Safety Committee will carry out its responsibilities identified in paragraph (d) of this section.

(d) Safety Committee responsibilities. The Safety Committee must conduct the following activities to oversee the transit agency's safety performance:

(1) Review and approve the transit agency's Public Transportation Agency Safety Plan and any updates as required at § 673.11(a)(1)(i);
(2) Set annual safety performance targets for the safety risk reduction program as required at § 673.11(a)(7)(iii); and
(3) Support operation of the transit agency's SMS by:
(i) Identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the transit agency's safety risk assessment, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program;
(ii) Identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program; and
(iii) Identifying safety deficiencies for purposes of continuous improvement as required at § 673.27(d), including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.

Evaluating Compliance:

- Discuss with each RTA whether it established a Safety Committee
- Discuss the SSOA's processes to confirm the SSOA is reviewing documentation showing, when applicable, each RTA established and operates a Safety Committee that:
    - Is appropriately scaled to the size, scope, and complexity of the RTA
    - Is convened by a joint labor-management process
    - Consists of an equal number of frontline transit worker representatives and management representatives
    - Note, Safety Committee requirements apply only to RTAs that serve a large urbanized area
- Review the ASP for each RTA that serves a large urbanized area to confirm includes policies and procedures regarding the composition, responsibilities, and operations of the Safety Committee which addresses:
    - The organizational structure, size, and composition of the Safety Committee and how it will be chaired

    - How meeting agendas and notices will be developed and shared, and how meeting minutes will be recorded and maintained
    - Any required training for Safety Committee members related to the RTA's ASP and the processes, activities, and tools used to support the RTA's SMS
    - The compensation policy established by the agency for participation in Safety Committee meetings
    - How the Safety Committee will access technical experts, including other transit workers, to serve in an advisory capacity as needed; RTA information, resources, and tools; and submissions to the transit worker safety reporting program to support its deliberations
    - How the Safety Committee will reach and record decisions
    - How the Safety Committee will coordinate and communicate with the RTA's Board of Directors, or equivalent entity, and the Accountable Executive
    - How the Safety Committee will manage disputes to ensure it carries out its operations. The Safety Committee may use the dispute resolution or arbitration process from the RTA's collective bargaining agreement, or a different process that the Safety Committee develops and agrees upon, but the Accountable Executive may not be designated to resolve any disputes within the Safety Committee
    - How the Safety Committee will carry out its responsibilities
- Confirm the SSOA ensures each RTA's Safety Committee conducts activities to oversee the RTA's safety performance, including:
    - Reviewing and approving the RTA's ASP and any updates as required
    - Setting annual safety performance targets for the safety risk reduction program
    - Supporting operation of the RTA's SMS

Finding of noncompliance:

- 6-B-10a: The SSOA did not verify each RTA that serves a large urbanized area includes in its ASP a description of its Safety Committee that meets the requirements of Part 673, subpart C.
- 6-B-10b: The SSOA did not ensure that for each RTA that serves a large urbanized area the RTA's Safety Committee conducts activities to oversee the RTA's safety performance.

6-B-11: Does the SSOA verify whether each RTA's ASP contains a Safety Management Policy that includes a written statement of the RTA's safety objectives?

Governing Directives:

Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.23(a): A transit agency must establish its organizational accountabilities and responsibilities and have a written statement of Safety Management Policy that includes the transit agency's safety objectives and a description of the transit agency's Safety Committee or approach to cooperation with frontline transit worker representatives.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a safety management policy that includes the agency's safety objectives and a description of the RTA's Safety Committee (for RTAs that serve a large urbanized area) or approach to cooperation with frontline transit worker representatives
- Discuss with each RTA whether its ASP includes a Safety Management Policy that includes a written statement of the agency's safety objective
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for inclusion of a written statement of a safety management policy that includes the agency's safety objectives

Finding of noncompliance:

- 6-B-11a: The SSOA did not verify each RTA's ASP contains a safety management policy that includes a written statement of the RTA's safety objectives.

6-B-12: Does the SSOA verify whether each RTA's ASP includes a process for transit workers to report safety concerns to senior management, protections for transit workers who report, and a description of transit worker behaviors that may result in disciplinary action?

Governing Directives:

Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and (d) Safety Promotion as described in § 673.29.

Section 673.23(b): A transit agency must establish and implement a process that allows transit workers to report safety concerns, including assaults on transit workers, near-misses, and unsafe acts and conditions to senior management, includes protections for transit workers who report, and includes a description of transit worker behaviors that may result in disciplinary action.

Section 673.29(a): Competencies and training. (1): A transit agency must establish and implement a comprehensive safety training program that includes de-escalation training, safety concern identification and reporting training, and refresher training for all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system. The training program must include refresher training, as necessary.

(2) Large urbanized area providers must include maintenance transit workers in the safety training program.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes processes for transit workers to report safety conditions to senior management, protections for transit workers who report safety conditions to senior management, and a description of transit workers' behaviors that may result in disciplinary action
- Discuss with each RTA whether its ASP includes processes for transit workers to report safety conditions
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for inclusion of processes for safety reporting including:
    - Processes for employees to report safety conditions to senior management
    - Defined protections for employees who report safety conditions to senior management
    - Description of employee behaviors that may result in disciplinary action

Finding of noncompliance:

- 6-B-12a: The SSOA did not verify each RTA's ASP includes a process for transit workers to report safety concerns to senior management, protections for transit workers who report, and a description of transit worker behaviors that may result in disciplinary action.

6-B-13: Does the SSOA verify whether each RTA's ASP includes processes to ensure the Safety Management Policy is communicated throughout the agency's organization?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and
(d) Safety Promotion as described in § 673.29.

Section 673.23(c): The Safety Management Policy must be communicated throughout the transit agency's organization.

Section 673.29(b): Safety communication. A transit agency must communicate safety and safety performance information throughout the transit agency's organization that, at a minimum, conveys information on hazards and safety risk relevant to transit workers' roles and responsibilities and informs transit workers of safety actions taken in response to reports submitted through a transit worker safety reporting program. A transit agency must also communicate the results of cooperation with frontline transit worker representatives as described at § 673.17(b) or the Safety Committee activities described in § 673.19.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes processes to ensure that the RTA's safety management policy is communicated throughout the agency's organization
- Discuss with each RTA whether its ASP ensures safety management policy is communicated throughout the organization
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for inclusion of processes to communicate the policy throughout the RTA's organization

Finding of noncompliance:

- 6-B-13a: The SSOA did not verify each RTA's ASP ensures its Safety Management Policy is communicated throughout the RTA's organization.

6-B-14: Does the SSOA verify whether each RTA's ASP includes a Safety Management Policy that establishes the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the Accountable Executive, Chief Safety Officer or SMS Executive, Safety Committee, Agency leadership and executive management, and key staff?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.23(d): The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals or groups within its organization, as they relate to the development and management of the transit agency's SMS:

> (1) Accountable Executive. The transit agency must identify an Accountable Executive. The Accountable Executive is accountable for ensuring that the transit agency's SMS is effectively implemented throughout the transit agency's public transportation system. The Accountable Executive is accountable for ensuring action is taken, as necessary, to address substandard performance in the transit agency's SMS. The Accountable Executive may delegate specific

responsibilities, but the ultimate accountability for the transit agency's safety performance cannot be delegated and always rests with the Accountable Executive.

(i) The Accountable Executive of a large urbanized area provider must implement safety risk mitigations for the safety risk reduction program that are included in the Agency Safety Plan under § 673.11(a)(7)(iv).

(ii) The Accountable Executive of a large urbanized area provider receives and must consider all other safety risk mitigations recommended by the Safety Committee, consistent with requirements in §§ 673.19(d) and 673.25(d)(6).

(2) Chief Safety Officer or Safety Management System (SMS) Executive. The Accountable Executive must designate a Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of a transit agency's SMS. The Chief Safety Officer or SMS Executive must hold a direct line of reporting to the Accountable Executive. A transit agency may allow the Accountable Executive to also serve as the Chief Safety Officer or SMS Executive.

(3) Safety Committee. A large urbanized area provider must establish a joint labor-management Safety Committee that meets the requirements of § 673.19.

(4) Transit agency leadership and executive management. A transit agency must identify those members of its leadership or executive management, other than an Accountable Executive, Chief Safety Officer, or SMS Executive, who have authorities or responsibilities for day-to-day implementation and operation of a transit agency's SMS.

(5) Key staff. A transit agency may designate key staff, groups of staff, or committees to support the Accountable Executive, Chief Safety Officer, Safety Committee, or SMS Executive in developing, implementing, and operating the transit agency's SMS.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a Safety Management Policy that establishes the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the Accountable Executive, Chief Safety Officer, Safety Committee, or SMS Executive, Agency leadership and executive management, and key staff
- Discuss with each RTA whether its ASP includes a Safety Management Policy that establishes the necessary authorities, accountabilities, and responsibilities for the management of safety
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for inclusion of established necessary authorities, accountabilities, and responsibilities for the management of safety including:
    - An identified Accountable Executive who is accountable for ensuring that the agency's SMS is effectively implemented throughout the agency's public transportation system
    - An identified Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of an agency's SMS and holds a direct line of reporting to the Accountable Executive
    - Identified agency leadership and executive management who have authorities or responsibilities for day-to-day implementation and operation of an agency's SMS
    - Identified key staff to support the Accountable Executive, Chief Safety Officer, or SMS Executive in developing, implementing, and operating the agency's SMS

Finding of noncompliance:

- 6-B-14a: The SSOA did not verify that each RTA's ASP includes a Safety Management Policy that establishes the necessary authorities, accountabilities, and responsibilities for the management of safety.

6-B-15: Does the SSOA verify each RTA's ASP identifies a Chief Safety Officer or SMS Executive who reports directly to the Accountable Executive of the RTA?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart D of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.23(d): The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals or groups within its organization, as they relate to the development and management of the transit agency's SMS:

> (2) Chief Safety Officer or Safety Management System (SMS) Executive. The Accountable Executive must designate a Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of a transit agency's SMS. The Chief Safety Officer or SMS Executive must hold a direct line of reporting to the Accountable Executive. A transit agency may allow the Accountable Executive to also serve as the Chief Safety Officer or SMS Executive.

Evaluating Compliance:

- Review each RTA's ASP to confirm it identifies a Chief Safety Officer or SMS Executive who is adequately trained, holds a direct line of reporting to the Accountable Executive, and is responsible for the day-to-day implementation and operation of the RTA's SMS
- Discuss with each RTA whether the RTA's ASP identifies a Chief Safety Officer or SMS Executive who is adequately trained, holds a direct line of reporting to the Accountable Executive, and is responsible for the day-to-day implementation and operation of the RTA's SMS
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for identification of an adequately trained Chief Safety Officer, who reports directly to the Accountable Executive of the RTA

Finding of noncompliance:

- 6-B-15a: The SSOA did not verify each RTA's ASP identifies a Chief Safety Officer or SMS Executive who reports directly to the Accountable Executive of the RTA.

6-B-16: Does the SSOA verify whether each RTA's ASP includes a Safety Risk Management process to identify hazards and consequences of the hazards for the RFGPTS?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and
(d) Safety Promotion as described in § 673.29.

Section 673.25(a): Safety Risk Management process. A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk Management process must be comprised of the following activities: hazard identification, safety risk assessment, and safety risk mitigation.

Section 673.25(b): Hazard identification. (1) A transit agency must establish methods or processes to identify hazards and potential consequences of the hazards.

(2) A transit agency must consider, as a source for hazard identification:
(i) Data and information provided by an oversight authority, including but not limited to FTA, the State, or as applicable, the State Safety Oversight Agency having jurisdiction;
(ii) Data and information regarding exposure to infectious disease provided by the CDC or a State health authority; and
(iii) Safety concerns identified through Safety Assurance activities carried out under § 673.27.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a Safety Risk Management process to identify hazards and consequences of the hazards for the RFGPTS
- Discuss with each RTA whether its ASP includes a process to identify hazards and consequences of the hazards
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for safety hazard identification, including safety data from:
    - Oversight authorities, including but not limited to, FTA, the State, or the SSOA Data and information regarding exposure to infectious disease provided by the Centers for Disease Control and Prevention or a State health authority

- Safety concerns identified through Safety Assurance activities
- Any other sources of data and information provided by an oversight authority and FTA

Finding of noncompliance:

- 6-B-16a: The SSOA did not verify each RTA's ASP includes a Safety Risk Management process to identify hazards and consequences of the hazards for the RFGPTS.

6-B-17: Does the SSOA verify whether each RTA's ASP contains a Safety Risk Management process to assess the safety risks associated with identified safety hazards at the RFGPTS?

Governing Directives:

Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.25(a): Safety Risk Management process. A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk Management process must be comprised of the following activities: hazard identification, safety risk assessment, and safety risk mitigation.

Section 673.25(c): Safety risk assessment. (1) A transit agency must establish methods or processes to assess the safety risk associated with identified hazards.

> (2) A safety risk assessment includes an assessment of the likelihood and severity of the potential consequences of identified hazards, taking into account existing safety risk mitigations, to determine if safety risk mitigation is necessary and to inform prioritization of safety risk mitigations.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a Safety Risk Management process to assess the safety risks associated with identified safety hazards at the RFGPTS
- Discuss with each RTA whether its ASP includes a Safety Risk Management process to assess the safety risks associated with identified safety hazards.
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for safety risk assessment that includes:
    - Established methods or processes to assess the safety risk associated with identified hazards
    - Assessment of the likelihood and severity of the potential consequences of hazards

- The assessment takes into account existing safety risk mitigations

Finding of noncompliance:

- 6-B-17a: The SSOA did not verify each RTA's ASP contains a Safety Risk Management process to assess the safety risks associated with identified safety hazards at the RFGPTS.
- 6-B-17b: The SSOA did not confirm that each RTA's ASP contains a Safety Risk Management process to assess the likelihood and severity of potential consequences--taking into account existing safety risk mitigations--to determine if additional safety risk mitigations are necessary and to prioritize those mitigations.

6-B-18: Does the SSOA verify whether each RTA's ASP includes a Safety Risk Management process to identify mitigations or strategies necessary as a result of the RTA's safety risk assessment to reduce the likelihood and severity of the consequences?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and
(d) Safety Promotion as described in § 673.29.

Section 673.25(a): Safety Risk Management process. A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk Management process must be comprised of the following activities: hazard identification, safety risk assessment, and safety risk mitigation.

Section 673.25(d): Safety risk mitigation. (1) A transit agency must establish methods or processes to identify safety risk mitigations or strategies necessary as a result of the transit agency's safety risk assessment to reduce the likelihood and severity of the potential consequences. For large urbanized area providers, these methods or processes must address the role of the transit agency's Safety Committee.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes a Safety Risk Management process to identify mitigations or strategies necessary as a result of the RTA's safety risk assessment to reduce the likelihood and severity of the consequences
- Confirm whether the SSOA verifies that each RTA's ASP includes that, as a source for safety risk mitigation, the RTA considers guidance provided by an oversight authority and FTA, and guidelines to prevent or control exposure to infectious disease provided by the CDC or a State health authority

- Discuss with each RTA whether its ASP includes a Safety Risk Management process to identify mitigations or strategies necessary as a result of the RTA's safety risk assessment
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for safety risk mitigation

Finding of noncompliance:

- 6-B-18a: The SSOA did not verify each RTA's ASP includes a Safety Risk Management process to identify mitigations or strategies necessary as a result of the RTA's safety risk assessment to reduce the likelihood and severity of the consequences.

6-B-19: Does the SSOA verify whether each RTA's ASP includes adequate methods for safety assurance that details performance monitoring and measurement?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.27(a): Safety Assurance process. A transit agency must develop and implement a Safety Assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its Safety Assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must include in its Safety Assurance process the requirements in paragraphs (b) and (d) of this section.

Section 673.27(b): Safety performance monitoring and measurement. A transit agency must establish activities to:

> (1) Monitor its system for compliance with, and sufficiency of, the transit agency's procedures for operations and maintenance;
> (2) Monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended. For large urbanized area providers, these activities must address the role of the transit agency's Safety Committee;
> (3) Conduct investigations of safety events to identify causal factors; and
> (4) Monitor information reported through any internal safety reporting programs.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes adequate methods for safety assurance that details performance monitoring and measurement
- Discuss with each RTA whether its ASP includes a sufficiently explicit process for Safety Risk Management that details adequate methods for safety assurance
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for safety performance monitoring and measurement, including:
    - Processes, methods or approaches for monitoring compliance with, and sufficiency of, the agency's procedures for operations and maintenance
    - Processes for monitoring operations to identify safety risk mitigations that may be ineffective, inappropriate, or not implemented as intended
    - For RTAs that serve a large urbanized area, the process must include the role of the Safety Committee
    - Approaches for conducting investigations of safety events to identify causal factors
    - Processes for monitoring information reported through any internal safety reporting programs

Finding of noncompliance:

- 6-B-19a: The SSOA did not verify each RTA's ASP includes adequate methods for safety assurance that details performance monitoring and measurement.

6-B-20: Does the SSOA verify whether each RTA's ASP includes adequate methods for safety assurance that includes management of change?

Governing Directives:

Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and
(d) Safety Promotion as described in § 673.29.

Section 673.27(a): Safety Assurance process. A transit agency must develop and implement a Safety Assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its Safety Assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must include in its Safety Assurance process the requirements in paragraphs (b) and (d) of this section.

Section 673.27(c): Management of change. (1) A transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance.

(2) If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes adequate methods for safety assurance that includes management of change
- Discuss with each RTA whether its ASP includes methods for safety assurance that includes management of change
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for management of change including:
  - Method or process for identifying and assessing changes that may introduce new hazards or impact the RTA's safety performance
  - An approach for evaluating proposed changes through the agency's Safety Risk Management process

Finding of noncompliance:

- 6-B-20a: The SSOA did not verify each RTA's ASP includes adequate methods for safety assurance that includes management of change.

6-B-21: Does the SSOA verify whether each RTA's ASP includes adequate methods for safety assurance that detail continuous improvement processes required by part 673?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

(a) Safety Management Policy as described in § 673.23;
(b) Safety Risk Management as described in § 673.25;
(c) Safety Assurance as described in § 673.27; and
(d) Safety Promotion as described in § 673.29.

Section 673.27(a): Safety Assurance process. A transit agency must develop and implement a Safety Assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its Safety Assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must include in its Safety Assurance process the requirements in paragraphs (b) and (d) of this section.

Section 673.27(d): Continuous improvement. (1) A transit agency must establish a process to assess its safety performance annually.

(i) This process must include the identification of deficiencies in the transit agency's SMS and deficiencies in the transit agency's performance against safety performance targets required in § 673.11(a)(3).
(ii) For large urbanized area providers, this process must also address the role of the transit agency's Safety Committee, and include the identification of deficiencies in the transit agency's performance against annual safety performance targets set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program required in § 673.11(a)(7).
(iii) Rail transit agencies must also address any specific internal safety review requirements established by their State Safety Oversight Agency.

(2) A large urbanized area provider must monitor safety performance against annual safety performance targets set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program in § 673.11(a)(7).

(3) A large urbanized area provider that does not meet an established annual safety performance target set by the Safety Committee under § 673.19(d)(2) for the safety risk reduction program in § 673.11(a)(7) must:

(i) Assess associated safety risk, using the methods or processes established under § 673.25(c);
(ii) Mitigate associated safety risk based on the results of a safety risk assessment using the methods or processes established under § 673.25(d). The transit agency must include these mitigations in the plan described at § 673.27(d)(4) and in the Agency Safety Plan as described in § 673.25(d)(5); and
(iii) Allocate its safety set-aside in the following fiscal year to safety-related projects eligible under 49 U.S.C. 5307 that are reasonably likely to assist the transit agency in meeting the safety performance target in the future.

(4) A transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address any deficiencies identified through the safety performance assessment as described in this section.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes adequate methods for safety assurance that detail continuous improvement to address identified safety deficiencies
- Discuss with each RTA whether its ASP includes methods for Safety Assurance that detail continuous improvement to address identified safety deficiencies
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for documentation of a process for continuous improvement, including:
    - Method or process to assess safety performance annually
    - The annual process includes identification of deficiencies in the RTA's SMS and deficiencies in the RTA's performance against safety performance targets
    - The annual process addresses the role of the Safety Committee and includes safety performance targets for the safety risk reduction program, if applicable
    - Method or process to identify, document, and carry out, under the direction of the Accountable Executive, a plan for addressing identified safety deficiencies

Finding of noncompliance:

- 6-B-21a: The SSOA did not verify each RTA's ASP includes adequate methods for safety assurance that detail continuous improvement processes required by part 673.

6-B-22: Does the SSOA verify whether each RTA's ASP includes adequate methods for Safety Promotion through a comprehensive safety training program for all operations transit workers, transit workers directly responsible for safety training in the RTA's public transportation system, and, for RTAs serving a large urbanized area, maintenance transit workers?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.29(a): Competencies and training. (1) A transit agency must establish and implement a comprehensive safety training program that includes de-escalation training, safety concern identification and reporting training, and refresher training for all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system. The training program must include refresher training, as necessary.

> (2) Large urbanized area providers must include maintenance transit workers in the safety training program.

Evaluating Compliance:

- Review each RTA's ASP to confirm it includes adequate methods for Safety Promotion through a comprehensive safety training program for the operations personnel directly responsible for the safety of the RTA
- Confirm whether the SSOA verifies each RTA's ASP includes de-escalation training, safety concern identification and reporting, and refresher training in its comprehensive safety training program
- Discuss with each RTA whether its ASP includes methods for Safety Promotion through a comprehensive safety training program for the operations personnel directly responsible for the safety of the transit agency
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for a comprehensive safety training program all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system
    - RTAs who serve a large urbanized area must include maintenance workers in the comprehensive safety training program

Finding of noncompliance:

- 6-B-22a: The SSOA did not verify each RTA's ASP includes adequate methods for Safety Promotion through a comprehensive safety training program for all operations transit workers, transit workers directly responsible for safety training, and for maintenance transit workers, as applicable.

6-B-23: Does the SSOA review whether each RTA's ASP includes adequate methods for Safety Promotion through safety communication throughout the organization?

Governing Directives:
Section 673.11(a): A transit agency or State must establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

> (2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

Section 673.21: Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

> (a) Safety Management Policy as described in § 673.23;
> (b) Safety Risk Management as described in § 673.25;
> (c) Safety Assurance as described in § 673.27; and
> (d) Safety Promotion as described in § 673.29.

Section 673.29(b): Safety communication. A transit agency must communicate safety and safety performance information throughout the transit agency's organization that, at a minimum, conveys information on hazards and safety risk relevant to transit workers' roles and responsibilities and informs transit workers of safety actions taken in response to reports submitted through a transit worker safety reporting program. A transit agency must also communicate the results of cooperation with frontline transit worker representatives as described at § 673.17(b) or the Safety Committee activities described in § 673.19.

Evaluating Compliance:

- Review each RTA's ASP to confirm includes adequate methods for Safety Promotion through communicating safety and safety performance information throughout the organization
- Discuss with each RTA whether its ASP includes methods for Safety Promotion through communicating safety and safety performance information throughout the organization
- Discuss the SSOA's processes to confirm the SSOA is reviewing each ASP for methods of communicating safety and safety performance that conveys at a minimum:
    - Information on hazards and safety risks relevant to employees' roles and responsibilities
    - Informs employees of safety actions taken in response to reports submitted through an employee safety reporting program
    - Communicates the results of the cooperation with frontline transit workers or the Safety Committee, as applicable

Finding of noncompliance:

- 6-B-23a: The SSOA did not verify each RTA's ASP includes adequate methods for Safety Promotion through safety communication throughout the organization.

Chapter 7. Inspections

Focus of This Review Area

- Risk-Based Inspection Program requirements

A) Risk-Based Inspection (RBI) Program

7-A-1: Does the SSOA collect data from each RTA it oversees according to the policies and procedures in its SSO Program Standard?

Governing Directives:
Section 674.27(a)(14): Data collection. 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.

U.S.C. 5329(k) INSPECTIONS.-- (2) DATA COLLECTION.—(A) In general.— A rail fixed guideway public transportation agency shall provide the applicable State safety oversight agency with the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks, in accordance with subparagraph (B).

> (B) Policies and Procedures.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures for collecting data described in subparagraph (A) from a rail fixed guideway public transportation agency, including with respect to frequency of collection, that is commensurate with the size and complexity of the RFGPTS.

Evaluating Compliance:

- Review the SSOA’s policies and procedures in the Program Standard for data collection for its RBI program
- Review a sample of the data collected by the SSOA for each RTA it oversees to verify the SSOA followed the procedures in its Program Standard
    - Data collected may include, but is not limited to:
        - safety program data, such as records of events, hazard records, safety risk mitigation records, CAPs, and records of near misses
        - maintenance data, such as inspection and maintenance records, work orders, records of failures and defects, records of revenue vehicles out of service, major maintenance activity schedules and progress
        - inspection data, such as inspection records and reports, records of failures and defects, event and safety risk mitigation verification, capital project schedules and progress
- Discuss the SSOA’s procedures for collecting data from each RTA it oversees
    - The frequency of collection should be commensurate with the size and complexity of the RFGPTS

Finding of noncompliance:

- 7-A-1a: The SSOA did not collect data from each RTA it oversees according to the policies and procedures in its SSO Program Standard.

7-A-2: Does the SSOA analyze data received from each RTA according to the policies and procedures in its SSO Program Standard?

Governing Directives:
U.S.C. 5329(k) INSPECTIONS.-- (2) DATA COLLECTION.—(A) In general.— A rail fixed guideway public transportation agency shall provide the applicable State safety oversight agency with the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks, in accordance with subparagraph (B).

> (B) Policies and Procedures.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures for collecting data described in subparagraph (A) from a rail fixed guideway public transportation agency, including with respect to frequency of collection, that is commensurate with the size and complexity of the RFGPTS.

Section 674.7: Risk-based inspection program means an inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.

Section 674.27(a)(14): Data collection. 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.

Evaluating Compliance:

- Review the SSOA's policies and procedures in the Program Standard for data analysis for its RBI Program
- Discuss with the SSOA how it analyzes data to support oversight of each RTA's safety risk management process
- Review a sample of the SSOA's data analysis to verify the SSOA followed the established process in its Program Standard

Finding of noncompliance:

- 7-A-2a: The SSOA did not analyze data received from each RTA according to the policies and procedures in its SSO Program Standard.

7-A-3: Does the SSOA conduct risk-based inspections (RBIs) according to the policies and procedures in its SSO Program Standard?

Governing Directives:
U.S.C. 5329(k) INSPECTIONS.— (1) INSPECTION ACCESS.— (A) In general.—A State safety oversight program shall provide the State safety oversight agency established by the program with the authority and capability to enter the facilities of each RFGPTS that the State safety oversight agency oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that

the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks.

> (B) Policies and Procedures.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures regarding the access of the State safety oversight agency to conduct inspections of the RFGPTS, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.

Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (12) Inspections. The SSO program standard must include or incorporate by reference 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.

Evaluating Compliance:

- Review the SSOA's policies and procedures in the Program Standard for its RBI program and determine whether there have been any changes since the last audit
- Discuss the SSOA's procedures for conducting risk-based inspections to verify the SSOA followed its established processes in its Program Standard, including:
    - Prioritization of analyzed data
    - Scheduling inspections
    - Notifications to the RTA to conduct inspections with and without notice
    - Accessing areas for inspection
    - Issuing inspection reports
- Review whether the SSOA followed its prioritization schedule based on the data analysis performed
- Review RBI inspection schedules and a sample of inspection reports to verify the SSOA conducted announced and unannounced inspections and inspected infrastructure, equipment, records, personnel, and data, including the data that the RFGPTS collects when identifying and evaluating safety risks at each RTA the SSOA oversees

Finding of noncompliance:

- 7-A-3a: The SSOA did not conduct risk-based inspections according to the policies and procedures in its SSO Program Standard.

Chapter 8. Roadway Worker Protection (RWP) Program

Focus of This Review Area

- RWP program elements and oversight
- Annual RWP program audits

A) RWP Program Elements and Oversight

8-A-1: Did the SSOA coordinate with each RTA it oversees on the initial review and approval of the RWP program elements, so the RWP program was established and approved by December 2, 2025?

Governing Directives:
Section 671.1(d): An RTA must coordinate with an SSOA to establish an SSOA-approved RWP program that meets the requirements of this part, within one calendar year from the effective date of this rule.

Section 671.11(c): Each RTA must submit its RWP manual and subsequent updates to its SSOA for review and approval as described in § 671.25.

Section 671.25(a): Review and approve RWP program elements. The SSOA must review and approve the RWP manual and any subsequent updates for each RTA within its jurisdiction:

> (1) The SSOA must coordinate with the RTA on the initial review and approval of the RWP program elements so that the RWP program is established and approved within one calendar year from December 2, 2024, and
> (2) The SSOA must submit the current approved RWP program for each RTA in its jurisdiction to FTA annually with the annual report required by 49 CFR 674.39.

Evaluating Compliance:

- Review documentation demonstrating coordination between the SSOA and each RTA (e.g., meeting minutes, emails) on the initial review and approval of its proposed RWP program elements
- Review each RTA's submitted RWP manual and documentation of the SSOA's approval by December 2, 2025
- Discuss with SSOA and RTA staff how the SSOA and RTA coordinated during the initial review and approval process

Finding of noncompliance:

- 8-A-1a: The SSOA did not have documentation demonstrating coordination with each RTA it oversees on the initial review and approval of the RWP program elements.
- 8-A-1b: The SSOA did not review and approve each RTA's proposed RWP program elements in time for the program to be established by December 2, 2025.

8-A-2: Does the SSOA review and approve an updated RWP program manual and track access guide for each RTA it oversees as required?

Governing Directives:
Section 671.1(d): An RTA must coordinate with an SSOA to establish an SSOA-approved RWP program that meets the requirements of this part, within one calendar year from the effective date of this rule.

Section 671.13: (e) Following initial approval of the RWP manual by its SSOA, not less than every two years, the RTA must review and update its RWP manual to reflect current conditions and lessons learned in implementing the RWP program and information provided by the SSOA and FTA.

(f) The RTA must update its RWP manual and track access guide as necessary and as soon as practicable upon any change to the system that conflicts with any element of either document.

Section 671.25(a): Review and approve RWP program elements. The SSOA must review and approve the RWP manual and any subsequent updates for each RTA within its jurisdiction:

(1) The SSOA must coordinate with the RTA on the initial review and approval of the RWP program elements so that the RWP program is established and approved within one calendar year from December 2, 2024, and
(2) The SSOA must submit the current approved RWP program for each RTA in its jurisdiction to FTA annually with the annual report required by 49 CFR 674.39..

Evaluating Compliance:
- Review all RWP program manuals and track access guides submitted to the SSOA for review and approval during the audit period to confirm that each RTA the SSOA oversees updated its manual
  - The manual must be reviewed and approved at least every two years
- Discuss with the SSOA its process to review and approve updates to the RWP program manual and track access guide for each RTA it oversees
- Review documentation showing the SSOA reviewed and approved an updated RWP program manual for each RTA it oversees at least every two years

Finding of noncompliance:
- 8-A-2a: The SSOA did not review and approve an updated RWP manual for each RTA it oversees as required.
- 8-A-2b: The SSOA did not review and approve the track access guide for each RTA it oversees as required.

8-A-3: Does the SSOA submit the current approved RWP manual for each RTA it oversees to FTA annually with the annual report as required?

Governing Directives:
Section 671.11(c): Each RTA must submit its RWP manual and subsequent updates to its SSOA for review and approval as described in § 671.25.

Section 671.13: (e) Following initial approval of the RWP manual by its SSOA, not less than every two years, the RTA must review and update its RWP manual to reflect current conditions and lessons learned in implementing the RWP program and information provided by the SSOA and FTA.

(f) The RTA must update its RWP manual and track access guide as necessary and as soon as practicable upon any change to the system that conflicts with any element of either document.

Section 671.25(a): Review and approve RWP program elements. The SSOA must review and approve the RWP manual and any subsequent updates for each RTA within its jurisdiction:

(1) The SSOA must coordinate with the RTA on the initial review and approval of the RWP program elements so that the RWP program is established and approved within one calendar year from December 2, 2024, and

(2) The SSOA also must submit the current approved RWP program for each RTA in its jurisdiction to FTA annually with the annual report required by 49 CFR 674.39.

Evaluating Compliance:
- Review documentation of the SSOA's approval of each RTA's RWP manual and evidence of the SSOA's submission to FTA of approved RWP manual(s) and compare the date(s) on the SSOA approval letter(s) with the date(s) of submission to FTA
- Discuss with SSOA and RTA staff whether there were any subsequent updates to the RWP manual, if applicable

Finding of noncompliance:
- 8-A-3a: The SSOA did not submit the current approved RWP manual for each RTA it oversees to FTA annually with its annual report.

8-A-4: Does the SSOA ensure that the redundant protections for roadway workers established by each RTA's safety risk assessment are consistent with the RTA's ASP and the SSOA's Program Standard?

Governing Directives:
Section 671.39(b): Safety risk assessment to determine redundant protections. Each RTA must assess the risk associated with transit workers accessing the roadway using the methods and processes established under § 673.25(c) of this chapter. The RTA must use the methods and processes established under § 673.25(d) of this chapter to establish redundant protections for each category of work performed by roadway workers on the rail transit system and must include lone workers.

(1) The safety risk assessment must be consistent with the RTA's Agency Safety Plan (ASP) and the SSOA's program standard.
(2) The safety risk assessment may be supplemented by engineering assessments, inputs from the safety assurance process established under § 673.27 of this chapter, the results of safety event investigations, and other SRM strategies or approaches.
(3) The RTA must review and update the safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections.
(4) The SSOA may also identify and require the RTA to implement alternate redundant protections based on the RTA's unique operating characteristics and capabilities.

Evaluating Compliance:

- Review each RTA's most recent safety risk assessment, their ASP, and the SSOA's Program Standard to verify that the redundant protections for roadway workers established in the safety risk assessment are consistent among the three documents. If the SSOA required the RTA to implement alternate redundant protections based on the RTA's unique characteristics, confirm that those redundant protections are accounted for in the RTA's ASP and the SSOA's Program Standard
- Discuss how the SSOA ensures the RTA(s) have redundant protections for roadway workers established by the RTA's safety risk assessment that are consistent with the RTA's ASP and the SSOA's Program Standard

Finding of noncompliance:

- 8-A-4a: The SSOA did not ensure the redundant protections for roadway workers, including lone workers, established by each RTA's safety risk assessment were consistent with the RTA's ASP and/or the SSOA's Program Standard.
- 8-A-4b: The SSOA did not confirm that the alternate redundant protections that the SSOA required each RTA to implement are accounted for in the RTA's ASP and/or the SSOA's Program Standard.

B) RWP Program Audit

8-B-1: Does the SSOA conduct an annual audit of each RTA's compliance with its RWP program and all required elements?

Governing Directives:
Section 671.11(b): The RWP program must include:

(1) An RWP manual as described in § 671.13; and
(2) All of the RWP program elements described in Subpart D of this part.

Section 671.13: The RWP manual must include or incorporate by reference a track access guide to support on-track safety. The track access guide must be based on a physical survey of the track geometry and condition of the transit system and include, at a minimum:

(1) Locations with limited, close, or no clearance, including locations (such as alcoves, recessed spaces, or other designated places or areas of refuge or safety) with size or access limitations.
(2) Locations subject to increased rail vehicle or on-track equipment braking requirements or reduced rail transit vehicle operator visibility due to precipitation or other weather conditions.
(3) Curves with no or limited visibility.
(4) Locations with limited or no visibility due to obstructions or topography.
(5) All portals with restricted views.
(6) Locations with heavy outside noise or other environmental conditions that impact on-track safety.
(7) Any other locations with access considerations.

Section 671.25(c): Annual RWP program audit. (1): The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

Evaluating Compliance:

- Review the dates on all annual RWP program audit reports issued by the SSOA to the RTA(s) it oversees to confirm the SSOA audited each RTA's compliance with its RWP program annually
- Review the documentation (e.g., checklist, notes) the SSOA used to audit each RTA's compliance with its RWP program and all required elements:
    - § 671.13 RWP manual
    - § 671.31 Roadway worker in charge requirements
    - § 671.33 Job safety briefing policies
    - § 671.35 Lone worker
    - § 671.37 Good faith safety challenge
    - § 671.39 Risk-based redundant protections
    - § 671.41 RWP training and qualification program
    - § 671.43 RWP compliance monitoring program
- Discuss with SSOA staff how they determine whether each RTA has complied with its RWP program, including the RWP manual requirements and the required elements in Subpart D

Finding of noncompliance:

- 8-B-1a: The SSOA did not conduct an annual audit of each RTA's compliance with its RWP program, including all required RWP program elements.

8-B-2: Does the SSOA issue an annual RWP program audit report to each RTA it oversees with the SSOA's findings and recommendations based on an analysis of the effectiveness of the RWP program?

Governing Directives:

Section 671.25(c): Annual RWP program audit.(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:

(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
(A) All RWP-related events over the period covered by the audit;
(B) All RWP-related reports made to the Transit Worker Safety Reporting Program over the period covered by the audit;
(C) All documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit;
(D) An assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions;
(E) A review of training and qualification records for transit workers who must enter a track zone to perform work;
(F) A representative sample of written job safety briefing confirmations as described in § 671.33; and
(G) The compliance monitoring program described in § 671.43.

Evaluating Compliance:

- Review the most recent annual RWP program audit report issued by the SSOA to each RTA it oversees and verify that the audit report includes:
    - The SSOA's findings based on its analysis of the effectiveness of the RWP program as described in § 671.25(c)(2)(i)
    - Recommendations for improvements, if applicable; and

    - CAPs, if required
- Discuss with SSOA staff their analysis of the effectiveness of each RTA's RWP program(s)

Finding of noncompliance:

- 8-B-2a: The SSOA did not issue an annual RWP program audit report to each RTA it oversees with the SSOA's findings and recommendations based on its analysis of the effectiveness of the RTA's RWP program.

8-B-3: Does the SSOA's most recent annual RWP program audit report for each RTA it oversees include a review of all RWP-related events at the RTA during the period covered by the audit?

Governing Directives:
Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
(A) All RWP-related events over the period covered by the audit.

Evaluating Compliance:

- Review the most recent annual RWP program audit report the SSOA issued to each RTA it oversees to confirm it includes a review of all RWP-related events at the RTA during the period covered by the audit
- Discuss with the SSOA its review of RWP-related events at each RTA during the audit review period

Finding of noncompliance:

- 8-B-3a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of all RWP-related events at the RTA(s) during the period covered by the audit.

8-B-4: Does the SSOA's most recent annual RWP program audit report for each RTA it oversees include a review of all the RWP-related reports made to the Transit Worker Safety Reporting Program during the period covered by the audit?

Governing Directives:
Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:

(B) All RWP-related reports made to the Transit Worker Safety Reporting Program over the period covered by the audit.

Evaluating Compliance:

- Review the most recent annual RWP program audit report issued by the SSOA to each RTA it oversees to confirm it includes a review of all RWP-related reports made to the Transit Worker Safety Reporting Program during the period covered by this audit
- Discuss with the SSOA its review of any RWP-related reports made during the audit review period

Finding of Noncompliance

- 8-B-4a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of all RWP-related reports made to the Transit Worker Safety Reporting Program during the period covered by the audit.

8-B-5: Does the SSOA's most recent annual RWP program audit report for each RTA it oversees include a review of all documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit?

Governing Directives:
Section 671.21(a): In General. Each RTA must establish procedures to:

(5) Provide transit workers with the right to challenge and refuse in good faith any assignment based on on-track safety concerns and resolve such challenges and refusals promptly and equitably.

Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
(C) All documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit;

Section 671.37: Good faith safety challenge. (a) Written procedure. Each RTA must document its procedures that provide to every roadway worker the right to challenge and refuse in good faith any assignment they believe is unsafe or would violate the RTA's RWP program.

(b) Prompt and equitable resolution. The written procedure must include methods or processes to achieve prompt and equitable resolution of any challenges and refusals made.

(c) Requirements. The written procedure must include a requirement that the roadway worker provide a description of the safety concern regarding on-track safety and that the roadway work group must remain clear of the roadway or track zone until the challenge and refusal is resolved.

Evaluating Compliance:

- Review the most recent annual RWP program audit report issued by the SSOA to each RTA it oversees to confirm whether the SSOA reviewed documentation of all good faith safety challenges made during the period covered by the audit and how those instances were resolved.
- Discuss with the SSOA its review of documentation of all good faith safety challenges

Finding of Noncompliance

- 8-B-5a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of all good faith safety challenges made based on on-track safety concerns during the period covered by the audit and how those instances were resolved.

8-B-6: Does the SSOA's most recent annual RWP program audit report for each RTA it oversees include an assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions?

Governing Directives:
Section 671.13(d): The RWP manual must include or incorporate by reference a track access guide to support on-track safety. The track access guide must be based on a physical survey of the track geometry and condition of the transit system and include, at a minimum:

> (1) Locations with limited, close, or no clearance, including locations (such as alcoves, recessed spaces, or other designated places or areas of refuge or safety) with size or access limitations.
> (2) Locations subject to increased rail vehicle or on-track equipment braking requirements or reduced rail transit vehicle operator visibility due to precipitation or other weather conditions.
> (3) Curves with no or limited visibility.
> (4) Locations with limited or no visibility due to obstructions or topography.
> (5) All portals with restricted views.
> (6) Locations with heavy outside noise or other environmental conditions that impact on-track safety.
> (7) Any other locations with access considerations.

Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

> (2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
> > (i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
> > > (D) An assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions.

Evaluating Compliance:

- Review the most recent annual RWP program audit report issued by the SSOA to each RTA it oversees to confirm it includes an assessment of the adequacy of the track access guide, including whether the guide reflected current track geometry and conditions at the RTA
- Discuss with the SSOA how they performed their assessment of the adequacy of each RTA's track access guide

Finding of Noncompliance

- 8-B-6a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include an assessment of the adequacy of the track access guide, including whether the guide reflected current track geometry and conditions at the RTA.

8-B-7: Does the SSOA's most recent annual RWP program audit report issued to each RTA it oversees include a review of training and qualification records for transit workers who must enter a track zone to perform work?

Governing Directives:

Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:

(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:

(E) A review of training and qualification records for transit workers who must enter a track zone to perform work.

Section 671.41(a): General. Each RTA must adopt an RWP training program.

(1) The RWP training program must address all transit workers responsible for on-track safety, by position, including roadway workers, operations control center personnel, rail transit vehicle operators, operators of on-track equipment and roadway maintenance machines, and any others with a role in providing on-track safety or fouling a track for the performance of work.

(2) The RWP training program must be completed for the relevant position before an RTA may assign a transit worker to perform the duties of a roadway worker, to oversee or supervise access to the track zone from the operations control center, or to operate vehicles, on-track equipment, and roadway maintenance machines on the rail transit system.

(3) The RWP training program must address RWP hazard recognition and mitigation, and lessons learned through the results of compliance testing, near-miss reports, reports of unsafe acts or conditions, and feedback received on the training program.

(4) The RWP training program must include initial and refresher training, by position. Refresher training must occur every two years at a minimum.@

Evaluating Compliance:

- Confirm the most recent annual RWP program audit report issued to each RTA includes evidence that the SSOA reviewed training and qualification records for transit workers who must enter a track zone to perform work
- Discuss with the SSOA how they reviewed each RTA's training and qualification records for transit workers who must enter a track zone to perform work

Finding of Noncompliance

- 8-B-7a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of training and qualification records for transit workers who must enter a track zone to perform work.

8-B-8: Does the SSOA's most recent annual RWP program audit report issued to each RTA it oversees include a review of a representative sample of written job safety briefing confirmations?

Governing Directives:

Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:

(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:

(F) A representative sample of written job safety briefing confirmations as described in Section § 671.33.

Section 671.33(c): Confirmation and written acknowledgement. A job safety briefing is complete only after:

(1) The roadway worker in charge confirms that each roadway worker understands the on-track safety procedures and instructions;

(2) Each roadway worker acknowledges in writing the briefing and the requirement to use the required personal protective equipment; and

(3) The roadway worker in charge confirms in writing that they have received written acknowledgement of the briefing from each worker.

Evaluating Compliance:

- Confirm the most recent annual RWP program audit report issued by the SSOA to each RTA it oversees includes a review of a representative sample of written job safety briefing confirmations as described in 671.33(c)(1)(2)(3):
  - Confirmations from Roadway Worker in Charge (RWIC) that each roadway worker understands the on-track safety procedures and instructions
  - Acknowledgements from roadway workers (including lone workers) of the briefing and the requirement to use the required personal protective equipment
  - Confirmations from RWIC that they received written acknowledgement of the briefing from each worker
    - Note, each SSOA is to determine what serves as a "representative sample" when conducting oversight and auditing activities on the RTAs within their respective jurisdictions
- Discuss with the SSOA its process for reviewing a representative sample of written job safety briefings

Finding of Noncompliance

- 8-B-8a: The SSOA's annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of a representative sample of written job safety briefing confirmations.

8-B-9: Does the SSOA’s most recent annual RWP program audit report for each RTA it oversees include a review of the RTA's RWP compliance monitoring program?

Governing Directives:
Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
(G) The compliance monitoring program described in § 671.43.

Section 671.43: (a) General. Each RTA must adopt a program for monitoring its compliance with the requirements specified in its RWP program.

(b) Required elements. The RWP compliance monitoring program must include inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the RTA's ASP described in § 673.27(b) of this chapter and the SSOA's program standard.
(1) The RTA must provide quarterly reports to the SSOA documenting the RTA's compliance with and sufficiency of the RWP program.
(2) The RTA must provide an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

Evaluating Compliance:
- Review the most recent annual RWP program audit report the SSOA issued to each RTA it oversees issued by the SSOA to determine whether the SSOA reviewed each RTA’s compliance monitoring program to confirm that it includes inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the ASP and Program Standard
- Review the quarterly reports each RTA submitted to the SSOA documenting the RTA’s compliance with and sufficiency of the RWP program
- Review documentation (e.g., meeting agenda, slides, drafted remarks, meeting notes) to confirm each RTA provided an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action
- Discuss with SSOA staff whether each RTA provided the SSOA with quarterly reports documenting the RTA's compliance with and sufficiency of the RWP program
- Discuss with SSOA staff whether each RTA provided an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action
- Discuss with each RTA how they monitor and document compliance with and sufficiency of the RWP program

Finding of Noncompliance
- 8-B-9a: The SSOA’s annual RWP program audit report(s) for the RTA(s) it oversees did not include a review of the RTA's RWP compliance monitoring program.

8-B-10: Does the SSOA verify that each RTA it oversees monitors its compliance with the requirements specified in its RWP program?

Governing Directives:
Section 671.43(b): Required elements. The RWP compliance monitoring program must include inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the RTA's ASP described in § 673.27(b) of this chapter and the SSOA's Program Standard.

(1) The RTA must provide quarterly reports to the SSOA documenting the RTA's compliance with and sufficiency of the RWP program.

(2) The RTA must provide an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

Evaluating Compliance:
- Review each RTA's ASP and the SSOA's Program Standard to verify that the RWP compliance monitoring program's inspections, observations, and audits are consistent with the safety performance monitoring and measurement requirements described in the ASP and Program Standard
- Review the quarterly reports each RTA submitted to the SSOA documenting the RTA's compliance with and sufficiency of the RWP program
- Discuss with the SSOA how it verifies each RTA monitors its compliance with requirements specified in its RWP program

Finding of noncompliance
- 8-B-10a: The SSOA did not verify that each RTA it oversees monitored its compliance with the requirements specified in its RWP program.

8-B-11: Does the SSOA provide each RTA it oversees an opportunity to comment on any findings and recommendations from the SSOA's annual RWP program audit?

Governing Directives:
Section 671.25(c): Annual RWP program audit. (1) The SSOA must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA that it oversees. This review may be conducted in conjunction with the review and approval of the RTA's Public Transportation Agency Safety Plan or any other review or audit.

(2) The SSOA must issue a report with any findings and recommendations arising from the audit, which must include, at minimum:
(i) An analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
(A) All RWP-related events over the period covered by the audit;
(B) All RWP-related reports made to the Transit Worker Safety Reporting Program over the period covered by the audit;
(C) All documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit;
(D) An assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions;

(E) A review of training and qualification records for transit workers who must enter a track zone to perform work;
(F) A representative sample of written job safety briefing confirmations as described in § 671.33; and
(G) The compliance monitoring program described in § 671.43.
(ii) Recommendations for improvements, if necessary or appropriate.
(iii) Corrective action plan(s), if necessary or appropriate, must be developed and executed consistent with requirements established in part 674.

(3) The RTA must be given an opportunity to comment on any findings and recommendations.

Evaluating Compliance:

- Review the most recent RWP program audit report for each RTA it oversees and, if applicable, confirm whether the SSOA included the RTA's comments and SSOA's responses in the report
- Review changes to the most recent draft RWP program audit report indicating that the SSOA considered the RTA's comments
- Discuss with the SSOA and RTA whether the RTA was given the opportunity to provide comments on the findings and recommendations and whether the SSOA considered their comments in their final report

Finding of Noncompliance

- 8-B-11a: The SSOA did not give each RTA it oversees an opportunity to comment on the findings and recommendations arising from the SSOA's annual RWP program audit.

8-B-12: Does the SSOA ensure each RTA provides an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action?

Governing Directives:
Section 671.43(b): Required elements. The RWP compliance monitoring program must include inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the RTA's ASP described in § 673.27(b) of this chapter and the SSOA's Program Standard.

(2) The RTA must provide an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

Evaluating Compliance:

- Review documentation (e.g., meeting agenda, slides, drafted remarks, meeting notes) to confirm the RTA provided an annual briefing to the Accountable Executive and the Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action
- Discuss with each RTA whether it gave an annual briefing to the Accountable Executive and Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action
- Discuss with the SSOA how it ensured that each RTA gave an annual briefing to the appropriate party regarding the performance of the RWP program and any identified deficiencies requiring corrective action

Finding of noncompliance

- 8-B-12a: The SSOA did not verify the RTA(s) provided an annual briefing to the Accountable Executive and Board of Directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

8-B-13: Does the SSOA verify that each RTA it oversees reviews and updates its RWP training program not less than every two years, to reflect lessons learned in implementing the RWP program and information provided by the SSOA and FTA, and includes roadway worker involvement in the review and update process?

Governing Directives:
Section 671.41: (a) General. Each RTA must adopt an RWP training program. (5) The RTA must review and update its RWP training program not less than every two years, to reflect lessons learned in implementing the RWP program and information provided by the SSOA and FTA. The RTA must provide an opportunity for roadway worker involvement in the RWP training program review and update process.

Evaluating Compliance:

- Review documentation (e.g., a checklist) demonstrating the SSOA verified that each RTA it oversees reviewed and updated its RWP training program at least every two years including:
    - Evidence of an interactive initial training that includes experience in a representative field setting
    - Evidence of interactive initial and refresher training that includes demonstrations and assessments to ensure the ability to comply with RWP instructions given by transit workers performing, or responsible for, on-track safety and RWP functions
    - Evidence of a training program that addresses, if applicable:
        - How to interpret and use the RTA's RWP manual
        - How to challenge and refuse assignments in good faith
        - How to report unsafe acts, unsafe conditions, and near-misses after they occur, and the mandatory duty to make such reports
        - Recognition of the track zone and understanding of the space around tracks within which on-track safety is required, including use of the track access guide
        - The functions and responsibilities of all transit workers involved in on-track safety, by position
        - Proper compliance with on-track safety instructions given by transit workers performing or responsible for on-track safety functions
        - Signals and directions given by watchpersons, and the proper procedures upon receiving a rail transit vehicle approach warning from a watchperson
        - The hazards associated with working on or near rail transit tracks to include traction power, if applicable
        - Rules and procedures for redundant protections identified under § 671.39 and how they are applied to RWP
        - Requirements for safely crossing rail transit tracks in yards and on the mainline
    - Evidence of specialized training and qualification for transit workers with additional responsibilities (e.g., watchpersons, flag persons, lone workers, roadway workers in charge, and other transit workers with responsibilities for establishing, supervising, and monitoring on-track safety) that includes:

        - The content and application of the additional RWP program requirements carried out by these positions and must address the relevant physical characteristics of the RTA's system where on-track safety may be established
        - Demonstrations and assessments to confirm the transit workers' ability to perform these additional responsibilities
        - Refresher training at least every two years
    - Evidence of competency and qualification (e.g., have active RWP certification at the RTA) of training personnel that considers:
    - A trainer's experience and knowledge of effective training techniques in the chosen learning environment
    - A trainer's experience with the RTA RWP program
    - A trainer's knowledge of the RTA RWP rules, operations, and operating environment, including applicable operating rules; and
    - A trainer's knowledge of the training requirements specified in Part 671
- Discuss with each RTA whether roadway workers at the RTA were involved in the review and update process of the RWP training program
- Discuss with the SSOA whether the SSOA verified that each RTA it oversees reviewed and updated its RWP training program at least every two years

Finding of Noncompliance
- 8-B-13a: The SSOA did not verify that each RTA it oversees reviewed and updated its RWP training program at least every two years.
- 8-B-13b: The SSOA did not verify that each RTA it oversees included roadway worker involvement in the review and update process.

8-B-14: Does the SSOA verify that each RTA it oversees reviews and updates its safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections?

Governing Directives:
Section 671.39(b): Safety risk assessment to determine redundant protections. Each RTA must assess the risk associated with transit workers accessing the roadway using the methods and processes established under § 673.25(c) of this chapter. The RTA must use the methods and processes established under § 673.25(d) of this chapter to establish redundant protections for each category of work performed by roadway workers on the rail transit system and must include lone workers.

(1) The safety risk assessment must be consistent with the RTA's Agency Safety Plan (ASP) and the SSOA's program standard.

(2) The safety risk assessment may be supplemented by engineering assessments, inputs from the safety assurance process established under § 673.27 of this chapter, the results of safety event investigations, and other SRM strategies or approaches.

(3) The RTA must review and update the safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections.

(4) The SSOA may also identify and require the RTA to implement alternate redundant protections based on the RTA's unique operating characteristics and capabilities.

Evaluating Compliance:

- Review documentation demonstrating the SSOA verified that each RTA it oversees reviewed and updated its safety risk assessment at least every two years to include:
    - current conditions and lessons learned from safety events
    - actions taken to address reports of unsafe acts and conditions, and near-misses,
    - results from compliance monitoring regarding the effectiveness of the redundant protections
- Discuss with each RTA whether the RTA reviewed and updated its safety risk assessment at least every two years in accordance with requirements
- Discuss with the SSOA if it verified each RTA reviewed and updated its safety risk assessment at least every two years in accordance with requirements

Finding of Noncompliance

- 8-B-14a: The SSOA did not verify that each RTA it oversees reviewed and updated its safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections.
- 8-B-14b: The SSOA did not verify that each RTA's safety risk assessment is consistent with the RTA's ASP and the SSOA's Program Standard.

8-B-15: Does the SSOA confirm that the RWP records an RTA is required to maintain are available upon request by the SSOA, FTA, or other Federal entity?

Governing Directives:
Section 671.51: (a) Each RTA must maintain the documents that set forth its RWP program; documents related to the implementation of the RWP program; and results from the procedures, processes, assessments, training, and activities specified in this part for the RWP program.

(b) Each RTA must maintain records of its compliance with this requirement, including records of transit worker RWP training and refresher training, for a minimum of three years after they are created.

(c) These documents must be made available upon request by the FTA or other Federal entity, or an SSOA having jurisdiction.

Evaluating Compliance:

- Discuss with the SSOA how they ensure each RTA is meeting its recordkeeping requirements including:
    - Maintenance of documents that set forth the RTA's RWP program; documents related to the implementation of the RWP program; and results from the procedures, processes, assessments, training, and activities specified in Part 671
    - Maintenance of records of transit worker RWP training and refresher training, for a minimum of three years after they are created
    - If applicable, that documents are made available upon request by the FTA or other Federal entity or the SSOA

- Discuss with each RTA how it maintains records and ensure they are available upon request by FTA or the SSOA
- Discuss with SSOA staff whether the SSOA had any issues with obtaining requested RWP records from the RTAs it oversees

Finding of Noncompliance

- 8-B-15a: The SSOA did not verify that each RTA's required RWP records are available upon request by the SSOA, FTA, or other Federal entity.

Chapter 9. RTA Internal Safety Reviews

Focus of This Review Area

- RTA safety review requirements

A) RTA Internal Safety Review Requirements

9-A-1: Does the SSOA oversee all internal safety reviews of the RTA(s) it oversees as defined in the SSO Program Standard?

Governing Directives:
Section 674.27 State safety oversight program standards. (a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (5) Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews. The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The SSO program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's Accountable Executive. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:
>
> > (i) The RTA must develop and document an ongoing internal safety review process to ensure that all elements of an RTA's Public Transportation Agency Safety Plan are performing and being implemented as intended.
> > (ii) The RTA's internal safety review process must ensure that the implementation of all elements of its Public Transportation Agency Safety Plan are reviewed within a three-year period.
> > (iii) The RTA must notify the SSOA at least thirty (30) days before the RTA conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review.
> > (iv) The RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-5 of this guide) for compliance with RTA internal safety review requirements
- Review the ASP and other RTA internal safety review procedures or plans, internal safety review schedules, and reports submitted under the signature of the RTA’s Accountable Executive for compliance with baseline requirements outlined in the SSO Program Standard
- Discuss with the SSOA its process for overseeing all related safety reviews of the RTA(s) described in the Program Standard
- Discuss with each RTA its internal safety review process

Finding of noncompliance:

- 9-A-1a: The SSOA did not oversee all related safety reviews of each RTA it oversees as defined in the SSO Program Standard.

9-A-2: Does the SSOA ensure that each RTA internally reviews the implementation of all ASP elements within a three-year period?

Governing Directives:
Section 674.27 State safety oversight program standards. (a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (5): Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:
>
> > (ii): The RTA's internal safety review process must ensure that the implementation of all elements of its Public Transportation Agency Safety Plan are reviewed within a three-year period.

Evaluating Compliance:

- Review each RTA's internal safety review schedule to ensure all ASP elements are scheduled for the three-year cycle
- Review each RTA's internal safety review report to ensure all ASP elements are addressed for each audit year
- Review the SSOA review and approval documentation of each RTA's internal safety review report
- Discuss with the SSOA its process for ensuring each RTA internally reviews the implementation of all ASP elements within a three-year period

Finding of Noncompliance:

- 9-A-2a: The SSOA did not ensure all ASP elements were internally reviewed by each RTA within a three-year period.

9-A-3: Does the SSOA receive notifications from the RTA(s) it oversees before the RTA conducts an internal review per the SSO Program Standard?

Governing Directives:
Section 674.27 State safety oversight program standards. (a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

(5): Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:

(iii): The RTA must notify the SSOA at least thirty (30) days before the RTA conducts an internal safety review of any aspect of the rail fixed guideway public transportation system and provide any checklists or procedures it will use during the review.

Evaluating Compliance:
- Review the SSO Program Standard for internal review notification process
- Review internal review notifications provided (e.g., emails, meeting minutes) to the SSOA to confirm notification occurred at least 30 days before an RTA conducted its internal safety review and included any checklists or procedures the RTA intended to use
- Review notification documents for each RTA for each year of the audit per the SSO Program Standard
- Discuss with the SSOA and RTA all safety reviews conducted and compare them to notification records and SSO program standard notification timeframes
- Discuss with the SSOA any comments to the RTA's internal safety review notifications or checklists

Finding of noncompliance:
- 9-A-3a: The SSOA did not receive notification of an internal review from the RTA(s) it oversees before the RTA(s) conducted an internal review per the SSO Program Standard.
- 9-A-3b: The SSOA did not receive internal safety review checklists or procedures from the RTA(s) at least 30 days prior to the review.

9-A-4: Does the SSOA ensure that the RTAs it oversees submit an annual report documenting the RTA's internal safety review activities and the status of subsequent findings and corrective actions?

Governing Directives:
Section 674.27 State safety oversight program standards. (a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

(5): Oversight of RTA Public Transportation Agency Safety Plans and internal safety reviews. The SSO program standard must define baseline RTA internal safety review requirements including, at a minimum, the following requirements:

(iv): The RTA must submit a report to the SSOA annually documenting the internal safety review activities and the status of subsequent findings and corrective actions.

Evaluating Compliance:
- Review the timeframes of RTA internal safety review report submissions for each year of the audit and confirm they were submitted annually in accordance with requirements
- Review each RTA's internal safety review report documents and verify all reviewed sections were included

- Review each RTA's internal safety review report and verify findings are included
- Discuss with the SSOA whether it receives an annual report documenting each RTA's internal safety review activities and the status of subsequent findings and corrective actions

Finding of noncompliance:

- 9-A-4a: The SSOA does not ensure each RTA it oversees submits an internal safety review report annually per the Program Standard.

Chapter 10. Notification of Safety Events and Investigations

Focus of This Review Area

- Notifications
- Safety event investigation requirements
- Safety investigation reports
- RTA investigations

A) Notifications

10-A-1: Does the SSOA ensure that each RTA it oversees notifies both the SSOA and FTA within two hours of any safety events when required?

Governing Directives:
Section 674.27(a)(9): Safety event notifications. The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

Section 674.33: (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.

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

Evaluating Compliance:

- Compare safety event notification documentation with occurrence timeframes
- If applicable, review a log of safety events that resulted in one or more of the following: fatality; two or more injuries; derailment; collision resulting in one or more injuries; collision between two rail transit vehicles; collision resulting in disabling damage to a rail transit vehicle; evacuation for life safety reasons; unintended train movement, to confirm:
    - The RTA notified both the SSOA and FTA of the safety event within two hours of the occurrence
    - The RTA sent the safety event notification within the time limits described in the Program Standard
    - If late and/or missed notifications are observed discuss with the SSOA and RTA(s) reasons for the late/missed notification

- Review any additional documents from the RTA, such as an Event Investigation Procedure and verify whether it is incorporated by reference in the ASP
- Verify that any RTA documents incorporated by reference align with both the Program Standard and FTA notification thresholds outlined in § 674.33(a)
- Discuss with each RTA the notification reporting thresholds for FTA and the SSOA
- If the SSO event notification thresholds differ from the FTA thresholds, discuss with the SSOA how it verifies that an RTA notifies the SSOA according to the thresholds described in the Program Standard.
- Discuss with the SSOA how it verifies that the RTA notifies both the SSOA and FTA within two hours of any safety events when required

Finding of noncompliance

- 10-A-1a: The SSOA did not ensure that each RTA it oversees notified both the SSOA and FTA of safety events within two hours of the occurrence.

10-A-2: Does the SSOA ensure that each RTA notifies both the SSOA and FTA of safety events by the method specified in the Program Standard?

Governing Directives:
Section 674.27(a)(9): Safety event notifications. The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

Evaluating Compliance:

- Review the SSO Program Standard for safety event notification requirements including the notification methods the RTA(s) must follow
- Review a sample of notifications of safety events that resulted in one or more of the following: fatality; two or more injuries; derailment; collision resulting in one or more injuries; collision between two rail transit vehicles; collision resulting in disabling damage to a rail transit vehicle; evacuation for life safety reasons; unintended train movement, to confirm:
  - The RTA's safety event notification was performed according to the method(s) specified in the Program Standard
- Discuss with the SSOA and RTA(s) how notification of safety events occurs

Finding of noncompliance:

- 10-A-2a: The SSOA did not ensure that each RTA it oversees notified both FTA and the SSOA of safety events by the method specified in the Program Standard.

10-A-3: Does the SSOA ensure that each RTA's notification of safety events includes the information specified in the Program Standard?

Governing Directives:
Section 674.27(a)(9): Safety event notifications. The SSO program standard must establish requirements for RTA notifications of safety events occurring on the RTA's rail fixed guideway public transportation system, including notifications to the SSOA and to FTA. SSOA safety event notification requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

Evaluating Compliance:

- Review the SSO Program Standard for safety event notification requirements including the nature of the information the RTA must submit to FTA and the SSOA
- Review a sample of safety events that resulted in one or more of the following: fatality; two or more injuries; derailment; collision resulting in one or more injuries; collision between two rail transit vehicles; collision resulting in disabling damage to a rail transit vehicle; evacuation for life safety reasons; unintended train movement, to confirm:
    - The RTA's safety event notification included the information specified in the Program Standard
- Review any additional documents from the RTA that contain event notification requirements, such as an Event Investigation Procedure, and verify whether it is incorporated by reference in the ASP
- Verify that any RTA documents incorporated by reference align with the Program Standard notification requirements
- Discuss with the SSOA how it ensures that the RTA's notification of safety events includes the information specified in the Program Standard

Finding of noncompliance

- 10-A-3a: The SSOA did not ensure that each RTA's safety event notification(s) to the SSOA and FTA included the information specified in the Program Standard.

B) Safety Event Investigation Requirements

10-B-1: Does the SSOA investigate or require an investigation of all safety events requiring notification?

Governing Directives:
Section 674.35(a): An SSOA must investigate or require an investigation of any safety event that requires notification under § 674.33.

Evaluating Compliance:

- Review the SSO Program Standard for the requirement for the SSOA to investigate or require an investigation of all safety events by the RTA
- Review the SSOA's investigation processes and procedures
- Review a sample of safety event investigation reports from an RTA
- If the SSOA oversees multiple RTAs, review investigation reports from each RTAs, as applicable
- Compare NTD annual report data with safety event and hazard documentation
- Review safety events, hazard logs, and post-event repair inspections
- Discuss with each RTA and the SSOA how they investigate safety events

Finding of noncompliance:

- 10-B-1a: The SSOA did not investigate or require an investigation of all safety events requiring notification.

10-B-2: When an SSOA requires an RTA to investigate a safety event, does the SSOA conduct an independent review of the RTA's findings of causation?

Governing Directives:
Section 674.35(b): The SSOA is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate a safety event, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the safety event, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

Evaluating Compliance:
- Review the SSO Program Standard for the policies and procedures related to the SSOA requirements when an RTA investigates a safety event
- Review the SSOA's written review(s) of the RTA's safety event investigation to verify the SSOA conducted an independent review of the RTA's findings of causation
- Discuss with the SSOA how they conduct their independent review of the RTA's findings of causation

Finding of noncompliance:
- 10-B-2a: When the SSOA required an RTA to investigate a safety event, the SSOA did not conduct an independent review of RTA's findings of causation.

10-B-3: In any instance in which an RTA conducts its own internal investigation of a safety event, does the SSOA coordinate its investigations with the RTA in accordance with the SSO Program Standard and any agreements in effect?

Governing Directives:
Section 674.35(b): The SSOA is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate a safety event, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the safety event, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

Evaluating Compliance:
- Review the Program Standard and any agreements, if applicable, related to the requirements when an RTA conducts its own internal investigation of safety events and the requirement for the SSOA and RTA to coordinate their investigation
- Review a sample of safety event investigation records to verify that SSOA coordinates investigations with the RTA(s)
- Discuss with the SSOA and RTA how the investigation is coordinated between the SSOA and RTA

Finding of noncompliance:
- 10-B-3a: In instances in which an SSOA initiated an investigation of a safety event, the SSOA did not coordinate its investigations with the RTA in accordance with the SSO Program Standard and any agreements in effect.

10-B-4: Are all personnel and contractors who conduct investigations on behalf of an SSOA trained to perform their functions in accordance with Part 672 requirements?

Governing Directives:
Section 674.35(d): All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.

Section 672.11: (a) Each SSOA shall designate its employees and contractors that must comply with the applicable training requirements of this part and the Public Transportation Safety Certification Training Program (PTSCTP) curriculum. Each SSOA must designate employees and contractors who conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems, including appropriate managers and supervisors of such personnel.

Evaluating Compliance:
- Compare safety event investigation records with the TTP to confirm that all personnel and contractors who investigated a safety event on behalf of the SSOA were trained to perform their functions in accordance with Part 672 requirements
- Discuss with the SSOA and RTA how they ensure all personnel are adequately trained to perform their functions

Finding of noncompliance:
- 10-B-4a: All personnel and contractors who conduct investigations on behalf of an SSOA have not been trained to perform their functions in accordance with Part 672 requirements.

C) Safety Event Investigation Reports

10-C-1: Does the SSOA issue, within a reasonable time, a written investigation report on its investigation of safety events or review an RTA's safety event investigations in accordance with the reporting requirements established by the SSOA?

Governing Directives:
Section 674.27(a)(1): Program management. The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, ongoing communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

Section 674.35(c): Within a reasonable time, an SSOA must issue a written report on its investigation of a safety event or review of an RTA's safety event investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the safety event; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of a safety event and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

Evaluating Compliance:
- Review the SSO Program Standard for safety event investigation reporting requirements
- Review the SSOA's written report(s) of an RTA's safety event investigation and SSOA report checklists, if applicable, to confirm it meets the requirements established by the SSOA, including that the report(s) are issued within the timeframe indicated in the SSO Program Standard

- Review report transmittal documentation for any SSOA-led safety event investigations occurring over the past three years
- Review safety event tracking log
- Discuss the SSOA's process for reviewing written investigation reports
- Discuss with each RTA whether it issues a written investigation report to the SSOA for all safety event investigations
- Discuss with the SSOA any discrepancies observed between the RTA safety event tracking logs, event investigation reports, and SSOA report checklists, if available

Finding of noncompliance:

- 10-C-1a: The SSOA did not issue within a reasonable time a written investigation report on its investigation of a safety event or its independent review of an RTA's safety event investigation in accordance with the reporting requirements established by the SSOA.

10-C-2: Does the SSOA's written report on its investigation of safety events or review of an RTA's safety event investigation include all the required elements?

Governing Directives:
Section 674.35(c): Within a reasonable time, an SSOA must issue a written report on its investigation of a safety event or review of an RTA's safety event investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the safety event; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of a safety event and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

Evaluating Compliance:

- Review the SSO Program Standard for safety event investigation reporting requirements
- Review a sample of safety event investigation reports to confirm that reports include all required elements, including:
  - Description of investigation activities
  - Identification of the factors that caused or contributed to the safety event
  - CAPs as necessary or appropriate
- Discuss with the RTA(s) their internal review process (e.g., quality assurance) for investigation reports
- Discuss the SSOA's process for verifying that RTA event reports contain all required elements and are of sufficient quality
- Discuss the SSOA's procedures for issuing written investigation reports
- Discuss with the SSOA reasons for event report rejections and rate of rejection, if applicable
- Discuss with the SSOA whether it ensures all required elements are included in its written reports on its investigations of safety events

Finding of noncompliance:

- 10-C-2a: The SSOA did not include all required elements in its written reports on safety event investigations.

10-C-3: Does the SSOA formally adopt the report of a safety event and transmit the report to the RTA for review and concurrence?

Governing Directives:
Section 674.35(c): Within a reasonable time, an SSOA must issue a written report on its investigation of a safety event or review of an RTA's safety event investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the safety event; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of a safety event and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.

Evaluating Compliance:
- Review the SSO Program Standard for safety event investigation reporting requirements
- Review documentation of the SSOA's formal adoption of safety event investigation reports and transmittal to the RTA for review and concurrence
- Discuss the SSOA's process for adopting written investigation reports and transmittal to the RTA for review and concurrence
- Discuss with each RTA whether they have established procedures for review and concurrence of written investigation reports

Finding of noncompliance:
- 10-C-3a: The SSOA did not formally adopt the written report of a safety event and transmit the report to the RTA for review and concurrence.

D) RTA Investigations

10-D-1: Does the SSOA ensure the RTA conducts investigations of safety events identified in the Program Standard?

Governing Directives:
Section 674.27(a)(10): Investigations. The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

Evaluating Compliance:
- Review the SSO Program Standard for safety events that require the RTA to conduct an investigation
- Discuss with the SSOA the process for verifying safety event investigations

Finding of Noncompliance:
- 10-D-1a: The SSOA did not ensure the RTA(s) conducted investigations of safety events identified in its Program Standard.

10-D-2: Does the SSOA oversee an RTA's internal investigation according to the SSO Program Standard?

Governing Directives:
Section 674.27(a)(10): Investigations. The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

Evaluating Compliance:
- Review the SSO Program Standard related to how the SSOA will oversee an RTA's internal investigations
- Review communication records of how the SSOA oversees an RTA's internal investigation
- Discuss with the SSOA how they oversee an RTA's internal investigation

Finding of noncompliance:
- 10-D-2a: The SSOA did not oversee the RTA's internal investigation according to the SSO Program Standard.

10-D-3: Does the SSOA follow the process stated in its Program Standard for supporting any investigation conducted or findings and recommendations made by the NTSB or FTA?

Governing Directives:
Section 674.27(a)(10): Investigations. The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

Evaluating Compliance:
- Review the Program Standard related to supporting investigations conducted or findings and recommendations made by the NTSB or FTA
- If applicable, review investigation documentation, where the SSOA supported an investigation conducted or findings and recommendations made by the NTSB or FTA to determine if the SSOA followed the process
- Discuss with the SSOA its process for supporting safety event investigations conducted or findings and recommendations made by NTSB or FTA

Finding of noncompliance:
- 10-D-3a: The SSOA did not follow the process stated in the Program Standard for supporting an investigation conducted or findings and recommendations made by NTSB or FTA.

10-D-4: Does the SSOA follow its procedures for protecting the confidentiality of investigation reports?

Governing Directives:
Section 674.23: A State, an SSOA, or an RTA may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(b) This part does not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.

Section 674.27(a)(10): Investigations. The SSO program standard must identify safety events that require an RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's own internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

Evaluating Compliance:

- Review the Program Standard related to protecting the confidentiality of investigation reports
- Discuss with the SSOA how they protect the confidentiality of investigation reports

Finding of noncompliance:

- 10-D-4a: The SSOA did not follow its procedures for protecting the confidentiality of investigation reports.

Chapter 11. SSOA Triennial Audits of ASP Implementation

Focus of This Review Area

- SSOA Triennial Audit of the ASP

A) SSOA Triennial Audit of the ASP

11-A-1: Does the SSOA oversee and enforce RTA compliance with the ASP through triennial audits of the RTAs it oversees?

Governing Directives:
Section 674.31: At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. If an SSOA audits an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

Evaluating Compliance:

- Review the most recent SSOA triennial audit report(s) to confirm the SSOA performed oversight of each RTA's implementation of the ASP
- If applicable, review a sample of CAPs used by the RTA(s) to enforce minimum standards
- Discuss with the SSOA how they ensure an RTA complies with the ASP
- If the SSOA determined areas of noncompliance with the ASP during the triennial audit, discuss how the SSOA verified the RTA became compliant with the ASP

Finding of noncompliance:

- 11-A-1a: The SSOA did not oversee and enforce RTA compliance with the ASP through a triennial audit of the RTA(s) it oversees.

11-A-2: Does the SSOA conduct a complete audit of each RTA's compliance with the ASP at least once every three years or on an ongoing basis over a three-year timeframe in accordance with the SSO Program Standard?

Governing Directives:
Section 674.13(a)(6): At least once every three years, the SSOA audits every rail fixed guideway public transportation system's compliance with the Public Transportation Agency Safety Plan required by 49 U.S.C. 5329(d) and part 673 of this chapter.

Section 674.27(a)(8): Triennial SSOA audits of RTA Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

Section 674.31: At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. If an SSOA audits an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

Evaluating Compliance:

- Review the most recent SSOA audit report to verify the SSOA followed the process and applied the criteria outlined in the Program Standard for conducting a complete audit
- Verify the SSOA audit report addresses all ASP elements
- Discuss the SSOA's processes for conducting an audit of each RTA's compliance with the ASP at least once every three years or on an ongoing basis over a three-year timeframe
    - When an audit is conducted on an ongoing basis, rather than once every three years, the SSOA must prepare a single "summary" report every three years
- Verify the SSOA audited the ASP compliance with all sections as described in their Program Standard

Finding of noncompliance:

- 11-A-2a: The SSOA did not conduct a complete audit of each RTA's compliance with the ASP in accordance with the SSO Program Standard.

11-A-3: Did the SSOA issue an audit report to each RTA it oversees with findings and recommendations that includes an analysis of the effectiveness of the ASP, recommendations for improvement, and/or CAP(s) if necessary?

Governing Directives:

Section 674.25(b): An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.

Section 674.31: At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. If an SSOA audits an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

Evaluating Compliance:

- Review the most recent SSOA audit report to verify that it contained findings and recommendations including:
    - An analysis of the effectiveness of the ASP
    - Recommendations for improvements
    - CAP(s), if necessary or appropriate
- If the audit is conducted on an ongoing basis, confirm a single "summary" report was issued at the conclusion of the three-year cycle
- Discuss with the SSOA how they evaluate the effectiveness of the ASP

Finding of noncompliance:

- 11-A-3a: The SSOA did not issue an audit report to each RTA it oversees with the findings and recommendations arising from the audit which included an analysis of the effectiveness of the ASP, recommendations for improvement, and/or CAP(s) if necessary.

11-A-4: Does the SSOA ensure that each RTA it oversees has an opportunity to comment on the findings and recommendations included in the SSOA's audit report?

Governing Directives:

Section 674.31: At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an ongoing basis over the three-year timeframe. If an SSOA audits an RTA's compliance on an ongoing basis, the SSOA shall issue interim audit reports at least annually. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the triennial or ongoing audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

Evaluating Compliance:

- Review the most recent SSOA audit report for each RTA it oversees and, if applicable, review the RTA's comments and SSOA responses to the RTA's comments if applicable
- Verify the RTA was provided an opportunity to provide comments
- Review changes to the most recent draft audit report for incorporated comments, if applicable
- Discuss with the RTA(s) whether they had an opportunity to comment on the findings and recommendations included in the SSOA's audit report

Finding of noncompliance:

- 11-A-4a: The SSOA did not ensure each RTA it oversees had an opportunity to provide comments on the findings and recommendations included in the SSOA's audit report.

11-A-5: Does the SSOA manage findings and recommendations from the SSOA's audit(s) per the SSO Program Standard?

Governing Directives:

Section 674.27(a)(8): Triennial SSOA audits of RTA Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency

Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

Evaluating Compliance:

- Review the SSO Program Standard for procedures to manage findings and recommendations from the SSOA triennial audit
- If applicable, review findings and recommendations from the SSOA's most recent audit and verify their management of associated CAPs according to the procedure in the SSO Program Standard
- Discuss with the SSOA how they manage findings and recommendations from the SSOA's audit

Finding of noncompliance:

- 11-A-5a: The SSOA did not manage findings and recommendations from the SSOA's audit(s) according to the SSO Program Standard.

Chapter 12. Corrective Actions

Focus of This Review Area

- Requiring, reviewing, approving, and verifying proposed CAPs
- Content requirements for CAPs
- Addressing NTSB and FTA findings

A) Requirements for CAPs

12-A-1: Does the SSOA require the development of CAPs in accordance with Part 674 requirements?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (11) Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Section 674.37(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 noncompliance from safety reviews and inspections performed by the SSOA; or
> (3) Findings of noncompliance from internal safety reviews performed by the RTA.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-11 of this guide) for compliance with requirements for corrective actions
- Review each RTA’s ASP to ensure CAPs are developed in compliance with the SSO Program Standard and § 674.37(a)
- Review a sample of safety event investigation reports in which an RTA or the SSOA determined that causal or contributing factors require corrective action
- Review a sample of records of safety reviews and inspections performed by the SSOA that resulted in findings of noncompliance
- Review a sample of records of internal safety reviews performed by an RTA that resulted in findings of noncompliance to confirm that the SSOA required the development of a CAP
- Discuss with the SSOA its process for determining when to direct an RTA to develop a CAP and how it must be carried out

- Discuss with each RTA its process for developing CAPs

Finding of noncompliance:

- 12-A-1a: The SSOA did not require the development of CAPs in accordance with Part 674 requirements.

12-A-2: Does the SSOA verify that the CAP documentation for each RTA contains the required content?

Governing Directives:
Section 674.37(c): A CAP must describe, specifically, the actions the RTA will take to correct the deficiency identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.

Evaluating Compliance:

- Review the Program Standard and ASP to confirm procedures are consistent across documents
- Review the CAP report and CAP log and other records for each RTA to confirm that required content is included:
    - Actions the RTA will take to correct the deficiency
    - Schedule for taking those actions
    - Individuals responsible for taking those actions
- Review CAP meeting minutes or other relevant CAP documentation
- Review SSOA verification of CAPs, including review of RTA verification submissions (e.g., photos) and SSOA inspections
- Discuss with the SSOA and RTA how they ensure the CAPs meet content requirements

Finding of noncompliance:

- 12-A-2a: The SSOA did not ensure that RTA CAP documentation for each RTA included the identified deficiency.
- 12-A-2b: The SSOA did not ensure that RTA CAP documentation for each RTA included the implementation schedule.
- 12-A-2c: The SSOA did not ensure that RTA CAP documentation for each RTA included the individuals responsible for carrying out the CAP.

12-A-3: Does the SSOA review and approve CAPs according to the process and criteria in its SSO Program Standard?

Governing Directives:
Section 674.27(a)(11): Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-11 of this manual) for the process and criteria an SSOA may order an RTA to develop and carry out a CAP and procedure for SSOA to review and approve a CAP
- Review frequency and timeframes of approved CAPs to ensure alignment with the SSO Program standard:
    - Review frequency of RTA CAP Submission to SSOA
    -
    - Review frequency of RTA CAP Tracking log submissions to SSOA
    - Review SSOA CAP approval timeframes
    - Review RTA CAP submission timeframes for extension requests
    - Review SSOA CAP extension approval timeframes
- Discuss with the SSOA how it reviews and approves RTA CAPs

Finding of noncompliance:

- 12-A-3a: The SSOA did not review and approve CAPs according to the process and criteria in its SSO Program Standard.
- 12-A-3b: The SSOA did not ensure CAP schedule extensions were reviewed and approved as required by the Program Standard.

12-A-4: Does the SSOA review and approve CAPs before the RTA(s) carries out its plan?

Governing Directives:
Section 674.27(a): An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:

> (11) Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Section 674.37(b): In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan. However, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval.

Evaluating Compliance:

- Review the SSO Program Standard (or reference Question 4-A-11 of this manual) for process and criteria by which an SSOA may order an RTA to develop and carry out a CAP and procedure for SSOA to review and approve a CAP
- Review current CAP tracking matrix
- Review sample records and correspondence for consistency with CAP review requirements, including timeframes and formal approvals

    - Note that an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval
- If available, review policies and procedures for managing conflicts with the RTA regarding the implementation of corrective action, including escalation protocols
- Review tools or checklists completed by the SSOA to verify emergency CAP review and approval
- Review RTA emergency CAP notification timeframes
- Review SSOA approval timeframes for emergency CAPs
- Review CAP tracking matrix to ensure documentation of emergency CAPs
- Review SSOA closeout documents for emergency CAPs
- Discuss with the SSOA the process for emergency corrective actions

Finding of noncompliance:

- 12-A-4a: The SSOA did not review and approve CAPs before the RTA(s) carried out the plan.
- 12-A-4b: The SSOA did not ensure that the RTA(s) provided emergency CAP notification as required by the Program Standard.

12-A-5: Does the SSOA ensure each RTA periodically reports to the SSOA on its progress for carrying out the CAP(s)?

Governing Directives:
Section 674.37(c): A CAP must describe, specifically, the actions the RTA will take to correct the deficiency identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.

Evaluating Compliance:

- Review timeframes for open CAPs
- Review timeframes for CAP closure
- Review the SSOA's documentation of CAP extensions for the RTA
- Review RTA submission timeframes for CAP logs, CAP reports, and SSOA comments to the RTA(s) on CAPs
- Review CAP meeting minutes or other relevant CAP documentation
- If an RTA has not communicated its CAP progress to the SSOA, confirm the SSOA took action to have the RTA communicate CAP progress
- If available, review procedures and/or checklists for conducting on-site inspections or for any other means the SSOA deems necessary or appropriate to verify the implementation of corrective action
- Discuss with the RTA(s) how they report to the SSOA on their progress carrying out CAPs
- Discuss with the SSOA how they monitor progress towards completion of a CAP and implementation of solutions to mitigate safety risks

Finding of noncompliance:

- 12-A-5a: The SSOA did not ensure each RTA periodically reported to the SSOA on its progress for carrying out the CAP(s).
- 12-A-5b: The SSOA did not monitor each RTA's progress in carrying out the CAP(s) through appropriate means such as conducting inspections.

12-A-6: Does the SSOA follow the policy and practice stated in its Program Standard for tracking and verifying an RTA's compliance with CAPs?

Governing Directives:
Section 674.27(a)(11): Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Section 674.37(c): A CAP must describe, specifically, the actions the RTA will take to correct the deficiency identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.

Evaluating Compliance:
- Review the SSO Program Standard (or reference Question 4-A-11 of this manual) for CAP tracking and verification policy
- Review the SSOA CAP verification, including SSOA activity, documentation/inspection form, and timeframes
- Review meeting notes for discussions about tracking open CAPs
- Review records for conformance with SSOA- CAP tracking and verification policy, including:
    - Correspondence and reports
    - CAP tracking matrix
- Discuss how the SSOA monitors CAP progress
- Discuss with each RTA its process for requesting closure of a CAP

Finding of noncompliance:
- 12-A-6a: The SSOA did not follow its policy and practice stated in its SSO Program Standard for tracking and verifying an RTA's compliance with CAPs.

12-A-7: Does the SSOA follow the conflict management process stated in its Program Standard for the development or execution of the CAP(s) or the findings of an investigation?

Governing Directives:
Section 674.27(a)(11): Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a corrective action plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

Evaluating Compliance:
- Review SSO the Program Standard (or reference Question 4-A-11 of this manual) for policy on managing conflicts between the SSOA and RTAs including:
    - Managing conflicts for CAP development
    - Managing conflicts for CAP execution or investigation

    - Managing conflicts for findings of an investigation
    - Review timeframes for resolving conflicts
- If applicable, review sample records (e.g., letter) to verify SSOA implements its conflict management process
- Discuss with the SSOA and RTA about how conflicts are managed relating to the development or execution of the CAP or findings of an investigation

Finding of noncompliance:

- 12-A-7a: The SSOA did not follow the conflict management process stated in its Program Standard for the development or execution of the CAP(s) or the findings of an investigation.

B) Addressing NTSB and FTA Findings

12-B-1: When a safety event on the RFGPTS is the subject of an investigation by the NTSB or FTA, does the SSOA evaluate whether the findings or recommendations require a CAP by the RTA(s)?

Governing Directives:
Section 674.37(d): In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB or FTA, the SSOA must evaluate whether the findings or recommendations by the NTSB or FTA require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

Evaluating Compliance:

- Discuss with the RTA(s) any NTSB investigations into a rail safety event in the previous three years
- If there is a safety event(s) on the RFGPTS subject to an investigation by the NTSB or FTA, review a sample of records to confirm the SSOA evaluated whether the NTSB or FTA findings required a CAP

Finding of noncompliance:

- 12-B-1a: When a safety event was the subject of an investigation by the NTSB or FTA, the SSOA did not evaluate whether their findings or recommendations required a CAP by the RTA(s).

12-B-2: When findings or recommendations made by the NTSB or FTA require a CAP, does the SSOA order the RTA(s) to develop and carry out a CAP?

Governing Directives:
Section 674.37(b): In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan. However, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval.

Evaluating Compliance:

- Discuss with the SSOA how it evaluates NTSB or FTA findings requiring a CAP(s) and confirm the SSOA ordered the RTA to develop and carry out the CAP when deemed necessary

Finding of noncompliance:

- 12-B-2a: When findings or recommendations made by the NTSB or FTA required a CAP, the SSOA did not order the RTA(s) to develop and carry out a CAP.

Chapter 13. Annual Reports

Focus of This Review Area

- Annual safety status report requirements
- FTA annual report requirements

A) Annual Safety Status Report Requirements

13-A-1: Does the SSOA submit an annual safety status report of the RTA(s) to the Governor, FTA, and the RTA's Board of Directors or equivalent entity?

Governing Directives:
Section 674.13(a)(7): At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the Board of Directors, or equivalent entity, of the rail fixed guideway public transportation system.

Evaluating Compliance:

- Confirm through email/mail that annual report is sent to the Governor, FTA, and RTA Board of Directors or equivalent entity
  - FTA does not require specific metrics or delivery mechanisms for this report, except for the SSOA's report to FTA, which must follow FTA's established annual reporting process
- Discuss with the SSOA their process for submitting the annual report

Finding of noncompliance:

- 13-A-1a: The SSOA did not submit an annual safety status report of the RTA(s) to the Governor, FTA, and the RTA's Board of Directors or equivalent entity.

B) FTA Annual Report Requirements

13-B-1: Does the SSOA electronically submit an annual report containing all required materials to FTA by March 15 or the new deadline if FTA issues an extension?

Governing Directives:
Section 674.39(a): On or before March 15 of each year, an SSOA must submit the following material to FTA:

(1) The SSO program standard adopted in accordance with § 674.27, with an indication of any changes to the SSO program standard during the preceding twelve months;
(2) Evidence that its designated personnel have completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;
(3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of safety events identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the SSOA in carrying out its oversight activities;
(4) Final investigation reports for all safety events meeting one or more of the criteria specified at § 674.33;

(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);
(6) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out CAPs arising from triennial audits conducted in accordance with § 674.31;
(7) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and
(8) A certification that the SSOA is in compliance with the requirements of this part. (b) These materials must be submitted electronically through a reporting system specified by FTA.

Evaluating Compliance:

- Review the SSOA's annual report submissions for the past three years to confirm they include:
  (1) The adopted Program Standard with an indication of any changes to the Program Standard during the last twelve months preceding the submission
  (2) Evidence that its designated personnel have completed the requirements of the PTSCTP or, if in progress, the anticipated completion date of the training
  (3) A publicly available report that summarizes the SSOA's oversight activities for the preceding twelve months, describes the causal factors of safety events identified through investigation, and identifies the status of corrective actions, changes to ASPs, and the level of effort by the SSOA in carrying out its oversight activities;
  (4) Final investigation reports for all safety events requiring notification to FTA and the SSOA
  (5) A summary of the internal safety reviews conducted by RTAs during the previous twelve months, and the RTA's progress in carrying out required CAPs;
  (6) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out required CAPs arising from triennial audits conducted;
  (7) Evidence that the SSOA has reviewed and approved any changes to the ASPs during the preceding twelve months;
  (8) A certification that the SSOA is in compliance with the requirements of Part 674
- Confirm materials are submitted electronically by the FTA reporting tool (i.e., SSOR) by the FTA deadline
- Review TRAMs Certifications and Assurances to ensure the SSOA is in compliance with § 674.39(a)(6)
- Discuss the process for submitting annual report submissions to FTA

Finding of noncompliance:

- 13-B-1a: The SSOA did not electronically submit an annual report with all required materials to FTA by March 15 or the extension date issued by FTA.

Appendix A. Acronyms and Definitions

Definitions in this section are found in 49 CFR Part 671, Part 672, Part 673, and Part 674, and related regulations.

Accountable Executive means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a transit agency; responsibility for carrying out the transit agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the transit agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the transit agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Administrator means FTA's or the Administrator's designee.

Assault on a transit worker means, as defined under 49 U.S.C. 5302, a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.

CFR means the Code of Federal Regulations, the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

Chief Safety Officer means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Collision means any impact between a rail transit vehicle and any other vehicle, object, or any person.

Contractor means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency (RTA), through contract or other agreement.

Corrective action plan (CAP) means a plan developed by a rail transit agency that describes the actions the rail transit agency will take to address an identified deficiency or safety concern, and the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require a rail transit agency to develop and carry out a corrective action plan.

Derailment means a safety event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails.

Designated personnel means: (1) Employees and contractors identified by a recipient whose job functions are directly responsible for safety oversight of the public transportation system of the public transportation agency; or (2) Employees and contractors of a State Safety Oversight Agency whose job functions require them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.

Disabling damage means damage to a rail transit vehicle resulting from a collision and preventing the vehicle from operating under its own power.

Evacuation for life safety reasons means a condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation. A life safety reason may include a situation such as a fire, the presence of smoke or noxious fumes, a fuel leak from any source, an electrical hazard, or other hazard to any person. An evacuation of passengers onto the rail right of way (not at a platform or station) for any reason is presumed to be an evacuation for life safety reasons.

Fatality means a death confirmed within 30 days of a safety event. Fatalities include suicides, but do not include deaths in or on transit property that are a result of drug overdose, exposure to the elements, illness, or natural causes.

FRA is the acronym for the Federal Railroad Administration, an operating administration within the U.S. DOT.

FTA is the acronym for the Federal Transit Administration, an operating administration within the U.S. DOT.

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Injury means any harm to persons as a result of a safety event that requires immediate medical attention away from the scene. Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.

Inspection means a physical observation of equipment, facilities, rolling stock, operations, personnel, or records for the purpose of gathering or analyzing facts or information.

Investigation means the process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating safety risk.

Large urbanized area provider means a recipient or subrecipient of financial assistance under 49 U.S.C. 5307 that serves an urban area with a population of 200,000 or more as determined by the most recent decennial Census.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

Near-miss means a narrowly avoided safety event.

NTSB is the acronym for the National Transportation Safety Board, an independent Federal agency.

Potential consequence means the effect of a hazard.

Public transportation means, as defined under 49 U.S.C. 5302, regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include: (1) Intercity passenger rail transportation provided by the entity described in 49 U.S.C. chapter 243 (or a successor to such entity); (2) Intercity bus service; (3) Charter bus service; (4) School bus service; (5) Sightseeing service; (6) Courtesy shuttle service for patrons of one or more specific establishments; or (7) Intra-terminal or intra-facility shuttle services.

Public Transportation Agency means an entity that provides public transportation service as defined in 49 U.S.C. 5302 and that has one or more modes of service not subject to the safety oversight requirements of another Federal agency.

Public Transportation Agency Safety Plan (ASP) means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and 49 CFR Part 673.

Public Transportation Safety Certification Training Program (PTSCTP) means the certification training program that is required by 49 U.S.C. 5329(c) and 49 CFR Part 672.

Rail fixed guideway public transportation system (RFGPTS) means any fixed guideway system, or any such system in engineering or construction, that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration. These include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail transit agency (RTA) means any entity that provides services on a rail fixed guideway public transportation system.

Rail transit vehicle means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

Revenue vehicle means a rail transit vehicle used to provide revenue service for passengers. This includes providing fare free service.

Risk-based inspection (RBI) program means an inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.

Roadway means land on which rail transit tracks and support infrastructure have been constructed to support the movement of rail transit vehicles, excluding station platforms.

Safety event means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Safety risk means the composite of predicted severity and likelihood of a potential consequence of a hazard.

Safety risk management means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating the safety risk of their potential consequences.

Safety risk mitigation means a method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State Safety Oversight Agency (SSOA) means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in 49 CFR Part 674.

Transit worker means any employee, contractor, or volunteer working on behalf of the RTA or SSOA.

Unintended train movement means any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service.

Urbanized area means, as defined under 49 U.S.C. 5302, an area encompassing a population of 50,000 or more that has been defined and designated in the most recent decennial census as an urban area by the Secretary of Commerce.

U.S.C. means the United States Code, the consolidation and codification by subject matter of the general and permanent laws of the United States.