

FTA

FEDERAL TRANSIT ADMINISTRATION

State Safety Oversight (SSO) Final Rule

Kimberly Burtch/Maria Wright
Office of Transit Safety and Oversight



FTA

FEDERAL TRANSIT ADMINISTRATION

How to Submit Questions

The screenshot shows the Adobe Connect meeting interface. The top bar includes the title "FTA NSP/ASP - Adobe Connect", a "Meeting" tab, and icons for audio, video, and help. The main content area is divided into two vertical panels on the left and a large central area. The top panel, titled "Do you currently h...", contains a poll question: "Do you currently have a formal safety plan in place?". Below the question are three radio button options: "Yes", "No", and "No Vote". A large green arrow points from the text "Polls" to this panel. The bottom panel, titled "Q & A", contains the text "Guest: Please submit all of your questions here". Below this text is a large red arrow pointing downwards, with the word "Questions" written above it. A red box highlights the bottom of this panel, which contains a text input field and a speech bubble icon. The central area of the meeting is a grey textured background with the text "Nothing is being shared." centered in it.

Today's Presentation

- Overview
- State Safety Oversight (SSO) Final Rule
- Learn More
- Questions

Public Transportation Safety Program

- Establishes FTA's Safety Oversight Authority and program of requirements for most recipients of FTA funding
- Establishes FTA's commitment to a Safety Management System (SMS) approach
- Requires FTA to create National Public Transportation Safety Plan to communicate with public transit industry
- Formalizes a comprehensive framework for safe public transportation through 4 program components:

National Public Transportation Safety Plan

- Safety vision, mission, goals
- Performance management criteria and guidance
- Safety Risk Management practices and procedures
- SMS implementation guidance
- Best practices and safety plan templates
- Top Safety Priorities
- Safety Standards

GUIDANCE

National Public Transportation Safety Certification Training Program

- Federal/State employees (or their designees) who conduct audits and examinations of public transportation systems
- Personnel of public transportation systems who have direct responsibility for safety oversight at their system

Public Transportation Agency Safety Plans

Identifies:

- Methods for identifying and evaluating safety risk
- Framework for agencies to identify strategies for minimizing public exposure to unsafe conditions
- Performance targets and criteria based on criteria established in the National Safety Plan
- Requires training for personnel responsible for safety

TRANSIT AGENCIES

State Safety Oversight (SSO) Program

- Oversees the agency safety plan for the rail transit systems
- Investigates and enforces plan
- Audits rail transit systems
- Reports on safety status of each transit rail agency

SAFER PUBLIC TRANSPORTATION

SMS

RULE

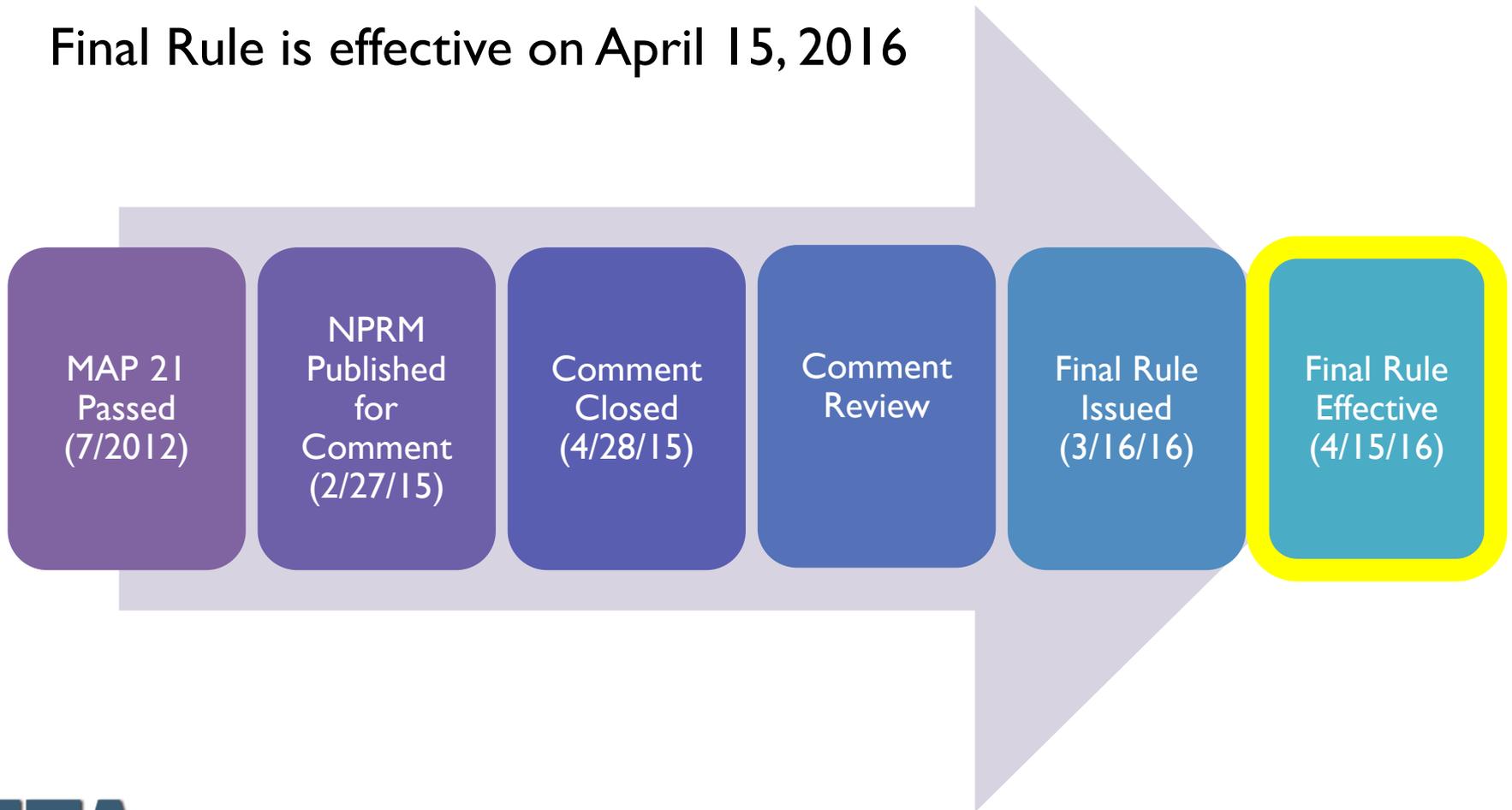
RULE

RULE

RULE

Overview: Where Are We In the Process

Final Rule is effective on April 15, 2016



State Safety Oversight (SSO) Final Rule

SSO Final Rule: Summary

The final SSO rule strengthens the existing SSO program and includes the following guidelines:

- States assume greater responsibility for overseeing the safety of their rail fixed guideway systems
- FTA reviews and approves each State's SSO program standard, certifying whether States are meeting the statutory criteria
- FTA can impose penalties on those States with non-existent or non-compliant safety oversight programs
- SSO Final Rule (49 CFR Part 674) replaces the current SSO rule at 49 CFR Part 659
- Strengthens an SSOA's authority to investigate accidents and oversee a rail transit agency's implementation of its System Safety Program Plan (SSPP) and Public Transportation Agency Safety Plan (PTASP)

SSO Final Rule: Changes from NPRM

FTA made the following changes to reduce the burden on SSOAs:

- Adding greater clarity on accident/incident reporting, including a detailed appendix to assist with accident and incident notification and reporting requirements
- Updated the notification/reporting requirements, so only accidents need to be notified within 2 hours to the FTA/SSOA, but incidents need to be reported within 30 days to the FTA (through the NTD)
- Revising the investigative responsibilities of the SSOAs, by giving them the option to conduct independent investigations or to review a rail transit system's investigation
- References to Safety Management System (SMS) have been removed from rule text

SSO Final Rule: Certification and Compliance

- FTA Administrator must issue a certification that a State Safety Oversight Program (SSOP) meets requirements, or a denial that it does not meet requirements
- FTA may, following a due process opportunity to correct SSOP:
 - Withhold SSO grant funds from the State
 - Withhold up to 5 percent of the Urbanized Area formula funds for the State or urbanized area, or
 - Require all rail transit systems under the denied SSOP to spend 100 percent of their Chapter 53 funds on “safety-related improvements” until their SSOP can be certified
- If a State fails to establish a SSO program that’s been approved by FTA within 3 years of the effective date, then FTA is prohibited from obligating Federal financial assistance to any entity in a State that’s otherwise eligible

SSO Final Rule: Grants

- Federal financial assistance may be used for reimbursement of both operational and administrative expenses of SSOPs
- Federal funds will be available according to formula, based on rail revenue miles, guideway miles, and passenger miles not subject to the jurisdiction of the Federal Railroad Administration (Commuter Rail)
- Federal share shall be 80 percent of eligible costs incurred
- Non-Federal share may not have any Federal funds, nor funds (including revenues) from a public transportation agency

SSO Final Rule: SSOA Requirements

Every state must establish a State Safety Oversight program and must ensure that the SSOA:

- Is financially and legally independent from any rail transit agency it oversees
- Does not directly provide public transportation services in an area with a rail transit system that the SSOA oversees
- Does not employ any individual responsible for administering a rail transit system
- Has authority to review, approve, oversee, and enforce a rail transit agency safety plan

SSO Final Rule: SSOA Requirements Con't

Every state must establish a State Safety Oversight program and must ensure that the SSOA:

- Has investigative and enforcement authority with respect to the safety of the rail transit system
- At least once every three years, audits every system's compliance with safety plan requirements
- At least once a year, reports the status of the safety of each system to the Governor, the FTA, the board of directors, or equivalent agency

SSO Final Rule: What the SSOA Must Do

SSOA must adopt and distribute State Safety Oversight Program Standards which include information on means by which the SSOA will oversee rail transit systems:

- How the program will be managed
- How program standards will be developed
- How oversight of rail transit system's internal safety reviews is conducted
- How SSOA audits of rail transit systems will be carried out every three years

SSO Final Rule: What the SSOA Must Do

SSOA must adopt and distribute State Safety Oversight Program Standards which include information on means by which the SSOA will oversee rail transit systems:

- Establish requirements for rail transit systems to notify the SSOA and FTA of accidents and report incidents to FTA
- Establish thresholds for when accident investigations are launched
- Establish thresholds for when an SSOA would conduct an independent investigation
- Explain criteria for ordering corrective actions
- SSOA Program Standards must be submitted to FTA for review and approval

SSO Final Rule: Notifications

Notify FTA and SSOA within 2 hours of:

- Accidents with one or more fatality
- Accidents with one or more “serious injury”
- Collision with a person resulting in fatality or serious injury
- Collision at a grade crossing resulting in fatality or serious injury
- Fire resulting in serious injury or fatality
- Derailments of any kind
- A runaway train

SSO Final Rule: Reporting

Report to the NTD within 30 days of:

- Incidents with an injury that is not a serious injury
- One or more injuries requiring medical transportation away from the event
- Evacuation of a train into the right-of-way or onto adjacent track or customer self-evacuation
- Certain low-speed collisions that do not result in injury or damage
- Certain fires that result in a non-serious injury or property damage
- A train stopping due to an obstruction in the tracks/“hard stops”
- Most hazardous materials spills

SSO Final Rule: Corrective Action Plans (CAPs)

SSOAs are responsible for approving Corrective Action Plans (CAPs) for Rail Transit Agencies, as well as overseeing and tracking their completion

CAPs may be initiated by:

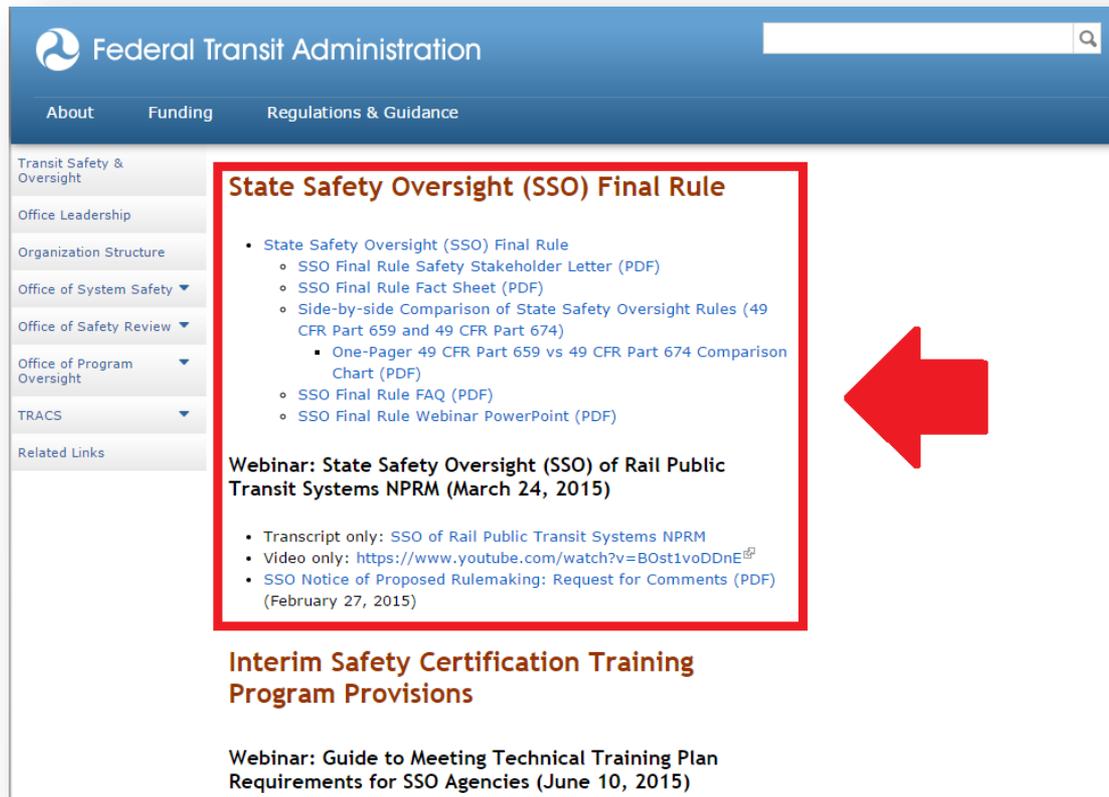
- SSOA
- RTA
- FTA

SSO Final Rule: Effective Date

The Final Rule becomes effective on April 15, 2016

- SSOAs have three years from the effective date to be fully compliant with the final rule
- Congress has authorized grant funds for States to use to develop and implement a new SSO Program

Learn More



Federal Transit Administration

About Funding Regulations & Guidance

Transit Safety & Oversight

Office Leadership

Organization Structure

Office of System Safety

Office of Safety Review

Office of Program Oversight

TRACS

Related Links

State Safety Oversight (SSO) Final Rule

- State Safety Oversight (SSO) Final Rule
 - SSO Final Rule Safety Stakeholder Letter (PDF)
 - SSO Final Rule Fact Sheet (PDF)
 - Side-by-side Comparison of State Safety Oversight Rules (49 CFR Part 659 and 49 CFR Part 674)
 - One-Pager 49 CFR Part 659 vs 49 CFR Part 674 Comparison Chart (PDF)
 - SSO Final Rule FAQ (PDF)
 - SSO Final Rule Webinar PowerPoint (PDF)

Webinar: State Safety Oversight (SSO) of Rail Public Transit Systems NPRM (March 24, 2015)

- Transcript only: SSO of Rail Public Transit Systems NPRM
- Video only: <https://www.youtube.com/watch?v=B0st1voDDnE>
- SSO Notice of Proposed Rulemaking: Request for Comments (PDF) (February 27, 2015)

Interim Safety Certification Training Program Provisions

Webinar: Guide to Meeting Technical Training Plan Requirements for SSO Agencies (June 10, 2015)

<https://www.fta.dot.gov/regulations-and-guidance/safety/map-21-safety-related-rulemaking>

Questions?

Kimberly Burtch

Kimberly.Burtch@dot.gov

202.366.0816

Maria Wright

Maria.I.Wright@dot.gov

202.366.5922

Questions?