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## Side-by-side Comparison of State Safety Oversight Rules

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**Former Rule**  
**49 CFR Part 659**

70 Fed. Reg. 22562 (Apr. 29, 2005).

**Rail Fixed Guideway Systems; State Safety Oversight**

**Current Final Rule**  
**49 CFR Part 674**

81 Fed. Reg. 14230 (March 16, 2016).

**State Safety Oversight**

Subpart A	General Provisions	Subpart A	General Provisions
§ 659.1	<p><b>Purpose.</b>                      This part implements 49 U.S.C. 5330 by requiring a state to oversee the safety and security of rail fixed guideway systems through a designated oversight agency.</p>	§ 674.1	<p><b>Purpose.</b>                      This part carries out the mandate of 49 U.S.C. 5329(e) for State safety oversight of rail fixed guideway public transportation systems.</p>
§ 659.3	<p><b>Scope.</b>                      This part applies only to states with rail fixed guideway systems, as defined in this part.</p>	§ 674.3	<p><b>Applicability.</b>                      This part applies to States with rail fixed guideway public transportation systems; State safety oversight agencies that oversee the safety of rail fixed guideway public transportation systems; and entities that own or operate rail fixed guideway public transportation systems with Federal financial assistance authorized under 49 U.S.C. Chapter 53.</p>
		§ 674.5	<p><b>Policy.</b>                      (a) In accordance with 49 U.S.C. 5329(e), a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have sufficient authority, resources, and qualified personnel to oversee the</p>

		<p>number, size, and complexity of rail fixed guideway public transportation systems that operate within a State.</p> <p>(b) FTA will make Federal financial assistance available to help an eligible State develop or carry out its State safety oversight program. Also, FTA will certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of the public transportation safety programs codified at 49 U.S.C. 5329.</p>
<p>§ 659.5</p>	<p><b>Definitions.</b></p>	<p>§ 674.7</p> <p><b>Definitions.</b> As used in this part:</p> <p><i>Accident</i> means an Event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause. An accident must be reported in accordance with the thresholds for notification and reporting set forth in Appendix A to this part.</p> <p><i>Accountable Executive</i> means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Safety Plan of a public transportation agency; responsibility for carrying out the agency’s Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency’s Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency’s Transit Asset Management Plan in accordance with 49 U.S.C. 5326.</p>

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**Final Rule - 49 CFR Part 674**

	<p><i>Contractor</i> means an entity that performs tasks required on behalf of the oversight or rail transit agency. The rail transit agency may not be a contractor for the oversight agency.</p> <p><i>Corrective action plan</i> means a plan developed by the rail transit agency that describes the actions the rail transit agency will take to minimize, control, correct, or eliminate hazards, and the schedule for implementing those actions.</p> <p><i>FRA</i> means the Federal Railroad Administration, an agency within the U.S. Department of Transportation.</p> <p><i>FTA</i> means the Federal Transit Administration, an agency within the U.S. Department of Transportation.</p> <p><i>Hazard</i> means any real or potential condition (as defined in the rail transit agency's hazard management process) that can cause injury, illness, or death; damage to or loss of a system, equipment or property; or damage to the environment.</p>		<p><i>Administrator</i> means the Federal Transit Administrator or the Administrator's designee.</p> <p><i>Contractor</i> means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.</p> <p><i>Corrective action plan</i> means a plan developed by a Rail Transit Agency that describes the actions the Rail Transit Agency will take to minimize, control, correct, or eliminate risks and hazards, 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.</p> <p><i>Event</i> means an Accident, Incident or Occurrence.</p> <p><i>FRA</i> means the Federal Railroad Administration, an agency within the United States Department of Transportation.</p> <p><i>FTA</i> means the Federal Transit Administration, an agency within the United States Department of Transportation.</p> <p><i>Hazard</i> 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 rail fixed guideway public transportation system; damage to the environment; or damage to the environment.</p> <p><i>Incident</i> means an event that involves any of the</p>
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	<p><i>Individual</i> means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.</p> <p><i>Investigation</i> means the process used to determine the causal and contributing factors of an accident or hazard, so that actions can be identified to prevent recurrence.</p> <p><i>New Starts Project</i> means any rail fixed guideway system funded under FTA's 49 U.S.C. 5309 discretionary construction program.</p>	<p>following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in Appendix A to this part. If a rail transit agency or State Safety Oversight Agency later determines that an Incident meets the definition of Accident in this section, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in Appendix A to this part.</p> <p><i>Individual</i> means any person on the property of a rail fixed guideway public transportation system.</p> <p><i>Investigation</i> means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.</p> <p><i>National Public Transportation Safety Plan</i> means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.</p> <p><i>NTSB</i> means the National Transportation Safety Board,</p>
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	<p><i>Oversight Agency</i> means the entity, other than the rail transit agency, designated by the state or several states to implement this part.</p> <p><i>Passenger</i> means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.</p> <p><i>Passenger Operations</i> means the period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers.</p> <p><i>Program Standard</i> means a written document developed and adopted by the oversight agency, that describes the policies, objectives, responsibilities, and procedures used to provide rail transit agency safety and security oversight.</p>	<p>an independent Federal agency.</p> <p><i>Occurrence</i> means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a rail transit agency.</p> <p><i>Person</i> means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.</p> <p><i>Public Transportation Agency Safety Plan (PTASP)</i> means the comprehensive agency safety plan for a transit agency, including a Rail Transit Agency, that is required by 49 U.S.C. 5329(d) and based on a Safety Management System. Until one year after the effective</p>
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	<p><i>Rail Fixed Guideway System</i> means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:</p> <ul style="list-style-type: none"><li>(1) Is not regulated by the Federal Railroad Administration; and</li><li>(2) Is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); or</li><li>(3) Has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).</li></ul> <p><i>Rail Transit Agency</i> means an entity that operates a rail fixed guideway system.</p>	<p>date of FTA's PTASP final rule, a System Safety Program Plan (SSPP) developed pursuant to 49 CFR Part 659 will serve as the rail transit agency's safety plan.</p> <p><i>Public Transportation Safety Certification Training Program</i> means either the certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 U.S.C. 5329(c)(2), or the program authorized by 49 U.S.C. 5329(c)(1).</p> <p><i>Rail fixed guideway public transportation system</i> means any fixed guideway system 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, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.</p> <p><i>Rail Transit Agency (RTA)</i> means any entity that provides services on a rail fixed guideway public transportation system.</p>
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	<p><i>Rail Transit-Controlled Property</i> means property that is used by the rail transit agency and may be owned, leased, or maintained by the rail transit agency.</p> <p><i>Rail Transit Vehicle</i> means the rail transit agency's rolling stock, including but not limited to passenger and maintenance vehicles.</p> <p><i>Safety</i> means freedom from harm resulting from unintentional acts or circumstances.  <i>Security</i> means freedom from harm resulting from intentional acts or circumstances.</p> <p><i>Security</i> means freedom from harm resulting from intentional acts or circumstances.</p>		<p><i>Risk</i> means the composite of predicted severity and likelihood of the potential effect of a hazard.</p> <p><i>Risk mitigation</i> means a method or methods to eliminate or reduce the effects of hazards.</p> <p><i>Safety risk management</i> means a process within a Rail Transit Agency's Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.</p> <p><i>Serious injury</i> means any injury which:</p> <ol style="list-style-type: none"> <li>(1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;</li> <li>(2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose);</li> </ol>
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**Final Rule - 49 CFR Part 674**

	<p><i>State</i> means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.</p> <p><i>System Safety Program Plan</i> means a document developed and adopted by the rail transit agency, describing its safety policies, objectives, responsibilities, and procedures.</p> <p><i>System Security Plan</i> means a document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures.</p>	<p>(3) causes severe hemorrhages, nerve, muscle, or tendon damage;</p> <p>(4) involves any internal organ; or</p> <p>(5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.</p> <p><i>State</i> means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.</p> <p><i>State Safety Oversight Agency (SSOA)</i> means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in this part.</p> <p><i>Vehicle</i> means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.</p>
	<p><b>§ 674.9</b></p> <p><b>Transition from previous requirements for State safety oversight.</b></p> <p>(a) Pursuant to section 20030(e) of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) (“MAP-21”), the statute now</p>	

			<p>codified at 49 U.S.C. 5330, titled “State safety oversight,” will be repealed three years after the effective date of the regulations set forth in this part.</p> <p>(b) No later than three years after the effective date of the regulations set forth in this part, the regulations now codified at part 659 of this chapter will be rescinded.</p> <p>(c) A System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 shall serve as the rail transit agency’s safety plan until one year after the effective date of the Public Transportation Agency Safety Plan final rule, which will be codified in part 673 of this Chapter.</p>
<b>Subpart B</b>	<b>Role of the State</b>	<b>Subpart B</b>	<b>Role of the State</b>
		§ 674.11	<p><b>State Safety Oversight Program.</b>          Within three years of the effective date of this part, 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)(9). At minimum, an SSO program must:</p> <p>(a) Explicitly acknowledge the State’s responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State;</p> <p>(b) Demonstrate the State’s ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems;</p> <p>(c) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329(e) and this part;</p> <p>(d) Demonstrate that the State has determined an appropriate staffing level for the State safety</p>

		<p>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;</p> <p>(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; and</p> <p>(f) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.</p>	
<p><b>§ 659.7</b></p>	<p><b>Withholding of funds for noncompliance.</b>          [Inserted next to 49 CFR § 674.21, below, because § 659.7 is comparable to that section.]</p>		
<p><b>§ 659.9</b></p>	<p><b>Designation of oversight agency.</b>          (a) <i>General requirement.</i> Each state with an existing or anticipated rail fixed guideway system regulated by this part shall designate an oversight agency consistent with the provisions of this section. For a rail fixed guideway system that will operate in only one state, the state must designate an agency of the state, other than the rail transit agency, as the oversight agency to implement the requirements in this part. The state's designation or re-designation of its oversight agency and submission of required information as specified in this section, are subject to review by FTA.</p>	<p><b>§ 674.13</b></p>	<p><b>Designation of oversight agency.</b>          (a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329(e) must also establish a SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:</p> <ol style="list-style-type: none"> <li>(1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee;</li> <li>(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;</li> <li>(3) The SSOA does not employ any individual who is also responsible for administering a rail fixed</li> </ol>

	<p>(b) <i>Exception.</i> States which have designated oversight agencies for purposes of this part before May 31, 2005 are not required to re-designate to FTA.</p>		<p>guideway public transportation system the SSOA is obliged to oversee;</p> <p>(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);</p> <p>(5) The SSOA has investigative and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State;</p> <p>(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</p> <p>(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.</p> <p>(b) At the request of the Governor of a State, the Administrator may waive the requirements for financial and legal independence and the prohibitions on employee conflict of interest under paragraphs (a)(1) and (a)(3) of this section, if the rail fixed guideway public transportation systems in design, construction, or revenue operations in the State have fewer than one million combined actual and projected rail fixed guideway revenue miles per year or provide fewer than ten million combined actual and projected unlinked passenger trips per year. However:</p>
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	<p>(c) <i>Timing.</i> The state designation of the oversight agency shall:</p> <ol style="list-style-type: none"> <li>(1) Coincide with the execution of any grant agreement for a New Starts project between FTA and a rail transit agency within the state's jurisdiction; or</li> <li>(2) Occur before the application by a rail transit agency for funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).</li> </ol> <p>(d) <i>Notification to FTA.</i> Within (60) days of designation of the oversight agency, the state must submit to FTA the following:</p> <ol style="list-style-type: none"> <li>(1) The name of the oversight agency designated to implement requirements in this part;</li> <li>(2) Documentation of the oversight agency's authority to provide state oversight;</li> </ol>		<ol style="list-style-type: none"> <li>(1) If a State shares jurisdiction over one or more rail fixed guideway public transportation systems with another State, and has one or more rail fixed guideway public transportation systems that are not shared with another State, the revenue miles and unlinked passenger trips of the rail fixed guideway public transportation system under shared jurisdiction will not be counted in the Administrator's decision whether to issue a waiver.</li> <li>(2) The Administrator will rescind a waiver issued under this subsection if the number of revenue miles per year or unlinked passenger trips per year increases beyond the thresholds specified in this subsection.</li> </ol>
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	<p>(3) Contact information for the representative identified by the designated oversight agency with responsibility for oversight activities;</p> <p>(4) A description of the organizational and financial relationship between the designated oversight agency and the rail transit agency; and</p> <p>(5) A schedule for the designated agency's development of its State Safety Oversight Program, including the projected date of its initial submission, as required in §659.39(a).</p> <p>(e) <i>Multiple states.</i> In cases of a rail fixed guideway system that will operate in more than one state, each affected state must designate an agency of the state, other than the rail transit agency, as the oversight agency to implement the requirements in this part. To fulfill this requirement, the affected states:</p> <p>(1) May agree to designate one agency of one state, or an agency representative of all states, to implement the requirements in this part; and</p> <p>(2) In the event multiple states share oversight responsibility for a rail fixed guideway system, the states must ensure that the rail fixed guideway system is subject to a single program standard, adopted by all affected states.</p> <p>(f) <i>Change of designation.</i> Should a state change its designated oversight agency, it</p>	<p>§ 674.15</p>	<p><b>Designation of oversight agency for multi-state system.</b></p> <p>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:</p> <p>(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</p> <p>(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.</p>
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	<p>shall submit the information required under paragraph (d) of this section to FTA within (30) days of its change. In addition, the new oversight agency must submit a new initial submission, consistent with §659.39(b), within (30) days of its designation.</p>		
	<p>§ 674.17</p>	<p><b>Use of Federal financial assistance.</b></p> <p>(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(e)(4).</p> <p>(b) The apportionments of available Federal financial assistance to eligible States will be made in accordance with a formula, established by the Administrator, following opportunity for public notice and comment. The formula will take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems within each eligible State not subject to the jurisdiction of the FRA.</p> <p>(c) The grants of Federal financial assistance for State safety oversight shall be subject to terms and conditions as the Administrator deems appropriate.</p> <p>(d) The Federal share of the expenses eligible for</p>	

		<p>reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.</p> <p>(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.</p>
	<p><b>§ 674.19</b></p>	<p><b>Certification of a State Safety Oversight Program.</b></p> <p>(a) The Administrator must determine whether a State’s SSO program meets the requirements of 49 U.S.C. 5329(e). Also, the Administrator must determine whether a SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans.</p> <p>(b) The Administrator must issue a certification to a State whose SSO program meets the requirements of 49 U.S.C. 5329(e). The Administrator must issue a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e).</p> <p>(c) In an instance in which the Administrator issues a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e), the Administrator must provide a written explanation, and allow the State an opportunity to modify and resubmit its SSO program for the Administrator’s approval. In the event the State is unable to modify its SSO program to merit the Administrator’s issuance of a certification, the</p>

		<p>Administrator must notify the Governor of that fact, and must ask the Governor to take all possible actions to correct the deficiencies that are precluding the issuance of a certification for the SSO program. In his or her discretion, the Administrator may also impose financial penalties as authorized by 49 U.S.C. 5329(e), which may include:</p> <ul style="list-style-type: none"> <li>(1) Withholding SSO grant funds from the State;</li> <li>(2) Withholding up to five percent of the 49 U.S.C. 5307 Urbanized Area formula funds appropriated for use in the State or urbanized area in the State, until such time as the SSO program can be certified; or</li> <li>(3) Requiring all rail fixed guideway public transportation systems governed by the SSO program to spend up to 100 percent of their Federal funding under 49 U.S.C. chapter 53 only for “safety-related improvements” on their systems, until such time as the SSO program can be certified.</li> </ul> <p>(d) In making a determination whether to issue a certification or a denial of certification for an SSO program, the Administrator must evaluate whether the cognizant SSOA has sufficient authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State, or will attain the necessary authority, resources, and expertise in accordance with a developmental plan and schedule set forth to a sufficient level of detail in the SSO program.</p>
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<p><b>§ 659.7</b></p>	<p><b>Withholding of funds for noncompliance.</b>                  (a) The Administrator of the FTA may withhold up to five percent of the amount required to be distributed to any state or affected urbanized area in such state under FTA's formula program for urbanized areas, if:                  (1) The state in the previous fiscal year has not met the requirements of this part; and                  (2) The Administrator determines that the state is not making adequate efforts to comply with this part.                  (b) The Administrator may agree to restore withheld formula funds, if compliance is achieved within two years (See 49 U.S.C. 5330).</p>	<p><b>§ 674.21</b></p>	<p><b>Withholding of Federal financial assistance for noncompliance.</b>                  (a) In making a decision to impose financial penalties as authorized by 49 U.S.C. 5329(e), and determining the nature and amount of the financial penalties, the Administrator shall consider the extent and circumstances of the noncompliance; the operating budgets of the SSOA and the rail fixed guideway public transportation systems that will be affected by the financial penalties; and such other matters as justice may require.                  (b) If a State fails to establish an SSO program that has been approved by the Administrator within three years of the effective date of this part, FTA will be prohibited from obligating Federal financial assistance apportioned under 49 U.S.C. 5338 to any entity in the State that is otherwise eligible to receive that Federal financial assistance, in accordance with 49 U.S.C. 5329(e)(3).</p>
<p><b>§ 659.9</b></p>	<p><b>Designation of oversight agency.</b>                  [Inserted next to §§ 674.13–15, above, because § 659.9 is comparable to those sections.]</p>		
<p><b>§ 659.11</b></p>	<p><b>Confidentiality of investigation reports and security plans.</b>                  (a) A state may withhold an investigation report that may have been prepared or adopted by the oversight agency 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 the rail transit agency's security plan and any referenced procedures.</p>	<p><b>§ 674.23</b></p>	<p><b>Confidentiality of information.</b>                  (a) 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.</p>

Subpart C	Role of the State Oversight Agency	Subpart C	State Safety Oversight Agencies
<p><b>§ 659.13</b></p>	<p>[See § 659.17, below, for the complete section 17, but paragraph (b) of § 659.17 is excerpted here because it corresponds, in part, to proposed § 674.25(b)].</p> <p>“(b) The oversight agency shall review and approve the rail transit agency system safety program plan.”</p> <p><b>Overview.</b> The state oversight agency is responsible for establishing standards for rail safety and security practices and procedures to be used by rail transit agencies within its purview. In addition, the state oversight agency must oversee the execution of these practices and procedures, to ensure compliance with the provisions of this part. This subpart identifies and describes the various requirements for the state oversight</p>	<p><b>§ 674.25</b></p>	<p><b>Role of the State safety oversight agency.</b></p> <p>(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.</p> <p>(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. An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(d).</p> <p>(c) 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 his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.</p> <p>(d) An SSOA has primary responsibility for the investigation of an accident on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising</p>

	<p>agency.</p>		<p>his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.</p> <p>(e) An SSOA may enter into an agreement with a contractor for assistance in overseeing accident investigations; performing independent accident investigations; reviewing incidents and occurrences; and, for expertise the SSOA does not have within its own organization.</p> <p>(f) All personnel and contractors employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program as applicable.</p>
<p>§ 659.15</p>	<p><b>System safety program standard.</b></p> <p>(a) <i>General requirement.</i> Each state oversight agency shall develop and distribute a program standard. The program standard is a compilation of processes and procedures that governs the conduct of the oversight program at the state oversight agency level, and provides guidance to the regulated rail transit properties concerning processes and procedures they must have in place to be in compliance with the state safety oversight program. The program standard and any referenced program procedures must be submitted to FTA as part of the initial submission. Subsequent revisions and updates must be submitted to FTA as part of the oversight agency's annual submission.</p> <p>(b) <i>Contents.</i> Each oversight agency shall develop a written program standard that meets the requirements specified in this part and includes, at a minimum, the areas</p>	<p>§ 674.27</p>	<p><b>State safety oversight program standards.</b></p> <p>(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:</p>

	<p>identified in this section.</p> <p>(1) <i>Program management section.</i> This section shall include an explanation of the oversight agency's authority, policies, and roles and responsibilities for providing safety and security oversight of the rail transit agencies within its jurisdiction. This section shall provide an overview of planned activities to ensure on-going communication with each affected rail transit agency relating to safety and security information, as well as FTA reporting requirements, including initial, annual and periodic submissions.</p> <p>(2) <i>Program standard development section.</i> This section shall include a description of the oversight agency's process for the development, review, and adoption of the program standard, the modification and/or update of the program standard, and the process by which the program standard and any subsequent revisions are distributed to each affected rail transit agency.</p> <p>(3) <i>Oversight of rail transit agency internal safety and security reviews.</i> This section</p>		<p>(1) <i>Program management.</i> 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.</p> <p>(2) <i>Program standard development.</i> 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.</p> <p>(3) <i>Program policy and objectives.</i> The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.</p> <p>(4) <i>Oversight of Rail Public Transportation Agency Safety Plans and Transit Agencies' internal</i></p>
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	<p>shall specify the role of the oversight agency in overseeing the rail transit agency internal safety and security review process. This includes a description of the process used by the oversight agency to receive rail transit agency checklists and procedures and approve the rail transit agency's annual reports on findings, which must be submitted under the signature of the rail transit agency's top management.</p> <p>(4) <i>Oversight agency safety and security review section.</i> This section shall lay out the process and criteria to be used at least every three years in conducting a complete review of each affected rail transit agency's implementation of its system safety program plan and system security plan. This section includes the process to be used by the affected rail transit agency and the oversight agency to manage findings and recommendations from this review. This also includes procedures for notifying the oversight agency before the rail transit agency conducts an internal review.</p> <p>(5) <i>Accident notification section.</i> This section shall include the specific requirements for the rail transit agency to notify the oversight agency of</p>		<p><i>safety reviews.</i> 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 rail fixed guideway public transportation system. The 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. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its rail fixed guideway public transportation system.</p> <p>(5) <i>Triennial SSOA audits of Rail Public Transportation Agency Safety Plans.</i> 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.</p> <p>(6) <i>Accident notification.</i> The SSO program standard must establish requirements for an RTA to notify the SSOA of accidents on the RTA's rail fixed guideway public transportation</p>
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**49 CFR Part 659**

**Final Rule - 49 CFR Part 674**

	<p>accidents. This section shall also include required timeframes, methods of notification, and the information to be submitted by the rail transit agency. Additional detail on this portion is included in §659.33 of this part.</p> <p>(6) <i>Investigations section.</i> This section contains the oversight agency identification of the thresholds for incidents that require an oversight agency investigation. The roles and responsibilities for conducting investigations shall include: coordination with the rail transit agency investigation process, the role of the oversight agency in supporting investigations and findings conducted by the NTSB, review and concurrence of investigation report findings, and procedures for protecting the confidentiality of investigation reports.</p> <p>(7) <i>Corrective actions section.</i> This section shall specify oversight agency criteria for the development of corrective action plan(s) and the process for the review and approval of a corrective action plan developed by the rail transit agency. This section shall also identify the oversight agency's policies for the verification and tracking of corrective action plan implementation, and its process for managing conflicts with the rail transit agency relating to investigation findings and corrective</p>		<p>system. These 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.</p> <p>(7) <i>Investigations.</i> The SSO program standard must identify thresholds for accidents 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.</p> <p>(8) <i>Corrective actions.</i> 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 a CAP, and managing any conflicts between the SSOA and an RTA relating either to the development or execution of a CAP or the findings of an investigation.</p>
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	<p>action plan development.</p> <p>(8) <i>System safety program plan section.</i>          This section shall specify the minimum requirements to be contained in the rail transit agency's system safety program plan. The contents of the system safety plan are discussed in more detail in §659.19 of this part. This section shall also specify information to be included in the affected rail transit agency's system safety program plan relating to the hazard management process, including requirements for on-going communication and coordination relating to the identification, categorization, resolution, and reporting of hazards to the oversight agency. More details on the hazard management process are contained in §659.31 of this part. This section shall also describe the process and timeframe through which the oversight agency must receive, review, and approve the rail transit agency system safety program plan.</p> <p>(9) <i>System security plan section.</i> This section shall specify the minimum requirements to be included in the rail transit agency's system security plan. More details about the system security plan are contained in §§659.21 through 659.23 of this part. This section shall also describe the process by which the oversight agency will review and approve the rail transit agency system</p>		
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**49 CFR Part 659**

**Final Rule - 49 CFR Part 674**

	<p>security program plan. This section also shall identify how the state will prevent the system security plan from public disclosure.</p> <p><b>[A provision of current § 659.15(a), above, is excerpted here because it corresponds to proposed § 674.27(b)].</b></p> <p>“(a) The program standard and any referenced program procedures must be submitted to FTA as part of the initial submission. Subsequent revisions and updates must be submitted to FTA as part of the oversight agency's annual submission.”</p>		<p>(b) At least once a year an SSOA must submit its SSO program standard and any referenced program procedures to FTA, with an indication of any revisions made to the program standard since the last annual submittal. FTA will evaluate the SSOA’s program standard as part of its continuous evaluation of the State Safety Oversight Program, and in preparing FTA’s report to Congress on the certification status of that State Safety Oversight Program, in accordance with 49 U.S.C. 5329.</p>
<p><b>§ 659.17</b></p>	<p><b>System safety program plan: general requirements.</b></p> <p>(a) The oversight agency shall require the rail transit agency to develop and implement a written system safety program plan that complies with requirements in this part and the oversight agency's program standard.</p> <p>(b) The oversight agency shall review and approve the rail transit agency system safety program plan.</p> <p>(c) After approval, the oversight agency shall issue a formal letter of approval to the rail transit agency, including the checklist used to conduct the review.</p>	<p><b>§ 674.29</b></p>	<p><b>[Proposed § 674.25(b), which appears in the table above and is excerpted here, corresponds, in part, to current § 659.17.]</b></p> <p>“(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. An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C. 5329(d).</p> <p><b>Public Transportation Agency Safety Plans: General requirements.</b></p> <p>(a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed</p>

		<p>guideway public transportation system, a SSOA must evaluate whether the Public Transportation Agency Safety Plan is consistent with the regulations implementing such Plans; is consistent with the National Public Transportation Safety Plan; and is in compliance with the program standard set by the SSOA.</p> <p>(b) In determining whether a Public Transportation Agency Safety Plan is compliant with 49 CFR part 673, an SSOA must determine, specifically, whether the Public Transportation Agency Safety Plan is approved by the RTA’s board of directors or equivalent entity; sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for the rail fixed guideway public transportation system; includes a process and timeline for annually reviewing and updating the safety plan; includes a comprehensive staff training program for the operations personnel directly responsible for the safety of the RTA; identifies an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the RTA; includes adequate methods to support the execution of the Public Transportation Agency Safety Plan by all employees, agents, and contractors for the rail fixed guideway public transportation system; and sufficiently addresses other requirements under the regulations at 49 CFR part 673.</p> <p>(c) 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</p>
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<p>§ 659.19</p>	<p><b>System safety program plan: contents.</b><sup>1</sup>          The system safety plan shall include, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) A policy statement signed by the agency's chief executive that endorses the safety program and describes the authority that establishes the system safety program plan.</li> <li>(b) A clear definition of the goals and objectives for the safety program and stated management responsibilities to ensure they are achieved.</li> <li>(c) An overview of the management structure of the rail transit agency, including:             <ul style="list-style-type: none"> <li>(1) An organization chart;</li> <li>(2) A description of how the safety function is integrated into the rest of the rail transit organization; and</li> <li>(3) Clear identification of the lines of authority used by the rail transit agency to manage safety issues.</li> </ul> </li> <li>(d) The process used to control changes to the system safety program plan, including:             <ul style="list-style-type: none"> <li>(1) Specifying an annual assessment of whether the system safety program plan should be updated; and</li> <li>(2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval.</li> </ul> </li> <li>(e) A description of the specific activities required to implement the system safety program, including:</li> </ul>		<p>approval.</p> <p><b>[On February 5, 2016, FTA published a proposed rule for Public Transportation Agency Safety Plans. System Safety Program Plan (SSPP) requirements under 49 CFR Part 659 will be replaced by requirements for a Public Transportation Agency Safety Plan at 49 CFR part 673. You may view a side-by-side comparison of part 659 SSPP requirements and the proposed requirements for Public Transportation Agency Safety Plans on FTA's website at <a href="https://www.fta.dot.gov/regulations-and-guidance/safety/crosswalk-matrix-49-cfr-part-65919-system-safety-program-plan">https://www.fta.dot.gov/regulations-and-guidance/safety/crosswalk-matrix-49-cfr-part-65919-system-safety-program-plan</a>.]</b></p>
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	<p>(1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and</p> <p>(2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format.</p> <p>(f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:</p> <ul style="list-style-type: none"> <li>(1) Hazard identification;</li> <li>(2) Hazard investigation, evaluation and analysis;</li> <li>(3) Hazard control and elimination;</li> <li>(4) Hazard tracking; and</li> <li>(5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.</li> </ul> <p>(g) A description of the process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification but which may have safety impacts.</p> <p>(h) A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system,</p>		
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	<p>or to replace vehicles and equipment.</p> <p>(i) A description of the process used to collect, maintain, analyze, and distribute safety data, to ensure that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program.</p> <p>(j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including:</p> <ol style="list-style-type: none"> <li>(1) Notification thresholds for internal and external organizations;</li> <li>(2) Accident investigation process and references to procedures;</li> <li>(3) The process used to develop, implement, and track corrective actions that address investigation findings;</li> <li>(4) Reporting to internal and external organizations; and</li> <li>(5) Coordination with the oversight agency.</li> </ol> <p>(k) A description of the process used by the rail transit agency to develop an approved, coordinated schedule for all emergency management program activities, which include:</p> <ol style="list-style-type: none"> <li>(1) Meetings with external agencies;</li> <li>(2) Emergency planning responsibilities and requirements;</li> <li>(3) Process used to evaluate emergency preparedness, such as annual emergency field exercises;</li> <li>(4) After action reports and implementation</li> </ol>		
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	<p>of findings;</p> <ul style="list-style-type: none"> <li>(5) Revision and distribution of emergency response procedures;</li> <li>(6) Familiarization training for public safety organizations; and</li> <li>(7) Employee training.</li> </ul> <p>(l) A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the system safety program plan, including:</p> <ul style="list-style-type: none"> <li>(1) Identification of departments and functions subject to review;</li> <li>(2) Responsibility for scheduling reviews;</li> <li>(3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings;</li> <li>(4) Review of reporting requirements;</li> <li>(5) Tracking the status of implemented recommendations; and</li> <li>(6) Coordination with the oversight agency.</li> </ul> <p>(m) A description of the process used by the rail transit agency to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:</p> <ul style="list-style-type: none"> <li>(1) Identification of operating and maintenance rules and procedures subject to review;</li> <li>(2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing;</li> </ul>		
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	<ul style="list-style-type: none"> <li>(3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and</li> <li>(4) Process for documenting results and incorporating them into the hazard management program.</li> <li>(n) A description of the process used for facilities and equipment safety inspections, including:             <ul style="list-style-type: none"> <li>(1) Identification of the facilities and equipment subject to regular safety-related inspection and testing;</li> <li>(2) Techniques used to conduct inspections and testing;</li> <li>(3) Inspection schedules and procedures; and</li> <li>(4) Description of how results are entered into the hazard management process.</li> </ul> </li> <li>(o) A description of the maintenance audits and inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.</li> <li>(p) A description of the training and certification program for employees and contractors, including:             <ul style="list-style-type: none"> <li>(1) Categories of safety-related work requiring training and certification;</li> <li>(2) A description of the training and certification program for employees and contractors in safety-related positions;</li> </ul> </li> </ul>		
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	<ul style="list-style-type: none"> <li>(3) Process used to maintain and access employee and contractor training records; and</li> <li>(4) Process used to assess compliance with training and certification requirements.</li> <li>(q) A description of the configuration management control process, including:             <ul style="list-style-type: none"> <li>(1) The authority to make configuration changes;</li> <li>(2) Process for making changes; and</li> <li>(3) Assurances necessary for formally notifying all involved departments.</li> </ul> </li> <li>(r) A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements, including:             <ul style="list-style-type: none"> <li>(1) Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency property; and</li> <li>(2) Processes for ensuring the employees and contractors know and follow the requirements.</li> </ul> </li> <li>(s) A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.</li> <li>(t) A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.</li> <li>(u) A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives</li> </ul>		
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	<p>are included in the rail transit agency's procurement process.</p>		
<p>§ 659.21</p>	<p><b>System security plan: general requirements.</b>                  (a) The oversight agency shall require the rail transit agency to implement a system security plan that, at a minimum, complies with requirements in this part and the oversight agency's program standard. The system security plan must be developed and maintained as a separate document and may not be part of the rail transit agency's system safety program plan.                  (b) The oversight agency may prohibit a rail transit agency from publicly disclosing the system security plan.                  (c) After approving the system security plan, the oversight agency shall issue a formal letter of approval, including the checklist used to conduct the review, to the rail transit agency.</p>		
<p>§ 659.23</p>	<p><b>System security plan: contents.</b>                  The system security plan must, at a minimum address the following:                  (a) Identify the policies, goals, and objectives for the security program endorsed by the agency's chief executive.                  (b) Document the rail transit agency's process for managing threats and vulnerabilities during operations, and for major projects, extensions, new vehicles and equipment, including integration with the safety certification process;                  (c) Identify controls in place that address the personal security of passengers and</p>		

	<p>employees;</p> <p>(d) Document the rail transit agency's process for conducting internal security reviews to evaluate compliance and measure the effectiveness of the system security plan; and</p> <p>(e) Document the rail transit agency's process for making its system security plan and accompanying procedures available to the oversight agency for review and approval.</p>	
<p>§ 659.25</p>	<p><b>Annual review of system safety program plan and system security plan.</b></p> <p>(a) The oversight agency shall require the rail transit agency to conduct an annual review of its system safety program plan and system security plan.</p> <p>(b) In the event the rail transit agency's system safety program plan is modified, the rail transit agency must submit the modified plan and any subsequently modified procedures to the oversight agency for review and approval. After the plan is approved, the oversight agency must issue a formal letter of approval to the rail transit agency.</p> <p>(c) In the event the rail transit agency's system security plan is modified, the rail transit agency must make the modified system security plan and accompanying procedures available to the oversight agency for review, consistent with requirements specified in §659.23(e) of this part. After the plan is approved, the oversight agency shall issue a formal letter of approval to the</p>	

	rail transit agency.	
§ 659.27	<p><b>Internal safety and security reviews.</b></p> <p>(a) The oversight agency shall require the rail transit agency to develop and document a process for the performance of on-going internal safety and security reviews in its system safety program plan.</p> <p>(b) The internal safety and security review process must, at a minimum:</p> <p>(1) Describe the process used by the rail transit agency to determine if all identified elements of its system safety program plan and system security plan are performing as intended; and</p> <p>(2) Ensure that all elements of the system safety program plan and system security plan are reviewed in an on-going manner and completed over a three-year cycle.</p> <p>(c) The rail transit agency must notify the oversight agency at least thirty (30) days before the conduct of scheduled internal safety and security reviews.</p> <p>(d) The rail transit agency shall submit to the oversight agency any checklists or procedures it will use during the safety portion of its review.</p> <p>(e) The rail transit agency shall make available to the oversight agency any checklists or procedures subject to the security portion of its review, consistent with §659.23(e).</p> <p>(f) The oversight agency shall require the rail transit agency to annually submit a report documenting internal safety and security</p>	

	<p>review activities and the status of subsequent findings and corrective actions. The security part of this report must be made available for oversight agency review, consistent with §659.23(e).</p> <p>(g) The annual report must be accompanied by a formal letter of certification signed by the rail transit agency's chief executive, indicating that the rail transit agency is in compliance with its system safety program plan and system security plan.</p> <p>(h) If the rail transit agency determines that findings from its internal safety and security reviews indicate that the rail transit agency is not in compliance with its system safety program plan or system security plan, the chief executive must identify the activities the rail transit agency will take to achieve compliance.</p> <p>(i) The oversight agency must formally review and approve the annual report.</p>	
<p><b>§ 659.29</b></p>	<p><b>Oversight agency safety and security reviews.</b> At least every three (3) years, beginning with the initiation of rail transit agency passenger operations, the oversight agency must conduct an on-site review of the rail transit agency's implementation of its system safety program plan and system security plan. Alternatively, the on-site review may be conducted in an on-going manner over the three year timeframe. At the conclusion of the review cycle, the oversight agency must prepare and issue a report containing findings and recommendations resulting from that review, which, at a</p>	<p><b>§ 674.31</b></p> <p><b>Triennial audits: General requirements.</b> 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. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the 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</p>

	<p>minimum, must include an analysis of the effectiveness of the system safety program plan and the security plan and a determination of whether either should be updated.</p>		<p>findings and recommendations.</p>
<p>§ 659.31</p>	<p><b>Hazard management process.</b></p> <p>(a) The oversight agency must require the rail transit agency to develop and document in its system safety program plan a process to identify and resolve hazards during its operation, including any hazards resulting from subsequent system extensions or modifications, operational changes, or other changes within the rail transit environment.</p> <p>(b) The hazard management process must, at a minimum:</p> <ol style="list-style-type: none"> <li>(1) Define the rail transit agency's approach to hazard management and the implementation of an integrated system-wide hazard resolution process;</li> <li>(2) Specify the sources of, and the mechanisms to support, the on-going identification of hazards;</li> <li>(3) Define the process by which identified hazards will be evaluated and prioritized for elimination or control;</li> <li>(4) Identify the mechanism used to track through resolution the identified hazard(s);</li> <li>(5) Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and</li> <li>(6) Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities</li> </ol>		

	to the oversight agency.		
<p><b>§ 659.33</b></p>	<p><b>Accident notification.</b></p> <p>(a) The oversight agency must require the rail transit agency to notify the oversight agency within two (2) hours of any incident involving a rail transit vehicle or taking place on rail transit-controlled property where one or more of the following occurs:</p> <ul style="list-style-type: none"> <li>(1) A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;</li> <li>(2) Injuries requiring immediate medical attention away from the scene for two or more individuals;</li> <li>(3) Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds \$25,000;</li> <li>(4) An evacuation due to life safety reasons;</li> <li>(5) A collision at a grade crossing;</li> <li>(6) A main-line derailment;</li> <li>(7) A collision with an individual on a rail right of way; or</li> <li>(8) A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.</li> </ul> <p>(b) The oversight agency shall require rail transit agencies that share track with the general railroad system and are subject to the Federal Railroad Administration notification requirements, to notify the oversight agency within two (2) hours of an</p>	<p><b>§ 674.33</b></p>	<p><b>Notifications of Accidents.</b></p> <p>(a) <i>Two-hour notification.</i> In addition to the requirements for accident notification set forth in an SSO program standard, an RTA must notify both the SSOA and FTA within two hours of any accident occurring on a rail fixed guideway public transportation system. The criteria and thresholds for accident notification and reporting are defined in a reporting manual developed for the electronic reporting system specified by FTA as required in § 674.39(b), and in Appendix A.</p> <p>(b) <i>FRA notification.</i> In any instance in which an RTA must notify the FRA of an accident as defined by 49 CFR 225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and the FTA of the accident within the same time frame as required by the FRA.</p>

	<p>incident for which the rail transit agency must also notify the Federal Railroad Administration.</p> <p>(c) The oversight agency shall identify in its program standard the method of notification and the information to be provided by the rail transit agency[.]</p>		
<p><b>§ 659.35</b></p>	<p><b>Investigations.</b></p> <p>(a) The oversight agency must investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in §659.33(a).</p> <p>(b) The oversight agency must use its own investigation procedures or those that have been formally adopted from the rail transit agency and that have been submitted to FTA.</p> <p>(c) In the event the oversight agency authorizes the rail transit agency to conduct investigations on its behalf, it must do so formally and require the rail transit agency to use investigation procedures that have been formally approved by the oversight agency.</p> <p>(d) Each investigation must be documented in a final report that includes a description of investigation activities, identified causal and contributing factors, and a corrective action plan.</p> <p>(e) A final investigation report must be formally adopted by the oversight agency for each accident investigation.</p>	<p><b>§ 674.35</b></p>	<p><b>Investigations.</b></p> <p>(a) An SSOA must investigate or require an investigation of any accident and 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 an accident, 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 accident or incident, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.</p> <p>(b) Within a reasonable time, an SSOA must issue a written report on its investigation of an accident or review of an RTA’s accident 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 accident; and set forth a corrective action plan, as necessary or appropriate.</p>

**49 CFR Part 659**

**Final Rule - 49 CFR Part 674**

	<p>(1) If the oversight agency has conducted the investigation, it must formally transmit its final investigation report to the rail transit agency.</p> <p>(2) If the oversight agency has authorized an entity other than itself (including the rail transit agency) to conduct the accident investigation on its behalf, the oversight agency must review and formally adopt the final investigation report.</p> <p>(3) If the oversight agency does not concur with the findings of the rail transit agency investigation report, it must either:</p> <ul style="list-style-type: none"><li>(i) Conduct its own investigation according to paragraphs (b), (d) and (e)(1) of this section; or</li><li>(ii) Formally transmit its dissent to the findings of the accident investigation, report its dissent to the rail transit agency, and negotiate with the rail transit agency until a resolution on the findings is reached.</li></ul> <p>(f) The oversight agency shall have the authority to require periodic status reports that document investigation activities and findings in a time frame determined by the oversight agency.</p>		<p>The SSOA must formally adopt the report of an accident 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.</p> <p>(c) All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the</p>
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			<p>Public Transportation Safety Certification Training Program.</p> <p>(d) The Administrator may conduct an independent investigation of any accident or an independent review of an SSOA’s or an RTA’s findings of causation of an accident.</p>
<p>§ 659.37</p>	<p><b>Corrective action plans.</b></p> <p>(a) The oversight agency must, at a minimum, require the development of a corrective action plan for the following:</p> <p>(1) Results from investigations, in which identified causal and contributing factors are determined by the rail transit agency or oversight agency as requiring corrective actions; and</p> <p>(2) Findings from safety and security reviews performed by the oversight agency.</p> <p>(b) Each corrective action plan should identify the action to be taken by the rail transit agency, an implementation schedule, and the individual or department responsible for the implementation.</p> <p>(c) The corrective action plan must be reviewed and formally approved by the oversight agency.</p> <p><b>[Paragraphs (f) and (g) are placed here, out of alphabetical order, because they correspond to the latter provisions of proposed § 674.37(a)].</b></p>	<p>§ 674.37</p>	<p><b>[Proposed § 674.27(a)(8), which appears in the table above and is excerpted here, corresponds to current § 659.37 in part.]</b></p> <p>“(8) <i>Corrective actions.</i> 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. . .”</p> <p><b>Corrective action plans.</b></p> <p>(a) 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. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must</p>

**49 CFR Part 659**

**Final Rule - 49 CFR Part 674**

	<p>(f) The rail transit agency must provide the oversight agency:</p> <p>(1) Verification that the corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to oversight agency review and approval; and</p> <p>(2) Periodic reports requested by the oversight agency, describing the status of each corrective action(s) not completely implemented, as described in the corrective action plan.</p> <p>(g) The oversight agency must monitor and track the implementation of each approved corrective action plan.</p> <p>(d) The oversight agency must establish a process to resolve disputes between itself and the rail transit agency resulting from the development or enforcement of a corrective action plan.</p> <p>(e) The oversight agency must identify the process by which findings from an NTSB accident investigation will be evaluated to determine whether or not a corrective action plan should be developed by either the oversight agency or rail transit agency to address NTSB findings.</p>		<p>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.</p> <p>(b) 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, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.</p>
<p><b>§ 659.39</b></p>	<p><b>Oversight agency reporting to the Federal Transit Administration.</b></p> <p>(a) <i>Initial submission.</i> Each designated oversight agency with a rail fixed guideway</p>	<p><b>§ 674.39</b></p>	<p><b>State Safety Oversight Agency annual reporting to FTA.</b></p>

	<p>system that is in passenger operations as of April 29, 2005 or will begin passenger operations by May 1, 2006, must make its initial submission to FTA by May 1, 2006. In states with rail fixed guideway systems initiating passenger operations after May 1, 2006, the designated oversight agency must make its initial submission within the time frame specified by the state in its designation submission, but not later than at least sixty (60) days prior to initiation of passenger operations. Any time a state changes its designated oversight agency to carry out the requirements identified in this part, the new oversight agency must make a new initial submission to FTA within thirty (30) days of the designation.</p> <p>(b) An initial submission must include the following:</p> <ul style="list-style-type: none"> <li>(1) Oversight agency program standard and referenced procedures; and</li> <li>(2) Certification that the system safety program plan and the system security plan have been developed, reviewed, and approved.</li> </ul> <p>(c) <i>Annual submission.</i> Before March 15 of each year, the oversight agency must submit the following to FTA:</p> <ul style="list-style-type: none"> <li>(3) Program standard and supporting procedures that have changed during the preceding year.</li> </ul> <p><b>[Paragraph (3) is placed here, out of numerical order, because it corresponds to proposed</b></p>		<p>(a) On or before March 15 of each year, an SSOA must submit the following material to FTA:</p> <ul style="list-style-type: none"> <li>(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;</li> </ul>
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	<p><b>§ 674.39(a)(1)].</b></p> <p>(1) A publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the causal factors of investigated accidents, status of corrective actions, updates and modifications to rail transit agency program documentation, and the level of effort used by the oversight agency to carry out its oversight activities.</p> <p>(2) A report documenting and tracking findings from three-year safety review activities, and whether a three-year safety review has been completed since the last annual report was submitted.</p> <p>[Paragraph (3) is above.]</p> <p>(4) Certification that any changes or modifications to the rail transit agency system safety program plan or system security plan have been reviewed and approved by the oversight agency.</p> <p><b>[See § 659.43, below, which is comparable to proposed § 674.39(a)(6).]</b></p>		<p>(2) Evidence that each of its employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;</p> <p>(3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of accidents 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;</p> <p>(4) A summary of the triennial audits completed during the preceding twelve months, and the RTA’s progress in carrying out CAPs arising from triennial audits conducted in accordance with § 674.31;</p> <p>(5) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and</p> <p>(6) A certification that the SSOA is in compliance with the requirements of this part.</p>
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	<p>(d) <i>Periodic submission.</i> FTA retains the authority to periodically request program information.</p> <p>(e) <i>Electronic reporting.</i> All submissions to FTA required in this part must be submitted electronically using a reporting system specified by FTA.</p>		<p>(b) These materials must be submitted electronically through a reporting system specified by FTA.</p>
<p><b>§ 659.41</b></p>	<p><b>Conflict of interest.</b> The oversight agency shall prohibit a party or entity from providing services to both the oversight agency and rail transit agency when there is a conflict of interest, as defined by the state.</p>	<p><b>§ 674.41</b></p>	<p><b>Conflicts of interest.</b></p> <p>(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).</p> <p>(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).</p> <p>(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.</p>
<p><b>§ 659.43</b></p>	<p><b>Certification of compliance.</b></p> <p>(a) Annually, the oversight agency must certify to the FTA that it has complied with the requirements of this part.</p> <p>(b) The oversight agency must submit each certification electronically to FTA using a reporting system specified by FTA.</p> <p>(c) The oversight agency must maintain a</p>		<p><b>[Proposed § 674.39(a)(6), which appears in the table above and is excerpted here, is comparable to current § 659.43.]</b></p> <p>“(a) On or before March 15 of each year, an SSOA must submit the following material to FTA: . . .</p> <p>(6) A certification that the SSOA is in compliance with the requirements of this part.”</p>

	signed copy of each annual certification to FTA, subject to audit by FTA.															
		<b>Appendix A to 49 CFR Part 674</b> <b>Notification and Reporting of Accidents, Incidents, and Occurrences</b>														
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="1024 391 1192 483">Event/ Threshold</th> <th data-bbox="1192 391 1373 483">Human Factors</th> <th data-bbox="1373 391 1549 483">Property Damage</th> <th data-bbox="1549 391 1740 483">Types of Events (Examples)</th> <th data-bbox="1740 391 1906 483">Actions</th> </tr> </thead> <tbody> <tr> <td data-bbox="1024 483 1192 1421"> <b>Accident:</b>                       Rail Transit Agency (RTA) to Notify State Safety Oversight Agency (SSOA) SSO and Federal Transit Administration (FTA) within two hours.                 </td> <td data-bbox="1192 483 1373 1421"> <ul style="list-style-type: none"> <li>- Fatality (occurring at the scene or within 30 days following the accident)</li> <li>- One or more persons suffering serious injury (<i>Serious injury</i> means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) results in a fracture of any bone (except</li> </ul> </td> <td data-bbox="1373 483 1549 1421"> <ul style="list-style-type: none"> <li>- Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle.</li> </ul> </td> <td data-bbox="1549 483 1740 1421"> <ul style="list-style-type: none"> <li>- A collision between a rail transit vehicle and another rail transit vehicle</li> <li>- A collision at a grade crossing resulting in serious injury or fatality</li> <li>- A collision with a person resulting in serious injury or fatality</li> <li>- A collision with an object resulting in serious injury or fatality</li> <li>- A runaway train</li> <li>- Evacuation due to life safety reasons</li> <li>- A derailment (mainline or</li> </ul> </td> <td data-bbox="1740 483 1906 1421"> <ul style="list-style-type: none"> <li>- RTA to notify SSOA and FTA within 2 hours; Investigation required.</li> <li>- RTA to report to FTA within 30 days via the National Transit Database (NTD)</li> <li>- RTA to record for SMS Analysis</li> </ul> </td> </tr> </tbody> </table>					Event/ Threshold	Human Factors	Property Damage	Types of Events (Examples)	Actions	<b>Accident:</b>  Rail Transit Agency (RTA) to Notify State Safety Oversight Agency (SSOA) SSO and Federal Transit Administration (FTA) within two hours.	<ul style="list-style-type: none"> <li>- Fatality (occurring at the scene or within 30 days following the accident)</li> <li>- One or more persons suffering serious injury (<i>Serious injury</i> means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) results in a fracture of any bone (except</li> </ul>	<ul style="list-style-type: none"> <li>- Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>- A collision between a rail transit vehicle and another rail transit vehicle</li> <li>- A collision at a grade crossing resulting in serious injury or fatality</li> <li>- A collision with a person resulting in serious injury or fatality</li> <li>- A collision with an object resulting in serious injury or fatality</li> <li>- A runaway train</li> <li>- Evacuation due to life safety reasons</li> <li>- A derailment (mainline or</li> </ul>	<ul style="list-style-type: none"> <li>- RTA to notify SSOA and FTA within 2 hours; Investigation required.</li> <li>- RTA to report to FTA within 30 days via the National Transit Database (NTD)</li> <li>- RTA to record for SMS Analysis</li> </ul>
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		<p>simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.)</p>		<p>yard)                  - Fires resulting in a serious injury or fatality</p>	
	<p><b>Incident:</b>                   RTA to Report to FTA (NTD) within 30 days.</p>	<ul style="list-style-type: none"> <li>- A personal injury that is not a serious injury</li> <li>- One or more injuries requiring medical transportation away from the event</li> </ul>	<ul style="list-style-type: none"> <li>- Non-collision-related damage to equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.</li> </ul>	<ul style="list-style-type: none"> <li>- Evacuation of a train into the right-of-way or onto adjacent track; or customer self-evacuation.</li> <li>- Certain low-speed collisions involving a rail transit vehicle that result in a non-serious injury or property damage</li> </ul>	<ul style="list-style-type: none"> <li>- RTA to report to FTA within 30 days via the National Transit Database (NTD)</li> <li>- RTA to record for SMS Analysis</li> </ul>

				<ul style="list-style-type: none"> <li>- Damage to catenary or third-rail equipment that disrupts transit operations</li> <li>- Fires that result in a non-serious injury or property damage</li> <li>- A train stopping due to an obstruction in the tracks/"hard stops"</li> <li>- Most hazardous material spills</li> </ul>	
	<p><b>Occurrence</b> :</p> <p>RTA to record data and make available for SSO and/or FTA review</p>	<ul style="list-style-type: none"> <li>- No personal injury</li> </ul>	<ul style="list-style-type: none"> <li>- Non-collision-related damage to equipment, rolling stock, or infrastructure that does not disrupt the operations of a transit agency.</li> </ul>	<ul style="list-style-type: none"> <li>- Close Calls/Near Misses</li> <li>- Safety rule violations</li> <li>- Violations of safety policies</li> <li>- Damage to catenary or third-rail equipment that do not disrupt operations</li> <li>- Vandalism or theft</li> </ul>	<ul style="list-style-type: none"> <li>- RTA will collect, track and analyze data on Occurrences to reduce the likelihood of recurrence and inform the practice of SMS</li> </ul>