

Public Transportation Agency Safety Plan

Comparison of Definitions: Part 673 versus Part 659

Introduction

49 CFR Part 673 establishes definitions that apply to a rail transit agency’s (RTA) Agency Safety Plan. As your agency develops its Agency Safety Plan, it is important to review and understand the new definitions in Part 673 and to ensure that your agency’s practices and documentation do not conflict with them. For consistency, your agency may choose to define these terms within your Agency Safety Plan based on the new language in Part 673. Of critical importance are definitions in Part 673 that have changed from the definitions specified in 49 CFR Part 659 Rail Fixed Guideway Systems; State Safety Oversight. As you review your agency’s safety management practices and develop your Agency Safety Plan, FTA recommends that you pay special attention to these definitional differences outlined in the table below. **FTA developed this Roadmap to provide guidance only; it is not a substitute for FTA’s regulation.**¹

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<p>Definitions in Part 673.5</p> <p><u>Accident</u> means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; 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.</p>	<p>[659.33(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> <p>(1) A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit–related incident;</p> <p>(2) Injuries requiring immediate medical attention away from the scene for two or more individuals;</p>	<p>The new definition changes the minimum notification and investigation thresholds from those in Part 659. Please refer to FTA’s Two-Hour Accident Notification Guide (https://www.transit.dot.gov/regulations-and-guidance/safety/two-hour-accident-notification-guide) for additional clarifications.</p> <p>The new thresholds and guidance result in the following changes:</p> <ol style="list-style-type: none"> 1. Injuries: Previously, two or more individuals transported for medical attention triggered reporting and investigation. Under Part 674, one “serious” injury would trigger reporting (see definition of serious injury below) and non-serious injuries would not require reporting and investigation.

¹ The guidance in this document is not legally binding in its own right and will not be relied upon by the Federal Transit Administration as a separate basis for affirmative enforcement action or other administrative penalty. Compliance with the guidance in this document (as distinct from existing statutes and regulations) is voluntary only, and noncompliance will not affect rights and obligations under existing statutes and regulations.

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	<p>(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;</p> <p>(4) An evacuation due to life safety reasons;</p> <p>(5) A collision at a grade crossing;</p> <p>(6) A main-line derailment;</p> <p>(7) A collision with an individual on a rail right of way; or</p> <p>(8) A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.</p>	<ol style="list-style-type: none"> 2. Property Damage: Under Part 674, FTA moves away from a monetary value (\$25,000) to trigger notification and investigation and instead uses “substantial damage” as the threshold for reporting. FTA defines substantial damage as <i>“any physical damage to transit or non-transit property including vehicles, facilities, equipment, rolling stock, or infrastructure ... which adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, rolling stock, or infrastructure requiring towing, rescue, onsite maintenance, or immediate removal prior to safe operation.”</i> 3. Derailments: Under Part 674, all derailments, including yard derailments, require notification and investigation. 4. Collision with an individual: Under Part 674, collisions with persons are only reportable if they involve a serious injury, fatality, or substantial damage. 5. Runaway train: Part 674 adds a threshold for any occurrence of a runaway train. FTA defines a runaway train as <i>“a train that is no longer under the control of a driver regardless of whether the operator is physically on the vehicle at the time.”</i>
<p><u>Accountable Executive</u> means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency’s Transit Asset Management Plan; and control or direction over the</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>

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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.

Chief Safety Officer means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

NA

This term was not defined by Part 659.

Equivalent Authority means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

NA

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Event means any Accident, Incident, or Occurrence.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Incident means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling

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NA

FTA means the Federal Transit Administration, an agency within the U.S. Department of Transportation.

Hazard 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.

NA

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This term was not defined by Part 659. Part 674 establishes a three-tiered structure of events based on severity:

1. Accidents: require notification to FTA and SSOA within two hours and reporting to the National Transit Database (NTD) within 30 days.
2. Incidents: require reporting to the NTD within 30 days or as part of the agency's monthly NTD non-major summary report.
3. Occurrences: require tracking by the transit agency and availability for SSOA and FTA review.

Please refer to FTA's Two-Hour Accident Notification Guide (<https://www.transit.dot.gov/regulations-and-guidance/safety/two-hour-accident-notification-guide>) for additional clarifications.

This change should not impact the Agency Safety Plan.

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This term was not defined by Part 659. This subset of events includes some events that under Part 659 required two-hour SSOA notification and investigation. Under Part 673, *incidents* do not require two-hour notification and investigation, but will be reported to the NTD. Please refer to FTA's Two-Hour Accident Notification Guide

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stock, or infrastructure that disrupts the operations of a transit agency.

(<https://www.transit.dot.gov/regulations-and-guidance/safety/two-hour-accident-notification-guide>) for additional clarifications.

Investigation 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.

Investigation 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.

The new definition in Part 673 includes “incident” as a potential source for an investigation, addressing the tiered event structure of Part 674, and clarifies that the purpose of an investigation is to identify actions that prevent recurrence and mitigate risk.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

NA

This term was not defined by Part 659.

Occurrence 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 transit agency.

NA

This term was not defined by Part 659.

Operator of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302(14).

NA

This term was not defined by Part 659.

Performance measure means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

NA

This term was not defined by Part 659.

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Performance target means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

Public Transportation Agency Safety Plan means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

Rail fixed guideway public transportation system 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.

Rail transit agency means any entity that provides services on a rail fixed guideway public transportation system.

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NA

System Safety Program Plan means a document developed and adopted by the rail transit agency, describing its safety policies, objectives, responsibilities, and procedures.

Rail Fixed Guideway System means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:

- (1) Is not regulated by the Federal Railroad Administration; and
- (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
- (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).

Rail Transit Agency means an entity that operates a rail fixed guideway system.

Definitional Differences

This term was not defined by Part 659.

This term and definition replace what was defined in Part 659 as the System Safety Program Plan.

This new term and definition update FTA's applicability criteria for agencies providing rail service. This change should not impact the Agency Safety Plan.

This change reflects FTA's new term, "rail fixed guideway public transportation system," and should not impact the Agency Safety Plan.

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<p><u>Risk</u> means the composite of predicted severity and likelihood of the potential effect of a hazard.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>
<p><u>Risk mitigation</u> means a method or methods to eliminate or reduce the effects of hazards.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>
<p><u>Safety Assurance</u> means processes within a transit agency’s Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>
<p><u>Safety Management Policy</u> means a transit agency’s documented commitment to safety, which defines the transit agency’s safety objectives and the accountabilities and responsibilities of its employees in regard to safety.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>
<p><u>Safety Management System (SMS)</u> means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency’s safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>

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<p><u>Safety Management System (SMS)</u> <u>Executive</u> means a Chief Safety Officer or an equivalent</p>	NA	This term was not defined by Part 659.
<p><u>Safety performance target</u> means a Performance Target related to safety management activities.</p>	NA	This term was not defined by Part 659.
<p><u>Safety Promotion</u> means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.</p>	NA	This term was not defined by Part 659.
<p><u>Safety risk assessment</u> means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.</p>	NA	This term was not defined by Part 659.
<p><u>Safety Risk Management</u> means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.</p>	NA	This term was not defined by Part 659.
<p><u>Serious injury</u> means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage;</p>	NA	This term was not defined by Part 659. Please refer to FTA's Two-Hour Accident Notification Guide (https://www.transit.dot.gov/regulations-and-guidance/safety/two-hour-accident-notification-guide) for additional clarifications.

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<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><u>Small public transportation provider</u> means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.</p>	<p>NA</p>	<p>This term was not defined by Part 659 and does not apply to rail transit agencies.</p>
<p><u>State</u> 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><u>State</u> 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>No change.</p>
<p><u>State of good repair</u> means the condition in which a capital asset is able to operate at a full level of performance.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>
<p><u>State Safety Oversight Agency</u> 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 49 CFR part 674.</p>	<p><u>Oversight Agency</u> means the entity, other than the rail transit agency, designated by the state or several states to implement this part.</p>	<p>This definition updates the terminology used for the state agency providing rail safety oversight.</p>
<p><u>Transit agency</u> means an operator of a public transportation system.</p>	<p>NA</p>	<p>This term was not defined by Part 659.</p>

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Transit Asset Management Plan means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

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NA

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Definition

Definitions in Part 659, not included in Part 673

RTAs should review the terms in this section to ensure that their use in an Agency Safety Plan does not conflict with any Part 673, Part 674, or National Transit Database (NTD) definitions.

Contractor	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.
Corrective action plan	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.
FRA	means the Federal Railroad Administration, an agency within the U.S. Department of Transportation.
Individual	means a passenger, employee, contractor, other rail transit facility worker, pedestrian, trespasser, or any person on rail transit–controlled property.
New Starts Project	means any rail fixed guideway system funded under FTA’s 49 U.S.C. 5309 discretionary construction program.
Passenger	means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.
Passenger Operations	means the period of time when any aspect of rail transit agency operations is initiated with the intent to carry passengers.
Program Standard	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.
Rail Transit–Controlled Property	means property that is used by the rail transit agency and may be owned, leased, or maintained by the rail transit agency.
Rail Transit Vehicle	means the rail transit agency’s rolling stock, including, but not limited to passenger and maintenance vehicles.
Safety	means freedom from harm resulting from unintentional acts or circumstances.
Security	means freedom from harm resulting from intentional acts or circumstances.
System Security Plan	means a document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures.