



U.S. Department
of Transportation
**Federal Transit
Administration**

Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

June 22, 2005

Subject: FTA's 49 CFR Part 659 Reference Guide

Dear Member of the State Safety Oversight Community:

On Friday, April 29, 2005, the Federal Transit Administration (FTA) published the revised rule, *49 CFR Part 659: Rail Fixed Guideway Systems; State Safety Oversight* in the *Federal Register*. The revised rule can be accessed at:

- <http://www.gpoaccess.gov/fr/index.html> (Government Printing Office); or
- <http://transit-safety.volpe.dot.gov> (FTA's safety and security website).

This reference guide has been developed to support the efforts of states, oversight agencies and rail transit agencies to implement these new requirements. The reference guide is a checklist tool organized by rule section and required activities. The left column contains a summary of the requirements of the revised rule and offers recommendations for states, oversight agencies, and rail transit agencies. The right column contains each requirement as it is written in the rule and is accompanied by a checkbox.

Revised initial submissions from state oversight agencies are due to FTA's Office of Safety and Security by **May 1, 2006**. Each state safety oversight community member is encouraged to use the checklist as a means by which to identify program areas that must be developed or revised to meet Part 659 requirements. In the next few months, FTA will provide additional guidance to support program development and implementation activities.

If representatives from any state, oversight agency, or rail transit agency have questions regarding the implementation of the revised rule that are not answered in this guide, please do not hesitate to contact my office at (202) 366-1651 or to send me an email at Jerry.Fisher@fta.dot.gov.

I look forward to working with you to implement this program and to further enhance rail transit safety and security.

Sincerely,

Jerry A. Fisher, Program Manager
Federal Transit Administration
Office of Safety and Security

49 CFR Part 659 -- Rail Fixed Guideway
Systems; State Safety Oversight

Reference Guide

Federal Transit Administration
Office of Safety and Security
400 Seventh Street, SW
Washington, DC 20590

June 22, 2005



Contents.

The *49 CFR Part 659 Reference Guide* has been prepared to support implementation of FTA's revised state safety oversight rule, published in the *Federal Register* on April 29, 2005. While this guide is targeted for states and oversight agencies, it can also support activities to be undertaken by rail transit agencies.

The guide begins by presenting a flow chart that identifies the revised rule's process for program development and implementation. Then, each section of the revised rule is discussed, including requirements and recommendations from FTA.

For each rule section, this guide offers a checklist format. The left column of each page contains a summary of the requirements of the revised rule. The right column contains each requirement as it is written in the rule and is accompanied by a checkbox.

Existing oversight agencies and rail transit agencies are encouraged to use the checklist to determine if their current programs meet new requirements and to pinpoint areas that require revision. States and rail transit agencies newly entering the program are encouraged to use this checklist to develop their submissions for FTA.

49 CFR Part 659 Reference Guide Table of Contents

Section	Page
Flow Chart – Part 659 Development and Implementation Requirements	2
§ 659.5 Definitions	3
§ 659.9 Designation of oversight agency	5
§ 659.39 (a) and (b) Initial submission	9
§ 659.11 Confidentiality of investigation reports	13
§ 659.13 Overview	14
§ 659.15 System safety program standard	15
§ 659.17 System safety program plan: general requirements	21
§ 659.19 System safety program plan: contents	22
§ 659.21 System security plan: general requirements	30
§ 659.23 System security plan: contents	31
§ 659.25 Annual review of system safety program plan and system security plan	32
§ 659.27 Internal safety and security reviews	33
§ 659.29 Oversight agency safety and security reviews	35
§ 659.31 Hazard management process	36
§ 659.33 Accident notification	38
§ 659.35 Investigations	40
§ 659.37 Corrective action plans	41
§ 659.39 (c), (d) and (e) Annual reports and periodic submissions	42
§ 659.41 Conflict of interest	43
§ 659.43 Certification of compliance	43

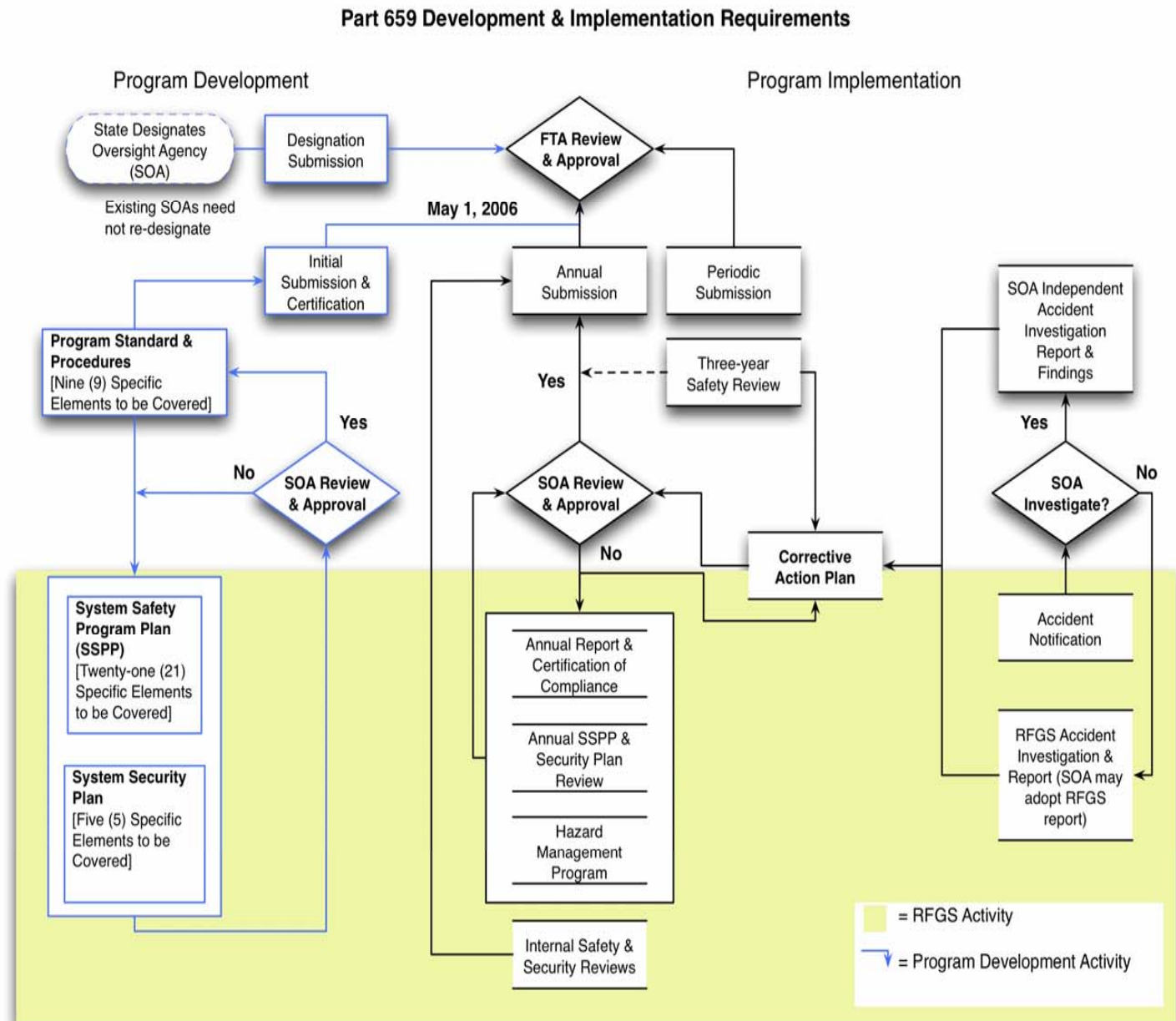


Flow chart.

This flow chart provides a visual illustration of 49 CFR Part 659 requirements.

The **Program Development** section identifies those activities that must be performed by the state, oversight agency, and rail fixed guideway system to develop programs compliant with the revised rule. Key activities include: the designation of the oversight agency (for New Starts systems only); the preparation of the revised oversight agency program standard and procedures; the revision of the rail fixed guideway system safety and security program plans; and the conveyance of formal approval from the oversight agency for these plans. These activities must be complete by **May 1, 2006**.

The **Program Implementation** section identifies those activities that will be performed by the oversight agency and the rail fixed guideway system to implement the revised rule. Key activities include: the revised internal safety and security review process; the new hazard management program; a revised process for accident notification and investigation; and a revised corrective action plan process.





§ 659.5 Definitions.

Addressing new definitions is the first step in the process required to modify existing oversight agency and rail transit agency programs to reflect the revised rule. States and rail transit agencies newly entering the program must also adopt the revised rule's definitions.

For state oversight agencies, definitions that need to be changed may be included in enabling legislation, administrative code, policies and procedures, and the program standard. For rail transit agencies, these definitions may be included in system safety program plans, system security program plans, and policies and procedures for conducting internal safety and security reviews, accident and hazardous conditions investigations, and preparing corrective action plans.

New definitions of particular significance include:

- "rail fixed guideway system," which adds to the rule's previous definition of this term to address those systems built entirely with local and state funds, but that will receive formula funding for operations based on their submission of fixed guideway route miles to FTA;
- "rail transit agency," which is the term used to describe the entity operating the rail fixed guideway system; and
- "passenger operations," which specifies when the state agency must have a compliant program in place to provide oversight authority for the rail transit agency.

Using the definitions provided in the revised rule will also promote greater consistency in reporting to FTA's National Transit Database (NTD) and in managing requests and investigations involving the National Transportation Safety Board (NTSB).

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.	<input type="checkbox"/>
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.	<input type="checkbox"/>
FRA means the Federal Railroad Administration, an agency within the U.S. Department of Transportation.	<input type="checkbox"/>
FTA means the Federal Transit Administration, an agency within the U.S. Department of Transportation.	<input type="checkbox"/>
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.	<input type="checkbox"/>
Individual means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.	<input type="checkbox"/>
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.	
New Starts Project means any rail fixed guideway system funded under FTA's 49 U.S.C. 5309 discretionary construction program.	<input type="checkbox"/>
Oversight Agency means the entity, other than the rail transit agency, designated by the state or several states to implement this part.	<input type="checkbox"/>
Passenger means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.	<input type="checkbox"/>
Passenger Operations means the period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers.	<input type="checkbox"/>
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.	<input type="checkbox"/>
Rail Fixed Guideway System means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that: <ol style="list-style-type: none"> 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). 	<input type="checkbox"/>
Rail Transit Agency means an entity that operates a rail fixed guideway system.	<input type="checkbox"/>



§ 659.5 Definitions (cont.).

When revising definitions, the oversight agency and rail transit agency should also consider the new accident notification threshold provided in § 659.33. This threshold replaces the definition of “accident” in the previous rule. Most oversight agencies include the definition of accident in their enabling legislation and program standards. Rail transit agencies also typically include this definition in their system safety program plans and accident notification and investigation procedures.

This new threshold requires oversight agency notification within two hours of a specified list of incidents involving a rail transit vehicle or taking place on rail-transit controlled property. The accident notification threshold includes other terms that the state and rail transit agency may wish to define in their programs, such as injury, fatality, property damage, evacuation due to life safety reasons, derailment, and non-revenue vehicle. In all cases, as used in the revised rule, these terms are consistent with definitions provided in the National Transit Database. Additional discussion of § 659.33 is provided on Pages 38 and 39 of this guide.

In revising definitions, oversight agencies and rail transit agencies should also consider § 659.31. This new section describes the hazard management process which replaces the “unacceptable hazardous condition” definition from the previous rule. Oversight agency investigation of “unacceptable hazardous conditions” is no longer required. Instead, as part of the system safety program plan, the oversight agency must require a continuous process for hazard identification, evaluation and resolution at the rail transit agency. The oversight agency should be integrated into this process in an on-going manner, such as through the receipt of monthly reports or participation in quarterly meetings. Definitions and thresholds may need to be developed to support this program. Additional discussion of § 659.31 is provided on Pages 24, 36 and 37 of this guide.

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.	<input type="checkbox"/>
Rail Transit Vehicle means the rail transit agency’s rolling stock, including but not limited to passenger and maintenance vehicles.	<input type="checkbox"/>
Safety means freedom from harm resulting from unintentional acts or circumstances.	<input type="checkbox"/>
Security means freedom from harm resulting from intentional acts or circumstances.	<input type="checkbox"/>
State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.	<input type="checkbox"/>
System Safety Program Plan means a document developed and adopted by the rail transit agency, describing its safety policies, objectives, responsibilities, and procedures.	<input type="checkbox"/>
System Security Plan means a document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures.	<input type="checkbox"/>

<p>§ 659.33 Accident notification threshold. 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> <ol style="list-style-type: none"> 1. A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident; 2. Injuries requiring immediate medical attention away from the scene for two or more individuals; 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; 4. An evacuation due to life safety reasons; 5. A collision at a grade crossing; 6. A main-line derailment; 7. A collision with an individual on a rail right of way; or 8. A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle. 	<input type="checkbox"/>
---	--



§ 659.9 Designation of oversight agency.

State with Rail Transit Agency Operating in its Jurisdiction

This section directs any state with a rail transit agency entering passenger operations after May 31, 2005 to designate an oversight agency. The rail transit agency may not perform this oversight role. The revised rule also prohibits the state from selecting an agency for which a conflict of interest exists that would prevent the oversight agency from carrying out its activities in an unbiased manner. States that have already designated an oversight agency prior to May 31, 2005 are not required to re-designate an agency.

As specified in this new section, designation of the state oversight agency must occur:

- At the same time FTA executes a grant agreement for a New Starts project with a rail transit agency within the state's jurisdiction; or
- Before a rail transit agency applies for funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).

The first instance applies to those New Starts projects receiving federal funding for design, construction, testing and start-up. The second instance refers to those projects designed and built without New Starts capital funds, but that will be receiving formula funds to support passenger operations.

(a) Each state with an existing or anticipated rail fixed guideway system regulated by Part 659 shall designate an oversight agency. The state's designation or re-designation of its oversight agency and submission of required information are subject to review and approval by FTA.	<input type="checkbox"/>
(b) States which have designated oversight agencies for purposes of the Rule before May 31, 2005 are not required to re-designate to FTA.	<input type="checkbox"/>
(c) The state designation of the oversight agency shall: <ol style="list-style-type: none"> 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 <input type="radio"/> 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). <input type="radio"/> 	<input type="checkbox"/>



§ 659.9 Designation of oversight agency.

State with Rail Transit Agency Operating in its Jurisdiction (cont.)

Within 60 days after the state designates a new oversight agency it must make a *designation submission* to FTA. This submission provides FTA with enough information to determine if the proposed oversight agency has the technical capacity to implement Part 659 requirements and to evaluate any potential conflicts of interest.

Designation submissions should be made to the Federal Transit Administration, Office of Safety Security, 400 Seventh Street, SW, Washington, D.C. 20590.

When preparing the designation submission, the state should consider the following:

- Legal authorities vested in the proposed agency to support implementation of the oversight program;
- Any financial or organizational relationship between the proposed agency and the rail transit agency that may result in a conflict of interest;
- Previous experience and background of personnel who may be charged with developing and carrying out the oversight program;
- Resources required to support oversight program development, including funding available from the New Starts project; and
- Reasonable time-frame for the development of the oversight agency's program and initial submission to FTA.

(d) Within (60) days of designation of the oversight agency, the state must submit to FTA the following:	<input checked="" type="checkbox"/>
1. The name of the oversight agency designated to implement requirements in the Rule;	<input type="checkbox"/>
2. Documentation of the oversight agency's authority to provide state oversight;	<input type="checkbox"/>
3. Contact information for the representative identified by the designated oversight agency with responsibility for oversight activities;	<input type="checkbox"/>
4. A description of the organizational and financial relationship between the designated oversight agency and the rail transit agency; and	<input type="checkbox"/>
5. A schedule for the designated agency's development of its State Safety Oversight Program, including the projected date of its initial submission (see § 659.39(a)).	<input type="checkbox"/>



§ 659.9 Designation of oversight agency (cont.).

Rail Transit Agency Operating in Multiple States

When a rail transit agency 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 fulfill this requirement, the affected states:

- May agree to designate one agency of one state, or an agency representative of all states, to implement the requirements in this part; and
- 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.

Within 60 days after the affected states designate an oversight agency, a *designation submission* must be made to FTA. This submission provides FTA with enough information to determine if the proposed oversight agency has the technical capacity to implement Part 659 requirements and to evaluate any potential conflicts of interest.

The designation submission should address the issues identified in the discussion on the preceding page for *State with Rail Transit Agency Operating in its Jurisdiction*.

Designation submissions should be made to the Federal Transit Administration, Office of Safety Security, 400 Seventh Street, SW, Washington, D.C. 20590

(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:	<input type="checkbox"/>
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	<input type="checkbox"/>
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.	<input type="checkbox"/>



§ 659.9 Designation of oversight agency (cont.).

Re-designation

If for any reason, a single state, or two or more affected states with jurisdiction for a rail transit agency operating within their jurisdictions, must re-designate the oversight agency, then the revised rule requires that a *designation submission* be made to FTA within 30 days of re-designation.

The designation submission used in the event of re-designation contains the same information as must be provided in other instances of designation:

- (1) The name of the oversight agency designated to implement requirements in the Rule;
- (2) Documentation of the oversight agency's authority to provide state oversight;
- (3) Contact information for the representative identified by the designated oversight agency with responsibility for oversight activities;
- (4) A description of the organizational and financial relationship between the designated oversight agency and the rail transit agency; and
- (5) A schedule for the designated agency's development of its State Safety Oversight Program, including the projected date of its initial submission.

In addition, in the event of re-designation, an *initial submission*, discussed in the next section of this guide, must be made to FTA within 30 days of its designation.

The 30-day time-frame required for the initial submission is designed to ensure that the rail transit agency affected by the re-designation is not operating without an oversight agency.

(f) <i>Change of designation.</i> Should a state change its designated oversight agency, it 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.	<input type="checkbox"/>
--	--------------------------



§ 659.39 (a) and (b) Initial submission.

Existing Oversight Agencies

The *initial submission* documents the authorities, policies and procedures used by the oversight agency to implement the program. Since the revised Part 659 affects all state safety oversight programs, FTA is requiring that each oversight agency, including those established prior to publication of the revised rule, make an initial submission **by May 1, 2006**.

By **March 1, 2006**, FTA will provide additional instructions regarding the submission of these materials. At the current time, FTA plans to offer an electronic submission option, enabling oversight agencies to email or upload their initial submissions directly to FTA.

Oversight agencies that require additional authority to implement the revised rule, and may need additional time in preparing these materials, should contact FTA's Office of Safety and Security at their earliest convenience.

FTA will receive the initial submissions, and will provide the state oversight agencies with formal approval letters and completed checklists documenting FTA's review and approval process. If areas of non-compliance are identified, requests will be made to the oversight agency for revisions. Additional information may also be requested from the oversight agency to support evaluation of the initial submission.

(a) <i>Initial submission.</i> Each designated oversight agency with a rail fixed guideway 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.	<input type="checkbox"/>
---	--------------------------



§ 659.39 (a) and (b) Initial submission.

Existing Oversight Agencies (cont.)

In preparing the initial submission, FTA expects that existing oversight agencies will modify their program materials to include the following:

- Revised program definitions, compliant with § 659.5;
- Revised program standard, addressing the nine areas specified in § 659.15;
- Revised procedures for requiring, revising and approving rail transit agency system safety program plans and system security program plans, compliant with § 659.17, § 659.19, § 659.21, § 659.23 and § 659.25;*
- New hazard management process, jointly developed with the rail transit agency, compliant with § 659.31;*
- Revised procedures for accident notification, investigation and reporting, compliant with § 659.33 and § 659.35;*
- Revised procedures for managing corrective action plans, compliant with § 659.37;*
- Revised process for overseeing the rail transit agency's internal safety and security review process, compliant with § 659.27;*
- Revised program for conducting oversight agency three-year safety reviews, compliant with § 659.39;*
- Revised procedures for reporting to FTA, compliant with § 659.39 requirements.*

**May be included in the program standard or as separate procedures for the program.*

In addition, the initial submission should include a certification prepared by the oversight agency for each rail transit agency within its jurisdiction. This certification should state that the rail transit agency's system safety program plan and system security program plan have been developed, reviewed and approved as compliant with the 49 CFR Part 659 requirements.

(b) An initial submission must include the following:		<input type="checkbox"/>
1. Oversight agency program standard and referenced procedures; and	<input type="radio"/>	
2. Certification that the system safety program plan and the system security program plan have been developed, reviewed, and approved.	<input type="radio"/>	



§ 659.39 (a) and (b) Initial submission (cont.).

Newly Designated Agencies

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 60 days prior to the initiation of passenger operations.

States with New Starts projects are encouraged to make their initial submissions as early as possible. The New Starts project can fund all of the costs associated with developing and staffing the state's oversight program until the New Starts project enters passenger operations. Earlier submission also ensures that the oversight agency is involved with the project during construction, testing and start-up, and has an opportunity to become familiar with project personnel and operations prior to assuming oversight authority.

Initial submissions should be made to FTA's Office of Safety Security, 400 Seventh Street, SW, Washington, D.C. 20590. FTA will convey options for electronic submissions with the approval package for the new agency's designation submission.

(a) *Initial submission.* 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 the Rule, the new oversight agency must make a new initial submission to FTA within thirty (30) days of the designation.





§ 659.39 (a) and (b) Initial submission (cont.).

Newly Designated Agencies (cont.)

In preparing the initial submission, FTA expects that new oversight agencies will develop program materials to include the following:

- Program definitions, compliant with § 659.5;
- Program standard, addressing the nine areas specified in § 659.15;
- Procedures for requiring, revising and approving rail transit agency system safety program plans and system security program plans, compliant with § 659.17, § 659.19, § 659.21, § 659.23 and § 659.25;*
- Hazard management process, jointly developed with the rail transit agency, compliant with § 659.31;*
- Procedures for accident notification, investigation and reporting, compliant with § 659.33 and § 659.35;*
- Procedures for managing corrective action plans, compliant with § 659.37;*
- Process for overseeing the rail transit agency's internal safety and security review process, compliant with § 659.27;*
- Program for conducting oversight agency three-year safety reviews, compliant with § 659.39;* and
- Procedures for reporting to FTA, compliant with § 659.39 requirements.*

**May be included in the program standard or as separate procedures for the program.*

In addition, the initial submission should include a certification prepared by the oversight agency for each rail transit agency within its jurisdiction. This certification should state that the rail transit agency's System Safety Program Plan and Security Plan have been developed, reviewed and approved as compliant with the new 49 CFR Part 659.

(b) An initial submission must include the following:		<input type="checkbox"/>
1. Oversight agency program standard and referenced procedures; and		<input type="radio"/>
2. Certification that the system safety program plan and the system security program plan have been developed, reviewed, and approved.		<input type="radio"/>



§ 659.11 Confidentiality of investigation reports and security plans.

Previously § 659.23, this section allows states to prohibit an investigation report prepared or adopted by the oversight agency from being used in a civil action. In addition, this part does not require public availability of the rail transit agency's security plan and any referenced procedures.

If at all possible within the constraints of state "sunshine laws" and other freedom of information provisions, states are encouraged to protect the release of accident investigation reports and rail transit agency system security program plans.

In the event that a state is unable to protect the rail transit agency's security plan and procedures from public release, FTA recommends that the oversight agency should not take possession of these documents. Instead, the oversight agency should perform all reviews of these documents on-site at the rail transit agency or through some other means where copies received by the oversight agency are destroyed or returned to the rail transit agency after a brief review period.

Other procedures should be developed to address security sensitive information in working documents and reports prepared by the oversight agency to address the rail transit agency's implementation of its security program, whether through the internal security review process or the state's three-year security review. For example, a memorandum of understanding could be developed between the state and rail transit agency stating that documents prepared by the state will be delivered to the rail transit agency chief executive, who will assume ownership of them on behalf of the transit agency. State copies will be destroyed.

To address this situation, § 659.23(e) of the revised rule requires that the rail transit agency documents in the system security program plan its process for making its system security plan and accompanying procedures available to the oversight agency for review and approval.

(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.	<input type="checkbox"/>
(b) The Rule does not require public availability of the rail transit agency's security plan and any referenced procedures.	<input type="checkbox"/>



§ 659.13 Overview.

This section clarifies that the state oversight agency must have sufficient authority to establish the safety and security requirements for each affected rail transit agency. The state oversight agency must also have sufficient authority to oversee the implementation of the safety and security requirements by the affected rail transit agencies.

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	<input type="checkbox"/>
In addition, the state oversight agency must oversee the execution of these practices and procedures to ensure compliance with the provisions of this part.	<input type="checkbox"/>

§ 659.15 System safety program standard.

In section § 659.31, the previous rule referenced the American Public Transportation Association (APTA) Manual to establish the requirements for a system safety program standard. The new rule has removed that reference. In its place, FTA has identified nine (9) elements that must be included in an oversight agency's program standard.

The program standard must address both safety and security requirements and must be submitted to FTA with the oversight agency's initial submission. Procedures may be developed to support implementation of the program standard. These procedures must be: (1) referenced in the program standard and submitted to FTA as part of the initial submission; or (2) included directly in the program standard submitted to FTA with the initial submission.

Over time, as the program standard is updated, revised versions of the program standard and referenced procedures should be submitted to FTA in the oversight agency's annual submission.

Oversight agencies with existing program standards should review them for compliance with the nine (9) areas specified in the revised rule. To support this review process, states may want to:

- Prepare a cross-walk matrix, documenting where the new requirement is located in their existing program standard and what items are outstanding; and
- Revise the program standard based on the list of outstanding items.

FTA encourages oversight agencies to revise their program standards to follow the order presented in § 659.15. However, in reviewing program standards, FTA will accept documents that do not follow the exact order of elements presented in § 659.15, as long as the submission is accompanied by a matrix indicating where each of required nine elements is addressed in the program standard.

- | | |
|---|--------------------------|
| <p>(a) General requirement. 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> | <input type="checkbox"/> |
|---|--------------------------|



§ 659.15 System safety program standard (cont.).

The program standard developed by the oversight agency must address nine (9) elements. Each of these elements is discussed below.

1. At a minimum, the program management section must explain the oversight agency's:
 - Authority to provide oversight and to implement the revised rule;
 - Process, policies, roles and responsibilities for providing oversight, including an overview of the activities performed by the oversight agency;
 - The process through which the state oversight agency communicates with the rail transit agency regarding program issues, such as formal correspondence, emails, telephone calls to designated contacts, quarterly meetings, etc.; and
 - Procedures for reporting to FTA.

2. At a minimum, the standard development section must include:
 - Process for developing, reviewing and adopting the program standard and supporting procedures;
 - Process for updating the program standard and supporting procedures, including scheduled review cycles; and
 - Process used to disseminate the revised program standard and supporting procedures to the rail transit agency, ensuring that each affected rail transit agency has the current version of the program standard and supporting procedures.

(b) Contents. Each oversight agency shall develop a written program standard that meets the requirements specified in this part and includes, at a minimum, the areas identified in this section:	<input type="checkbox"/>
1. Program management section.	<input type="checkbox"/>
<ul style="list-style-type: none"> • 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. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Program standard development section.	<input type="checkbox"/>
<ul style="list-style-type: none"> • 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. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



§ 659.15 System safety program standard (cont.).

3. At a minimum, the oversight of the rail transit agency internal safety and security review section must describe the process that:
 - Requires the internal safety and security review process and schedule for each rail transit agency;
 - Requires copies of internal safety and security review checklists and procedures;
 - Requires an annual report from the rail transit agency, to include the status of compliance with the internal review schedule, activities performed, and recommendations and corrective action plans developed to address review findings;
 - Requires that the annual report be submitted under the signature of rail transit agency top management;
 - Requires that, 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; and
 - Specifies that the oversight agency must approve the annual report from the rail transit agency.
 - Pages 33 and 34 provide additional information.

4. At a minimum, the oversight agency three-year review section must include the process used to conduct three-year or on-going reviews of the rail transit agency's implementation of its safety and security programs. This section must include the processes to notify the rail transit agency prior to the review. Criteria (applied through the use of checklists or other tools) must be identified through which the oversight agency will evaluate the rail transit system's safety and security programs and whether they need to be updated. . Additional information is provided on Page 35 of this guide. Findings resulting from this review should be managed through the process established under "Element Seven – Corrective Actions Section" of the program standard.

<p>3. Oversight of rail transit agency internal safety and security reviews. This section shall specify the role of the oversight agency in overseeing the rail transit agency internal safety and security review process.</p> <ul style="list-style-type: none"> • 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. 	<input type="checkbox"/> <input type="radio"/>
<p>4. Oversight agency safety and security review section. 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.</p> <ul style="list-style-type: none"> • 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. 	<input type="checkbox"/> <input type="radio"/>



§ 659.15 System safety program standard (cont.).

5. At a minimum, in the accident notification section, the oversight agency must define the requirements for the rail transit agency to notify the oversight agency of accidents, including timeframes (i.e., within two hours), notification methods (i.e., facsimile, email, pager/beeper, telephone), and information to be included upon notification (i.e., elements to be provided in initial report). Notification thresholds must comply with § 659.33 of FTA's revised rule. Oversight agencies are encouraged to provide 24/7 notification options, to ensure rail transit agency compliance with the two hour notification time-frame. Additional information on this requirement is provided in § 659.33, discussed on Pages 38 and 39 of this guide.

6. At a minimum, the investigation section must include thresholds that require oversight agency investigations as well as roles and responsibilities for conducting investigations. This section must be compliant with § 659.35 of the revised rule, discussed on Page 40 of this guide. In the event that the rail transit agency will conduct the investigation on behalf of the oversight agency, the oversight agency must review and approve the rail transit agency accident investigation procedures, formally adopting them, in either its program standard or referenced procedures. In addition, for each accident, the oversight agency must formally authorize the rail transit agency to conduct the investigation on its behalf. The oversight agency should participate in the investigation, and must formally review and adopt the rail transit agency investigation report as its own. It should be noted that there is no requirement for the oversight agency to approve the rail transit agency investigation report, so in the event of conflicts with the rail transit agency report, the oversight agency must issue its own report. However, the oversight agency must review and approve all corrective action plans developed by the rail transit agency to address investigation findings, following the process specified in "Element Seven: Corrective Actions Section." Procedures must also be included for managing conflicts with the rail transit agency and for coordinating with the NTSB.

<p>5. Accident notification section.</p> <ul style="list-style-type: none"> • This section shall include the specific requirements for the rail transit agency to notify the oversight agency of 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> <p>○</p> <p>○</p>	<p><input checked="" type="checkbox"/></p>
<p>6. Investigations section. 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:</p> <ul style="list-style-type: none"> • 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> <p>○</p> <p>○</p> <p>○</p>	<p><input checked="" type="checkbox"/></p>



§ 659.15 System safety program standard. (cont.)

7. The corrective actions section must define the processes for developing, reviewing, and approving corrective action plans. This section must comply with § 659.37 of the revised rule, discussed on Page 41 of this guide. The revised rule requires that the corrective action management process established by the oversight agency be applied to all corrective action plans developed by the rail transit agency to address findings from accident investigations and three-year reviews. In implementing this process, the oversight agency must specify how it will manage conflicts with rail transit agencies, and how it will receive information regarding the verification and tracking of the implementation of approved corrective action plans by the rail transit agency. As appropriate, the oversight agency may require monthly, quarterly or interim reports on the status of corrective action plan implementation. This process can also be integrated with the rail transit agency's hazard management process, discussed in "Element Eight – System Safety Program Plan Section" – to consolidate rail transit agency reporting requirements.

7. Corrective actions section.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • 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; 	<input type="checkbox"/>
<ul style="list-style-type: none"> • This section shall also identify the oversight agency's policies for the verification and tracking of corrective action plan implementation; and 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Its process for managing conflicts with the rail transit agency relating to investigation findings and corrective action plan development. 	<input type="checkbox"/>



§ 659.15 System safety program standard. (cont.)

8. At a minimum, the system safety program plan section must list the minimum requirements for system safety program plans as specified in § 659.19 of the revised rule and discussed on Pages 22 thru 29 of this guide. The requirements for the rail transit agency’s hazard management process must also be listed in this section. This requirement is addressed in § 659.31 of the revised rule, and is discussed on Pages 24, 36 and 37 of this guide. Finally, in this section, the oversight agency must describe its process for reviewing and approving the system safety program plan, including the issuance of a formal letter and checklist, and for requiring annual reviews of the system safety program plan at the rail transit agency.
9. At a minimum, the security plan section must list the minimum requirements for the rail transit agency’s system security program plan, specified in § 659.21 and § 659.23, and discussed on Pages 30 and 31 of this guide. The oversight agency must describe its process for the review and approval of the security plan, including the issuance of a formal letter and checklist, as well as how this process ensures the confidentiality of the rail transit agency’s security program plan and supporting procedures. The oversight agency must also require annual reviews of this plan at the rail transit agency.

<p>8. System safety program plan section.</p> <ul style="list-style-type: none"> • 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 ongoing 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><input type="radio"/> <input checked="" type="checkbox"/></p>
<p>9. System security plan section.</p> <ul style="list-style-type: none"> • 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 security program plan. • This section also shall identify how the state will prevent the system security plan from public disclosure. 	<p><input type="radio"/> <input checked="" type="checkbox"/></p>



§ 659.17 System safety program plan: general requirements.

Previously § 659.33, this section requires a rail transit agency to develop and implement a system safety program plan. Oversight agencies must review and approve the system safety program plan and are now required to issue a formal letter of approval and the checklist used for review to the rail transit agency.

It should be noted that the system safety program plan includes not only the plan itself, but also all of the operating rules, procedures, materials and programs referenced in the plan. These materials must be submitted to the oversight agency with the system safety program plan to ensure a complete review of the rail transit agency's safety program, as documented in the system safety program plan.

(a) The oversight agency shall require the rail transit agency to develop and implement a written system safety program plan that complies with the Rule and the oversight agency's program standard.	<input type="checkbox"/>
(b) The oversight agency shall review and approve the rail transit agency system safety program plan.	<input type="checkbox"/>
(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.	<input type="checkbox"/>



§ 659.19 System safety program plan: contents.

In this new section, FTA has identified 21 elements that, at a minimum, must be addressed in the rail transit agency system safety program plan.

In its program standard, the oversight agency must identify these elements and require their inclusion in the rail transit agency system safety program plan. Depending on its authority, the oversight agency may require that the existing system safety program plan be re-written to follow these 21 elements in order. Or the oversight agency may specify that revisions be made to the existing system safety program plan, so long as the changes are documented in a cross-walk reference matrix, indicating where the new requirements are addressed. A brief description of each of the 21 elements is provided below:

- **(a) policy statement** – The system safety program plan must be endorsed by the rail transit agency’s chief executive. Authority to implement the program must be described, including any limitations.
- **(b) goals and objectives** – FTA encourages the rail transit agency, whenever possible to include quantitative as well as qualitative measures to assess the performance of the program and to identify areas in need of improvement. Examples of quantitative safety measures can be found in *FTA’s State Safety Oversight Annual Report*, accessed at FTA’s Safety and Security website (www.fta.dot.gov, click on Safety and Security). Determining success in meeting these goals and objectives should be part of the annual review performed by the rail transit agency on its System Safety Program Plan.
- **(c) management structure** – An organization chart must be provided for the rail transit agency. Interfaces between the safety function and the rest of the rail transit agency must be identified. Narrative text must be provided explaining the lines of authority used to manage safety issues at the agency.

The system safety plan shall include, at a minimum:	
(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.	<input type="checkbox"/>
(b) A clear definition of the goals and objectives for the safety program and stated management responsibilities to ensure they are achieved.	<input type="checkbox"/>
(c) An overview of the management structure of the rail transit agency, including:	<input type="checkbox"/>
• (1) An organization chart;	<input type="radio"/>
• (2) A description of how the safety function is integrated into the rest of the rail transit organization; and	<input type="radio"/>
• (3) Clear identification of the lines of authority used by the rail transit agency to manage safety issues.	<input type="radio"/>



§ 659.19 System safety program plan: contents. (cont.)

- **(d) process control** – The system safety program plan must be reviewed for changes annually. In the event that changes are made, the agency must specify its process for coordinating with the oversight agency to submit the revised safety plan, and to support review and receive approval from the oversight agency. This process must include timeframes for submission, review and approval.

- **(e) description of safety activities** – FTA requires that the system safety program plan contain a set of matrices or narrative descriptions identifying (1) the safety activities performed by the rail transit safety function and (2) the safety activities performed by other rail transit departments that support the safety program. Activities performed by other rail transit departments to support the safety program must be accompanied by position and management accountability. It is also recommended that the matrix of activities performed by both the safety function and other rail transit departments specify an associated schedule, identifying whether the activity is performed daily, weekly, monthly, quarterly, annually, or on an as needed basis.

(d) The process used to control changes to the system safety program plan, including: <ul style="list-style-type: none"> • (1) Specifying an annual assessment of whether the system safety program plan should be updated; and • (2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval. 	○ ○	<input type="checkbox"/>
(e) A description of the specific activities required to implement the system safety program, including: <ul style="list-style-type: none"> • (1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and • (2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format. 	○ ○	<input type="checkbox"/>

49 CFR Part 659 Reference Guide



§ 659.19 System safety program plan: contents. (cont.)

- **(f) hazard management process** – This new requirement, which must be documented in the system safety program plan, establishes the process through which the rail transit agency and the oversight agency will share information regarding the identification, investigation, evaluation, resolution and tracking of hazards. The objective of this process is to provide an on-going oversight role for hazard management at the rail transit agency.

As specified in § 659.31 of the revised rule, and discussed on Pages 36 and 37 of this guide, the hazard management process must identify all mechanisms, systems and procedures in place at the rail transit agency to identify hazards. Examples include: data mining of agency control center logs and maintenance information systems; reports from operators and supervisors; customer complaints; results of formal safety analyses; results from internal safety and security reviews; results from performance testing and other rules compliance activities; results from the oversight agency three-year safety review; and results from accident investigations and trend analysis of minor incidents and near-misses.

In addition, the hazard management process must describe how identified hazards are investigated, evaluated and analyzed; and how they are being controlled and eliminated, whether by design for minimum risk; use of safety devices; use of warning devices; the provision of procedures and training; or some other means.

Finally, this section must describe how identified hazards are tracked through to resolution, and must specify the rail transit agency's on-going reporting requirements for communicating this information to the oversight agency (i.e., monthly tracking logs, monthly or quarterly meetings; monthly or quarterly reports, meeting minutes, or some other method). Additional information is provided on Pages 36 and 37 of this guide.

- | | |
|--|--------------------------|
| (f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for: | <input type="checkbox"/> |
| • (1) Hazard identification; | <input type="radio"/> |
| • (2) Hazard investigation, evaluation and analysis; | <input type="radio"/> |
| • (3) Hazard control and elimination; | <input type="radio"/> |
| • (4) Hazard tracking; and | <input type="radio"/> |
| • (5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status. | <input type="radio"/> |



§ 659.19 System safety program plan: contents. (cont.)

- **(g) modifications** – FTA requires rail transit agencies to clearly specify their processes and procedures regarding those maintenance and construction activities that do not require formal safety certification, but that do require safety inspections and sign-offs prior to placement of the facility, equipment, or vehicle in service (i.e., replacements or repair in kind, etc.) To avoid confusion and to clarify roles and responsibilities, FTA recommends that the rail transit agency safety department coordinate with the maintenance department to develop a formal procedure, if one does not already exist. This procedure should be referenced in this section.
- **(h) safety certification** – FTA requires rail transit agencies to describe the process used to ensure that any facilities, equipment, vehicles and services placed in passenger operations are certified as safe and secure prior to carrying passengers. References to appropriate safety certification plans and procedures should be included in this section.
- **(i) safety data acquisition** – The system safety program plan must identify how information related to safety is identified, evaluated, and distributed throughout the rail transit agency. It must also specify how safety information is reported to the rail transit safety function. Accountability for the reporting and analysis of safety information should also be addressed. As appropriate, this section should reference the procedures developed to support the hazard management process.

(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.	<input type="checkbox"/>
(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 subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.	<input type="checkbox"/>
(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.	<input type="checkbox"/>



§ 659.19 System safety program plan: contents. (cont.)

- **(j) accident notification, investigation and reporting** – FTA requires that the system safety program plan specify that accidents meeting thresholds established in the revised rule are reported to the oversight agency within two (2) hours. Requirements for reporting to other agencies, such as the National Transportation Safety Board, should also be identified. In addition, this section must describe and reference the procedures and processes used to conduct accident investigations, to identify causal factors, and to develop and track corrective actions. Submission of investigation reports and corrective action plans to the oversight agency and subsequent coordination with the oversight agency must also be addressed. Additional information is provided on Pages 38 and 39 of this guide.
- **(k) emergency management program** – FTA requires rail transit agencies to describe the process used to ensure emergency preparedness, including meetings with external agencies (committee, task forces, etc.), emergency planning responsibilities and requirements, the development and updating of emergency operating procedures, and the process used at the agency to identify, develop and schedule emergency management training and tabletops, drills and exercises, and to prepare after action reports and improvement plans. As appropriate, participation in grant programs (and compliance with grant requirements) from the Department of Homeland Security should be noted.

(j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including: <ul style="list-style-type: none"> • (1) Notification thresholds for internal and external organizations; • (2) Accident investigation process and references to procedures; • (3) The process used to develop, implement, and track corrective actions that address investigation findings; • (4) Reporting to internal and external organizations; and • (5) Coordination with the oversight agency. 	○ ○ ○ ○ ○	<input type="checkbox"/>
(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: <ul style="list-style-type: none"> • (1) Meetings with external agencies; • (2) Emergency planning responsibilities and requirements; • (3) Process used to evaluate emergency preparedness, such as annual emergency field exercises; • (4) After action reports and implementation of findings; • (5) Revision and distribution of emergency response procedures; • (6) Familiarization training for public safety organizations; and • (7) Employee training. 	○ ○ ○ ○ ○ ○ ○	<input type="checkbox"/>



§ 659.19 System safety program plan: contents. (cont.)

- **(l) internal safety reviews** – FTA requires rail transit agencies to develop and implement an internal safety review program with a three-year cycle. This process must cover each of the 21 elements required in the system safety program plan during a three-year cycle. Rail transit agencies must develop a schedule, procedures and checklists, and must submit them to the oversight agency for review. Annual reports must also be submitted documenting internal review activities, schedule, findings, and status of implementation of recommendations. The rail agency’s chief executive must submit an annual certification to the oversight agency stating that the internal review process demonstrates compliance with the agency’s system safety program plan. If such certification cannot be made, then an action plan must be submitted to the oversight agency for review and approval. Pages 33 and 34 of the guide provide additional information.
- **(m) rules compliance** – FTA specifies that rail transit agencies must address activities performed to ensure that employees comply with safety-related rules and procedures. These activities should include:
 - The identification of operating and maintenance rules and procedures subject to review;
 - Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as proficiency and efficiency testing;
 - Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and
 - The process for documenting results and incorporating them into the hazard management program.

(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: <ul style="list-style-type: none"> • (1) Identification of departments and functions subject to review; • (2) Responsibility for scheduling reviews; • (3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings; • (4) Review of reporting requirements; • (5) Tracking the status of implemented recommendations; and • (6) Coordination with the oversight agency. 	○ ○ ○ ○ ○ ○	<input type="checkbox"/>
(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: <ul style="list-style-type: none"> • (1) Identification of operating and maintenance rules and procedures subject to review; • (2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing; • (3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and • (4) Process for documenting results and incorporating them into the hazard management program. 	○ ○ ○ ○	<input type="checkbox"/>



§ 659.19 System safety program plan: contents. (cont.)

- **(n) facilities and equipment safety inspections** – FTA requires the system safety program plan to provide a description of the process, procedures, techniques, and schedule used to conduct facility and equipment inspections and testing. Results from facilities and equipment inspections and testing must be accounted for in the rail transit agency’s hazard management process. Applicable procedures should be referenced in the system safety program plan.
- **(o) maintenance audits and inspections** – FTA requires the system safety program plan to provide a description of the process and procedures used to ensure that all required safety issues are addressed in maintenance audits and inspections. This section must identify the audits and inspections to be performed, their schedule, required documentation, and how results are accounted for in the rail transit agency’s hazard management process. Applicable procedures must be referenced in the system safety program plan.
- **(p) training and certification program** – FTA requires that the system safety program plan provide a description of the training and certification program used for employees and contractors to ensure their knowledge and proficiency regarding the agency’s safety rules. This section should identify these requirements, as well as the processes and procedures used to ensure that all employees and contractors who should have training actually have received such training.
- **(q) configuration management** – FTA requires the system safety program plan to describe the process and procedures used to ensure configuration management control, including the authority to make changes, process for making changes, and notification and assurances to all affected departments regarding control of the rail transit agency’s design baseline.

(n) A description of the process used for facilities and equipment safety inspections, including: <ul style="list-style-type: none"> • (1) Identification of the facilities and equipment subject to regular safety-related inspection and testing; • (2) Techniques used to conduct inspections and testing; • (3) Inspection schedules and procedures; and • (4) Description of how results are entered into the hazard management process. 	○ ○ ○ ○	<input type="checkbox"/>
(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.		<input type="checkbox"/>
(p) A description of the training and certification program for employees and contractors, including: <ul style="list-style-type: none"> • (1) Categories of safety-related work requiring training and certification; • (2) A description of the training and certification program for employees and contractors in safety-related positions; • (3) Process used to maintain and access employee and contractor training records; and • (4) Process used to assess compliance with training and certification requirements. 	○ ○ ○ ○	<input type="checkbox"/>
(q) A description of the configuration management control process, including: <ul style="list-style-type: none"> • (1) The authority to make configuration changes; • (2) Process for making changes; and • (3) Assurances necessary for formally notifying all involved departments. 	○ ○ ○	<input type="checkbox"/>



§ 659.19 System safety program plan: contents. (cont.)

- **(r) local, state and federal requirements** – FTA requires that the system safety program plan identify all applicable safety requirements specified in local, state and federal regulations, and explain how these regulations are conveyed to transit employees and contractors and how their implementation is assessed during reviews and rules compliance activities.
- **(s) hazardous materials** – FTA requires the system safety program plan to provide a description of rail transit agency’s program for receiving, storing, handling, using and disposing of hazardous materials. This description should also explain how knowledge of this program is conveyed to employees and contractors through training programs and evaluated through inspections and audits, the internal review process, and rules compliance activities.
- **(t) drug and alcohol program** – FTA requires the system safety program plan to provide a description of the program established by the rail transit agency to ensure knowledge of and compliance with FTA drug and alcohol requirements. This description should also explain how implementation of this program is evaluated through inspections and audits, the internal safety review process, and rule compliance activities.
- **(u) procurement** – FTA requires that the system safety program plan address the rail transit agency’s procurement process, to ensure that the agency’s safety function is consulted appropriately in the procurement process. This section should describe the interfaces between procurement and safety, and clarify when review or approval is required from the safety function.

(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"> • (1) Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency property; and • (2) Processes for ensuring the employees and contractors know and follow the requirements. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(s) A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.	<input type="checkbox"/>
(t) A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.	<input type="checkbox"/>
(u) A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency's procurement process.	<input type="checkbox"/>



§ 659.21 System security plan: general requirements.

This new section requires a rail transit agency to develop and implement a system security plan separate from the system safety program standard. Oversight agencies must review and approve the system security program plan and supporting procedures, and are now required to issue a formal letter of approval and the checklist used for review to the rail transit agency.

The oversight agency and rail transit agency must identify a process through which the oversight agency can review and approve the system security plan without compromising sensitive information. In establishing this process, the transit system and the oversight agency must comply with all regulations relating to the non-disclosure of sensitive information in 49 CFR Part 1520. More information on this regulation can be found at:

- http://www.access.gpo.gov/nara/cfr/waisidx_03/49cfr1520_03.html.

In addressing these requirements, the state oversight agencies and rail transit agencies should review directives issued by the Department of Homeland Security, Transportation Security Administration (TSA). These directives provide general guidance on managing security sensitive information, and also offer recommendations for elements to be covered in the system security program plan. The directives are not publicly available, and should have been provided to the rail transit agency by TSA.

Training and support for system security program development can be obtained from:

- the National Transit Institute (NTI) at <http://www.ntionline.com/topic.asp?TopicArea=5>; and
- the Transportation Safety Institute at <http://www.tsi.dot.gov/>

(a) The oversight agency shall require the rail transit agency to implement a system security plan that, at a minimum, complies with requirements of the Rule 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.	<input type="checkbox"/>
(b) The oversight agency may prohibit a rail transit agency from publicly disclosing the system security plan.	<input type="checkbox"/>
(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.	<input type="checkbox"/>



§ 659.23 System security plan: contents.

The system security plan requires five (5) elements:

- **System policies, goals and objectives** should be established for the security program and endorsed by the rail transit agency's chief executive.
- The **threat and vulnerability** process should be documented, including how it is integrated with the rail transit agency's safety certification process. The Department of Homeland Security, Office for Domestic Preparedness (ODP) has made available the Port/ Mass Transit Technical Assistance Program. This technical assistance employs the *ODP Special Needs Jurisdiction Tool Kit* in the rail transit environment. All requests for technical assistance should be submitted to the ODP Centralized Scheduling and Information Desk at (800) 368-6498.
- To **identify the controls in place that address the personal security of passengers and employees**, FTA has prepared the *Public Transportation System Security and Emergency Preparedness Planning Guide*, available on FTA's safety and security website at: <http://transit-safety.volpe.dot.gov>. This guide addressed procedures, plans, training, technology, and a program for reporting and investigating unusual occurrences and incidents. It includes planning templates, and offers recommendations to address new threats in the rail transit environment.
- The process for conducting **internal reviews to evaluate compliance and measure effectiveness** must be documented in the system security plan. This process should be coordinated with the safety internal review process, following the same procedures and practices.
- The process selected to ensure the **availability of the system security plan and supporting procedures to the oversight agency** must also be documented, according to procedures established to prevent public disclosure of these materials.

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.	<input type="checkbox"/>
(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;	<input type="checkbox"/>
(c) Identify controls in place that address the personal security of passengers and employees;	<input type="checkbox"/>
(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	<input type="checkbox"/>
(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.	<input type="checkbox"/>



§ 659.25 Annual review of system safety program plan and system security plan.

In this new section, FTA has required that the oversight agency ensure that the rail transit agency conducts an annual review of its system safety program plan and system security plan. If the rail transit agency modifies either plan as a result of its review, it must submit the plan(s) to the oversight agency for review and approval. After the oversight agency reviews and approves the modified plans, the agency must issue a formal letter of approval and checklist.

Depending on the circumstances, if the state oversight agency is unable to protect the system security program plan and supporting procedures from public disclosure, then the review process must follow the terms established in the rail transit agency's system security program plan, as specified in § 659.23(e) of the revised rule.

(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.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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 the Rule.	<input type="checkbox"/>
(c) After the plan is approved, the oversight agency shall issue a formal letter of approval to the rail transit agency.	<input type="checkbox"/>



§ 659.27 Internal safety and security reviews.

In this revised section, FTA specifies that the state oversight agency must require the rail transit agency to develop and document a process for the performance of on-going safety and security reviews to assess implementation of the system safety program plan and the system security program plan.

In this process, the rail transit agency must review all 21 elements of its system safety program plan and all five (5) elements system security plan over a three-year cycle. When conducting the internal reviews, the rail transit agency must apply sufficient criteria to determine if all elements are performing as intended. This includes activities such as the development of goals, objectives, policies, and the identification of roles and responsibilities for safety and security activities, as well as the specific tasks performed for the safety and security programs.

Recommendations and corrective actions should be identified (and their implementation tracked) to address those elements that are not meeting intended objectives.

The rail transit agency must prepare an internal safety and security review schedule and must submit this schedule annually to the oversight agency. In addition, the rail transit agency must notify the state oversight agency at least 30 days prior to the conduct of a review. State oversight agencies are encouraged to attend these reviews, to observe the process, and to review the findings.

The rail transit agency must also submit to the oversight agency any checklists and procedures used to conduct the internal safety and security reviews. (Security checklists and procedures must be managed using the procedures specified in § 659.23(e) of the revised rule.)

(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.	<input type="checkbox"/>
(b) The internal safety and security review process must, at a minimum: <ol style="list-style-type: none"> 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 2. Ensure that all elements of the system safety program plan and system security plan are reviewed in an ongoing manner and completed over a three-year cycle 	
(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.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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).	<input type="checkbox"/>



§ 659.27 Internal safety and security reviews. (cont.)

The oversight agency must require the rail transit agency to submit an annual report that documents the internal reviews conducted for that year, where the agency is in terms of its three-year schedule, and the status of all internal review findings and corrective actions. The oversight agency must establish a process for reviewing and approving this report.

In addition to the annual report, the rail transit agency must include a formal letter of certification, signed by the rail transit agency's chief executive, stating that the agency is in compliance with its system safety program plan and system security program plan. In the event that the rail transit agency is not compliant, the rail transit agency must submit to the oversight agency the steps it will take to achieve compliance. The oversight agency must review and approve this action plan.

(f) The oversight agency shall require the rail transit agency to annually submit a report documenting internal safety and security 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).	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(i) The oversight agency must formally review and approve the annual report.	<input type="checkbox"/>



§ 659.29 Oversight agency safety and security reviews.

Previously § 659.31, this revised section requires that the oversight agency conduct an on-site review of the rail transit agency's implementation of its system safety program plan and system security plan at least every three years.

As in the previous version, the rule requires that the oversight agency prepares and issues a report containing findings and recommendations resulting from the review, which must analyze the effectiveness of the system safety program plan and system security plan and whether either should be updated. In the revised section, FTA has provided oversight agencies with the option to conduct ongoing safety and security reviews or a comprehensive review once every three years.

Corrective actions plans required as a result of the three-year review process should be managed through the corrective action plan process, specified in § 659.37 of the revised rule.

In conducting the three-year review, oversight agency should prepare procedures and a checklist to guide the review process. Criteria must be established through which the oversight agency evaluates the effectiveness of the rail transit agency's implementation of its system safety and system security program plans. Completed reports for the three-year safety review must be submitted to FTA as part of the oversight agency's annual submission.

At least every three (3) years, beginning with the initiation of rail transit agency passenger operations, the oversight agency must conduct an onsite 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.	<input type="checkbox"/>
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 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.	<input type="checkbox"/>



§ 659.31 Hazard management process.

To address challenges experienced by state oversight agencies and rail transit agencies regarding the definition, investigation and resolution of “unacceptable hazardous conditions,” the revised rule significantly changes the requirements through which hazards are managed in the program.

In § 659.31, the revised rule focuses on the creation of a hazard management process, developed by the rail transit agency in its system safety program plan. This process must be approved by the oversight agency. FTA encourages the rail transit agencies and their oversight agencies to work together in developing this process.

This process addresses the management of all hazards during the operation of the rail system. This process has three components.

- First, the process must describe how the rail transit agency **identifies, reports, classifies, resolves and tracks hazards during operations**. This discussion must include the sources of, and the mechanisms to support, the on-going identification of hazards at the agency. FTA encourages the rail transit agency to identify accurately all of the techniques its uses to evaluate hazards, including trend analysis and the suspicions of seasoned personnel, as well as inductive and deductive techniques, such as fault tree analysis, operating hazards analysis, preliminary hazard analysis, and failure modes and effects analysis.
 - Compliance with the MIL-STD 882D or the APTA Manual Hazard Resolution Process is no longer required, though rail transit agencies are encouraged to apply these methods as appropriate.
 - Above all, in the process, rail transit agencies should explain how they manage hazards under real-world operating conditions.

- | | |
|--|---|
| (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. | □ |
|--|---|



§ 659.31 Hazard management process. (cont.)

- Second, the process must specify **the conditions under which the oversight agency must be notified** regarding an identified hazard, and when and how the oversight agency will receive notification and follow-up information regarding the actions taken by the rail transit agency to resolve the hazard.
- Third, the process must describe how the rail transit agency will provide **on-going reporting** to the oversight agency regarding hazard resolution activities.

In the revised rule, FTA has set no limitations on the reporting process. Therefore, an easy way to obtain compliance is for the rail transit agency to email its existing hazard log to the oversight agency once a month. Or, a separate report could be prepared by the rail transit agency and emailed to the oversight agency that identifies only those hazards that meet specific thresholds established jointly by the rail transit agency and the oversight agency, and that provides the status of activities performed for their resolution. As another alternative, quarterly meetings could be held between the oversight agency and rail transit agency. During these meetings, the results of the rail transit agency's hazard management process for the preceding quarter would be discussed.

(b) The hazard management process must, at a minimum:	
1. Define the rail transit agency's approach to hazard management and the implementation of an integrated system-wide hazard resolution process;	<input type="checkbox"/>
2. Specify the sources of, and the mechanisms to support, the on-going identification of hazards;	<input type="checkbox"/>
3. Define the process by which identified hazards will be evaluated and prioritized for elimination or control;	<input type="checkbox"/>
4. Identify the mechanism used to track through resolution the identified hazard(s);	<input type="checkbox"/>
5. Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and	<input type="checkbox"/>
6. Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency.	<input type="checkbox"/>



§ 659.33 Accident notification.

In the revised rule FTA has streamlined reporting requirements for rail transit agencies by aligning the state safety oversight thresholds with those required for National Transit Database Major Incident Reporting.

Under the revised rule, rail transit agencies are required to notify the oversight agency within two hours for any incident involving a rail transit vehicle or taking place on transit-controlled property that surpasses any of the following thresholds:

- A fatality is any death at the scene or where an individual is confirmed dead within 30 days.
- The previous threshold of *one or more* injuries requiring immediate medical attention away from the scene has been increased to *two or more* injuries.
- The previous property damage threshold of \$100,000 has been reduced to \$25,000.
- Any evacuation due to life safety reasons now requires notification.
- Any collision at a grade crossing requires notification, regardless of injuries or property damage.
- Any main-line derailment requires notification, regardless of other factors.
- Any collision with an individual on a rail right of way requires notification.
- Any collision between a rail transit vehicle and another rail transit vehicle or a rail transit non-revenue vehicle requires notification, regardless of other factors.

Under the new rule, events requiring notification can take place on a rail transit vehicle or on rail transit-controlled property, and can involve rail transit passengers, employees, contractors, rail transit facility occupants, other workers, trespassers, or other persons.

<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> <ol style="list-style-type: none"> 1. A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident; 2. Injuries requiring immediate medical attention away from the scene for two or more individuals; 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; 4. An evacuation due to life safety reasons; 5. A collision at a grade crossing; 6. A main-line derailment; 7. A collision with an individual on a rail right of way; or 8. A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle. 	<p><input type="checkbox"/></p> <p>○</p> <p>○</p> <p>○</p> <p>○</p> <p>○</p> <p>○</p> <p>○</p> <p>○</p> <p>○</p>	<p><input type="checkbox"/></p>
--	--	---------------------------------



§ 659.33 Accident notification. (cont.)

For rail transit agencies that share track with the general railroad system and are subject to FRA notification requirements, the rail transit agency must notify the oversight agency within two hours of any incident that requires FRA notification.

The oversight agency must identify the process for accident notification in its standard. Typically, notification can occur via facsimile, email, beeper/pager, and telephone. The information to be provided with notification should also be identified. FTA recommends that the oversight agency provide the rail transit agency with an initial report form to be completed and emailed or faxed to the oversight agency.

Oversight agencies are encouraged to provide rail transit agencies 24/7 contact and notification information, to ensure that rail transit agencies can make their reports within two hours of the accident.

Additional information on the definitions and terms used in the National Transit Database for Major Incident Reporting can be found at <http://www.ntdprogram.com>.

(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 incident for which the rail transit agency must also notify the Federal Railroad Administration.	<input type="checkbox"/>
(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	<input type="checkbox"/>



§ 659.35 Investigations.

As in the previous rule, oversight agencies are required to investigate, or require to be investigated, any incident that surpasses one of the notification thresholds listed in the previous section. The oversight agency must ensure that the investigation is conducted according to procedures reviewed and approved by the oversight agency and submitted to FTA. In the event the oversight agency designates the rail transit agency to conduct the investigation 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. The oversight agency may also fulfill this requirement by coordinating with an NTSB investigation.

The rule specifies that if the oversight agency conducts the investigation, it must issue a final report that includes a description of investigation activities, causal factors and contributing factors, and a corrective action plan. If an entity other than the oversight agency has been authorized to conduct the investigation, the oversight agency must review and approve final report produced by the investigating entity. The oversight agency may adopt the final report, findings, and corrective actions submitted by the rail transit agency or conduct its own investigation. If a dispute relating to investigation findings should arise between the oversight agency and the rail transit agency, the oversight agency is responsible for resolving the dispute to ensure that corrective actions are developed to address report findings. The oversight agency is ultimately responsible for the investigation and the final report.

The oversight agency can require periodic status reports on investigation activities and findings as needed.

(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).	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(e) A final investigation report must be formally adopted by the oversight agency for each accident investigation. <ol style="list-style-type: none"> 1. If the oversight agency has conducted the investigation, it must formally transmit its final investigation report to the rail transit agency. <input type="radio"/> 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. <input type="radio"/> 3. If the oversight agency does not concur with the findings of the rail transit agency investigation report, it must either: <ol style="list-style-type: none"> i. Conduct its own investigation according to paragraphs (b), (d) and (e)(1) of this section; or <input type="radio"/> 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. <input type="radio"/> 	<input type="checkbox"/>
(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.	<input type="checkbox"/>



§ 659.37 Corrective action plans.

The revised rule consolidates all requirements for corrective action plans into this section, previously § 659.43. Under this section, an oversight agency must require the rail transit agency to develop a corrective action plan for:

- Investigation results that require corrective actions; and
- Findings from safety and security reviews performed by the oversight agency.

The revised rule also requires that rail transit agency describe its process for preparing these corrective actions plans.

In this section, FTA also specifies that each corrective action plan must identify:

- The action to be taken by the rail transit agency;
- The schedule for its implementation; and
- The department responsible for its implementation.

The oversight agency must review and approve corrective action plans and monitor the implementation of each approved plan. In performing this activity, the oversight agency must follow the procedures established in its program standard.

In monitoring the implementation of corrective action plans, the rail transit agency must:

- Verify that the plan is being implemented, or that a sufficient alternate action(s) has been implemented; and
- Provide the oversight agency with periodic reports (by request), describing the status of corrective actions.

Under the revised rule, the oversight agency must develop a process to resolve disputes between itself and the rail transit agency and create a process for reviewing NTSB accident investigation findings and determining if a corrective action plan should be developed.

(a) The oversight agency must, at a minimum, require the development of a corrective action plan for the following:		<input type="checkbox"/>
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	<input type="radio"/>	
2. Findings from safety and security reviews performed by the oversight agency.	<input type="radio"/>	
(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.		<input type="checkbox"/>
(c) The corrective action plan must be reviewed and formally approved by the oversight agency.		<input type="checkbox"/>
(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.		<input type="checkbox"/>
(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.		<input type="checkbox"/>
(f) The rail transit agency must provide the oversight agency:		<input type="checkbox"/>
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	<input type="radio"/>	
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.	<input type="radio"/>	
(g) The oversight agency must monitor and track the implementation of each approved corrective action plan.		<input type="checkbox"/>



§ 659.39 (c), (d) and (e) Annual reports and periodic submissions.

Oversight agencies are required to make annual submissions prior to March 15 of each year using a reporting system specified by FTA. The annual submission includes the following:

- A report 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.
- A report of three-year safety review activities, and whether a three-year safety review has been completed since the last annual report was submitted.
- Program standard and supporting procedures that have changed during the preceding year.
- Certification that the oversight agency has reviewed and approved any modifications to the rail transit agency system safety program plan or system security plan.

In this section, FTA reserves the authority to request periodic submissions from oversight agencies, which may include status reports for accident investigations, hazards, and corrective action plans.

The rule requires that all submissions to FTA be made electronically. At the current time, FTA anticipates that this reporting would occur in an Internet-based format, as a secure page on FTA's existing safety and security Web site. Until the system is in place, FTA requires that annual submissions be made through electronic mail or on CDROM through regular mail. Oversight agencies will be notified when the Internet-based system is operational.

(c) <i>Annual submission.</i> Before March 15 of each year, the oversight agency must submit the following to FTA:	<input type="checkbox"/>
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.	<input type="checkbox"/>
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.	<input type="checkbox"/>
3. Program standard and supporting procedures that have changed during the preceding year.	<input type="checkbox"/>
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.	<input type="checkbox"/>
(d) <i>Periodic submission.</i> FTA retains the authority to periodically request program information.	<input type="checkbox"/>
(e) <i>Electronic reporting.</i> All submissions to FTA required in the Rule must be submitted electronically using a reporting system specified by FTA.	<input type="checkbox"/>



§ 659.41 Conflict of interest.

In this section FTA requires the oversight agency to prohibit contractors from providing services to both the oversight agency and rail transit agency when a conflict of interest exists as defined by the state.

In the event that the state does not have conflict of interest provisions application to the SSO program, the SSO agency may choose to define the term "conflict of interest" in keeping with its existing procurement practices.

In developing this definition, it may be helpful to review FTA's guidance on this subject, which is used for the project management oversight program. This guidance is available at: http://www.fta.dot.gov/361_7235_ENG_Printable.htm.

(a) 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.	<input type="checkbox"/>
---	--------------------------

§ 659.43 Certification of compliance.

FTA requires that each oversight agency annually certify electronically to FTA that it has complied with the requirements of the State Safety Oversight Program. The oversight agency must maintain a signed copy of each annual certification, subject to audit by FTA.

(a) Annually, the oversight agency must certify to the FTA that it has complied with the requirements of the Rule.	<input type="checkbox"/>
(b) The oversight agency must submit each certification electronically to FTA using a reporting system specified by FTA.	<input type="checkbox"/>
(c) The oversight agency must maintain a signed copy of each annual certification to FTA, subject to audit by FTA.	<input type="checkbox"/>