



Commonwealth of Virginia
Department of Rail and Public
Transportation

Safety and Security
Program Standard
(SSPS)
and Procedures

March 2020, Revision 12

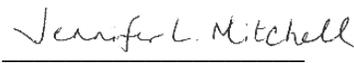


FTA State Safety Oversight Final Rule (49 CFR Part 674)	DRPT Program Standard
Subpart A – General Provisions	
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§ 674.41 Conflicts of interest	Section 1 – Program Management

Signatures

The undersigned have reviewed the Virginia Department of Rail and Public Transportation (DRPT) Safety and Security Program Standard and Procedures (SSPS), approve of its contents, and understand their responsibilities under the SSPS.

Virginia DRPT

 03/27/2020

Jennifer L. Mitchell, Director



3/27/2020

Andrew Ennis, Transit Rail Safety and Emergency Management
Administrator

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Attachments

- **Appendix A:** Organization Chart for DRPT
- **Appendix B:** Rail Transit Agency Safety and Security Points-of-Contact
- **Appendix C:** Security Program Requirements
- **Appendix D:** DRPT PTASP Review Checklist
- **Appendix E:** Safety Events Requiring Notification to the SSO
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- **Appendix H:** Checklist for Reviewing Rail Transit Agency Event Investigation Reports and Supporting Documentation
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- **Appendix M:** DRPT Annual Certification of 674 Compliance
- **Appendix N:** DRPT Approval of RTA's 674 Certification Report
- **Appendix O:** DRPT Inspection Program Protocol

Revision Log

Number	Effective Date	Comments
001	January 20, 2009	Initial Revision
002	May 18, 2009	Includes RTA's Comments
003	June 1, 2011	Accident investigations will generally be performed by the RTA on DRPT's behalf, without the need for formal authorization to do so. Also, personnel changes are reflected.
004	June 14, 2012	Updated personnel information; clarification of notification, investigation, reporting, and corrective action requirements.
005	October 2013	Updated personnel information, updated Three Year Review process, Addition of specific document submittal dates, Update CAP closure method, Addition of conflict resolution process, Addition of all DRPT internal SSO meetings, HM reportable items list, Additional information of notification method used by HRT.
006	April 2015	Updated entire document to include provisions for MAP-21 legislation. Added Appendix L with language from said legislation. Added Appendix M with accident/incident investigation procedure for independent DRPT investigations. Updated appendix titles and letter designations. Revised Organization Chart in Appendix C, and updated descriptions to reflect current DRPT organization.
007	December 2015	Updated entire document to reflect comments submitted by HRT pertaining to provisions for MAP-21 legislation. Updated the Figure titles and page numbers in the "List of Figures". Updated DRPT Notification Contacts to include new SSOPM and Alternate SSO Contact. Updated Table of Contents to reflect revisions mentioned above.
008	December 2016	Updated Appendix C: DRPT Organizational Chart, Appendix D: HRT Safety & Security Contacts
009	December 2017	Annual review. No updates required.
010	April 2018	Complete review and revision for compliance with 49 CFR 674. Updated Program Management section to reflect DRPT SSO authority under Part 674. Updated SSPS Development section to include program standard content required under Part 674. Updated Program Policy and Objectives to describe DRPT enforcement authority. Updated Accident/Incident Notification Requirements section to reflect Part 674 standards. Updated Definitions section with Part 674 definitions. Security Requirements moved to Appendix F, addressed by the Code of Virginia. Completed other minor edits throughout.
011	March 2019	Updated for compliance with 49 CFR Parts 672 and 673. Updated SSPS to reflect changes to DRPT SSO staffing. Revised appendices G and O. Added Appendices T, U & V.
012	March 2020	Updated comprehensively to clarify and streamline event notification, investigation, and reporting requirements; DRPT-RTA meeting processes; inspection procedures; SSPS update and revision procedures; internal audit requirements; and processes for CAP

		merging. Updated in response to observations from DRPT's 2019 internal SSO Program audit. Removed several nonessential figures and appendices. Added version control to remaining appendices.
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1 Program Management

1.1 Purpose

The Virginia Department of Rail and Public Transportation is the Commonwealth of Virginia's designated State Safety Oversight Agency (SSOA). 49 Code of Federal Regulations (CFR) Part 674 requires DRPT to develop program rules and standards for the safe and secure operations of rail fixed guideway systems. This program standard applies to all Federal Transit Administration (FTA) fixed guideway systems operating within the Commonwealth of Virginia with the exception of the Washington Metropolitan Transit Authority's Metrorail operation. This document describes the Commonwealth of Virginia's safety and security oversight program standards for rail fixed guideway public transportation systems (RFGPTS). This SSPTS and Procedures establishes the minimum requirements for safety and security programs at each RFGPTS/rail transit agency (RTA) within the Commonwealth's jurisdiction. This document provides standards, procedures, and technical direction to RTAs in order to implement the program.

1.2 FTA Authority

FTA's authority to require this program derives from the Moving Ahead for Progress in the 21st Century Act (MAP-21), 49 United States Code (USC) §5329(e), and 49 CFR Part 674 (Part 674). Part 674 requires states with rail fixed guideway systems to have a safety oversight program. In the event the SSOA is non-compliant with the provisions of Part 674, the U.S. Secretary of Transportation may withhold not more than five (5) percent of the amount required to be appropriated for use in a state or urbanized area in the state.

1.3 DRPT Authority under 49 CFR Part 674

Through Sections 33.2-281 through 33.2-285 of the *Code of Virginia*, the Commonwealth of Virginia has assigned DRPT as the SSOA responsible for rail transit safety and security oversight in the Commonwealth. The Code of Virginia grants authority to DRPT to develop, manage, and carry out FTA's safety oversight program requirements in the Commonwealth. This document establishes the system safety and security requirements that each RTA within the Commonwealth's jurisdictions must implement.

This SSPTS has the force of regulation and incorporates, by reference, 49 CFR Part 674 *Rail Fixed Guideway Systems* and regulations promulgated by FTA and other state and federal government organizations.

The Commonwealth Transportation Board and DRPT may in the future develop additional administrative policies and procedures to address state safety and security oversight outside of 49 CFR Part 674. At that time, if necessary, DRPT will revise the SSPTS.

1.4 DRPT Rail SSO Policies

In order to comply with 49 CFR 674, the DRPT Rail State Safety Oversight (SSO) Program personnel will conduct event investigations, triennial reviews of the rail system's safety plans,

and perform various types of inspections. Under 49 CFR 674 and the Code of Virginia, DRPT possesses the authority to access RFGPTS files, properties, vehicles, records, personnel, event scenes, and other relevant locations to conduct inspections and investigations into events, assess implementation of the RTA's Public Transportation Agency Safety Plan (PTASP), and evaluate implementation of corrective action plans (CAPs). Furthermore, 49 CFR Part 674 is the minimum standard issued by FTA. The regulation allows the designated rail SSOA (DRPT) to exceed these minimum standards with an accompanying legislative authority (the Code of Virginia).

All of these major components of the DRPT Rail SSO Program support a robust rail SSO Program in the Commonwealth of Virginia. The activities of the DRPT Rail SSO Program are described in various procedures that are part of the internal controls to ensure the highest performance of rail SSO.

1.5 DRPT Rail SSO Program

Pursuant to 49 CFR 674 and all applicable companion regulations enacted by the Commonwealth of Virginia, the DRPT Rail SSO function:

1. Is a legal entity per 49 CFR 674.11 (c) and 674.13 (a);
2. Is financially and legally independent from the RFGPTS under its oversight, in accordance with the Code of Virginia 33.2-1600, 33.2-1601, 33.2-1602, 33.2-1603 and 33.2-1604;
3. Does not directly provide any public transportation services in the area with RFGPTSs the SSOA oversees;
4. Does not directly employ any individual who is also responsible for administering the RFGPTS it oversees;
5. Does not contract with any individual or entity for services which that individual or entity that also provides services to the RFGPTS that the DRPT Rail SSO oversees; and
6. Is the Commonwealth of Virginia's explicit acknowledgement that it is the State's responsibility for overseeing the safety of the RFGPTS within its borders.

This Program Standard contains DRPT Rail SSO's minimum standards for safety of the RFGPTS within its oversight. These standards are consistent with the National Public Transportation Safety Plan, the Safety Certification Training Program Provisions, and all applicable federal and state laws.

1.6 DRPT Rail SSO Organization

The Virginia DRPT manages the SSO Program as the SSOA. **Appendix A** contains an organizational chart of DRPT. The DRPT Rail SSO team is led by the Transit Rail Safety and Emergency Management Administrator (referred to as the Administrator throughout this document) who manages the SSO program full-time. The Administrator oversees the implementation of the entire Rail SSO Program for the Commonwealth of Virginia and reports directly to the Director of DRPT. The Administrator performs the day to day activities of implementing the Program Standard for overseeing rail safety of applicable RFGPTSs.

DRPT retains the authority to use contractors as required to support the performance of safety

and security oversight activities. Per the requirements of 49 CFR Section 674.25(f), DRPT staff and contractors must comply with the requirements of the 49 CFR Part 672 and the Public Transportation Safety Certification Training Program as applicable. The SSOA maintains a technical training plan which describes program staff competency requirements and technical expertise necessary for the team to conduct investigations, inspections, and audits of the RTAs.

The Administrator, in conjunction with DRPT’s procurement department, manages procurement activities for the program. Procurement activities will be conducted in accordance with the Code of Virginia.

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1.7 Conflicts of Interest

No individual or entity may provide services to both DRPT and an RFGPTS in Virginia when there is a conflict of interest (COI) or an appearance of a conflict. A COI occurs when an individual or entity performing work for an RTA or DRPT is unable, or potentially unable, to render impartial assistance or advice on the development or implementation of the standards and provisions of this SSOS, or to objectively perform such work without bias. A third-party contractor to DRPT or an RTA may not have an unfair competitive advantage over other contractors. All contractors are subject to full disclosure of all present and potential conflicts of interest in its activities or relationships prior to award of a contract with DRPT or an affected RTA.

To address such potential conflicts, DRPT has developed a COI policy pertaining specifically to the SSO Program and for staff, leadership, and designees within the SSO team. DRPT Rail SSO will implement the policy with the highest level of professional objectivity in identifying all potential COI to DRPT’s procurement and legal departments to obtain a final decision on any matters regarding potential COI.

While the goal must be to document and mitigate to the most practicable extent any instances of financial COI, FTA has acknowledged that states may encounter instances where conflicts cannot be eliminated and must be mitigated instead. DRPT Rail SSO will use appropriate mitigations and external consultations between the DRPT Rail SSO team, DRPT leadership, DRPT legal advisors, and the Commonwealth’s Attorney General’s Office on matters relating to a potential COI. These mitigations may be demonstrated through self-certification and periodic independent reviews conducted of the DRPT Rail SSO Program. All of these efforts to be transparent, about conflicts of interest and mitigations to alleviate the effects, will be performed with reasonable care and professional skepticism to maintain objectivity and credibility.

So as to prevent future COI, and maintain legal and financial independence, in accordance with the requirements of 49 CFR Parts 674.13 (a) (1), and 674.41:

1. DRPT Rail SSO and the RTA do not have monetary dependencies or connections;
2. DRPT Rail SSOA personnel and actions are not controlled or limited by financial resources supplied by the RTA or by pressures exerted from the SSOA's vested interest in the RFGPTS' success, or that of its projects or activities;
3. The DRPT Rail SSOA is not financially vested in the RTA and its success;
4. The RTA does not fund DRPT or direct its budget or activities in any way; and
5. The DRPT Rail SSO Program budget and/or resources cannot be subverted or redirected towards programs designed to fund, support, or enhance public transportation in the state.

1.8 Applicable RTAs

RTAs affected by this program include any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway within the Commonwealth's jurisdiction, either operating or in the planning, design, construction, or testing phases, that:

- Is not regulated by the Federal Railroad Administration (FRA).
- Is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 USC 5336).
- 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 USC 5336).

RTA(s) subject to the provisions of the DRPT program as of January 1, 2020 include:

Hampton Roads Transit
Tide Light Rail
3400 Victoria Boulevard
Hampton, VA 23661

Affected RTA(s) shall submit and maintain current points-of-contact for their safety and security programs to DRPT. RTA contact information is listed in **Appendix B**.

1.9 DRPT Communication with RTA

DRPT formally communicates with each RTA through written correspondence, reports, and checklists as identified in the SSPS and its appendices. DRPT maintains informal daily communications with the RTAs via email and telephone.

DRPT reserves the right to hold coordination meetings with safety and security managers from the RTA as it deems necessary. Meeting topics may include, but are not limited to:

- Accidents, incidents, and occurrences

- Hazard management
- Internal audits and SSO audits
- Security and emergency preparedness
- CAPs

As part of executing the SSO Program, DRPT SSO shall make requests for materials related to the program including, but not limited to, the following:

- Data
- Documents
- Reports
- Records (i.e. video files, audio files and/or transcripts)

Such requests shall be submitted to DRPT SSO within five (5) business days from the date of request.

DRPT may also participate in RTA light rail activities including meetings of the RTA's various safety, operations, and Board committees.

2 SSPS Development

2.1 DRPT Program Standard Development Process

DRPT formulates an SSPS that sets forth standards and procedures, complying with 49 CFR Part 674, using the FTA Office of Safety *Program Standard Technical Assistance Guide* and other appropriate documents.

The nine required sections for the SSOA program standard as defined by Part 674.27 are as follows:

1. Program Management
2. Program Standard Development
3. Program Policy and Objectives
4. Oversight of Rail PTASPs and Transit Agencies' Internal Safety Reviews
5. Triennial SSOA Audits of Rail PTASPs
6. Accident Notification
7. Investigations
8. Corrective Actions
9. Annual Reporting to FTA

As required in 49 CFR 674, DRPT Rail SSO is responsible for issuing minimum standards for the safety of all RFGPTS within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for PTASPs, and all applicable federal and state laws. These minimum standards will be updated as needed, either during the annual review of the SSPS or when DRPT determines an update is necessary. Minimum safety standards will be communicated to the RTA on an annual cycle concurrent with the SSPS distribution except in exigent circumstances such as National Transportation Safety Board (NTSB) urgent

recommendations or FTA Safety Directives which will be communicated upon issuance.

The following items comprise of DRPT Rail SSO minimum standards:

- Rail PTASPs
- Security and Emergency Preparedness Plan (SEPP)
- Emergency Operations Procedures
- RTA Rail Operations Rulebook
- Rail Operations Standard Operating Procedures
- RTA Event Investigation Procedures
- Safety and Security Certification Plan
- Track Access Program
- Operations and Maintenance Plan(s)
- Training certification program for safety critical positions, with annual refreshers
- Configuration Management Policy/Procedure

2.2 Revisions and Updates to the SSPS

To ensure currency, the SSPS is reviewed annually to determine if updates are necessary. Should DRPT determine, upon review, that no revisions to the SSPS are required, it will issue written notification to the affected RTA(s) stating that no revisions will be made and that the current version of the SSPS will remain in effect. Should DRPT determine that revisions to the SSPS are required, it will distribute the revised draft document for review to the affected RTAs. The RTA is required to acknowledge receipt of the SSPS in a letter to DRPT. RTAs will have a maximum of thirty (30) calendar days to submit comments to DRPT. Following this review and comment period, DRPT will incorporate proposed changes into the revised SSPS. DRPT will complete this annual review and revision process so that, should DRPT determine revisions are required, a revised final version of the SSPS is distributed by March 31. After every update, DRPT will distribute final versions of the revised SSPS to the RTA safety and emergency preparedness points-of-contact. DRPT will submit the final versions of the revised document to FTA's Office of Transit, Safety, and Oversight as part of DRPT's Annual Submission.

Aside from the routine annual review, DRPT Rail SSO will inventory any required changes as a result of event investigations, triennial audits, RTA employee observations and input, and complaints or hazards raised by outside parties such as passengers, third party contractors, and anonymous sources. In addition to the annual review and update, changes to this document are based on internal or external audits, policy changes, statewide meetings, and/or organizational changes. DRPT Rail SSO reviews the change requests and DRPT circulates proposed changes for review to the affected RTA's in the same manner described for the annual reviews. DRPT will submit final copies of the revised version of this document to the RTA safety and security points-of-contact and to FTA as part of DRPT's Annual Submission.

2.3 Distribution of SSPS

The Administrator is the responsible party for distributing the SSPS. Copies can be obtained from:

Transit Rail Safety and Emergency Management Administrator
Virginia Department of Rail and Public Transportation
600 E. Main Street, Suite 2102
Richmond, VA 23219

DRPT will distribute copies of this document directly to the Chief Safety and Security Officer (CSSO) or equivalent for each applicable RTA.

2.4 DRPT SSPS Audits

Once every three years, approximately eighteen (18) months following the previous FTA audit of the DRPT SSO program, DRPT may conduct an internal audit to assess its implementation of 49 CFR Part 674 for all covered RTAs, including all aspects of the SSO Program established in the SSPS. This audit will be aimed at increasing the robustness of DRPT's SSO activities by identifying and resolving program deficiencies.

To avoid a COI, the audit shall be conducted by contractors who are not regularly involved in day-to-day administration of DRPT safety oversight activities.

The independent audit team may develop and utilize checklists and procedures to ensure DRPT compliance with each section of the SSPS. These materials must ensure sufficient criteria to determine if all audited program aspects are performing as intended. The independent audit team will provide DRPT an opportunity to review checklists and any materials used to conduct the review prior to the start of the audit.

In consultation with the independent audit team, DRPT will establish date(s) for the audit. The independent audit team will provide a list of documents to be submitted by DRPT for review prior to the audit, including but not limited to:

- The current SSPS, along with associated plans and procedures
- RTA safety and security plans
- RTA CAP logs
- Logs of reported RTA events
- Investigation reports
- RTA hazard logs
- Meeting minutes
- Annual reporting documentation

Documents containing sensitive security information (SSI) may be reviewed on site, if required. DRPT has authority and an SSI program in place to protect RTA security documents against public disclosure. DRPT will also adhere to the RTA's rules and procedures for protecting security-sensitive documents and information against public disclosure, and will work with the RTA as needed to develop protocols for reviewing such documentation.

All documents should be provided by DRPT to the independent audit team for review no later than thirty (30) calendar days prior to the start of the audit.

During the on-site portion of the review, the audit team will conduct interviews with DRPT program staff responsible for safety and security oversight activities, primarily the Administrator. On-site activities may also include a review of DRPT records pertaining to the SSO Program. The primary focus of the interviews and record reviews is implementation of DRPT's SSPS, along with RTA plans and programs overseen by DRPT.

Within thirty (30) calendar days of the conclusion of audit activities, the independent audit team will prepare a report documenting the audit goals and objectives, audit activities, and any areas of concern, along with proposed corrective actions to resolve these issues. DRPT will adopt CAPs, as necessary and appropriate, to address findings stemming from the report. CAPs must include detailed steps to resolve issues identified in each finding, and are tracked by DRPT to resolution to ensure proper implementation.

3 Program Policy and Objectives

3.1 DRPT Rail SSO Policy for RTA Safety

The RTAs usually operate in heavily populated, high density metropolitan areas, connecting urban and suburban communities. These same RTAs typically carry high passenger volumes. As such, it is imperative that RTAs operate and maintain RFGPTS to a consistent level of safety to ensure the safety of the RTA employees, passengers, and the community the RFGPTS traverses.

SSO regulations were precipitated in the mid-1990s as a result of several high-profile rail system accidents. These accidents demonstrated the general lack of any requirement for rail systems to be accountable to an independent entity about the state of its system safety profile, unlike in aviation, railroads, and pipelines. The DRPT SSO Program has the following objectives:

- The overall objective of the Rail SSO regulation is, through continuous improvement, to raise and preserve system safety of the rail system that is being overseen.
 - a. As such, the DRPT Rail SSO Program strives to be instrumental in raising the system safety of the RTAs it oversees to ensure the safety of passengers, employees, and the community they serve.
- It is also imperative that the correct expectation be instilled into this objective built along the clear demarcation of roles and responsibilities.
 - a. The DRPT Rail SSO function (“SSO” or “SSOA”) oversees the implementation of the SSPS.
 - b. The RTA system is responsible for conducting its rail operations, maintenance, training, and procurement activities complying with the goals, objectives, and programs stated in the PTASP.
- The current regulation, 49 CFR 674, categorically prohibits the state rail SSOA, its employees, its contractors, or others in its line of authority from participating in any part of the rail systems provision of public transportation.

3.2 DRPT Enforcement Authority

The Code of Virginia authorizes DRPT to act as SSOA for the Commonwealth of Virginia, and provides DRPT's Director with broad enforcement power. DRPT conducts activities including but not limited to the following to enforce state and federal requirements relating to RTA safety and security.

- Event investigations
- Reviewing, approving, overseeing, and enforcing each RFGPTS implementation of the PTASP pursuant to 49 USC § 5329(d) and as established in 40 CFR Part 674.13(a)(4).
- Reviewing, approving, monitoring and enforcing **all** corrective actions deployed for addressing various hazards associated with the rail system – operations, maintenance, rules and procedures, training, and capital improvements
- Auditing RFGPTS for compliance with federal and state laws regarding the safety of fixed guideway rail systems and compliance with their PTASPs
- Enforcing statutes, regulations, executive orders, and rules relating to RFGPTS in Virginia both in the design and construction phase as well as in the operation phase
- Taking other such actions that the DRPT SSO may deem appropriate consistent with its jurisdiction and powers

To address safety, DRPT will utilize the following actions both individually and jointly. DRPT enforcement actions include, but are not limited to, the following:

- Directing RFGPTS to prioritize spending on safety critical items
- Removing a specific vehicle, infrastructure element, or hazard from the RFGPTS
- Restricting, suspending, or prohibiting rail service, with appropriate notice, on all or part of the rail system
- Directing the RTA to suspend or disqualify from performing in a safety sensitive position an individual who has violated safety rules, regulations, policies, or laws in a manner that DRPT Rail SSO determines makes that individual unfit for the performance in such a position
- Entering onto and inspecting the property of operators of the RFGPTS
- Directing the RFGPTS to correct a hazard by a specified date and time
- Directing the RFGPTS to immediately redirect human or financial resources to correct a hazard that the RFGPTS has been formally made aware and has neglected to correct in a timely manner
- Taking up to legal action in a court of competent jurisdiction to compel an RFGPTS to correct a hazard, or to prevent the operation of all, or part, of a fixed guideway rail system that DRPT has determined to be unsafe

To achieve these objectives the DRPT Rail SSO will have the following controls:

- An adequately staffed DRPT Rail SSO Program
- Lines of authority that do not create COIs and provides the highest level of support for performing rail SSO without erosion to authority or intrusion to independence
- Staff that continue to receive the required and needed training and education so that staff capabilities match the size and complexity of the rail system(s) that it oversees
- Ability to retain outside consultant support as needed to augment staff and to retain

subject matter expertise, when needed

3.3 Escalation Protocols

If DRPT SSO Program staff evaluate the safety performance of the rail transit system and receive either unresponsiveness from the RTA, the RTA is dismissive of the DRPT SSO Program's concerns, or the RTA suppresses information that would lead the DRPT SSO Program to assess a situation as worsening, the DRPT SSO Program will execute the following steps to compel the rail transit system to address the unmitigated safety concern.

Escalation Level One – SSO Written Directive

a. Events and Hazardous Conditions.

Following an event or hazardous condition of which DRPT SSO team has become aware, if the RTA is non-responsive or not supportive of completing a sufficient investigation into the causes and possible corrective measures to prevent recurrence, the DRPT SSO Program staff will instruct the RTA CSSO to begin a formal event investigation or hazard analysis following its own documented processes for each. The outcomes of such a discussion will be formally conveyed in the form of a written directive from DRPT. DRPT will work to ensure that such directives do not introduce any new hazards to the system. DRPT encourages the RTA in receipt of a directive to inform DRPT of any directive-related hazards or concerns so that they can be immediately and properly addressed. The RTA will be granted three (3) calendar days to provide evidence that it is complying with this directive.

b. CAP Performance.

Following the review and approval of a CAP, if the DRPT SSO is unable to confirm that the RTA is performing to the previously agreed upon CAP implementation schedule and interim milestones, the DRPT SSO Program staff will verbally instruct the RTA CSSO to present a recovery plan to ensure that the CAP implementation is returned to the originally approved schedule. Upon receipt of such a recovery schedule, the DRPT SSO will review and provide written confirmation of its sufficiency to proceed. The RTA will be granted five (5) calendar days to demonstrate that it is complying with this directive.

Escalation Level Two – Director of DRPT

- a. If the RTA does not comply with the written directives issued by the DRPT prescribed in escalation level one, a letter will be transmitted from the Office of the DRPT Director to the Accountable Executive at the RTA. This letter will outline the risk issues that were identified by the DRPT SSO program staff and shall require a formal response from the RTA. The response shall contain (i) the RTA's proposed resolution; (ii) a mechanism for monitoring risk while the proposed permanent resolution is executed; and (iii) schedule for full execution. DRPT will transmit a notice to proceed on the described action, should DRPT determine it is sufficient. The RTA will have no more than thirty (30) calendar days to submit this formal response to DRPT.

While both DRPT and the RTA are working towards the resolution of this safety concern, if conditions on the rail system continue to degrade, rising to the level of imminent threat to public safety of either the passengers, employees, or community, DRPT has the prerogative to institute

any of the actions listed in § 3.2.

Escalation Level Three – Commonwealth Office of the Attorney General

- a. If these safety deficiencies cannot be resolved because of a lack of cooperation or responsiveness from the RTA, the ultimate responsibility for enforcement will escalate over some period of time to the Commonwealth’s Attorney General’s Office for a violation of the Code of Virginia.

3.4 Imminent Threat to Public Safety

Any time the DRPT SSO Program becomes aware of an imminent threat to public safety at an RTA, immediate communications between the RTA’s safety department and DRPT SSO Program will determine the severity of the threat and next steps. If DRPT SSO concludes that it is necessary, immediate actions described in § 3.2 will be utilized to mitigate and control the imminent threat to public safety.

3.5 Reconsideration of DRPT Directives

An RTA will have the right to petition DRPT for reconsideration of a directive based on procedures developed by the DRPT. The transmission of such a petition in writing to DRPT for reconsideration shall not act as a stay upon the execution of a DRPT directive, or any part of it, unless the DRPT directs otherwise. Depending on the merits of the case and if the jurisdictional requirements are met, the RTA may appeal any adverse action or petition for reconsideration in the Supreme Court of Virginia or the U.S. District Court for the Eastern District of Virginia.

4 Oversight of RTA’s Safety Plans and Internal Safety Reviews

4.1 PTASP Objective

This section identifies the minimum requirements for the RTA PTASP subject to oversight of DRPT. The RTA shall perform reviews of the PTASP (described in section 4.2 below) annually to determine whether it needs to be revised to meet changed conditions and requirements.

Following DRPT’s initial approval of the RTA’s PTASP, the RTA shall submit to DRPT any intended changes to the PTASP for review and approval by October 31st of each year, including any changes required in response to revisions to the DRPT SSPS implemented since the RTA’s last update to its PTASP. Within thirty (30) days of the RTA’s submittal, DRPT will issue a response letter to the RTA indicating any changes or approval of the PTASP. If, after conducting a review of the PTASP, the RTA determines that no update is necessary for that year, it must prepare and submit formal correspondence notifying DRPT of this determination (**Appendix K**).

In the event that the RTA initiates updates outside of the annual review cycle, the RTA shall submit the modified PTASP, and any subsequently modified procedures, to DRPT for review and approval within thirty (30) calendar days of the effective date of the change.

If DRPT determines that the submitted PTASP does not meet DRPT’s published standards, it will send a written notice, along with a description of what changes are necessary to gain

approval. The RTA will have thirty (30) days to make such changes, unless otherwise specified in DRPT's rejection.

4.2 PTASP Minimum Requirements

Each RTA must develop, implement, and maintain a written PTASP that complies with the requirements specified in this section. FTA set the effective date for 49 CFR Part 673 (Part 673) as July 19, 2019. RTAs will have one year from the effective date, July 19, 2020, to have a compliant PTASP in place. DRPT will continue to assess RTA System Safety Program Plan for compliance with 49 CFR Part 659 FTA requirements until a PTASP is approved. The RTA is required to submit a draft PTASP to DRPT for review by no later than December 31, 2019 so that DRPT can review the PTASP and work with the RTA to revise the PTASP as necessary prior to the FTA deadline. RTAs may submit a Part 673-compliant PTASP to DRPT at any point prior to December 31. Once the RTA submits its PTASP, DRPT will assess the PTASP based on Part 673 requirements and the checklist located in **Appendix D**.

In accordance with 49 CFR Part 673, the PTASP must:

- a) Be signed by the RTA's designated Accountable Executive and be approved by the RTA's Board of Directors, or equivalent entity, annually.
- b) Include methods for identifying and evaluating safety risks throughout all elements of its public transportation system, strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions, a process and timeline for conducting an annual review and update of its safety plan, safety performance targets, the designation of a safety officer who reports directly to the general manager, executive, or equivalent officer, and a comprehensive staff training program for the operations personnel and personnel directly responsible for safety.
- c) Include safety performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.
- d) Address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.
- e) Establish a process and timeline for conducting an annual review and update of its PTASP.
- f) Include or incorporate by reference an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency and coordination with federal, state, regional, and local officials with roles and responsibilities for emergency preparedness and response in the RTA's service area.
- g) Comply with all other applicable federal, state, and local requirements, laws, regulations, and codes as they may relate to safety.

Safety Management Policy

The PTASP must:

- a) Establish the RTA's organizational accountabilities and responsibilities and have a written statement of safety management policy that includes the RTA's safety objectives. The safety management policy must be communicated throughout the RTA's organization.

- b) Establish and implement a process that allows employees to report safety conditions to senior management and protections for employees who report safety conditions to senior management, and include a description of employee behaviors that may result in disciplinary action.
- c) Establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals within its organization, as they relate to the development and management of the RTA's Safety Management System (SMS):
 - 1. Accountable Executive for ensuring that the RTA's SMS is effectively implemented, throughout the RTA's public transportation system.
 - 2. CSSO or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of an RTA's SMS. The CSSO or SMS Executive must hold a direct line of reporting to the Accountable Executive. An RTA may allow the Accountable Executive to also serve as the CSSO or SMS Executive.
 - 3. Agency Leadership and Executive Management (other than the Accountable Executive, CSSO, or SMS Executive) who have authorities or responsibilities for day-to-day implementation and operation of an RTA's SMS.

Safety Risk Management

The PTASP must:

- a) Designate key staff, groups of staff, or committees to support the Accountable Executive, CSSO, or SMS Executive in developing, implementing, and operating the RTA's SMS.
- b) Include a safety risk management process for all elements of the RFGPTS, comprised of the following activities:
 - 1. *Safety Hazard Identification*: methods or processes to identify hazards and consequences of hazards. RTAs should consider data provided by DRPT or FTA as a source for hazard identification.
 - 2. *Safety Risk Assessment*: establish methods or processes to assess the safety risks associated with identified safety hazards, including an assessment of the likelihood and severity of the consequences of hazards, including existing mitigations, and prioritization of the hazards based on the safety risk.
 - 3. *Safety Risk Mitigation*: establish methods or processes to identify mitigations or strategies necessary as a result of the RTA's safety risk assessment to reduce the likelihood and severity of the consequences.

Safety Assurance

The PTASP must:

- a) Include a safety assurance process that details how the RTA will:
 - 1. Monitor and measure safety performance.
 - 2. Monitor the system for compliance with, and sufficiency of, the RTA's procedures for operations and maintenance.
 - 3. Monitor operations to identify any safety risk mitigations that may be ineffective, inappropriate, or not implemented as intended.
 - 4. Conduct investigations of safety events to identify causal factors.

5. Monitor information reported through any internal safety reporting programs.
- b) Establish a management of change process for identifying and assessing changes that may introduce new hazards or impact the RTA's safety performance. If the RTA determines that a change may impact its safety performance, then it must evaluate the proposed change through its Safety Risk Management process.
- c) Establish a continuous improvement process that identifies how the RTA will develop and carry out, under the direction of the Accountable Executive, a plan to address any deficiencies it identifies as part of its safety performance assessment.

Safety Promotion

The PTASP must:

- a) Establish and require implementation of a comprehensive safety training program for all RTA employees and contractors directly responsible for safety of the RFGPTS. The training program must include refresher training, as necessary.
- b) Require the communication of safety and safety performance information throughout the RTA's organization that, at a minimum, details hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

Safety Performance Framework

The RTA must establish performance indicators and performance-based targets for inclusion in the PTASP. SMS performance management information, including key metrics, trends, and gaps, must be regularly communicated to the Accountable Executive and made available to the RTA's safety function. RTAs must make their safety performance targets available to DRPT and to metropolitan planning organizations (MPOs) and coordinate with these groups in determining DRPT and MPO safety performance targets.

Performance-based indicators and targets may be established by the RTA using the following example measures:

- Fatalities (patrons, employees, and the public)
- Injuries (patrons, employees, and the public)
- Safety events
- System reliability (e.g., mean distance between major mechanical failures)
- Property damage
- Reportable events (accidents, incidents, occurrences)
 - Train derailments (mainline, yard, side tracks)
 - Collisions (vehicle-to-vehicle, vehicle-to-person, vehicle-to-object)
 - Collisions at grade-crossings
 - Fires
 - Evacuations for life safety reasons
 - Near-misses
- Results from reportable event/hazard investigations
 - Probable cause
 - Contributing factors

- Corrective actions
- Audit results
 - Findings
 - Corrective actions
- Safety risk management and monitoring information
 - Safety reporting from all levels of the organization
 - Violations of operations and maintenance rules
 - Job-based certification and awareness training
 - All-hazards preparedness analyses
 - Operations and maintenance performance, including state of good repair and transit asset management
 - Monitoring of hazard logs
 - Crime trends, such as trespassing, perimeter breaches, and fare evasion
 - Fitness for duty, including drug/alcohol program results and hours of service
 - Customer complaint information
 - Changes to management, operations, or maintenance
 - Studies of hazardous materials, spills, and environmental concerns
 - Ad hoc studies of hazards and vulnerabilities

As noted in Section 13, the RTA must submit all PTASP updates and revisions to DRPT by October 31st. RTAs must maintain, for a minimum of three years, all documents developed in relation to their PTASPs. This includes documentation generated from SMS activities. These documents must be made available to FTA, DRPT, and other federal agencies as appropriate.

4.3 SEPP

Please see **Appendix C** for additional information on DRPT security and emergency preparedness requirements. As noted in Section 13, the RTA must submit all SEPP updates and revisions to DRPT by July 31st. DRPT will review the RTA's SEPP in accordance with the checklist in **Appendix G** and, as appropriate, will issue the RTA a letter approving the SEPP (**Appendix L**).

4.4 Internal Safety and Security Audit Program Minimum Requirements

This section describes DRPT requirements for the internal safety and security audit program to be implemented by the RTA. As described in its PTASP, the RTA must implement a process for the performance of ongoing internal safety and security audits to ensure the implementation of the PTASP and SEPP, and to evaluate the effectiveness of the plans.

Internal audits may not be conducted in a compressed period once every three years, or even once a year; rather, they must be conducted in an ongoing manner throughout each year of the three-year cycle. The RTA must audit internally the entirety of its PTASP and SEPP at least once every three years. The RTA may elect to conduct its internal audits at the same time as the DRPT audits. However, in such cases the RTA will be required to maintain its own audit process, and develop its own audit reports and corrective actions.

Internal audits of RTA functions must be conducted by an individual outside of the chain of

command for that function to avoid a conflict of interest (e.g. personnel within the RTA's safety function may not conduct an internal audit of the RTA's safety department). The RTA is encouraged to incorporate various types of internal audits and compliance checks into its internal safety and security audit program. Each year, the RTA must prepare a report documenting the results of all internal safety and security audits conducted during the previous calendar year. All of the requirements listed below apply regardless of whether the RTA elects to coordinate its audits with DRPT.

4.4.1 Audit Schedule

The RTA must develop and submit to DRPT an internal safety and security audit schedule, which addresses all required elements of the PTASP and SEPP over a three-year cycle, ensuring that the entirety of the PTASP is audited in an ongoing manner. At a minimum, the RTA must provide DRPT annual updates of this schedule with the annual report discussed in Section 4.5 below, by February 15th of each year.

DRPT is also required to audit the PTASP and SEPP over a three-year period, and the RTA may elect to coordinate the audit schedule with DRPT such that the internal audits take place concurrently to the DRPT audits. In instances when the RTA coordinates their internal audits to take place concurrently with the DRPT audits, the RTA and DRPT will work together to develop an ongoing audit schedule. Please see Section 5 and **Appendix J** regarding DRPT External Safety Audit process and the Concurrent Audit Schedule for 2018-2020.

4.4.2 Checklists

The RTA must develop checklists and procedures for conducting its audit(s) of the PTASP and SEPP. These materials must ensure sufficient criteria to determine if all audited elements are performing as intended. These materials are independent and separate from any such materials utilized by DRPT SSO in its audits of the RTA's PTASP and SEPP.

4.4.3 DRPT Notification and Submissions

If the RTA elects to conduct its internal audits separately from DRPT, then not less than thirty (30) calendar days prior to the conduct of an internal safety or security audit, the RTA must notify DRPT. Notification must be in writing and transmitted to DRPT via letter, email, or fax. Notification should include the time and location of the internal audit. DRPT may observe any and all internal safety and security audits.

At the time of notification, the audit checklists and procedures for each individual audit must be submitted to DRPT. The RTA may submit materials to DRPT in electronic copy via email.

Based on the results of each audit, the RTA must prepare a written report documenting findings and any corrective actions identified to address these findings. Each audit report must be submitted to DRPT within ninety (90) calendar days after each internal audit has been completed. This report is independent and separate of DRPT SSO's audit report. The report must contain a publication date.

The RTA must prepare CAPs to address all findings of non-compliance and compliance with recommendation as appropriate. All CAPs developed to address issues identified during the internal safety and security audit process must be developed, tracked, and implemented in accordance with Section 8 (CAPs). CAP requirements are further discussed in Section 8.

4.5 Minimum Requirements for Annual Report on the Internal Safety and Security Audit Process

By February 15th of each year, DRPT requires the RTA to submit an annual report to DRPT that documents the internal audits conducted for the previous year. The annual report must be accompanied by a formal letter of certification signed by the RTA's Accountable Executive, indicating that the RTA is in compliance with its PTASP.

If the RTA determines that findings from its internal safety and security audits indicate that the RTA is not in compliance with its PTASP or SEPP, the Accountable Executive must identify the activities the RTA will undertake to come into compliance. DRPT must review and approve all CAPs using the procedures specified in Section 8 of this document. The RTA may submit this report in electronic copy via email. For sections devoted to the results of security audits, any special provisions established by the RTA or DRPT to ensure the protection of these materials must be followed.

This annual report must include:

- A listing of the internal safety and security audits conducted for that year.
- The RTA process for the three-year internal audit schedule, including the identification of any obstacles in meeting the schedule and any proposed mitigation measures.
- An updated schedule for the following year's audits, the status of all findings, recommendations, and associated CAPs resulting from the audits conducted that year.
- Any challenges or issues experienced by the RTA system safety function or security/police function in obtaining action from/compliance with these findings, recommendations, and corrective actions during that year.

DRPT will review this report for approval within thirty (30) calendar days of submission. While conducting its review, DRPT staff may request additional information, clarifications, or revisions from the RTA safety or security point-of-contact. DRPT may conduct a meeting or teleconference to address any issues identified by DRPT during its review of the annual report. DRPT will convey additional requirements to the RTA. Once all open issues have been resolved, DRPT will issue a letter of approval for the annual certification report (**Appendix N**).

In addition to the annual report, by February 15th of each year, DRPT requires that the RTA submit a formal letter of certification, signed by the RTA's senior executive, stating that, based on the evaluation performed during the internal safety and security audit process during the previous year, the RTA complies with its PTASP and SEPP.

5 DRPT SSO External Safety Audit and Inspection Process

5.1 Triennial Audits

In accordance with FTA's SSO Final Rule (Part 674.31), DRPT must at least once every three years conduct a complete audit of an RTA's compliance with its PTASP. DRPT has made the executive decision to structure a formal ongoing three-year review process. As such, all elements of the PTASP are covered once, comprehensively, throughout a three-year period, based on a published schedule. The procedures described below will be performed in accordance with both 49 CFR Part 674 and MAP-21 requirements.

As part of DRPT's SSO program, every safety-critical aspect of the RTA's operations will be evaluated at least once every three years. The audit process is intended to be an independent evaluation of the RTA's operations and should allow DRPT to determine if the RTA is following its own system safety and security procedures. Key objectives are as follows:

1. Determine if the PTASP is being followed by the RTA.
2. Determine if plans, policies, and procedures referenced in the PTASP are being implemented by the RTA.
3. Determine if the RTA has appropriate safety related plans, policies, and procedures.
4. Identify findings of non-compliance to address areas where the RTA is not complying with its own plans, policies, or procedures, or with external regulations, guidelines, and adopted standards.
5. Identify findings of compliance with recommendation to address areas where the RTA lacks a plan, policy, or procedure, or lacks the resources or capabilities to implement a safety-related process or program.
6. DRPT will require the RTA to develop CAPs that address findings identified during the audit. CAP requirements are further discussed in Section 8.

5.1.1 Triennial Audit Schedule

DRPT has decided to categorize the elements of the PTASP into groups that are audited on an on-going basis. This method ensures that all elements of the PTASP are audited in the required three-year period.

As mentioned in Section 4, DRPT SSO allows the RTA the option to schedule their internal audits concurrently with DRPT's audits. In instances when the RTA coordinates their internal audits to take place concurrent to the DRPT audits, the RTA and DRPT will work together to develop a concurrent audit schedule (**Appendix J**).

For the security elements audited, please see **Appendix C**.

5.1.2 On-Site Audit Process

On-site audits will generally be structured as follows:

1. DRPT, using its own personnel and/or authorized contractors, will work with RTA safety and security personnel to identify a convenient period of time for on-site audit activities. DRPT personnel or its contractor and RTA personnel will work together to schedule audit periods for each of the major audit topics. Notification of the RTA will take place no later than sixty (60)

calendar days prior to the start of on-site audit activities.

2. DRPT personnel or its contractor will request and review the most recent plans, policies, procedures, and other important documents related to the transit system's operation. Requested documents shall be provided to DRPT thirty (30) calendar days prior to the on-site audit.
3. DRPT conducts on-going pre-audit meetings as needed with the RTA for clarification of any questions and concerns, and coordination of daily schedules with the RTA. This meeting establishes the goals and objectives of the audit team with respect to audit activities, and allows RTA staff to ask questions regarding the audit schedule or any specific audit methodologies.
4. Either during these meetings or via email, DRPT will transmit its audit checklists to the RTA safety and security points-of-contact. The checklists will be delivered to the RTA at least thirty (30) calendar days prior to the start date of the audit. DRPT's audit checklists are independent and separate of RTA audit checklists. Along with the RTA PTASP and procedures, DRPT auditors will also use subject matter expertise, industry best practices, and knowledge of comparable transit systems to evaluate how RTA operations and maintenance can best execute the requirements of the SSO program. The entirety of the PTASP will be addressed through audit sessions, and DRPT auditors will cover those subject areas in which they have appropriate knowledge and expertise.
5. DRPT personnel or its contractor will conduct an entrance briefing and an exit briefing. Each will be open to all concerned RTA personnel. The first meeting will detail the project schedule and methodology, and the exit meeting will include an informal summary of findings identified to date. The RTA will also have the opportunity to answer any questions or clarify any issues raised by DRPT at these meetings. DRPT will also review the timetable for its submittal of a draft report to the RTA for review and comment, and the subsequent final report submitted to the RTA and FTA once comments and questions have been resolved.
6. DRPT personnel or its contractor will interview RTA personnel in charge of each of the audit areas, assess records and documentation associated with each function audited, and examine a sample of operations, infrastructure, vehicles, or other units, to verify compliance with existing RTA plans, policies, and procedures. In performing this audit, the DRPT team will verify whether all items on the checklists are performed or present as applicable, through interviews, document and record audits, first-hand observations of operations and maintenance activities, spot checks, and visual examinations and measurements. These activities will vary depending on how auditors are best able to observe and verify that a particular process or requirement is carried out. Results will be recorded in the checklists as well as individual notes taken by auditors. When results indicate a deficiency or discrepancy with the acceptance criteria specified in the checklist, the auditor will note this, and incorporate it into a finding for the draft report.
7. DRPT personnel and any contractors used to conduct audit activities who may need to access the RTA right-of-way or other areas restricted to the public will a) have completed all RTA-required training and certification; b) comply with all RTA rules and procedures; and c) only enter the right-of-way with an authorized RTA escort.

8. Any urgent findings/hazard identified will be brought to the immediate attention of the RTA throughout the audit so that the RTA can prepare the appropriate response.

9. DRPT will issue a draft audit report within thirty (30) calendar days of the conclusion of on-site audit activities, and will seek comment from RTA personnel on that draft. Comments will be due to DRPT thirty (30) calendar days after initial receipt of the draft report. A final report will be issued by DRPT within thirty (30) calendar days of the end of the comment period, and will incorporate RTA comments as appropriate. The RTA will be required to respond formally to the final report through the CAP process outlined in Section 8 below. DRPT SSO's draft and final report are independent and separate of the RTA's draft and final report. DRPT will include the completed triennial safety audit final report as part of DRPT's Annual Submission to FTA. At the conclusion of a three-year audit cycle, DRPT will develop a comprehensive report that will contain all findings and recommendations that were identified from the audits, as well as an analysis of the effectiveness of the PTASP.

The RTA may elect to conduct its internal audits concurrently with the DRPT Triennial Audits. In such cases, DRPT must maintain its own independent audit process, including:

- The determination of which documents to request and audit
- The development of on-site audit schedules and checklists
- The development of written audit reports, replete with findings and recommendations directed to the RTA

5.2 On-Demand and Routine DRPT Inspections

The DRPT Rail SSO shall conduct routine and on-demand inspections of the RTAs. DRPT's procedures for conducting routine and on-demand inspections, including the documentation of such activities, are detailed in **Appendix O**, DRPT's Inspection Program Protocol. DRPT Rail SSO inspectors reserve the right to conduct both announced and unannounced inspections. During the week of the scheduled announced inspections, the DRPT Rail SSO will contact the RTA point-of-contact to confirm the date and time for the inspection(s).

When necessary, in accordance with 674.37(a), DRPT may conduct on-demand inspections of RTA procedures and operational and maintenance activities in response to safety and security concerns. These concerns may be hazards, accidents, incidents, near misses, or other deficiencies that warrant attention outside the scope of the triennial audit process. Based on data reported through ongoing surveillance, new reports of events, audits, or other oversight activities, the DRPT Rail SSO Program reserves the right to conduct targeted (priority-based focus) inspections. Targeted inspections may be limited in scope to a specific system or piece of equipment or a specific issue that may be systemic. The DRPT Rail SSO will provide notification of its intent to conduct a targeted inspection as soon as possible, recognizing that this could be same-day notification.

Inspections may include:

- Document request relevant to the inspection activities

- On-site interviews, field observations, and records reviews
- An inspection report, submitted to the RTA for review
- Creation of findings requiring CAPs be created on the part of the RTA

DRPT will work in cooperation with RTA personnel to ensure these inspections are conducted so as not to interfere significantly with the operation of the rail system. While it will comply with all applicable laws and RTA rules and procedures, DRPT Rail SSO expects full support and cooperation of the RTA in completing such inspections. DRPT SSO will ensure that it does not introduce any hazards or circumvent the RTA's rules and procedures pertaining to safety and operations on the rail system. The appropriate RTA personnel will be given reasonable notice of DRPT SSO's arrival for announced inspections and DRPT SSO will ensure that all individuals have appropriate Track Access credentials and are following all required RTA right-of-way rules and procedures.

5.2.1 Inspection Review Topics

DRPT Rail SSO reserves the right to conduct inspections at the RTA's operations, maintenance, and other facilities to assess compliance with federal rules and standards, as well as all relevant RTA rules, standards, and procedures. Inspections may include, but not be limited to, the following:

- CAP verification
- Data-driven or audit findings-driven observations, records reviews, or verification
- Review of RTA employee and contractor compliance with RTA rules and procedures
- Review of RTA rules compliance and operational testing programs for operations and maintenance employees in safety sensitive positions, including supervisors and yard operations
- Review of safety and maintenance inspection of track, vehicles, traction power, and signal and train control systems, testing, and repair programs, and other equipment and facilities
- Review of RTA inspection, maintenance, and repair records of vehicles, track, signal system, communications equipment, stations, elevators/escalators, and other infrastructure
- Review of the RTA's rail Operations Control Center and the overall quality of the radio system and visual display systems used to support and monitor rail operations
- Review of RTA roadway worker protection program
- Review of communication regarding maintenance and safety issues across RTA departments and with RTA executive leadership, as well as RTA Board of Directors
- Review of initial and refresher training programs for operations and maintenance employees in safety sensitive positions
- Verification of the implementation of RTA fatigue management program
- Verification of the implementation of RTA close call reporting program
- Review of supervision provided for operations and maintenance employees in safety sensitive positions
- Review of RTA information management systems to support enhanced safety risk assessment and hazard management activities

- Review of the quality and effectiveness of RTA plans, procedures, and training programs for managing emergencies, and ensuring the readiness of RTA's front-line personnel and emergency responders
- Review of the RTA's adherence to and implementation of its change management program
- Review of the RTA's quality audits of their safety sensitive operations and maintenance activities
- Interface with RTA Office of the Inspector General, and/or Internal Audit department, and their supervision and conduct of independent audits, investigations, and reviews of RTA programs and operations
- Conduct of inspections, examinations, and testing of the equipment, facilities, rolling stock, and operations

5.2.2 Inspection Areas

The DRPT Rail SSO may conduct inspections on any and all RTA facilities and locations. A sampling of RTA facilities and functions subject to DRPT inspection is noted below for context and is not intended to be an all-inclusive inventory:

- Rail Vehicles
- Vehicle Maintenance Facilities and Yards
- Non-revenue Vehicle Maintenance Facilities
- Track/Right-of-Way
- Track Access/Roadway Worker Protection
- Traction Power System
- Signal System
- Stations
- Rail-Highway Grade Crossings
- Structures
- Facilities/Shop Equipment
- Operations Control Center
- Radio Communications Facilities
- Supervisory Control and Data Acquisition System and Equipment
- Elevators

5.2.3 Inspection Results

The results of the DRPT Rail SSO inspections will be documented in inspection reports and will be shared with the RTA. Deficiencies identified during the DRPT Rail SSO inspections will be entered into the DRPT Rail SSO CAP process for tracking and resolution. DRPT Rail SSO will require such deficiencies to be addressed through remedial actions such as enforcing existing practices and procedures or through requirement of new practices and procedures which will then be reviewed, approved, monitored, and enforced.

DRPT Rail SSO personnel are responsible for notifying the appropriate RTA representative of any concerns that require immediate attention. DRPT Rail SSO reserves the right to conduct a

formal inspection out-brief session during which it will notify the RTA of non-compliances, or defects from inspections and transmit findings to the RTA for appropriate resolution.

The completion of a particular inspection will always result in the issuance of an inspection report. Each inspection report will provide details of the inspection and any defects identified, and will require the development of corrective actions if deemed necessary by DRPT.

6 Event Notification Requirements

6.1 Objective

This section addresses the requirements for the notification, investigation, and reporting of accidents, incidents, and occurrences meeting the thresholds specified in 49 CFR Part 674.33 and the DRPT SSPS.

6.2 Notification

The RTA shall notify DRPT SSO and FTA within two (2) hours of all accidents. DRPT also requires notification and reporting on other safety and security incidents, occurrences, and events occurring on RTA property. Please see **Appendix E** for detailed descriptions of notifiable items and notification criteria. Appendix E also details DRPT requirements for the investigation of and reporting on events.

In any instance in which an RTA must notify the FRA of an accident as defined by 49 CFR 225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify DRPT and FTA of the accident within the same time frame as required by the FRA using the accident notification protocols outlined in this section.

The RTA shall provide initial notification to the Administrator, or their designee, by telephone and/or by email.

Transit Rail Safety and Emergency Management Administrator

Andrew Ennis

Cell: 804-489-9340

Email: andrew.ennis@drpt.virginia.gov

FTA Accident Notification (email recommended)

TOC-01@dot.gov/202-366-1863

The RTA shall provide the following information, if known, in the initial notification of the event, as appropriate.

- Name and job title of person reporting and name of RTA
- Event type (fatality, injuries, property damage, evacuation, derailment, or other)
- Location, date, and time of event
- Fatalities

- Injuries
- Rail transit vehicle(s) involved (type, number)
- Other vehicle(s) involved (type, number)
- Property damage estimate
- NTSB reportable
- FRA reportable
- RTA primary person (i.e., Chief Investigator) conducting the investigation (name, title, phone and fax numbers, email address)
- Implemented and/or planned corrective actions

The RTA shall provide additional information at DRPT's request.

DRPT shall also have the authority to request that the RTA initiate investigations of accidents, incidents, occurrences, and hazardous conditions, and to address immediate and time-sensitive safety situations at the RTAs that fall under DRPT jurisdiction.

7 Event Investigations

49 CFR Part 674.35 requires DRPT to investigate, or require an investigation of, any event meeting the CFR's definition of an accident. In conducting these investigations, DRPT may authorize the RTA to conduct an investigation on its behalf, conduct its own independent investigation, or, if the NTSB, FTA, or other federal entity is investigating the accident, join in the investigation through NTSB's Party System. All documents or records that are part of an ongoing investigation are covered through a Freedom of Information Act exemption from release to the public. DRPT is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. DRPT also requires the reporting and investigation of incidents, occurrences, and other events as described in Appendix E.

7.1 Require the RTA to Investigate on Behalf of DRPT

In this circumstance, after receiving notification of the event as specified in Section 6.2, DRPT requires the RTA to conduct the investigation on DRPT's behalf; DRPT will conduct close scrutiny of the event findings and causations. For all investigations conducted by the RTA on behalf of DRPT, the RTA must use investigation procedures identified in the RTA PTASP and approved by DRPT. DRPT may use the checklists in the appendices of this document to evaluate an RTA investigation.

In the event the RTA is required to conduct the investigation, DRPT may observe or participate in the investigation process. The terms of participation will mirror DRPT's approach to inspections.

Each investigation conducted on behalf of DRPT by the RTA must be documented in a final report that includes a description of investigation activities, findings, identified causal factors, and CAPs. At its discretion, and as specified in its event investigation procedures, the RTA may separate its investigation report into two parts:

- (1) Description of investigation activities, investigation findings, and determination of the

- most probable cause and additional contributing causes; and
- (2) Recommendations to prevent recurrence, including CAP(s).

The RTA will submit a draft final investigation report to DRPT within thirty (30) calendar days of the event under investigation. Should the RTA not be able to complete the investigation and/or the investigation report within the 30 days, the RTA shall submit a written extension request to DRPT. Should DRPT approve such a request, and until the investigation is completed, the RTA shall prepare and submit monthly status investigation reports, the first of which should be submitted 30 calendar days after the event. The status investigation reports at a minimum shall include:

- Minutes of any meeting held by an RTA ad hoc reportable event investigation committee or contractor
- Disclosure of any immediate corrective actions the RTA has planned or completed
- Principal issues or items currently being evaluated
- Overall progress and status of the investigation

At any time during an investigation, the RTA shall be prepared to provide a full briefing on the known circumstances of the event, status of the RTA, or NTSB investigation, and investigation activities.

Upon receipt of the RTA event investigation report, DRPT will review the report in accordance with its Summary Checklist for Reviewing RTA Investigation Reports and Supporting Documentation, specified in **Appendix H** of this document. In some cases, DRPT may elect to use a more detailed checklist for reviewing the investigation process, also contained in **Appendix H**.

Within ten (10) calendar days of the receipt of the draft final report, DRPT will either adopt the report and submit formal disposition to the RTA, or reject the report if it does not clearly satisfy the requirements specified in **Appendix H**; reveals a conflict of interest; or demonstrates incompetence or impartiality on the part of the RTA. Such concerns about the investigative integrity based on the evidence as is presented to DRPT SSO will be the basis for the rejection of such a report. In the event that DRPT rejects the report or does not agree with the description of the investigation, the identification of primary and contributing causes, or the findings of the RTA report, DRPT shall communicate in writing to the RTA safety-point-of-contact the area(s) of disagreement or concern. DRPT will work with the RTA to address these issues in the RTA's event investigation report. DRPT will communicate to the RTA a time frame under which DRPT's comments and concerns must be addressed. In the event that agreement cannot be reached on these issues, DRPT will issue its own event investigation report, which may be no more than the RTA report and DRPT's dissent.

DRPT must approve the CAP portion of the RTA event investigation report. In the event that DRPT takes issue with the RTA's proposed CAP(s), DRPT and the RTA must work together until the CAPs are approved by DRPT.

7.2 Joint RTA/DRPT Investigations

For events involving numerous or serious injuries, or one or more fatalities, DRPT will join the investigation process alongside the RTA. The Administrator, and/or other DRPT personnel or contractors designated by DRPT, may participate in the investigation alongside RTA personnel, in a manner agreed upon with the RTA safety and security points of contact. The Director of DRPT has the executive authority to determine if the circumstances of a particular event may warrant that DRPT perform an independent investigation (see Section 7.3 below).

7.3 Independent DRPT Investigations

DRPT may conduct independent investigations of any event meeting the thresholds specified in Section 6.2 utilizing its own personnel and/or an authorized contractor. DRPT will conduct an investigation independent of the RTA if there is a conflict of interest that precludes an impartial investigation solely by the RTA. Alternatively, DRPT may elect to lead an investigation with the assistance of the RTA.

Any investigation conducted by DRPT or its contractor must be in accordance with DRPT's event investigation procedures and, when necessary, the RTA's investigation procedures. All DRPT SSO personnel and contractors authorized to conduct investigations shall be trained and certified in accordance with the Public Transportation Safety Certification Training Program. In compliance with 49 CFR Part 674, DRPT will not permit its personnel or contractors to conduct investigative activity without verifying each individual maintains the requisite training or certification.

DRPT will inform the RTA in writing of its intention to conduct an investigation or participate in an RTA investigation of a reported event no later than seven (7) calendar days following receipt of the RTA initial report. DRPT will advise the RTA as to the personnel who will be conducting the independent investigation, and provide a preliminary schedule as to the investigation process.

DRPT grants authorized investigation personnel authority under the SSO Program to conduct an investigation and evaluate records, materials, data, analysis, and other information that is pertinent to the investigation. The RTA will provide to the DRPT investigation team the resources and information necessary to conduct the investigation in an effective and efficient fashion.

DRPT investigation personnel may conduct a variety of observations, tests, and other activities, including field analyses, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation. If DRPT investigation personnel require information or analysis which is not readily available, or which may require additional resources by the RTA, DRPT will request this data in a written request to the RTA safety point-of-contact via email or letter.

In conducting its investigation, DRPT will perform at a minimum the following activities, as it deems necessary:

- Assign a team of qualified personnel to investigate the event (off and on site). The team will include individuals with technical expertise in the type of event being investigated.

For example, a rail vehicle expert would be included in a team conducting the investigation for an event involving a rail vehicle mechanical failure. Technical areas of specialization may include:

- System Safety
 - Safety Training
 - System Security
 - Security Training
 - Transportation Management and Operations
 - Substance Abuse Programs
 - Vehicles and Vehicle Maintenance
 - Worker Health and Safety, Facility Safety, and Hazardous Materials
 - Emergency Operations
 - Track, Structures, Signals, and Communications
 - Transit System Security
 - Traction Power Systems
-
- DRPT on-site team will wait until the RTA and/or other emergency response personnel have secured the event scene area before commencing its on-site investigation. DRPT reserves the right to request that the RTA hold the event scene to the maximum extent feasible until the arrival of DRPT investigation team members.
 - DRPT team will assess physical evidence of the event scene including damage and debris analysis, skid mark analysis, and the use of measurements, diagrams, and photographs. DRPT team will document the environmental and physical factors of the event scene.
 - As part of the event investigation, DRPT team will also assess compliance with operating rules and procedures, conduct follow-up interviews (if required), analyze employee records and the results of post-event drug and alcohol tests, and conduct vehicle and equipment inspections.
 - DRPT will document and include all information gathered from the event investigation in the DRPT investigation report.
 - Within thirty (30) business days of completion of the on-site and off-site event investigation requirements, DRPT investigation team will prepare a draft event investigation report.
 - The draft investigation report will be provided to the RTA for its review. Comments are due to DRPT ten (10) business days after initial RTA receipt of the draft report. If necessary, a meeting to discuss the draft report will be held between DRPT and the RTA.
 - If necessary, and based upon the comments received from the RTA, the draft report will be revised.
 - DRPT will issue a final event investigation report within thirty (30) business days of the end of the comment period.

The RTA will be required to review the final DRPT event investigation report, and within ten (10) business days after receiving it, either;

- (1) Provide concurrence to implement DRPT's proposed CAP, or
- (2) Submit an alternate CAP to DRPT for review and approval.

A detailed investigation procedure that DRPT will use should it investigate an event independently is included as **Appendix I**.

7.4 NTSB Investigations

The NTSB may investigate a reportable event to achieve its primary function, to promote safety in transportation. In such a case, the NTSB is responsible for the investigation, the determination of facts, conditions, and circumstances, the cause or probable cause or causes, and recommendations to reduce the likelihood of recurrence. The RTA will provide their full support and cooperation to the NTSB investigation. DRPT will also support the NTSB as required.

The RTA shall provide DRPT with a copy of all written correspondence to the NTSB concerning a reportable event or investigation and shall provide DRPT a copy of all NTSB reports and any recommendations concerning the event or its investigation upon receipt by the RTA. DRPT will assist the NTSB by providing information requested about the RTA critical practices and other matters as appropriate.

If the NTSB releases preliminary findings and recommendations, DRPT is authorized to participate in any discussions and audits with the RTA and the NTSB. DRPT and the RTA will review the NTSB findings, draft, and final reports. Following the issuance of any NTSB recommendations, DRPT will consult with the affected RTA(s) and evaluate the feasibility and effectiveness of the recommendations. Taking into account RTA input, DRPT will determine for which recommendations the RTA must develop CAPs. Should DRPT inform the RTA that a CAP is required for a specific NTSB recommendation, the RTA is required to create the requested CAP and, in conjunction with DRPT SSO, determine the timeframe to implement the NTSB recommendation(s).

8 CAPs

8.1 Objectives

This section addresses DRPT's procedure to ensure the RTA develops and implements CAPs to address safety findings, deficiencies, and other issues as required under Part 674.37. In accordance with 49 CFR Part 674.37, DRPT monitors and verifies the implementation of the RTA's CAPs in response to findings and recommendations related to the safety of the rail system. Independent of FTA requirements, DRPT also requires RTAs to develop CAPs for security-related findings and hazards according to the process outlined in this section. DRPT shall be responsible for the review and approval of CAPs submitted by the RTA. DRPT shall also be responsible for verifying completion of these CAPs, and therefore requires the RTA to provide DRPT with documentation or other evidence of completion and/or, if applicable, regular and timely status updates on the progress made in the implementation of the CAP. Upon verification of the completion of the CAP, DRPT will consider that CAP to be "closed," along with the original finding or recommendation that generated it. The RTA may be able to develop a single CAP that addresses more than one finding or recommendation simultaneously, and may also be able to reference an already-existing CAP.

The objective of every CAP should be to address the original finding or recommendation that generated it. DRPT's ability to approve a CAP depends on whether the proposed CAP addresses the original finding or recommendation satisfactorily. Good CAPs are achievable, measurable, assigned to an individual (not just a department or office), and include a realistic target date for completion. CAPs are not conditional, nor are they simply recommendations from one RTA department to another. Rather, CAPs are statements of specific actions that will take place, and DRPT expects that the RTA will fully implement all CAPs according to the proposed timeframe established by the target date.

There is no penalty for having a CAP remain open long-term as long as DRPT is able to verify that the CAP is being implemented appropriately and receives documentation demonstrating adequate progress, such as status reports, intermediate milestones, etc. The RTA shall consider CAP alternatives, such as interim or temporary corrective actions, for those CAPs that are particularly resource-intensive. DRPT will work with the RTA to evaluate the appropriateness of CAP alternatives on a case-by-case basis.

8.2 Minimum Requirements

The RTA shall develop CAPs that address findings and recommendations generated through the following sources:

- Triennial safety and security audits
- Event investigations
- Security events and emergency preparedness drills and exercises
- Hazard analysis and investigations
- Internal safety and security audits
- NTSB investigations
- DRPT recommendations resulting from inspections of RTA operations or facilities
- Major capital project items (Preliminary Hazard Assessments, Threat and Vulnerability Assessments)
- Complaints generated internally, externally, or by the general public that have a specific safety implication
- Findings resulting from any data/trend analysis performed (of accidents, hazards, etc.)

Each CAP shall identify:

- Identified finding or recommendation, and its source
- Confirmation from RTA that no additional hazards are introduced with CAP implementation, and hazard analysis if required by DRPT SSO
- Planned activities or actions to resolve the finding, including any verification activities for CAP performed by the RTA and DRPT
- RTA department head(s) and individual(s) responsible for implementing corrective actions
- Date CAP was opened, date CAP is expected to be closed, date CAP was actually closed, and date CAP received approval/verification from DRPT

The RTA shall submit CAPs to DRPT for review and approval. **All CAPs, from any source,**

developed by the RTA require review and approval by DRPT. An exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. CAPs should be submitted regularly to DRPT, or within thirty (30) calendar days of the finding or hazard being documented, and should specify a due date for closure. For safety-critical findings requiring CAPs, a full report must also be submitted to DRPT along with the CAP. In the event that DRPT and the RTA dispute the need, findings, or enforcement of a CAP, DRPT will allow the RTA thirty (30) calendar days to submit its case. DRPT will then issue final direction to the RTA regarding the CAP. In the event that the RTA requires additional time to process a CAP, the RTA may formally request an extension in writing from DRPT.

In addition, DRPT reserves the right to attend CAP meetings held by RTA departments and hold coordination meetings to discuss CAPs. Such meetings can be used to discuss topics including how many CAPs are currently open, how many have been closed since the last meeting, and in what categories, and others to be determined by DRPT.

In the event that the NTSB conducts an investigation, the RTA and DRPT shall review the NTSB findings and recommendations to determine whether the RTA should develop a CAP, with DRPT leading this review. If either the NTSB or DRPT requires a CAP, the RTA shall develop one. The RTA should consider employing a root cause analysis technique for a finding or hazard's primary and contributing causes.

8.3 CAP Review and Approval

DRPT must review and approve all RTA CAPs, including those generated by internal safety and security audits, event investigations, or safety department inspections and observations. For findings generated through triennial audits that require CAPs, the RTA is required to provide the proposed CAP(s) in relation to each finding in writing to DRPT Rail SSO, which the DRPT Rail SSO will review and approve for implementation. The RTA shall submit a CAP to DRPT for approval within thirty (30) calendar days after identifying the requirement. At the RTA's request, DRPT may grant additional time to prepare a CAP depending on the complexity of the issue.

DRPT will notify the RTA in writing of its approval or rejection of a CAP within thirty (30) calendar days of receiving the CAP. In the event DRPT rejects a CAP, DRPT will state its reasons in writing and recommend revisions. In cases where a resolution is not forthcoming in 30 days, DRPT will review CAP arguments and decide on final CAP implementation activities. CAPs will be subject to review to ensure that a CAP's implementation does not introduce new hazards into the system. The RTA shall submit a revised CAP to DRPT no later than thirty (30) calendar days following the rejection.

At the time of submitting a proposed CAP to DRPT for review and approval, the RTA may request to merge the proposed CAP and any other analogous CAPs, proposed or previously approved. DRPT will review the request to ensure that the CAPs to be merged are truly analogous. The RTA may also submit a request to merge two previously approved CAPs with DRPT consultation. If the merging of the two CAPs is approved by DRPT, it will be documented

on the associated CAP verification forms.

8.4 Monitoring, Tracking, and Verification

The RTA shall maintain a Corrective Action Tracking Log and provide DRPT with monthly corrective action implementation updates. This log shall be submitted to DRPT by the first of each month in electronic form via email. In the monthly log, the RTA must also inform DRPT concerning any alternative actions for implementing a CAP.

The RTA shall verify to DRPT in writing when a corrective action has been fully implemented. The RTA corrective action is subject to independent DRPT verification. DRPT maintains an inventory of RTA CAPs and their statuses to ensure all CAPs reported from the RTA are captured by DRPT.

As CAPs are closed out, the RTA must submit verification that the corrective action(s) has been implemented as described in the CAP or that a proposed alternative action(s) has been implemented. During implementation of these CAPs, RTA safety department personnel should ensure evidence of implementation is acquired, such as documentation of inspections or observations of certain operational elements in action. The RTA safety or security function must verify that the corrective action has been completed. Evidence of completion shall be provided to DRPT. Such supporting evidence should be submitted with the monthly CAP Tracking Log in electronic or hard copy format. The evidence should be in unalterable format electronically, and should bear a scanned or electronic signature. In the log, the RTA must also inform DRPT concerning any alternative actions for implementing a CAP.

After RTA personnel have verified the implementation of CAPs, DRPT must also review, verify, and close each CAP. DRPT may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate, and may perform independent verification activities such as inspections or observations to confirm a CAP has been implemented. DRPT will provide formal written CAP closure approval detailing the approved CAP actions and signed by the Administrator. DRPT will use the CAPs CAP Verification Form (see **Appendix F**) to facilitate this process.

9 Annual Reporting

9.1 Annual Submission

On or before March 15th of each year, DRPT must submit the following to FTA through a reporting system specified by FTA:

- The SSPS, with an indication of any changes to the SSPS during the preceding twelve (12) months;
- Evidence that each of its employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program, or, if in progress, the anticipated completion date of the training;
- A publicly available report that summarizes its oversight activities for the preceding twelve (12) months, describes the causal factors of accidents identified through

investigation, and identifies the status of corrective actions, changes to the PTASP, and the level of effort by the SSOA in carrying out its oversight activities;

- A summary of the triennial audits completed during the preceding twelve (12) months, and the RTAs' progress in carrying out CAPs arising from triennial audits; and
- Evidence that the SSOA has reviewed and approved any changes to the RTA's PTASP during the preceding twelve (12) months.

With its Annual Submission, DRPT must certify to FTA that it has complied with the requirements of 49 CFR Part 674 as described in **Appendix M: DRPT Annual Certification of 674 Compliance**. DRPT will submit this certification electronically to FTA using a reporting system specified by FTA. DRPT will maintain a signed copy of each annual certification subject to audit by FTA.

9.2 Periodic Submissions

Status reports of accidents/incidents, hazardous conditions, and CAPs or other program information must be forwarded to FTA upon their request. DRPT will ensure that all submissions to FTA are submitted electronically using the reporting system specified by FTA.

9.3 DRPT Rail SSO Annual Safety Report to the Governor and the RTA Board of Directors

Per 49 CFR 674.13(a)(7), DRPT will make at least annual status reports on the overall safety of the RTA to FTA, the Governor of Virginia, and the RTA Board of Directors (DRPT may elect to deliver such reports to the Board every six months).

10 Hazard and Risk Management Process

10.1 Objective

This section describes DRPT requirements for the RTA hazard management process. The objective of this process is to provide DRPT with an on-going role in overseeing the RTA's identification, assessment, and resolution of hazards.

10.2 Application of Criteria and Minimum Requirements

DRPT requires each RTA to implement a system-wide process to identify, investigate, analyze, and resolve hazards for New Starts projects, extensions, or modifications of existing systems, resulting from operational or environmental changes, or discovered during audits, inspections, and investigations.

The hazard management process must, at a minimum:

- Define the RTA's approach to hazard management and the implementation of an integrated system-wide hazard resolution process.
- Specify the sources of, and the mechanisms to support, the on-going identification of hazards.

- Define the process by which identified hazards will be evaluated and prioritized (in accordance with MIL-STD-882E and other pertinent requirements) for elimination and control.
- Identify the mechanism used to track through resolution the identified hazard(s).
- Define the minimum thresholds for the notification and reporting of hazards to DRPT.
- Specify the process by which the RTA will provide on-going reporting of hazard resolution activities to DRPT.

The RTA must document its approach for identifying and assessing hazards. Based on its selected methods, the RTA must identify its process for consolidating all hazard information into a single, coordinated process. This process may use worksheets, forms, databases, and other tools to support standardization and organization of hazard information. Based on this process, DRPT requires the RTA to establish a Hazard Tracking Log that reflects the consolidation of information in the hazard management process. The Hazard Tracking Log must contain all hazards identified through the various methods applied by the RTA.

The RTA must document the requirement for a Hazard Tracking Log. The Tracking Log must be submitted by the 1st of each month to DRPT. DRPT will review the Monthly Hazard Tracking Log and forward any questions or requests for information to the RTA safety point-of-contact.

10.3 Regular Meetings between DRPT and the RTA

To ensure an on-going involvement in the RTA's safety programs, as specified in 49 CFR Part 674, DRPT reserves the right to hold regular meetings with the RTA to review safety and security issues. These may include, but will not be limited to, the Hazard Tracking Log and the other RTA activities associated with the hazard management process; event investigations; internal and external audits; CAPs; safety certification; system expansions and modification; program documents; and deliverables. These meetings will occur as needed.

During these regular meetings, DRPT retains the authority to request and audit any records maintained by the RTA documenting the results of its hazard management process, event investigations, CAPs, and other topics. If these records are not available at the meetings, they will be transmitted to DRPT via email or in hard copy via mail or fax after the conclusion of the meeting.

10.4 Notification of Hazards to DRPT

The RTA shall notify DRPT of hazards in accordance with **Appendix E** of this document and in accordance with hazard notification requirements in the RTA's PTASP.

DRPT and the RTA must work together to assess areas in which safety data indicates a developing hazard or conditions that may result in unsafe practices. RTA staff must continuously monitor the data collected from RTA departments to gain a picture of what areas might present issues. DRPT will meet with RTA Safety staff as needed to review and analyze safety data collected over the previous months to determine if any areas of concern are present. If RTA and DRPT staff determine a particular trend merits further action, the RTA must

coordinate communication with the relevant RTA department(s) to assign corrective action when appropriate. DRPT will work with the RTA to establish this process.

10.5 Investigation of Unacceptable Hazards

The RTA or its contractor must investigate a hazard reported to DRPT as unacceptable in accordance with the provisions specified by the RTA in its PTASP and as required per **Appendix E** of this document. The RTA shall maintain a file of hazards reported to DRPT and make these files available to DRPT for review and evaluation.

Within seven (7) calendar days of the initial report to DRPT of an unacceptable hazard, the RTA shall submit the initial report of its investigation to DRPT. The RTA may transmit an electronic copy via email or a hard copy via mail or fax.

The RTA shall submit to DRPT status reports of the unacceptable hazard investigation at least monthly until the investigation is completed. The RTA may transmit these status reports as an electronic copy via email or as hard copy via mail or fax.

Upon completing the investigation of the unacceptable hazard, the RTA shall prepare and submit to DRPT for review and approval a final report that includes a description of activities, findings, identified causal factors, and a CAP. The RTA shall transmit an electronic copy of the final investigation report to DRPT via email. Within thirty (30) calendar days of receiving a report designated as final, DRPT will review the report, using the process specified in **Appendix H** of this document and issue to the RTA written approval of the report. In the event that DRPT does not accept the RTA report, DRPT will communicate in writing the area(s) of disagreement or concern. The report shall not be considered final until all conditions are met and the report is approved by DRPT.

The RTA shall develop CAPs to address certain hazardous conditions. Procedures associated with development, submission, review, and approval of CAPs are the subject of Section 8 of this document. At any time during an investigation, DRPT reserves the right to request a full briefing from the RTA on the known circumstances of the investigation, including corrective actions.

10.6 DRPT Investigation of Hazards

DRPT reserves the right to conduct independent investigations of hazards identified as unacceptable. A description of the DRPT investigation process is in Section 7 of this document.

Upon its determination to conduct an independent investigation, DRPT will inform the RTA in writing of its intention to conduct an investigation of a reported hazard no later than seven (7) calendar days following receipt of the RTA initial report. DRPT will advise the RTA of the following:

- Investigation processes
- Identity of individual(s) conducting the investigation
- Tentative schedule of investigation elements

The RTA shall assist the DRPT investigators by providing required information and resources necessary for conducting the investigation. DRPT or its contractor will complete an investigation report that includes a description of activities, findings, identified causal factors, and recommended CAP(s). DRPT will deliver the report to the RTA within thirty (30) calendar days after completion of the investigation for review. The RTA will have fifteen (15) calendar days to prepare a CAP and submit it to DRPT.

11 DRPT Oversight of Major Capital Projects

In addition to audits and inspections of RTA's described in this SSPS, DRPT may conduct a variety of oversight activities pertaining specifically to major capital projects. This section describes DRPT activities related to oversight of an RTA's safety certification program, system modifications and expansions, and pre-revenue service reviews.

11.1 Oversight of Safety Certification Program

An RTA is required to have a safety certification program to ensure that safety concerns, hazards, threats, and vulnerabilities are adequately addressed in major capital projects directly affecting operation of the rail system prior to the initiation of passenger operations. This includes New Starts and all other subsequent projects to extend, rehabilitate, or modify an existing rail system, or to replace its vehicles and equipment. DRPT SSO shall provide general review and oversight of the safety and security certification (SSC) process. DRPT SSO may request the RTA, and other responsible party/project owner(s) for various rail capital projects, to submit relevant plans and documentation to the DRPT SSO for review and comment on all components subject to the SSC process. DRPT SSO shall participate in SSC-related meetings and document reviews, and may issue specific findings, guidance, and/or directives to the RTA and/or the project owner in order to address safety issues related to certifiable elements, certifiable items, and temporary workarounds.

DRPT SSO's role in oversight of the safety certification process, as described above, extends beyond the existing RTA rail system to include future extension. In this role, DRPT SSO frequently attends project meetings that pertain to safety certification, observes test activities, and oversees the safety certification process. Furthermore, DRPT will conduct various pre-revenue reviews and assessments to confirm the readiness of the RTA to accept the newly built sections into the existing revenue operating system.

11.2 Oversight of System Expansions and Modifications

In order to assess the safety of new projects and to verify associated monitoring processes within the RTA, or the project owner, DRPT SSO may review major modifications and expansions, and other projects likely to have a significant safety impact on the rail system. Documentation regarding the following types of expansions or modifications shall be submitted for DRPT SSO for review:

- New starts or system extensions
- Major reconstruction of existing lines

- Major redesign and installation of system components
- New or significantly reconstructed maintenance and operating facilities
- New vehicle procurements or mid-life overhauls
- Other projects deemed to have significant safety implications, including projects implemented by others that have a direct impact on the RTA operations
- Any new or rehabilitative work associated with automatic train control or the rail operations control center

The review and oversight by DRPT SSO will depend significantly on the type of system expansion or modification under review. DRPT SSO may review any and all development phases of applicable projects including:

- Project Planning
- Preliminary Engineering
- Final Design
- Procurement
- Construction
- Operations and Maintenance Procedure and Plan Development
- Training
- Testing
- Start-Up

DRPT SSO review may include each of these phases, so that any safety-critical issues can be resolved as early as possible, to avoid or minimize the need for retroactive modifications and retrofits. This approach should allow the RTA and/or the project owner to resolve safety issues in a timely manner, so as not to delay the project implementation schedule.

When DRPT SSO determines that such a review is timely and appropriate, it will provide written notice to the RTA that includes both a request for scheduling and for relevant documentation. DRPT SSO will work closely with the RTA staff to ensure that affected personnel can be available for the review with the minimum possible disruption to their regular duties.

In reviewing each phase of a major system expansion or modification listed above, DRPT SSO will focus its resources on providing an independent review of safety-critical system elements and activities, in addition to the more general aspects of a project that could affect the safety of existing operations. The materials DRPT SSO will review throughout the project may include the following:

- Planning Studies (that evaluate alternatives and define a project's scope)
- Design Criteria and Standards Manual
- Design Documents
- Safety Certification Plans, including Certifiable Elements and Items Lists, Compliance Checklists, Hazard/Vulnerability Log, and Open Items List
- Project Management Plans (required for major FTA-funded projects)
- Configuration Management Plans
- Construction Plan and Schedules

- Operating Changes and Plans during Project Construction
- Transportation and Maintenance Operating Procedures
- Training Programs and Procedures
- Integrated Test Program
- Emergency Procedures
- System Safety Reviews

After the review of a particular project phase has been completed, DRPT SSO will provide an immediate oral briefing to the RTA and/or project owner/responsible party, and may issue a draft report detailing its findings, if necessary, within forty-five (45) calendar days. Any RTA and/or project owner/responsible party comments shall be provided within forty-five (45) calendar days of the issuance of the draft report, with a DRPT SSO final report issued no more than forty-five (45) calendar days subsequent.

DRPT SSO may continue to review each phase of the project until its completion, at which time the expansion or modification will be incorporated into DRPT's triennial audit of the RTA's operating and maintenance activities.

11.3 Pre-Revenue Service Audit

The DRPT SSO may conduct an on-site Pre-Revenue Service Audit (PRSA) of any major project related to the rail system. This audit will be conducted after substantial completion of the project for an existing system, but prior to its entry into passenger operations. This assessment will focus on the SSC process as well as operational/maintenance readiness, and preparations to ensure safe and secure passenger service.

The PRSA is designed to assess the safety of the project and the readiness of the RTA's associated safety, operational, and maintenance procedures and preparations. For any projects being built by other parties, the project owner during design, construction, and testing is/are required to follow the safety certification process described in the applicable Safety and Security Management Plan. After the operational readiness date, the RTA must follow the process described in its Safety and Security Certification Program Plan. These processes are designed to ensure that safety-related elements and items that comprise the project at each phase (from design to revenue operations) identified on the Safety Certifiable Items Lists (SCIL) have been verified as completed and/or safe and secure, or that there are appropriate temporary workarounds in place. These SCIL elements and items include physical systems and facilities that make up the new rail lines, as well as documents, plans, and training and certification programs.

DRPT SSO will use the PRSA to ensure that appropriate processes are in place to complete the safety certification process. DRPT SSO will also audit the mitigation of hazards and vulnerabilities, and assess general operational and maintenance readiness. Before revenue service begins, the RTA shall submit the Safety and Security Certification Verification Report to DRPT SSOA for concurrence. DRPT SSO will forward its concurrence to FTA before revenue service begins.

DRPT SSO intends for these audits to be a cooperative and productive exercise, consisting of

topic-specific site visits and observations, meetings with relevant personnel, and document/records reviews. The audit team will maintain some flexibility to account for unforeseen conflicts and to minimize disruption to the routine duties of the RTA and/or other personnel and contractors.

The result of the audit will be a written report with findings. The audit team expects that, through a strong safety certification program, the RTA will already be aware of and addressing many, if not most, of the findings that the DRPT SSO identifies during the audit. DRPT SSO may issue findings regarding incomplete certifiable items, or may require a workaround prior to the start of revenue service, or other safety-related issues that require action prior to passenger service. DRPT will identify findings via the following means:

- Ongoing feedback during the on-site audit process, including discussions and meetings with appropriate managers.
- A verbal summary of identified findings during a close-out briefing at the conclusion of the on-site assessment, with a special focus on any near-term issues that may need to be resolved prior to revenue operations.
- A bullet list summary of findings and recommendations to be issued within one (1) week of the conclusion of the on-site audit.
- A draft report issued to the RTA within thirty (30) calendar days of the conclusion of the on-site audit, with a final report to follow.

The RTA is expected to follow the exact same process as findings resulting from other audits and inspections in responding to such findings (see DRPT audits and inspections).

12 Conflict Resolution

As the designated SSOA, DRPT is responsible for the independent evaluation of safety and security issues related to the RTA. In undertaking its defined oversight duties, DRPT and the RTA shall act in good faith to carry out their respective responsibilities. DRPT will work cooperatively and diligently to meet the oversight requirements and to address issues raised in the oversight process.

If DRPT determines that there are any conditions or practices in any RTA facility that present a danger which could reasonably be expected to cause death or serious physical harm and which the RTA has failed to abate in a timely manner, following notice from DRPT, DRPT may communicate its concerns to the chief executive officer (CEO) of the RTA to resolve such outstanding issues. At the request of either DRPT or the RTA, a joint meeting of the CEO of the RTA and DRPT executive leadership shall be held to resolve any such dispute. If, despite these efforts, the matter is not resolved to the satisfaction of DRPT, DRPT may take any action that is permitted by law and including actions mentioned in section 3.2 of this document.

12.1 Protection from Disclosure

Pursuant to the Commonwealth of Virginia Freedom of Information Act exemption §2.2-3705.2 paragraph three (3), DRPT, as the SSOA within the Commonwealth of Virginia, may withhold information that would disclose the security aspects of a PTASP adopted pursuant to federal SSO regulations and information in the possession of such agency, the release of which would

jeopardize the success of an ongoing investigation of a rail accident or other event threatening railway safety.

13 Document Submittal and Activities Schedule

The table below shows all of the documents that must be regularly developed, reviewed, revised, and submitted by the RTA and by DRPT, as well as activities completed by the RTA and DRPT on a recurring basis.

Document Submittal and Activities Schedule for DRPT and the RTA

Document Name	Document Author	Submit To:	Deadline(s)
SSO Annual Submission	DRPT	FTA	On or before March 15 th of each year
SSO Annual Certification of Compliance with 49 CFR Part 674	DRPT	FTA	On or before March 15 th of each year
Safety and Security Program Standard and Procedures (if revised) and/or procedural changes	DRPT	FTA	On or before March 31st of each year
Annual Report on RTA Safety to Governor of Virginia and RTA Board of Directors	DRPT	Governor of VA, RTA	At least annually, or more frequently at the discretion of DRPT
Triennial Audit Notification, Document Request, and Checklists	DRPT	RTA	Sixty (60) calendar days prior to each on-site audit
Draft Triennial Report(s)	DRPT	RTA	Thirty (30) calendar days after each on-site audit
Final Triennial Report(s)	DRPT	RTA, FTA	Thirty (30) calendar days after receipt of RTA comments (to RTA), by March 15th of each year (to FTA)
Internal Safety and Security Audit Schedules	RTA	DRPT	Publish/update annually, or when schedule changes occur
Internal Safety and Security Audit Annual Reports	RTA	DRPT	February 15 of each year for preceding year
Letter from General Manager/Chief Executive Officer Certifying Compliance with PTASP and SEPP	RTA	DRPT	February 15 of each year for preceding year
Internal Safety and Security Audit Report	RTA	DRPT	Ninety (90) calendar days after each internal audit
Event Investigation Draft Final Report(s)	RTA	DRPT	Thirty (30) calendar days after the event under investigation (see Section 7.1)

Document Name	Document Author	Submit To:	Deadline(s)
Event Investigation Monthly Status Report(s)	RTA	DRPT	Thirty (30) calendar days after the event, if the draft final investigation report is not completed within thirty (30) calendar days, and every month thereafter, as long as the investigation is still ongoing
Hazard Log and CAP Log(s)	RTA	DRPT	Monthly, by the first of each month, or more frequently at the request of DRPT
PTASP (Revised)	RTA	DRPT	DRAFT – October 31 of each year
SEPP (Revised)	RTA	DRPT	DRAFT – July 31 of each year

Activity	Responsible Party	Participants	Timeline
SSOA Coordination Meetings and Calls	DRPT	DRPT Staff, Contractor Support	As Applicable/Needed
Review of Safety and Security Issues	DRPT	RTA	Ongoing
Observe RTA Safety Committee Meetings	RTA	DRPT	As Applicable/Needed
Observe RTA Configuration Management Committee Meetings	RTA	DRPT	As Applicable/Needed
Coordinate CAP Meetings	RTA	DRPT	As Applicable/Needed
Observe RTA Event Investigation Meetings	RTA	DRPT	As Applicable/Needed
Conduct/Review Event Investigation Activities (Event-specific)	DRPT	RTA	As Applicable/Needed
Observe SSC Meetings (as applicable)	RTA	DRPT	As Applicable/Needed
Observe RTA Safety Data Review Meeting	DRPT	RTA	As Applicable/Needed
Conduct Triennial Audits	DRPT	RTA	Ongoing
Observe RTA Internal Safety and Security Audits	RTA	DRPT	Ongoing

Activity	Responsible Party	Participants	Timeline
Meeting to Review RTA Annual Report	DRPT	RTA	As Applicable/Needed
Conduct CAP Verifications (Event-specific)	DRPT	RTA	As Applicable/Needed
Participate in the FTA Monthly Call	FTA	DRPT	Monthly
Participate in the FTA-DRPT One-on-One Call	FTA	DRPT	As Applicable/Needed
Participate in the FTA Quarterly Meeting	FTA	DRPT	Quarterly
Discuss PTASP and SEPP reviews and updates	RTA	DRPT	Annually
Conduct Conflict of Interest Review	DRPT	TBD	As Applicable/Needed

14 Definitions

Accident means an event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Accountable Executive means a single, identifiable individual who has ultimate responsibility for carrying out the PTASP of an RTA; responsibility for carrying out the RTA's transit asset management plan; and control or direction over the human and capital resources needed to develop and maintain both the RTA's PTASP, in accordance with 49 USC 5329(d), and the RTA's transit asset management plan in accordance with 49 USC 5326.

Contractor means an entity that performs tasks on behalf of FTA, an SSOA, or an RTA, through contract or other agreement.

Corrective Action Plan (CAP) means a plan developed by the RTA that describes the actions the RTA will take to minimize, control, correct, or eliminate hazards, and the schedule for implementing those actions.

Event means an accident, incident, or occurrence.

Finding means a formally-documented observation and description of a deficiency in an RTA's practices. Findings fall into two categories, both requiring corrective action by the RTA.

- **Findings of Non-Compliance** generally relate to those areas where the RTA is not

following its own established plans, policies, procedures, or where those plans, policies, and procedures are non-existent.

- **Findings of Compliance with Recommendation** are deficiencies regarding RTA practices or plans that do not rise to the level of non-compliance with established policies or procedures, or industry standards, and are a pre-emptive attempt at preventing a low hazard condition from progressing to a situation where if kept unchecked could result in a non-compliance/safety critical issue.

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

Incident means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of an RTA. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in Appendix A to 49 CFR Part 674. If an RTA or SSOA later determines that an incident meets the definition of accident in this section, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in Appendix A to 49 CFR Part 674.

Individual means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

Investigation means the process of determining the causal and contributing factors of an accident, incident, event, or hazard, for the purpose of preventing recurrence and mitigating risk.

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

New Starts Project means any rail fixed guideway system funded under FTA's 49 USC 5309 discretionary construction program.

Occurrence means an event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of an RTA.

Oversight Agency or SSOA means the entity, other than the RTA, designated by the state or several states to implement this part.

Passenger means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.

Passenger Operations means the period of time when any aspect of RTA operations is initiated with the intent to carry passengers.

Person means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a RFGPTS.

Public Transportation Agency Safety Plan (PTASP) means the comprehensive agency safety plan for an RTA that is required by 49 USC 5329(d) and based on an SMS. Until one year after the effective date of FTA’s PTASP final rule, 49 CFR Part 673 (July 19, 2020), a system safety program plan developed pursuant to 49 CFR Part 659 may serve as the RTA’s safety plan.

Public Transportation Safety Certification Training Program means either the certification training program for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 USC 5329(c)(2), or the program authorized by 49 USC 5329(c)(1).

Safety Security Program Standard (SSPS) means a written document developed and adopted by the SSOA that describes the policies, objectives, responsibilities, and procedures used to provide RTA safety and security oversight.

Rail System/Light Rail System means the RFGPTS and all other real and personal property owned, leased, operated or otherwise used by RTA rail services and shall include RTA rail projects under design or construction by owners other than RTA.

Rail Fixed Guideway Public Transportation System (RFGPTS) means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a state, and is not subject to the jurisdiction of the FRA, or any such system in engineering or construction. RFGPTSs include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail-Highway Grade Crossing means an at-grade crossing where a public highway, road, street, or private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks at grade, and is marked by crossbucks, stop signs, or other appropriate signage indicating the presence of an at-grade crossing.

Rail Transit Agency (RTA) means any entity that provides services on a RFGPTS.

Rail Transit-Controlled Property means property that is used by the RTA and may be owned, leased, or maintained by the RTA.

Rail Transit Vehicle means the RTA’s rolling stock, including but not limited to passenger and maintenance vehicles.

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk mitigation means a method or methods to eliminate or reduce the effects of hazards.

Safety means freedom from harm resulting from unintentional acts or circumstances.

Safety Management System (SMS) means a method of identifying hazards and controlling risks in a work and operational environment that continually monitors these methods for effectiveness.

Safety risk management means a process within an RTA's PTASP for identifying hazards and analyzing, assessing, and mitigating safety risk.

Safety-sensitive employee means an individual who performs any of the following duties: operating a revenue service vehicle, including when not in revenue service; operating a nonrevenue service vehicle, when required to be operated by a holder of a commercial driver's license; controlling dispatch or movement of a revenue service vehicle; maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service; or carrying a firearm for security purposes.

Security means freedom from harm resulting from intentional acts or circumstances.

Serious injury means any injury which requires hospitalization for more than forty-eight (48) hours, commencing within seven (7) days from the date of the injury was received; results in a fracture of any bone (except simple fractures of fingers, toes, or nose); causes severe hemorrhages, nerve, muscle, or tendon damage; involves any internal organ; or involves second- or third-degree burns, or any burns affecting more than five (5) percent of the body surface.

State means a state of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State Safety Oversight Agency (SSOA) means an agency established by a state that meets the requirements and performs the functions specified by 49 USC 5329(e) and the regulations set forth in this part.

Security and Emergency Preparedness Plan (SEPP) means a document developed and adopted by the RTA describing its security policies, objectives, responsibilities, and procedures.

Sensitive Security Information (SSI) – Information as described in 49 CFR § 1520.5/49 CFR § 15.5. SSI is information obtained or developed in the conduct of security activities, the disclosure of which would be detrimental to transportation safety. SSI includes: security program plans, security and vulnerability assessments, threat information, incident response plans, security directives and measures, security inspection or investigative information, security screening information or procedures, specifications for devices for detection of weapons or destructive devices or substances, specifications for communications equipment used for transportation security, and critical infrastructure information.

Vehicle means any rolling stock used on a RFGPTS, including but not limited to passenger and maintenance vehicles.