

FTA

FEDERAL TRANSIT ADMINISTRATION

State Safety Oversight (SSO) Final Rule

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FTA

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How to Submit Questions

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

Today's Presentation

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

Public Transportation Safety Program

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

National Public Transportation Safety Plan

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

GUIDANCE

National Public Transportation Safety Certification Training Program

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

Public Transportation Agency Safety Plans

Identifies:

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

TRANSIT AGENCIES

State Safety Oversight (SSO) Program

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

SAFER PUBLIC TRANSPORTATION

SMS

RULE

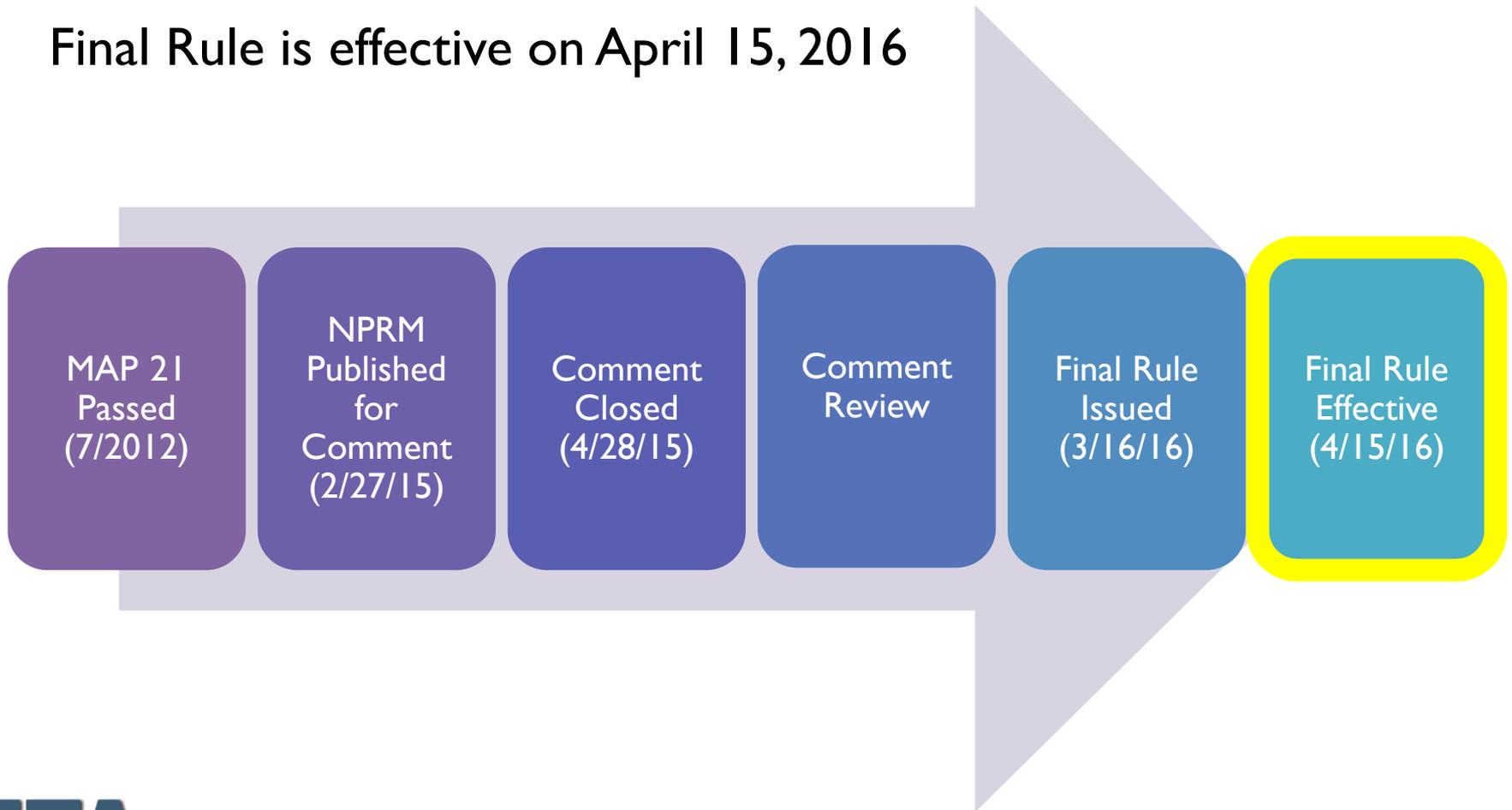
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Overview: Where Are We In the Process

Final Rule is effective on April 15, 2016



State Safety Oversight (SSO) Final Rule

SSO Final Rule: Summary

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

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

SSO Final Rule: Changes from NPRM

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

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

SSO Final Rule: Certification and Compliance

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

SSO Final Rule: Grants

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

SSO Final Rule: SSOA Requirements

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

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

SSO Final Rule: SSOA Requirements Con't

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

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

SSO Final Rule: What the SSOA Must Do

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

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

SSO Final Rule: What the SSOA Must Do

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

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

SSO Final Rule: Notifications

Notify FTA and SSOA within 2 hours of:

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

SSO Final Rule: Reporting

Report to the NTD within 30 days of:

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

SSO Final Rule: Corrective Action Plans (CAPs)

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

CAPs may be initiated by:

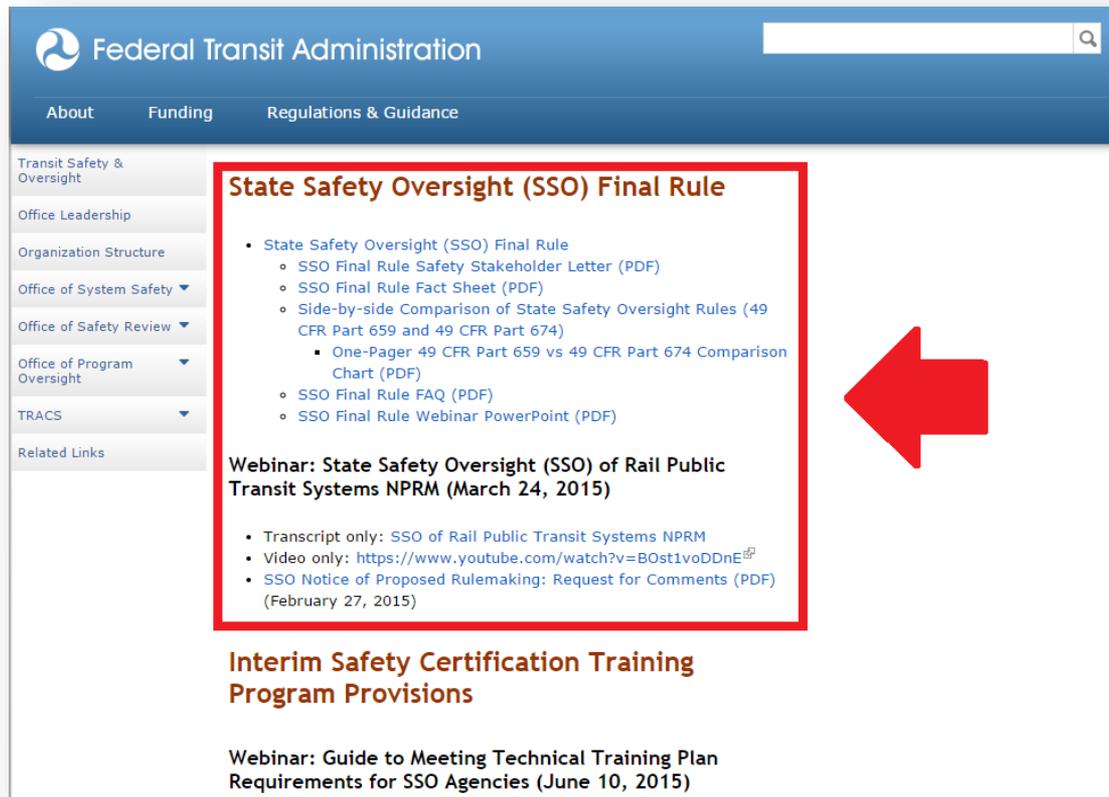
- SSOA
- RTA
- FTA

SSO Final Rule: Effective Date

The Final Rule becomes effective on April 15, 2016

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

Learn More



Federal Transit Administration

About Funding Regulations & Guidance

Transit Safety & Oversight

Office Leadership

Organization Structure

Office of System Safety

Office of Safety Review

Office of Program Oversight

TRACS

Related Links

State Safety Oversight (SSO) Final Rule

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

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

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

Interim Safety Certification Training Program Provisions

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

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

Questions?

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Questions?