

Chapter Trans 10

TRANSIT SAFETY OVERSIGHT PROGRAM FOR RAIL FIXED GUIDEWAY TRANSPORTATION SYSTEMS

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Trans 10.01 Purpose and scope. (1) **STATUTORY AUTHORITY.** This chapter interprets and implements s. 85.066 (2), Stats., and establishes the administrative policies and procedures for the transit safety oversight program for rail fixed guideway transportation systems in the state, in accordance with 49 USC 5329 and 49 CFR Part 674.

(2) **APPLICABILITY.** This chapter applies to the department and any person that owns, operates, or provides services on a rail fixed guideway transportation system in the state.

History: CR 17-070: cr. Register May 2018 No. 749, eff. 6-1-18.

Trans 10.02 Definitions. In this chapter:

(1) “Agency safety plan” means the document or documents describing a rail transit agency’s safety policies, objectives, responsibilities, and procedures.

(2) “Department” means the Wisconsin department of transportation.

(3) “FTA” means the federal transit administration, an agency within the United States department of transportation.

(4) “National public transportation safety plan” means the federal plan to improve the safety of all public transportation systems that receive federal financial assistance under Chapter 53 of title 49 of the United States Code .

(5) “Person” means any natural person, partnership, corporation, business entity, or governmental body.

(6) “Public transportation safety certification training program” means either the federal interim provisions made in accordance with 49 USC 5329(c)(2), or the federal program authorized by 49 USC 5329(c)(1).

(7) “Rail fixed guideway transportation system” or “rail transit system” has the same meaning given in s. 85.066 (1), Stats.

(8) “Rail transit agency” means any person who provides services on a rail fixed guideway transportation system.

History: CR 17-070: cr. Register May 2018 No. 749, eff. 6-1-18; s. 35.17 correction in (4), (6).

Trans 10.03 Transit safety oversight program.

(1) **DESIGNATION OF OVERSIGHT AGENCY.** The department is the designated state safety oversight agency for the state, and shall develop and administer the transit safety oversight program for rail fixed guideway transportation systems in the state, as authorized by s. 85.066 (2), Stats., and as required by 49 USC 5329 and 49 CFR Part 674.

(2) **REQUIREMENTS OF OVERSIGHT AGENCY.** The department shall, per requirements under 49 CFR Part 674, do all of the following:

(a) Unless relieved of such requirement by federal waiver, the department shall do all of the following:

1. Remain financially and legally independent from any rail transit agency under the department’s oversight under this chapter.

2. Prohibit any rail transit agency under the department’s oversight under this chapter from providing funds to the department.

3. Prohibit department provision of direct public transportation services in an area with a rail fixed guideway transportation system under the department’s oversight.

(b) Prohibit departmental employment of any individual who administers, provides services to, or serves as a contractor for, a rail fixed guideway transportation system under the department’s oversight.

(c) Determine whether departmental employees or other personnel responsible for safety oversight of rail fixed guideway transportation systems under the department’s oversight are qualified to perform their functions by ensuring compliance with requirements of the public transportation safety certification training program, as applicable.

(3) **AUTHORITY OF OVERSIGHT AGENCY.** The department shall oversee, enforce, investigate, and audit all safety aspects of all rail fixed guideway transportation systems in the state, in accordance with the program standard established under this chapter and applicable federal and state law, by doing all of the following:

(a) Reviewing and approving the agency safety plan of each rail transit agency for all rail fixed guideway transportation systems under the department’s oversight.

(b) Overseeing and enforcing rail transit agency compliance in execution of its agency safety plan by ordering corrective action plans or by any other means, as necessary or appropriate.

(c) Auditing a rail transit agency’s compliance with its agency safety plan at least once every three years.

(d) Conducting, or causing to be conducted, inspections, audits, or investigations, of safety-related events and deviations in compliance by a rail transit agency from its agency safety plan.

(e) Adopting and enforcing minimum standards for the safety of rail fixed guideway transportation systems under the department’s oversight.

History: CR 17-070: cr. Register May 2018 No. 749, eff. 6-1-18; s. 35.17 correction in (1).

Trans 10.04 State safety oversight program standard. The department shall adopt and distribute a written state safety oversight program standard, as required by 49 CFR 674.27 and consistent with the national public transportation safety plan. The department shall annually submit to FTA any revisions of its program standard, and shall distribute the most recent version of the program standard evaluated by FTA to all rail transit agencies under the department’s oversight.

Note: The current version of the state safety oversight program standard is on file with the department’s Public and Specialized Transit Section and available by accessing the department’s public website at <http://wisconsindot.gov/Pages/doing-bus-local-gov/astnce-pgms/transit/compliance/safety-rail.aspx> or upon request.

History: CR 17-070: cr. Register May 2018 No. 749, eff. 6-1-18.