

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIM BTLRRH 68

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIM BTLRRH 68, 49 CFR Part 674, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBTLRRH68>

2. Mailing written comments to:

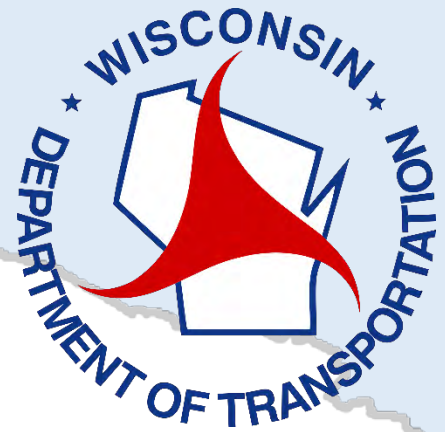
Division of Transportation Investment Management
Wisconsin Department of Transportation
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WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

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TRANSIT SAFETY OVERSIGHT

FOR RAIL FIXED GUIDEWAY TRANSPORTATION SYSTEMS

PROGRAM STANDARD

Wisconsin Department of Transportation
Bureau of Transit, Local Roads, Railroads & Harbors
Public & Specialized Transit Section

WISCONSIN DEPARTMENT OF TRANSPORTATION
STATE SAFETY OVERSIGHT PROGRAM STANDARD and PROCEDURES
FOR RAIL TRANSIT SYSTEMS

NOT REGULATED BY THE FEDERAL RAILROAD ADMINISTRATION



Wisconsin Department of Transportation
Bureau of Transit, Local Roads, Railroads & Harbors
Public & Specialized Transit Section

Revision 5.0

Issued April 10, 2018

Revision Information

Revision No.	Sections/Pages Affected	Date Issued
Revision 5.0	<ul style="list-style-type: none"> • Complete revision of document • New format and content to comply with 49 CFR Part 674 	April 10, 2018
Revision 4.0	<ul style="list-style-type: none"> • Section 6.3.1 • Removed mandatory adherence to APTA Standard for Rail Transit Accident/Incident Investigation • Section 9 • Inserted new section to address reporting and records management • Additional minor revisions throughout 	January 15, 2013
Revision 3.0	<ul style="list-style-type: none"> • Formatting changes only 	October 2011
Revision 2.0	<ul style="list-style-type: none"> • Formatting changes only 	May 2010
Revision 1.0	<ul style="list-style-type: none"> • Formatting changes only 	May 2009
Initial Issue	<ul style="list-style-type: none"> • Original document 	June 29, 2006

Signature Page – SSO Agency

Wisconsin Department of Transportation - WisDOT



Administrator – Division of Transportation Investment Management
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4/10/18.

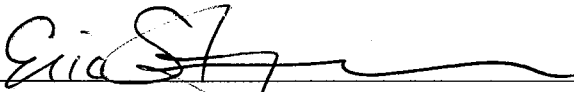
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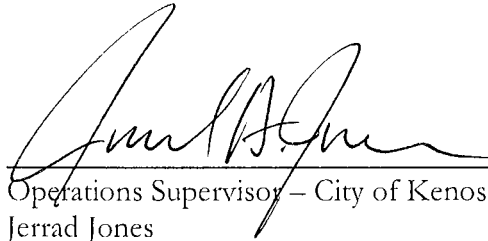
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Cross-walk Matrix

49 CFR Part 659	49 CFR Part 674	Revision 5.0
§ 659.1 – Purpose	§ 674.1 – Purpose	Introduction
§ 659.3 – Applicability	§ 674.3 – Applicability	Section 1
N/A	§ 674.5 – Policy	Section 1
§ 659.5 – Definitions	§ 674.7 – Definitions	Introduction
N/A	§ 674.9 – Transition from previous requirements for State safety oversight	Section 1
N/A	§ 674.11 – State Safety Oversight Program	Introduction Section 1 Appendix B
§ 659.9 – Designation of oversight agency	§ 674.13 – Designation of oversight agency	Section 1
§ 659.9 – Designation of oversight agency	§ 674.15 – Designation of oversight agency for multi-state system	Not applicable – As of Revision 5.0 publication, Wisconsin does not have a multi-state rail transit system
N/A	§ 674.17 – Use of Federal financial assistance	Section 1
N/A	§ 674.19 – Certification of a State Safety Oversight Program	Introduction
§ 659.7 – Withholding of funds for noncompliance	§ 674.21 – Withholding of Federal financial assistance for noncompliance	
§ 659.11 – Confidentiality of investigation reports and security plans	§ 674.23 – Confidentiality of information	Section 1
§ 659.13 – Overview § 659.17 – System safety program plan: general requirements	§ 674.25 – Role of the State safety oversight agency	Introduction Section 1
§ 659.15 – System safety program standard	§ 674.27 – State safety oversight program standards	Sections 1-8 Each section number maps to the corresponding subpart of Part 674
§ 659.17 – System safety program plan: general requirements	§ 674.29 – Public Transportation Agency Safety Plans: general requirements	Section 4

WisDOT SSO Program Standard

49 CFR Part 659	49 CFR Part 674	Revision 5.0
§ 659.29 – Oversight agency safety and security reviews	§ 674.31 – Triennial audits: general requirements	Section 5
§ 659.33 – Accident notification	§ 674.33 – Notifications of accidents	Section 6
§ 659.35 – Investigations	§ 674.35 – Investigations	Section 7
§ 659.37 – Corrective action plans	§ 674.37 – Corrective action plans	Section 8
§ 659.39 – Oversight agency reporting to the Federal Transit Administration § 659.43 – Certification of compliance	§ 674.39 – State Safety Oversight Agency annual reporting to FTA	Section 9
§ 659.41 – Conflict of interest	§ 674.41 – Conflicts of interest	Section 1

Table of Contents

Revision Information	2
Signature Page – SSO Agency.....	3
Signature Page – Rail Transit Agency.....	4
Signature Page – Rail Transit Agency.....	5
Cross-walk Matrix.....	6
Table of Contents	8
Definitions	10
Acronyms and Abbreviations.....	13
INTRODUCTION	15
MAP-21 and FAST Act Safety Program Changes	15
Transition to 49 CFR Part 674	17
Certification of a State Safety Oversight Program.....	19
Requirements of the New State Safety Oversight Program	21
SECTION 1. PROGRAM MANAGEMENT.....	22
1.1 SSO Program History	23
1.2 SSO Agency Authority	24
1.2.1 Designation of the Oversight Agency.....	24
1.2.2 WisDOT SSO Authority over Rail Transit Systems	25
1.2.3 SSO Agency Authority Enhancements.....	26
1.3 Grant Funding and the Part 674 SSO Program	27
1.3.1 WisDOT SSO Program Staff and Responsibilities.....	29
1.3.2 SSO Agency Point-of-Contact	31
1.4 SSO Agency Policies.....	32
1.4.1 Protection of Investigation and Audit Reports and Information.....	32
1.4.2 Conflict of Interest (COI) Management.....	32
1.5 SSO Agency Reporting Requirements	33
1.6 SSO Agency and RTA Communication and Coordination	33
1.6.1 Data and Information Collection and Analysis.....	35
1.6.2 Federal Information Requests to RTAs	35
1.7 WisDOT SSO Program Risk Monitoring of RTAs.....	36
1.7.1 All-hazard Analysis and Prioritization	38
1.8 FTA Triennial Audit of WisDOT SSO Program.....	39
SECTION 2. PROGRAM STANDARD DEVELOPMENT	40
2.1 WisDOT SSO Program Standard Development.....	41
2.1.1 Development.....	41
2.1.2 Reviews, Approvals, Adoptions and Revisions	41
2.2 Program Standard Distribution.....	42

2.3 Minimum Safety Standards 43

SECTION 3. PROGRAM POLICY AND OBJECTIVES47

3.1 Policy 47

3.2 Objectives..... 47

SECTION 4. AGENCY SAFETY PLANS AND INTERNAL REVIEW49

4.1 Receiving and Evaluating RTA Materials..... 51

 4.1.1 WisDOT SSO Program Review and Approval of RTA Agency Safety Plan 51

 4.1.2 Initial submittals from a RTA..... 53

4.2 Requirements for the Agency Safety Plan (Interim PTASP – Part 659 SSPP)..... 53

 4.2.1 Required Content of the RTA SSPP..... 54

4.3 Internal Safety Audit Oversight 55

 4.3.1 Internal Audit Schedule and Checklists..... 55

4.4 RTA Annual Report to the WisDOT SSO Program 56

SECTION 5. TRIENNIAL AUDITS.....57

SECTION 6. ACCIDENT NOTIFICATION59

6.1 Requirements for RTA to Notify SSO Agency..... 61

 6.1.1 Time limits for notification 63

 6.1.2 Initial Notification..... 63

 6.1.3 Initial Notification Form..... 64

 6.1.4 RTA Reportable Event Notifications to Other Federal Agencies..... 64

 6.1.5 RTA Hazardous Conditions Notifications to the WisDOT SSO Program 65

SECTION 7. INVESTIGATIONS67

7.1 Investigations..... 68

7.2 Investigation Progress and Final Reports..... 69

7.3 WisDOT SSO Program Investigations/Inspections..... 71

7.4 Confidentiality of Investigation Reports 72

SECTION 8. CORRECTIVE ACTIONS73

8.1 Policy and Practice for Tracking and Verifying RTA CAP compliance 74

8.2 SSO Agency Policy and Practice for managing conflict with RTA relating to development or execution of CAP or Findings..... 75

SECTION 9. ANNUAL REPORTING TO FTA.....77

APPENDICES:

Appendix A – Federal Authorizing Documents	Appendix H – Security Plan Assessment
Appendix B – State Authorizing Documents	Appendix I – Internal Safety Audit Process
Appendix C – WisDOT SSO TTP	Appendix J – Wisconsin Open Records
Appendix D – WisDOT SSO Org. Chart	Appendix K – Kenosha Area Transit (KAT)
Appendix E – WisDOT SSO Investigations	Appendix L – WisDOT SSO Triennial Audit Process
Appendix F – Interim PTASP Requirements	Appendix M – Milwaukee Streetcar System (MSS)
Appendix G – Interim PTASP Checklist	

Definitions

The following definitions may be used throughout this document, and correspond to the definitions provided in 49 CFR 674.7 – see Appendix A for the complete text of 49 CFR Part 674.

Accident means an “event”, as defined below, that involves any of the following:

1. A loss of life,
2. A report of a serious injury to a person,
3. A collision involving a rail transit vehicle,
4. A runaway train,
5. An evacuation for life safety reasons, or
6. Any derailment of a rail transit vehicle (any location, any time, any cause).

Accountable Executive means a single, identifiable individual who has ultimate responsibility for carrying out a public transportation agency’s “agency safety plan” (as defined below), its “Transit Asset Management Plan” (as defined below), and control or direction over the human and capital resources needed to develop and maintain those plans in accordance with 49 U.S.C. § 5329(d), and 49 U.S.C. § 5326, respectively.

Corrective action plan means a plan developed by a rail transit agency (as defined below), that describes the actions such agency will take to minimize, control, correct, or eliminate risks and hazards, and the schedule for taking those actions. Either a state safety oversight (SSO) agency or FTA may require such an agency to develop and carry out a corrective action plan.

Event means an “accident”, as defined above, or “incident” or “occurrence” (each as defined below).

FRA means the Federal Railroad Administration, an agency within the United States Department of Transportation.

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

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, infrastructure, or environment of a “rail fixed guideway transportation system” (as defined below).

Incident means an “event” (as defined above), that involves any of the following:

1. A personal injury that is not a serious injury,
2. One or more injuries requiring medical transport, or
3. Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency.

Investigation means the process of determining the causal and contributing factors of an “accident”, “incident”, or “hazard” (each as defined here), 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 U.S.C. Chapter 53.

NTSB means the National Transportation Safety Board, an independent federal agency.

Occurrence means an “event” (as defined above), without any personal injury, in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a rail transit agency.

Person means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a “rail fixed guideway transportation system” (as defined below).

Public transportation agency safety plan (PTASP) means the comprehensive agency safety plan for a transit agency, including a rail transit agency, that is required by 49 U.S.C. § 5329(d) and based on a Safety Management System (SMS, as defined below).

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 U.S.C. § 5329(c)(2), or the program authorized by 49 U.S.C. § 5329(c)(1).

Rail fixed guideway public transportation system means any fixed guideway system, whether in operation, engineering, or under construction, that:

1. Uses rail,
2. Is operated for public transportation,
3. Is within the jurisdiction of a State, and
4. Is not subject to the jurisdiction of the Federal Railroad Administration (FRA).

Includes, but is not limited to: rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail transit agency (RTA) means any entity that provides services on a rail fixed guideway transportation system (as defined above).

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 risk management means a process within a rail transit agency’s agency safety plan, as defined above, for identifying hazards, and analyzing, assessing, and mitigating safety risk.

Serious injury means any injury that:

1. Requires hospitalization for more than 48 hours (within 7 days from the date of the injury was received),
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or nose),
3. Causes severe hemorrhages, nerve, muscle, or tendon damage,
4. Involves any internal organ, or
5. Involves second- or third-degree burns, or any burns affecting more than 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 (SSO) agency means an agency established by a state that meets the requirements and performs the functions specified by 49 U.S.C. § 5329(e) and associated federal regulations.

Vehicle means any rolling stock used on a rail fixed guideway transportation system (as defined above), including, but not limited to, passenger and maintenance vehicles.

Acronyms and Abbreviations

ALARP	-	"As low as reasonably practicable"
APTA	-	American Public Transportation Association
AREMA	-	American Railway Engineering and Maintenance of Way Association
CAP	-	Corrective action plan
CFR	-	Code of Federal Regulations
CMP	-	Configuration management plan
CSO	-	Chief safety officer
CWP	-	Certification work plan
FAST Act	-	Fixing America's Surface Transportation Act
FRA	-	Federal Railroad Administration
FTA	-	Federal Transit Administration
FTE	-	Full time equivalent
MAP-21	-	Moving Ahead for Progress in the 21 st Century
NFPA	-	National Fire Protection Association
NPRM	-	Notice for proposed rulemaking
NTD	-	National Transit Database
NTSB	-	National Transportation Safety Board
O&M	-	Operations and maintenance
OCS	-	Overhead catenary (or contact) system
WisDOT	-	Wisconsin Department of Transportation
OSHA	-	Occupational Safety and Health Administration
PTASP	-	Public transportation agency safety plan
RFGPTS	-	Rail fixed guideway public transportation system
RTA	-	Rail transit agency
RWP	-	Roadway (or right-of-way) worker protection
SGR	-	State of good repair
SMS	-	Safety management system
SOP	-	Standard operating procedure
SSCP	-	Safety and security certification plan
SSEPP	-	System security and emergency preparedness plan
SSO	-	State safety oversight
SSP	-	System security plan
SSPP	-	System safety program plan
TAM	-	Transit asset management
TSA	-	Transportation Security Administration
TSO	-	Office of Transit Safety and Oversight (FTA)
TTP	-	Technical training plan
U.S.C.	-	United States Code

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INTRODUCTION

This document is the Wisconsin Department of Transportation's (WisDOT) state safety oversight (SSO) program standard, which describes the State of Wisconsin's rail transit safety oversight program. The SSO program is required by federal law and concerns oversight of safety compliance at rail fixed guideway public transportation systems ("rail transit systems") under the state's jurisdiction. The purpose of this document is to identify: 1) the processes and procedures that govern the activities of the SSO agency itself; and 2) the processes and procedures each rail transit agency (RTA) operating a qualifying rail transit system in the state must have in place to comply with state and federal requirements.

WisDOT's original rail transit program standard, dated June 29, 2006, served as the state's initial safety oversight program submission to FTA, as required under 49 CFR Part 659.

This version, Revision 5.0, dated April 10, 2018, serves as the program standard for the State of Wisconsin's application to FTA for certification under the 2016 federal regulation for SSO programs, 49 CFR Part 674, as required by federal law under 49 U.S.C. § 5329.

Applicable federal and state statutes and rules can be found in Appendix A and B, respectively.

At the time of its drafting and publication, Revision 5.0 of WisDOT's SSO Program Standard includes language and requirements concerning FTA's interim agency safety plan for RTAs – the Part 659 System Safety Program Plan (SSPP) – as well as notification and reporting requirements consistent with Part 674. Once WisDOT's SSO program is certified under Part 674, WisDOT can be begin to remove erroneous Part 659 reporting criteria and other requirements, as applicable.

The WisDOT SSO program and minimum standards are consistent with the National Public Transportation Safety Plan as established by 49 CFR Part 670. Upon publication of 49 CFR Part 673 and implementation guidance from FTA, WisDOT intends to revisit its agency safety plan requirements for RTAs to comply with established federal rules. All changes to this document, including notification of such changes to the appropriate parties, will be conducted according to the policies and procedures set forth in Revision 5.0.

MAP-21 and FAST Act Safety Program Changes

In 2012, as part of Moving Ahead for Progress in the 21st Century (MAP-21), FTA's safety programs were modified with significantly higher expectations and responsibilities for safety oversight and safety performance for the FTA, states, and public transit agencies. Both 49 U.S.C. § 5329 and 49 CFR Part 674 (see Appendix A) present the enhanced safety program expectations for SSO agencies and the RTAs they oversee. Additionally, an update included in the long-term transportation authorization Fixing America's Surface Transportation Act (FAST Act) passed in 2015, included technical corrections and clarifications to the original language of MAP-21. The new safety programs

established under these two acts require FTA to follow a transit-specific safety management system (SMS)¹ that will provide the basis of the changes to the transit safety programs.

As of the publication of Revision 5.0 of WisDOT's SSO Program Standard, the MAP-21 version of FTA's safety programs includes the following activities and rulemakings:

Safety Certification Training Program – Interim Rule; Final Rule Pending

This program requires safety-related training for specific FTA, SSO agency, and RTA staff responsible for safety oversight. As of publication of Revision 5.0, this program exists only as an Interim Final Rule (IFR), with a notice for proposed rulemaking (NPRM) in process (49 CFR Part 672).

National Safety Plan

In January 2017 FTA introduced the National Public Transportation Safety Plan (or National Safety Plan), a transit-specific proactive SMS framework, including: safety performance management; risk management; and safety performance assurance at public transit agencies (not just RTAs). This plan also introduced FTA's requirements for safety performance criteria on which public transit agencies will be required to base their safety performance measures and targets, for improvements documented in their agency safety plans (SSPPs or PTASPs).

Public Transportation Agency Safety Plan – Final Rule Pending

The FTA intends to require the use of the transit-specific SMS framework through the Public Transportation Agency Safety Plan (PTASP), which was released as an NPRM in February 2016. As of publication of Revision 5.0, the final rule (49 CFR Part 673) has not been released.

Public Transportation Safety Program

In August 2016 FTA published 49 CFR Part 670, which establishes the procedural rules for FTA's administration of its comprehensive safety program to improve and assure transit system safety across the country. Significantly, this program includes FTA's authority to take over audits and inspections for an SSO agency.

Transit Asset Management

In July 2016 FTA published 49 CFR Part 625, which establishes federal Transit Asset Management (TAM) processes, including: state of good repair (SGR); and data collection, prioritization, and delivery to the National Transit Database (NTD). Changes made for TAM in the NTD requirements are published under 49 CFR Part 630.

State Safety Oversight

In March 2016 FTA published 49 CFR Part 674, a new SSO regulation based on 49 U.S.C. § 5329, which replaces prior federal law at 49 U.S.C. § 5330. Part 674 became effective on April 15, 2016, and states were given three years to complete development and obtain certification

¹ *Safety Management Systems: Getting Ready*, <https://www.transit.dot.gov/oversight-policy-areas/safety-management-systems-getting-ready>

from FTA for their Part 674-compliant SSO program. As of April 15, 2019 (the end of the statutory three-year period), Part 659 will be rescinded and § 5330 will be repealed.

Transition to 49 CFR Part 674

Authorized in 49 U.S.C. § 5329(e), 49 CFR Part 674 is applicable to states with rail fixed guideway public transportation systems (“rail transit systems”), RTAs that operate them (and receive financial assistance from FTA), and an SSO agency.

49 CFR §674.1 – Purpose

This part carries out the mandate of 49 U.S.C. 5329(e) for State safety oversight of rail fixed guideway public transportation systems.

49 CFR §674.3 – Applicability

This part applies to States with rail fixed guideway public transportation systems; State safety oversight agencies that oversee the safety of rail fixed guideway public transportation systems; and entities that own or operate rail fixed guideway public transportation systems with Federal financial assistance authorized under 49 U.S.C. Chapter 53.

49 CFR §674.5 – Policy

- (a) In accordance with 49 U.S.C. 5329(e), a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have sufficient authority, resources, and qualified personnel to oversee the number, size and complexity of rail fixed guideway public transportation systems that operate within a State.
- (b) FTA will make Federal financial assistance available to help an eligible State develop or carry out its State safety oversight program. Also, FTA will certify whether a State safety oversight program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of the public transportation safety programs codified at 49 U.S.C. 5329.

Especially during the period of transition, the WisDOT SSO program sees value in providing clarity for several terms that, though referring to similar (and sometimes overlapping) things, should not be used interchangeably:

- Rail fixed guideway public transit system (RFGPTS) is used in 49 U.S.C. § 5329 and 49 CFR Part 674;
- Rail fixed guideway system (RFGS) was used in 49 U.S.C. § 5330 and 49 CFR Part 659;
 - RFGPTS and RFGS refer to the same systems for purposes of the SSO program;
- Rail fixed guideway transportation system (no acronym) is used in Wis. Stats. s. 85.066(1);
 - Refers to the same systems indicated by RFGPTS and RFGS;
- Rail transit system (no acronym) is used in Wis. Admin. Code Trans 10 as a catch-all term for *all* of the above terms;
 - Specifically, a rail transit system is *not* an entity (see ‘RTA’, below); rather, the term refers to a physical system itself (track, vehicles, facility, power systems, etc.); and
- Rail transit agency (RTA) is an entity (public, private, or otherwise) that operates a rail transit system.

WisDOT's SSO Program Standard Revision 5.0 demonstrates that WisDOT has the capabilities required to be certified by FTA as a Part 674-compliant SSO program. Because of the uncertain status of related federal rulemaking as of the drafting of Revision 5.0, WisDOT will address the following several issues, to be revised in future versions if necessary:

1. FTA's **Public Transportation Agency Safety Plan (PTASP) rule is not final** as of the publication of Revision 5.0 of WisDOT's SSO Program Standard. Therefore, it is unknown if or when RTAs will be required to have an SMS-integrated PTASP. Per 49 CFR 674.9 (see below), FTA indicates that an RTA's existing SSPP under Part 659 will serve as the interim PTASP, until Part 673 (and any accompanying processes) is able to be implemented. Absent intervening action by FTA or Congress, if Part 673 is not finalized before April 15, 2019 (the date when 49 CFR Part 659 is rescinded), the WisDOT SSO program will continue to use the SSPP framework with its RTAs, with the expectation that any rail transit safety oversight-related action by FTA (audits, inspections, investigations, etc.) will conform to that framework.
2. Per Part 674, an RTA's agency safety plan is required to be approved by that RTA's board of directors (or equivalent). Without a finalized PTASP rule, an RTA's SSPP (**the interim PTASP, per Part 674) must be approved by the RTA's board of directors (or equivalent)**). This will be required of all new (Milwaukee Streetcar) and updated (Kenosha Streetcar) agency safety plans approved following the WisDOT SSO program's certification under Part 674.
3. Per FTA's Safety Certification Training Program Interim Final Rule, RTAs must designate an **adequately trained Chief Safety Officer (CSO)** who reports directly to the RTA's Accountable Executive (general manager, chief executive officer, or equivalent). **The criteria or requirements for "adequately trained" are defined in Revision 5.0 of WisDOT's SSO Program Standard**, until such time as FTA provides formal and specific guidance on this topic.

49 CFR §674.9 Transition from previous requirements for State safety oversight

- (a) Pursuant to section 20030(e) of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) ("MAP-21"), the statute now codified at 49 U.S.C. 5330, titled "State safety oversight," will be repealed three years after the effective date of the regulations set forth in this part.
- (b) No later than three years after the effective date of the regulations set forth in this part, the regulations now codified at part 659 of this chapter will be rescinded.
- (c) A System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 shall serve as the rail transit agency's safety plan until one year after the effective date of the Public Transportation Agency Safety Plan final rule, which will be codified in part 673 of this chapter.

Revision 5.0 of WisDOT's SSO Program Standard includes the required eight sections for program standards as defined in Part 674.27, and a ninth section as indicated in FTA's program standard guidance document:

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

Revision 5.0 also includes introductory and background material, along with several appendices and procedures. All aspects of WisDOT's SSO Program Standard are requirements for the WisDOT SSO program and the Wisconsin RTAs. Please refer to the Cross-Walk Matrix to see a high-level view of where each section of Part 674 is covered in Revision 5.0 of WisDOT's SSO Program Standard.

Certification of a State Safety Oversight Program

In 2013, FTA developed its self-assessment for state certification and a Certification Work Plan (CWP) for each SSO program that was not pre-certified compliant to what has now become Part 674. Only two state programs were pre-certified – California and Massachusetts.

WisDOT worked through its CWP from 2013 through mid-2016. In July 2016 FTA released the first version of its Certification Toolkit (a revision was released in February 2017) – although neither version of the Certification Toolkit officially replaced the CWP, all updates between states and the FTA became centered around the toolkit, which breaks down the FTA requirements for Part 674 certification into categories, each requiring programmatic evidence in order to be considered for certification. FTA's Certification Toolkit is based on 49 CFR 674.19 and other applicable requirements in Part 674, and, as of the publication date for Revision 5.0 of WisDOT's SSO Program Standard, consists of the following six categories and 26 (total) topic areas:

1. SSO Agency Independence (6 sub-topics)
2. General Program Requirements (5 sub-topics)
3. Enforcement Authority (5 sub-topics)
4. Investigations and Audits (6 sub-topics)
5. Staffing and Qualification of SSO Personnel and Contractors (3 sub-topics)
6. Program Standard (1 topic)

49 CFR §674.19 Certification of a State safety oversight program

- (a) The Administrator must determine whether a State's SSO program meets the requirements of 49 U.S.C. 5329(e). Also, the Administrator must determine whether a SSO program is adequate to promote the purposes of 49 U.S.C. 5329, including, but not limited to, the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the Public Transportation Agency Safety Plans.
- (b) The Administrator must issue a certification to a State whose SSO program meets the requirements of 49 U.S.C. 5329(e). The Administrator must issue a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e).
- (c) In an instance in which the Administrator issues a denial of certification to a State whose SSO program does not meet the requirements of 49 U.S.C. 5329(e), the Administrator must provide a written explanation, and allow the State an opportunity to modify and resubmit its SSO program for the Administrator's approval. In the event the State is unable to modify its SSO program to merit the Administrator's issuance of a certification, the Administrator must notify the Governor of that fact, and must ask the Governor to take all possible actions to correct the deficiencies that are precluding the issuance of a certification for the SSO program. In his or her discretion, the Administrator may also impose financial penalties as authorized by 49 U.S.C. 5329(e), which may include:
 - (1) Withholding SSO grant funds from the State;
 - (2) Withholding up to five percent of the 49 U.S.C. 5307 Urbanized Area formula funds appropriated for use in the State or urbanized area in the State, until such time as the SSO program can be certified; or
 - (3) Requiring all rail fixed guideway public transportation systems governed by the SSO program to spend up to 100 percent of their Federal funding under 49 U.S.C. chapter 53 only for safety-related improvements on their systems, until such time as the SSO program can be certified.
- (d) In making a determination whether to issue a certification or a denial of certification for a SSO program, the Administrator must evaluate whether the cognizant SSOA has sufficient authority, resources, and expertise to oversee the number, size, and complexity of the rail fixed guideway public transportation systems that operate within the State, or will attain the necessary authority, resources, and expertise in accordance with a developmental plan and schedule set forth to a sufficient level of detail in the SSO program.

As of Revision 5.0 of the WisDOT SSO Program Standard, WisDOT has provided programmatic evidence of compliance for each of the six categories and all 26 topic areas of the Certification Toolkit.

Requirements of the New State Safety Oversight Program

FTA requires that SSO programs be certified compliant to Part 674 on or before April 15, 2019. The general requirements for SSO programs are provided in 49 CFR 674.11 (see below). The State of Wisconsin (and WisDOT, a state agency) responded to these requirements in state law, Wisconsin Statute, Chapter 85, section 85.066 (see Appendix B).

49 CFR §674.11 State safety oversight program

Within three years of April 15, 2016, every State that has a rail fixed guideway public transportation system must have a State Safety Oversight (SSO) program that has been approved by the Administrator. FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(9). At minimum, an SSO program must:

- (a) Explicitly acknowledge the State's responsibility for overseeing the safety of the rail fixed guideway public transportation systems within the State;
- (b) Demonstrate the State's ability to adopt and enforce Federal and relevant State law for safety in rail fixed guideway public transportation systems;
- (c) Establish a State safety oversight agency, by State law, in accordance with the requirements of 49 U.S.C. 5329(e) and this part;
- (d) Demonstrate that the State has determined an appropriate staffing level for the State safety oversight agency commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the State, and that the State has consulted with the Administrator for that purpose;
- (e) Demonstrate that the employees and other personnel of the State safety oversight agency who are responsible for the oversight of rail fixed guideway public transportation systems are qualified to perform their functions, based on appropriate training, including substantial progress toward or completion of the Public Transportation Safety Certification Training Program; and
- (f) Demonstrate that by law, the State prohibits any public transportation agency in the State from providing funds to the SSOA.

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SECTION 1. PROGRAM MANAGEMENT

Federal requirements for this section are defined in 49 CFR 674.27(a)(1) and broken down into four general topics:

1. SSO program authority to oversee the RTA safety program
2. SSO program policies that govern safety oversight activities
3. SSO agency and RTA reporting and data collection requirements
4. SSO agency and RTA communication and coordination

49 CFR § 674.27(a)(1) – Program management

The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

1.1 SSO Program History

In 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA, cited at 49 U.S.C. § 5330), which called for the Federal Transit Administration (FTA) to establish a program requiring states to oversee the safety and security programs of rail transit systems in their jurisdiction not regulated by the Federal Railroad Administration (FRA). To fulfill the congressional mandate under ISTEA, FTA created the State Safety Oversight (SSO) Program to improve rail transit safety and security. FTA next promulgated its first SSO regulation, 49 CFR Part 659, which went into effect on January 26, 1996. FTA also published a comprehensive revision that became effective in May 2005; states were required to comply with the revised requirements by May 1, 2006.

When the original Part 659 went into effect in 1996, Wisconsin did not have any rail transit systems in revenue service. However, in 2000, before the state was required to comply with the 2005 revisions, the City of Kenosha completed construction of its 2-mile streetcar circulator. Kenosha's streetcar met the federal definition for inclusion in the SSO program. Accordingly, then-governor Tommy Thompson designated the Wisconsin Department of Transportation (WisDOT) as the state's rail transit state oversight agency.

From 2000 to 2015, successive designation letters from the governor maintained WisDOT's role as Wisconsin's SSO agency. On July 12, 2015, Wisconsin's Act 55 went into effect, including Wis. Stat. § 85.066, which established WisDOT as Wisconsin's rail transit state safety oversight agency by statute.

Appendix B contains copies of the state-level authorizations that establish WisDOT as the SSO agency for the State of Wisconsin.

1.2 SSO Agency Authority

For Revision 5.0 of WisDOT's SSO Program Standard, federal expectations have been defined by the FTA through 49 CFR Part 674; specifically, sections 674.11, 674.13, and 674.25. FTA's interpretation of Part 674 indicates that the WisDOT SSO program must have the authority to implement this Program Standard, and other program elements, sufficient to:

- Promulgate and enforce state rules and regulation concerning rail transit safety, including establishing enforcement and investigative authorities
- Enforce federal rules and regulation concerning rail transit safety
- Establish and carry out legal and financial obligations independent of RTAs
- Hire and develop rail transit safety oversight staff and contract support
- Manage federal and state grant programs concerning rail transit safety
- Implement a robust and active rail transit safety oversight program sufficient to meet the safety oversight needs of the RTAs in the state

State authority to address these requirements exists through Wis. Stats. s. 85.066 and Wis. Admin. Code Trans 10, provided in Appendix B. The policies and procedures referenced by the statute are addressed by this Program Standard, including its appendices and procedures.

1.2.1 Designation of the Oversight Agency

The State of Wisconsin is required to establish a State Safety Oversight (SSO) program for RTAs in the state. As required by FTA, WisDOT's SSO agency designation was updated by the Governor on February 20, 2014, and that letter is included at the end of Appendix B. All the requirements from Part 674.13 as shown in the following text box are also addressed in Wisconsin Administrative Code, Tran 10, and WisDOT SSO Program Standard Revision 5.0.

49 CFR §674.13 – Designation of oversight agency.

- (a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329(e) must also establish a SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:
- (1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee;
 - (2) The SSOA does not directly provide public transportation services in an area with a rail fixed guideway public transportation system the SSOA is obliged to oversee;
 - (3) The SSOA does not employ any individual who is also responsible for administering a rail fixed guideway public transportation system the SSOA is obliged to oversee;
 - (4) The SSOA has authority to review, approve, oversee, and enforce the public transportation agency safety plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d);
 - (5) The SSOA has investigative and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State;
 - (6) At least once every three years, the SSOA audits every rail fixed guideway public transportation system's compliance with the public transportation agency safety plan required by 49 U.S.C. 5329(d); and
 - (7) At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the board of directors, or equivalent entity, of the rail fixed guideway public transportation system.

1.2.2 WisDOT SSO Authority over Rail Transit Systems

As of Revision 5.0 of the WisDOT SSO Program Standard there is one rail transit system in operation under the jurisdiction of WisDOT’s SSO program: the Kenosha Area Transit (KAT) Electric Streetcar Circulator; KAT operates refurbished vintage streetcars on its rail transit system. As of the drafting of Revision 5.0 of WisDOT’s SSO Program Standard, the City of Milwaukee is in the process of constructing a modern electric streetcar system that is scheduled to begin revenue service in late 2018. As previously noted, throughout this document the term ‘rail transit system’ is meant to refer to a physical system itself (i.e. track, vehicles, transit facilities, etc.), whereas the term ‘rail transit agency’ or ‘RTA’ is meant to refer to an entity responsible for operating service on such a system.

Rail transit systems that qualify for inclusion in an SSO program include any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway systems operating within the state’s jurisdiction that are either:

- Not regulated by the Federal Railroad Administration (FRA)
- Included in FTA’s calculation of fixed guideway route miles or receive funding under FTA’s formula program for urbanized areas (49 U.S.C. § 5336)
- Submitting (or have submitted) documentation to FTA indicating the intent to be included in FTA’s calculation of fixed guideway route miles to receive funding under FTA’s formula program for urbanized areas under 49 U.S.C. § 5336

RTAs subject to the provisions of WisDOT’s SSO program are included below in Table 1.

Table 1. RTAs under WisDOT SSO jurisdiction

Kenosha Area Transit – KAT	
Joseph McCarthy Transit Center 724 54 th Street Kenosha, WI 53140	KAT Offices and Bus Depot 4303 39 th Avenue Kenosha, WI 53144
Milwaukee Streetcar System – MSS	
Operations and Maintenance Facility 450 North 5 th Street Milwaukee, WI 53203	City of Milwaukee DPW Room 501 Ziedler Municipal Building 841 North Broadway Street Milwaukee, WI 53202

RTAs under WisDOT’s SSO program jurisdiction must supply, and update as necessary, contact information for individual points-of-contact for their safety and security programs.

Current point-of-contact information for KAT and the City of Milwaukee is attached as Appendix K and Appendix M, respectively.

1.2.3 SSO Agency Authority Enhancements

Explicit mandates in 49 U.S.C. §§ 5329(e)(3) and (e)(4) require states to obtain enforcement authority for their SSO agency. States are required to provide their SSO agencies with this authority as a condition of the receipt of federal grant funds apportioned under 49 U.S.C. Chapter 53. In addition, each state must identify the specific authorities and capabilities that it will use to enforce 49 U.S.C. § 5329(e) provisions in order to maintain its eligibility for federal public transportation funding. As part of its mandate, FTA must evaluate each state's approach and determine its sufficiency.

FTA has determined that most states require additional enforcement authority to meet 49 U.S.C. § 5329(e) provisions. WisDOT has worked to implement the provisions of MAP-21, which will strengthen the oversight program by ensuring the legal and financial independence of the oversight agency, providing specific authority to enforce program requirements and to compel action by the covered transit agencies, and to conduct audits, inspections, and field measurements, among other new requirements.

As of Revision 5.0 of the WisDOT SSO Program Standard, and until full implementation of the provisions of MAP-21, all of the requirements of Part 659 will remain fully effective. Part 659 will remain enforceable until April 15, 2019, which marks three years after Part 674 became effective – Revision 5.0 of the WisDOT SSO Program Standard includes Part 674-compliant enhancements to SSO program implementation activities.

The FTA's new SSO regulation, 49 CFR Part 674, delineates the responsibilities of the state (Wisconsin), the SSO agency (WisDOT), the rail transit agency's (KAT and MKE Streetcar), and the FTA in implementing the SSO program. A brief overview of these responsibilities and roles follows:

Wisconsin (the State): Designate its SSO agency.

WisDOT (SSO agency): Develop and adopt a document of policies and procedures (an SSO Program Standard) that establishes the relationship between the SSO agency and the RTAs, and which specifies various requirements that each entity must follow, including:

- Requiring RTAs to develop a compliant agency safety plan
- Requiring RTA's to conduct various internal audits for WisDOT SSO program review
- Conducting an on-site safety audit of each RTA every three years
- Requiring RTA reporting of various events and conditions (accidents, incidents, hazards)
- Requiring RTA preparation of corrective action plans (CAPs) to mitigate the effects or repeated occurrences of such events and conditions
- Annual reporting to FTA

RTAs: Develop and implement its agency safety plan.

All rail transit systems meeting the federal and state definitions provided in this SSO program standard, consistent with both federal and state law, and located within the jurisdiction of the State of Wisconsin, are subject to the WisDOT SSO program described in this document. This includes systems currently operating, as well as systems in design, engineering, or construction phases. An RTA subject to 49 CFR Part 674 must develop and implement safety (and other) plans that comply with the most current authorized version of WisDOT's SSO program standard. In addition, an RTA's responsibilities include:

- Conducting safety and security audits
- Annual reporting to WisDOT
- Identifying and classifying hazards
- Reporting any event or condition in accordance with the procedures outlined in this Program Standard
- Conducting investigations on behalf of WisDOT when directed to do so
- Preparing and implementing CAPs to minimize, control, correct, or eliminate hazard(s)

FTA (federal oversight agency): Provide technical assistance and assure compliance.

The FTA assesses whether a state has complied with the federal rules, or has made adequate efforts to comply with them. If the FTA determines that a state is not in compliance or has not made adequate efforts to comply, it may withhold up to 5% of the amount apportioned for use in a state (or affected urbanized areas under FTA's formula program for urbanized areas, formerly Section 9). FTA also receives various reports from WisDOT, as required.

FRA (Federal Railroad Administration): Provide technical assistance and assure compliance.

The FRA is the regulatory agency for railroads that are part of the United States general railroad system. As of publication of Revision 5.0 of WisDOT's SSO Program Standard, FRA does not have a formal role in WisDOT's SSO program – no part of any qualifying rail transit system in Wisconsin has any part of its system shared, crossed, or otherwise used by FRA regulated railroad trains or infrastructure. Accordingly, by federal definition, the FRA does not have regulatory jurisdiction over any portion of SSO-qualifying rail transit system in the State of Wisconsin. Should any rail system layout change so-as to require FRA participation in the future, WisDOT's SSO program standard will be amended, as required and as set forth in this document, including the provisions detailing how qualifying RTAs in the state would have to comply with FRA regulations with respect to operations, equipment, maintenance, etc., or receive a specific waiver from FRA.

1.3 Grant Funding and the Part 674 SSO Program

Since its inception, the FTA SSO program has been an unfunded mandate/requirement for states. Enforcement of this mandate/requirement has been based on FTA's authority to withhold up to 5% of the state's annual urbanized transit agency grant funding (these grants are described in 49 U.S.C. § 5307) for states that are not compliant with the FTA SSO program requirements. However, the unfunded mandate has changed with MAP-21, continuing into the FAST Act. MAP-21 and FAST

Act enhance FTA's safety program responsibilities and authority, but also provides funding for SSO agencies (80% federal to 20% state match).

Section 674.17 describes FTA's grant funding and the apportionment strategy used to allocate available grant funding for the state SSO programs. Section 674.21 describes FTA's authority to withhold this grant funding for noncompliance of the state SSO program as well as a state's loss of all transit grant funding if the Part 674-compliant SSO program is not in place and certified or making acceptable progress towards certification by the end of the three-year transition period.

49 CFR §674.17 – Use of Federal financial assistance

- (a) In accordance with 49 U.S.C. 5329(e)(6), FTA will make grants of Federal financial assistance to eligible States to help the States develop and carry out their SSO programs. This Federal financial assistance may be used for reimbursement of both the operational and administrative expenses of SSO programs, consistent with the uniform administrative requirements for grants to States under 2 CFR parts 200 and 1201. The expenses eligible for reimbursement include, specifically, the expense of employee training and the expense of establishing and maintaining a SSOA in compliance with 49 U.S.C. 5329(e)(4).
- (b) The apportionments of available Federal financial assistance to eligible States will be made in accordance with a formula, established by the Administrator, following opportunity for public notice and comment. The formula will take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems within each eligible State not subject to the jurisdiction of the FRA.
- (c) The grants of Federal financial assistance for State safety oversight shall be subject to terms and conditions as the Administrator deems appropriate.
- (d) The Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities shall be eighty percent of the reasonable costs incurred under that grant.
- (e) The non-Federal share of the expenses eligible for reimbursement under a grant for State safety oversight activities may not be comprised of Federal funds, any funds received from a public transportation agency, or any revenues earned by a public transportation agency.

49 CFR §674.21 – Withholding of Federal financial assistance for noncompliance

- (a) In making a decision to impose financial penalties as authorized by 49 U.S.C. 5329(e), and determining the nature and amount of the financial penalties, the Administrator shall consider the extent and circumstances of the noncompliance; the operating budgets of the SSOA and the rail fixed guideway public transportation systems that will be affected by the financial penalties; and such other matters as justice may require.
- (b) If a State fails to establish a SSO program that has been approved by the Administrator within three years of the effective date of this part, FTA will be prohibited from obligating Federal financial assistance apportioned under 49 U.S.C. 5338 to any entity in the State that is otherwise eligible to receive that Federal financial assistance, in accordance with 49 U.S.C. 5329(e)(3).

Table 2 summarizes the WisDOT SSO program grant funding from FTA and the 20% state match for fiscal years 2013 through 2016.

Table 2. SSO Program Grant Funding Allocations for Wisconsin

Fiscal Year	Federal (80%)	State (20%)	Total
2013	\$278,022	\$55,604	\$333,626
2014	\$282,331	\$56,466	\$338,797
2015	\$282,158	\$56,432	\$338,590
2016	\$287,173	\$57,435	\$344,608

1.3.1 WisDOT SSO Program Staff and Responsibilities

WisDOT’s SSO program staff includes a dedicated SSO program managers within WisDOT’s Bureau of Transit, Local Roads, Railroads and Harbors, and dedicated SSO program contractor staff. WisDOT’s SSO program is designed with the contractor staff serving as an extension of SSO program staff within WisDOT. For interactions with RTAs and the FTA, the contractor staff report to the WisDOT SSO program manager for anything that requires WisDOT’s formal approval, and act on behalf of the WisDOT SSO program based on the most current authorized WisDOT SSO program standard, as well as according to federal and state law and regulation.

49 CFR §674.25 – Role of the State safety oversight agency

- (e) An SSOA may enter into an agreement with a contractor for assistance in overseeing accident investigations; performing independent accident investigations; and reviewing incidents and occurrences; and for expertise the SSOA does not have within its own organization.
- (f) All personnel and contractors employed by an SSOA must comply with the requirements of the Public Transportation Safety Certification Training Program as applicable.

The WisDOT SSO program is usually staffed with between 0.5 and 1.5 full time equivalent (FTE) staff – the use of contractor staff to supplement the WisDOT SSO program staff provides additional flexibility and on-demand access to necessary technical expertise. As previously noted, FTA has requirements for training of SSO staff in their Safety Certification Training Program interim final rule (IFR). The WisDOT SSO program has a training plan that describes requirements and tracks progress of WisDOT and contractor staff towards completing the training plan, including those for the technical training plan (TTP) that is coordinated with each of the Wisconsin RTAs. The TTP also addresses access to any expertise needed by the WisDOT SSO program to complete investigations, inspections, and/or audits at qualifying rail transit systems. The current WisDOT SSO program technical training plan is available in Appendix C.

Responsibilities of the WisDOT SSO program include:

- Requiring RTAs to develop an agency safety plan that complies with the most current authorized version of WisDOT's SSO program standard, and federal and state law and regulation.
- Requiring RTAs to develop and follow minimum safety standards based on an all hazards approach for operations, command and control, and maintenance of its rail transit system(s).
- Requiring RTAs to develop, document, and administer a process for performing internal safety program audits, and for submitting checklists and procedures to the WisDOT SSO program for review, and potential participation in the actual audits.
- Conducting on-site audits of each RTAs' safety program at least once every three (3) years to assess the RTA's implementation of its safety programs based on its agency safety plan. At the conclusion of the audit, the WisDOT SSO program prepares and issues a report containing findings and recommendations, which, at a minimum, includes an analysis of the effectiveness and accuracy of the RTA's agency safety plan and its implementation, and a determination of whether it should be updated.
- Requiring RTAs to notify the WisDOT SSO program (and FTA) within a required timeframe of any reportable event or significant hazard, as defined in the most current authorized version of WisDOT's SSO program standard.
- Requiring RTAs that share track with the general railroad system and are subject to FRA notification requirements, to notify the WisDOT SSO program (and FTA) within the time for which the RTA must notify the FRA.²
- Investigating, or causing to be investigated, at a minimum, any reportable event or significant hazard as defined in the most current authorized version of WisDOT's SSO program standard.
- Requiring RTAs to develop corrective action plans (CAPs) for results from investigations (performed by NTSB [National Transportation Safety Board], FTA, WisDOT SSO, or the RTA itself), in which identified causal factors and findings are determined by the RTA (or other entity, including WisDOT) as requiring corrective actions; and for findings and recommendations from safety program audits performed by the RTA, the WisDOT SSO program, the FTA, or other external audits or investigations.
- Tracking progress and evidence of resolving CAPs and monitoring identified safety risks at the RTAs on a regular basis with monthly status reports and quarterly on-site meetings, as well as other visits to the RTA.
- Providing required and requested information, data, and reports to FTA.
- Participating in capital projects related to rail transit and safety program aspects of the project, including design through safety and security certification, and successful transition from the project to revenue operations and maintenance.
 - This specifically includes WisDOT SSO program participation in extension and new rail transit system capital projects, as well as major purchases or contracting for the rail transit systems (such as purchasing new, or major refurbishment of, rail vehicles, or significant upgrades to rail stations).

² This is not applicable at any RTA within the State of Wisconsin, as of the publication of Revision 5.0.

1.3.2 SSO Agency Point-of-Contact

The SSO program is administered by the Wisconsin Department of Transportation (WisDOT, “*Wis-Dot*”), Division of Transportation Investment Management (DTIM, “*Dee-Tim*”), Bureau of Transit, Local Roads, Railroads & Harbors (BTLRRH, “*Butler*”), Public and Specialized Transit Section (Transit Section).

Organization charts for WisDOT are provided in Appendix D.

SSO agency point-of-contact information is summarized below in Table 3, with additional organization information provided in Appendix D and additional contact information provided in Procedure SSO-003.

Table 3. SSO Agency Point-of-Contact

SSO Agency:	Wisconsin Department of Transportation (WisDOT) Division of Transportation Investment Management (DTIM) Bureau of Transit, Local Roads, Railroads & Harbors (BTLRRH) Public and Specialized Transit Section (Transit Section)
SSO Program Manager:	WisDOT Main Office – Hill Farms Building 4822 Madison Yards Way, S 6 th Floor Madison, WI 53705 Primary: (608) 286-0041 Office: (608) 267-6680 Fax: (608) 266-0658
	SSO Program Field Office – Milwaukee Intermodal Station 433 West St. Paul Avenue Milwaukee, WI 53203

The SSO program manager reports to the Transit Section chief, who reports to the BTLRRH director. The BTLRRH director reports SSO program information to the DTIM administrator, who in turn reports to the WisDOT secretary. In the event that additional technical or staff support is required, the Transit Section chief is authorized to assign these resources to the program. The section chief also is authorized to arrange a meeting with the WisDOT secretary in the event that agency-wide attention should be focused on a specific RTA safety issue.

WisDOT retains the authority to use contractors as required to support the performance of its SSO activities. Procurement activities for the contractor are managed by the Transit Section's procurement manager and WisDOT's purchasing office, in conjunction with the SSO program manager.

1.4 SSO Agency Policies

FTA provided a list of topics to be addressed as policies of the WisDOT SSO program:

- Policy and procedures for WisDOT's triennial audits
 - Covered in Section 5 of Revision 5.0 of WisDOT's SSO Program Standard.
- Policy and procedures for investigations
 - Covered in Section 7 of Revision 5.0 of WisDOT's SSO Program Standard.
- Inspections of rail transit systems and meetings with RTAs
 - This section, as part of the communications discussion.

Two additional topics are addressed in this subsection regarding protection of information and conflicts of interest (COI).

1.4.1 Protection of Investigation and Audit Reports and Information

Protection of investigation and audit reports and information is addressed in 49 CFR 674.23 and allows for the state to have protection for the investigation reports and related safety program information, as well as any protected security information from the RTA.

49 CFR §674.23 – Confidentiality of information

- (a) A State, an SSOA, or an RTA may withhold an investigation report prepared or adopted in accordance with these regulations from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.
- (b) This part does not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.

Through Wis. Stats. s. 85.066(2), the WisDOT is permitted to develop the necessary policies and procedures required to administer its rail transit safety oversight program. Accordingly, Procedure SSO-006, in accordance with 49 CFR Parts 659 and 674, was developed to govern the release of information contained in WisDOT SSO program investigative reports and audits. The objective of this procedure is to allow open discussions and analyses of the RTA's safety-related risk and performance. Information required by the FTA safety program will be provided by the WisDOT SSO program in a de-identified form, as further explained in Procedure SSO-006.

1.4.2 Conflict of Interest (COI) Management

Conflict of interest (COI) is addressed in 49 CFR 674.41, and the WisDOT SSO program has developed Procedure SSO-002 to provide a process for considering COI and requiring a record of

the decisions made to manage any perceived significant COI that falls under the requirements of Part 674.41.

49 CFR §674.41 – Conflicts of interest

- (a) An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (b) An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (c) A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.

1.5 SSO Agency Reporting Requirements

This section provides a quick summary of the requirements for federal and state reporting:

1. **SSO Agency Annual Report to FTA** – these requirements are covered specifically in Section 9 of Revision 5.0 of WisDOT’s SSO Program Standard, and include all of the data and information required to be delivered annually by the WisDOT SSO program to FTA via their electronic data collection system, by March 15th of the following year. Procedure SSO-006 also describes requirements for de-identification of the RTA data and information provided to FTA.
2. **SSO Agency Annual Safety Report to the State Governor and the RTA Board of Directors** – these requirements (Part 674.13(a)(7)) are covered in Procedure SSO-005 and it describes that the state must ensure that at least once a year, the SSO agency reports the status of the safety program of each RTA to the governor, the FTA, and the board of directors (or equivalent) of each RTA.
3. **SSO Agency Requirements for RTA Reporting to the SSO agency and FTA** – these requirements are covered in Sections 6 – 9 of Revision 5.0 of WisDOT’s SSO Program Standard, and Procedure SSO-003 (notifications of reportable events), including communications and coordination of investigations, audits, and hazards data collection and reporting, and summarized in the next subsection.
4. **SSO Agency Requirements for Access to RTA Information** – these requirements are generally addressed in the next subsection and may be added in a correlating appendix for each Wisconsin RTA: Appendix K (KAT) and Appendix M (Milwaukee Streetcar).

1.6 SSO Agency and RTA Communication and Coordination

The WisDOT SSO program expects and requires full access to, and cooperation from, each of the Wisconsin RTAs. This means full access to rail transit system assets, including (but not limited to): vehicles; trackway/right-of-way; overhead catenary/contact system; substations; signals and signal huts; maintenance facilities; command and control systems; any related data, information systems, SOPs, and standards/rules; and RTA staff at all levels, including executives, directors, middle management, supervisors, and staff. WisDOT SSO program staff are expected and required to

WisDOT SSO Program Standard

follow all operations, maintenance, and safety requirements and procedures of each RTA when accessing its facilities and systems.

Each RTA’s safety department (or other designated person) is considered the primary contact for coordination and planning of safety program oversight with WisDOT. However, contact and coordination with the rail-related personnel and departments within an RTA, as appropriate (Rail, Engineering, Command and Control, Training, Internal Audit, etc., if applicable) are also expected.

Each RTA’s safety director/chief safety officer (or equivalent) and safety-related staff often act as an extension of the WisDOT SSO program, for purposes of investigations, audits, and development and tracking of CAPs at the RTA. Specific coordination activities and personnel involved with the WisDOT SSO program safety oversight may be included in an appendix for each Wisconsin RTA: Appendix K (KAT) and Appendix M (MSS).

The WisDOT SSO program maintains and ensures on-going communication with the RTAs under its jurisdiction through various means (as needed) held with RTA personnel, monitoring RTA executive-level safety-related or risk-related meetings (often through minutes of those meetings and copies of handouts), holding quarterly meetings with program participants, and monthly status reports for all CAPs related to the WisDOT SSO program. These risk monitoring or hazard management activities are shown in Table 4 (below), and are designed to ensure active involvement of all parties in the WisDOT SSO program, and to ensure monitoring of all safety-related activities identified at an RTA. In addition, the WisDOT SSO program tracks all relevant communications, reports, investigations, audits, and submissions made by each RTA in a monthly status report and tracking databases, as well as programmatic record-keeping.

Table 4. Wisconsin RTA Communication and Coordination

Risk Monitoring Activity	Output	Notes
Reportable events and hazardous conditions – notification and investigation	Notification, fact sheet, draft status report, draft final report – includes CAPs, approved and adopted by WisDOT SSO program	Discussed further in Sections 6, 7, and 8
Annual internal audits	Checklists and procedures reviewed for internal audits (RTA annual report); development of all CAPs by RTA and approved by WisDOT SSO program	Discussed further in Sections 4 and 8
Monthly status reports for all open or recently closed CAPs and hazard tracking, including daily incident logs	Monthly status report, hazard tracking, and daily incident tracking from RTA and summary monthly report by WisDOT SSO program based on the RTA information	None
Monthly RTA executive-level and other safety-related meetings	Meeting minutes and handouts provided to WisDOT SSO program for executive safety committee, configuration management committee, and other related safety program committee meetings; this also includes attendance by the WisDOT SSO program as needed and when possible	None
On-site quarterly meetings at RTAs to review open and recently closed CAPs and other topics related to the RTA’s safety program and activities	Agenda and handouts developed for the on-site meeting and results of discussions; use these meetings to review status of open and recently closed CAPs; includes review of check for SSO versus NTD reportable events and assure that the two data systems are synchronized	None

Meetings and inspections at the RTAs	Meetings and inspections planned during quarterly meeting visits and between quarterly meeting visits to monitor risk and review CAP closure evidence; these meetings/visits are also be used to monitor safety and security certification activities	None
Technical Training Plan for WisDOT SSO program staff	This includes RTA awareness training for WisDOT SSO program staff as defined in the Training Plan as well as on-site activities such as riding the rail system and participating in RTA safety efficiency and enforcement activities	None
Annual RTA ASP update, review and approval by WisDOT SSO program	RTA annual update/internal approval for ASP including board of directors or equivalent; completed as part of the RTA annual report	Discussed further in Section 4
Review and approval of RTA minimum safety standards	RTA minimum safety standards include those standards defined by the RTA for safe operations and maintenance in selected Plans, Manuals, and SOPs	Discussed further in Section 2
WisDOT SSO program triennial audit of each RTA	Checklists, draft audit report, final audit report, CAPs developed by RTAs and approved by WisDOT SSO program	Discussed further in Sections 5 and 8

1.6.1 Data and Information Collection and Analysis

The WisDOT SSO program collects and tracks status of all reportable event notifications and investigations, internal audits, triennial audits, and the status of each CAP from these sources through closure, including evidence of closure. Other data and information includes tracking of hazards and daily logs, as well as access to the RTA’s other associated database systems for operations, maintenance, and command and control related to the rail systems.

In addition, the WisDOT SSO program tracks hazard management program information because of ongoing monitoring of safety performance at the RTA. Data will be used to support the WisDOT SSO program annual submission to FTA and to develop analysis for risk monitoring or hazard management of the safety program at the RTAs. This analysis activity is intended to support risk-based, data-driven decision-making for additional investigation or audit of the RTA safety program and related all-hazards minimum safety standards by the WisDOT SSO program. The WisDOT SSO program has developed Procedure SSO-007 to describe the annual hazard data collected from RTAs.

The analysis activity includes periodic on-site visits by the WisDOT SSO program staff beyond the standing (quarterly) meetings. If necessary, the WisDOT SSO program may develop a confidential annual data analysis (trends) report to be reviewed or shared with each of the RTAs. In addition, a programmatic-level annual report is developed for the WisDOT SSO program that is made available for review by the RTAs and ultimately released to the public, as required in 49 CFR 674.39(a)(3). These reports are expected to be available for review by April 30 of each year, with publication by June 30 of each year.

1.6.2 Federal Information Requests to RTAs

The WisDOT SSO program requires that each RTA notifies and shares results of contact from federal agencies such as FTA, the NTSB, FRA, or the Transportation Security Administration (TSA) in regard to the safety program at the RTA. The WisDOT SSO program will also provide any RTA-

desired support, input, or review of responses that the RTAs provide to these federal agencies. At a minimum, a courtesy copy of the correspondence and attachments is required. The WisDOT SSO program also intends to share any contact received from or responses required to federal agencies that includes or directly affects the RTAs in the state, such as contact by the FTA investigators or TSA Surface Transportation Security Inspectors.

1.7 WisDOT SSO Program Risk Monitoring of RTAs

FTA-TSO has not yet completed the implementation of their transit-specific safety management system (SMS); however, the intent is to require it through the Public Transportation Agency Safety Plan (PTASP) regulation, 49 CFR Part 673, which is not yet effective as of the publication of Revision 5.0.

The WisDOT SSO program has a philosophy of safety oversight achieved by spending time on-site at each rail transit system, by attending RTA meetings with RTA staff, inspecting rail transit system facilities and infrastructure, and riding the various rail transit systems as often as resources allow. Under SMS, safety risk management (SRM) is essentially the same as the hazard management program (HMP), with a focus on a more comprehensive hazard identification. Safety assurance (SA) provides for detailed safety performance measurement to understand the risk environment at an RTA. Both SRM and SA are used together to develop capabilities for preventing potential safety events from occurring and managing safety risk to a level “as low as reasonably practicable” (ALARP).

Potential hazards are a larger category than the category of actual safety-related events, in that an event (accident, incident, or occurrence) has already occurred – a hazard also includes potential events or conditions that have not yet occurred. An event is a culmination of potential hazard(s) that have aligned to cause a safety-related event.

The WisDOT SSO program completes risk monitoring in the same way as SMS SA monitors safety performance measures, data, and information, such as those shown in Figures 1.1 and 1.2 (next pages) from the National Safety Plan – the list can also be used as a framework for transit-specific safety performance measures and assess:

- The effectiveness of risk controls in agencies’ operations and safety programs
- Conformance to expectations and/or the objectives of agencies’ safety programs or policies
- Root causes of non-conformances and potential new hazards or threats
- Improvements for agencies’ operations and safety programs.

The risk monitoring data, information, and analyses are used to fully understand the state of the risk environment and provide a high-level understanding of safety culture at an RTA. The WisDOT SSO program has developed Procedure SSO-008 to describe ongoing risk monitoring activities at RTAs.

Existing safety performance measures

The safety performance measures in Figure 1.1 (next page) and Figure 1.2 (two pages) already exist and are reported by transit agencies to the FTA’s National Transit Database (NTD) and other federal and state agencies. Although these measures are currently in use, they would benefit

significantly from better definitions to improve consistency in data reporting as well as more discrete and finer granularity to better evaluate safety performance considering such factors as type of service and vehicle types and sizes. These performance measures also need to take the risk environment into account as a part of the calculations.

Results from investigations

For reportable events, transit industry investigations should include determinations of probable causes and contributing factors, as well as root cause analyses of organizational issues that influenced the causes or consequences of the events. Investigations should identify system safety deficiencies (e.g., poor system design, failed controls, and failed preventive/corrective actions).

Audits results

For the transit industry, the objective of internal safety audits is to find and correct any safety-related programmatic or procedural non-conformances. External safety audits at transit agencies, such as FTA triennial audits, may be required for capital financing or, in the case of rail transit, for the SSO program by the state.

Risk monitoring information

Monitoring the safety program through investigations and audits, and their concomitant corrective actions, is straight-forward. Monitoring the safety program by proactively collecting and analyzing data that may indicate future problems is more difficult. The bulleted items under “risk monitoring information” in Figure 1.1 (below) and Figure 1.2 (next page) identify areas within the safety program where these data and information may be collected. Having a proactive safety program requires significant attention to and monitoring of this group of activities.

Figure 1.1 Data and Information from Risk Monitoring in the Transit Industry

<p>Existing safety performance measures (under NTD)</p> <ul style="list-style-type: none">• Casualties<ul style="list-style-type: none">○ Fatalities (customers, employees, and the public)○ Injuries (customers, employees, and the public)• Property damage• Reportable events (Accidents)<ul style="list-style-type: none">○ 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 <p>Results from reportable event (accident) investigations</p> <ul style="list-style-type: none">• Probable cause• Contributing factors• Corrective actions <p>Audit results</p> <ul style="list-style-type: none">• Findings• Corrective actions

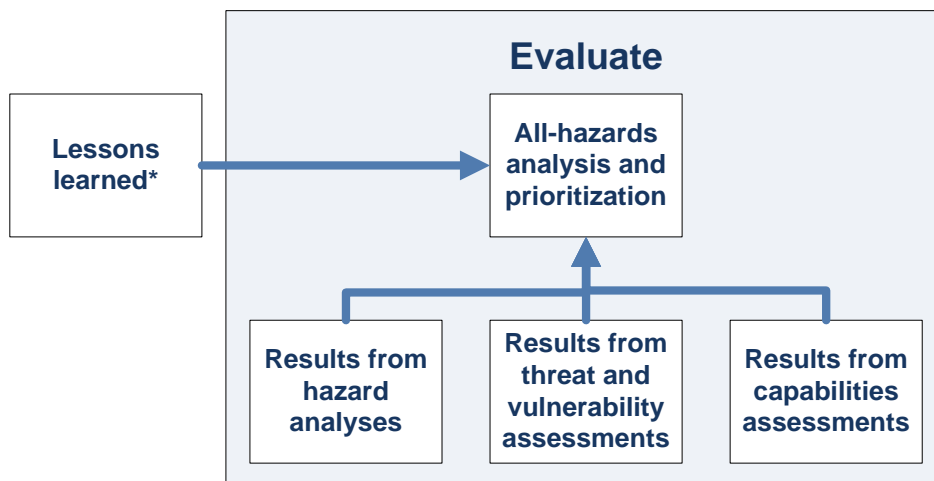
Figure 1.2 Data and Information from Risk Monitoring in the Transit Industry, cont'd

- Risk monitoring information**
- Safety and security reporting from all levels of the organization
 - Violations of operations and maintenance (O&M) rules
 - Job-based certification and awareness training
 - All-hazards preparedness analyses
 - O&M performance, including state of good repair (SGR) and TAM
 - 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
 - Liability losses
 - Customer complaint information
 - Changes to management, operations, or maintenance
 - Studies of hazardous materials, spills, and environmental concerns
 - Ad hoc studies of hazards, threats, and vulnerabilities

1.7.1 All-hazard Analysis and Prioritization

Figure 2 highlights an all-hazards evaluation/analysis and prioritization to be completed by transit agency staff/management. Three separate types of assessments are completed to address safety (hazard analyses), security (threat, vulnerability, and consequence assessments), and emergency preparedness (capabilities assessment) for risk management. Each assessment type has differing objectives, and the results are corrective action items for new or enhanced risk controls or mitigations to manage risk within the transit agency. Results from the three sets of assessments are prioritized from an all-hazards perspective by management consideration of lessons learned from ongoing operations and maintenance of the transit systems. The “lessons learned” here include the entire risk monitoring process already described above.

Figure 2. All-hazards Risk Management and Prioritization



* Lessons learned from recent accident investigations, drills and exercises, self-assessments, etc.

1.8 FTA Triennial Audit of WisDOT SSO Program

To assure compliance with 49 U.S.C. § 5329(e)(10)(B), FTA is required to complete an audit of each state's SSO program compliance with Part 674 (and § 5329(e)), at least once every three years. During these triennial audits of WisDOT's SSO program, the FTA-TSO program staff request a tremendous number of documents and amount of information ahead of the on-site activities, which typically occur on-site at a rail transit system under the SSO agency's jurisdiction. WisDOT's SSO program staff will work directly with the RTAs and the FTA-TSO program staff to schedule and coordinate the on-site portion(s) of the FTA audit, and the interviews and inspections that might be completed with RTA staff and on RTA property. The WisDOT SSO program intends to negotiate on behalf of the state and the RTAs (with consultation) for all findings and recommendations documented in FTA's audit report, and work with the RTAs to develop and approve corrective actions to be tracked to completion, as needed.

As of the drafting of Revision 5.0 of WisDOT's SSO Program Standard, the most recent FTA audit of WisDOT's SSO program was conducted in September 2017, according to requirements under Part 659.

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SECTION 2. PROGRAM STANDARD DEVELOPMENT

49 CFR §674.25(a) – Role of the State safety oversight agency

An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems 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 Public Transportation Agency Safety Plans and all applicable Federal and State law.

49 CFR §674.27(a)(2) – State safety oversight program standards

Program standard development. The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.

2.1 WisDOT SSO Program Standard Development

The WisDOT SSO Program Standard describes WisDOT's SSO program processes and procedures, interactions and requirements for Wisconsin RTAs, and the program's responsibilities to the FTA. This section provides a summary of the requirements that the program standard document places on Wisconsin RTAs, the revision and approval process, and its distribution and availability.

2.1.1 Development

It is the primary responsibility of the WisDOT SSO program to develop and administer a program standard that establishes processes and procedures governing the conduct of the oversight program at the state level. The program standard is meant to provide guidance to RTAs concerning the processes and procedures they must implement to assure compliance with WisDOT's SSO program. The program standard (and any referenced program procedures) is required to be reviewed at least annually, and any changes or revisions are required to be a part of the WisDOT SSO program's annual submission to FTA, as described in Section 9 of Revision 5.0 of WisDOT's SSO Program Standard.

A program standard is also required to address minimum standards for safety at each RTA. These standards are intended to include rail safety-related practices and procedures (such as the RTA's agency safety plan), and other related RTA documents and procedures associated with its safety program. The minimum safety standards required by the WisDOT SSO program are based on industry-based and RTA-developed safety standards.

2.1.2 Reviews, Approvals, Adoptions and Revisions

The WisDOT SSO program manager is responsible for managing changes to WisDOT's SSO program standard. Such changes might be the result of internal or external audits, policy changes,

requirement changes from FTA or the state, and/or organizational changes. WisDOT's SSO program standard will be reviewed at least annually for potential revisions or additions. All participants involved in the WisDOT SSO program are welcome to offer changes or additions to the document. Each comment or recommendation received will be reviewed by WisDOT in a timely manner. Proposed changes to the document will be circulated for review in draft form to applicable WisDOT SSO program management and staff, and likewise to designated personnel at each RTA. Following review and comment, draft changes will be approved by the WisDOT SSO program manager and applicable supervisor, and incorporated into a final revision of the program standard document.

Once the final revision of the program standard has been approved by WisDOT's SSO program manager, each RTA will receive a copy and will be required to acknowledge the most current authorized revision by reviewing and completing a signature page, which includes required signatures by designated personnel at each RTA, including at least one person with direct safety or safety oversight responsibility at the RTA. Each RTA is required to return the appropriate signature page to WisDOT (by electronic or physical means) in a timely manner. Any corrections or issues at this point in the process will be reviewed by WisDOT, and appropriate changes will be made as needed, to be approved or rejected by WisDOT's SSO program manager and applicable supervisor. A finalized revision will then be distributed electronically in PDF format and linked on WisDOT's SSO website, at:

<http://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/safety-rail.aspx>

Once the most current authorized revision of WisDOT's SSO program standard has been finalized, it will be the responsibility of each RTA to pass these requirements on to their appropriate staff (and contractors, if applicable).

Revision 5.0 of WisDOT's SSO Program Standard has been designed with appendices separate from the main body – updates to the appendices (and accompanying procedures) will follow a separate update process that includes review by the RTAs and approval by the WisDOT SSO program manager, but will not require formal signatures or acknowledgement of the changes by RTAs. Updates to appendices or procedures will be distributed electronically to the RTAs and posted on the WisDOT website at the same link as above. A list of the appendices, procedures, and current version date will be listed in a version tracking table so that all WisDOT SSO program participants can assure that they have the most current authorized version of each applicable document.

2.2 Program Standard Distribution

This document is distributed by WisDOT exclusively. Digital or hard copies may be requested from:

Wisconsin Department of Transportation Bureau of Transit, Local Roads, Railroads & Harbors Public & Specialized Transit Section 4822 Madison Yards Way, 6 th Floor South Madison, WI 53705	-OR-	P.O. Box 7913 Madison, WI 53707-7913
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2.3 Minimum Safety Standards

FTA-TSO has provided clarification that the state is required to have the authority to develop, review, adopt, and revise minimum standards for safety at the Wisconsin RTAs. For WisDOT's SSO program, this authority derives from Wis. Stats. s. 85.066 (see Appendix B), which requires that WisDOT develop and administer a transit safety oversight program for rail transit systems in the state, and is explicitly recognized in this section of Revision 5.0 of WisDOT's SSO Program Standard.

Minimum standards for safety have been envisioned within the WisDOT SSO program to be those standards adopted and documented by the Wisconsin RTAs that govern the safe operations, command and control, and inspection and maintenance of the rail systems, including facilities, infrastructure, and rail-related vehicles. These safety-related standards generally already exist at the RTAs; however, experience from accident investigations, audits, and updates of procedures may indicate a need to update existing or develop new safety standards for the RTA. In addition, all of these safety-related standards should be based on existing transit industry standards, such as from the American Public Transportation Association (APTA), National Fire Protection Association (NFPA), or the American Railway Engineering and Maintenance of Way Association (AREMA), as these have been customized for RTA equipment, infrastructure, and operations. Existing transit industry related standards will also need to be checked for updates and then those updates will need to be integrated into the existing minimum safety standards documents.

The FAST Act added a requirement for FTA (in § 5329) to include minimum standards for safety into their National Safety Plan, as well as to develop a compendium of transit industry related safety standards.³

The general list of minimum standards for safety that are tracked by the WisDOT SSO program are listed below, with a description of each type of document. Specific documents and a version list will be added to Appendix K for Kenosha Area Transit (KAT) and Appendix M for Milwaukee Streetcar System (MSS), as necessary. These minimum safety standards documents require direct access by the WisDOT SSO program.

General list of minimum standards for safety tracked by the WisDOT SSO program:

- **WisDOT SSO Program Standard**
 - This document provides a description of the processes used by the SSO program, requirements of the Wisconsin RTAs including minimum safety standards, and distributing the WISDOT SSO PROGRAM STANDARD and related minimum safety standards.
- **RTA Safety Plan – Public Transportation Agency Safety Plan (PTASP) / System Safety Program Plan (SSPP)**
 - The PTASP is not yet in a final rule (NPRM 49 CFR Part 673), so the interim PTASP (based on Part 674) is the current SSPP (based on Part 659). The interim PTASP/SSPP contains the requirements for the safety program and related activities at the RTA. This document and its requirements are discussed further in Section 4.

³ This compendium is available at <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-standards>

- **System Security Plan / System Security and Emergency Preparedness Plan (SSP/SSEPP)**
 - Describes the requirements for system security and emergency preparedness at the RTA. While Part 674 no longer defines the content of the SSP/SSEPP and its processes and procedures, the WisDOT SSO program acknowledges the importance of an all-hazards approach to safety, and considers this security program document as a minimum safety standard in terms of its overlap with the safety program at the RTA (risk assessment and management, and emergency preparedness). The WisDOT SSO program requires that RTAs develop an appropriate security program document, and the WisDOT SSO program will provide oversight of that document (and related processes), from the perspective of the safety program.
- **Emergency Operations Plan (EOP)**
 - Provides the coordination and preparedness activities inside and outside of the RTA.
- **Rail Operating Rule Book (RORB)**
 - Rules that operators and others working around the rail transit system must follow.
- **Right-of-Way or Roadway Worker Protection (RWP) Plan**
 - Related to the RORB from the perspective of the protections and procedures for workers on the rail right of way.
- **Command and Control/Train Control Standard Operating Procedures (SOPs)**
 - Used by the RTA command and control staff or supervision to manage operations on the rail transit system for both usual and unusual operations, as well as managing maintenance and workers on the right-of-way. These SOPs should include troubleshooting information for frequent problems and managing emergencies on the rail transit system. These SOPs include the function of load control and management.
- **Investigation Procedures at the RTA**
 - Includes a description of the types of events that need notification and investigation, who will perform those requirements, causal factor analysis, hazard analysis, and development of recommendations and corrective actions. This procedure is also required to be adopted by the WisDOT SSO program to authorize the RTA to be the lead investigator for the SSO program. These procedures are also mentioned in Sections 6 and 7 of Revision 5.0.
- **Procedure requiring review of SOPs related to safety**
 - Requires that the minimum safety standards at the RTA are also required to be reviewed, agreed to, and approved by the RTA's safety department, or any equivalent person or body within its organizational structure.
- **Safety and Security Certification Plan (SSCP)**
 - Provides the required activities from the RTA safety program for assuring that safety and security certification is completed for certain capital projects for new equipment/infrastructure or refurbishment of existing equipment/infrastructure. The main topics for safety and security certification are related design criteria, participation of the safety department (or equivalent person or body), and a process of the RTA assuring that all safety and security design criteria exist, were comprehensive, and were properly addressed including integrated testing of the final products.

- **Configuration Management Plan (CMP)**
 - A configuration management committee and processes are a required element/function within the RTA safety program, along with safety and security certification and system modifications.
- **Transit Asset Management (TAM) Plan**
 - Related to the CMP, as of the publication of Revision 5.0 this is a new plan now required for RTAs, with a larger context concerning transit system assets, useful life, state of good repair (SGR), and milestones, benchmarks, targets, and other metrics.
- **Field Supervision SOPs**
 - For supervision out on the rail transit system for support of service delivery, responsiveness to passengers, and safety. The field supervisors will often be the first supervision to arrive at the scene of a safety event on the rail system, and provide at least initial investigation of events on the rail system.
- **Inspection and Maintenance Manuals, SOPs, and Standards**
 - Provide the requirements for inspection and maintenance of the rail system, including facilities, infrastructure, and related vehicles. These documents should have the customized requirements for preventive maintenance, inspection, and troubleshooting for equipment problems.

Any changes, or when similar documents are developed by an RTA, require that the WisDOT SSO program must review and approve the final updated document. Each of these documents has its own process for update based on requirements or experience. Changes to the minimum standards for safety at each RTA will be based on their experience, investigations, audits, and transit industry experience. New or updated minimum standards for safety will be mutually agreed to with the WisDOT SSO program through discussions, or based on corrective actions defined by the RTA and approved by the WisDOT SSO program.

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SECTION 3. PROGRAM POLICY AND OBJECTIVES

49 CFR §674.27(a)(3) – State safety oversight program standards

Program policy and objectives. The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation systems throughout the State.

3.1 Policy

The design and implementation of the WisDOT SSO program includes a difference between being responsible for defining and executing the safety program at an RTA and the state providing oversight of the safety program at an RTA. It is the intent of WisDOT's SSO program to provide safety program oversight for RTAs in the state and not to attempt to take control of or manage the RTA's programs.

WisDOT's SSO program is designed to be cooperative with the RTAs in the state and the FTA, in order to encourage efficient and effective management of safety risk to a level as low as reasonably practicable (ALARP) within the resource constraints of these activities and programs. However, the WisDOT SSO program is also designed to provide proactive and progressive oversight in addressing emerging or uncontrolled safety risk at an RTA. The WisDOT SSO Program is also authorized by state law to adopt any additional rules, program policies, and procedures needed to fully implement this program.

3.2 Objectives

The objectives and expectations for the WisDOT SSO program include the following:

WisDOT SSO program takes full responsibility for Wisconsin's rail transit safety program authority and requirements, as defined in Revision 5.0 of WisDOT's SSO Program Standard.

- WisDOT SSO Program commits to assuring qualifications and training for SSO program-related staff, including contractor staff.
- WisDOT SSO Program provides strategic, dynamic, transparent, and flexible safety oversight of RTAs in Wisconsin.
- WisDOT SSO Program works in partnership with Wisconsin RTAs in support of each RTA's safety program, which includes safety oversight and technical assistance for maintaining and improving safety performance at the RTAs.
- WisDOT SSO Program expects and requires that the safety department(s) or personnel of RTAs are competent in executing the requirements of the both their own safety program (through the RTA's agency safety plan), and WisDOT's SSO program (through WisDOT's SSO Program Standard) – if not true, correcting this becomes an RTA's highest priority.

- WisDOT SSO Program expects and requires that RTA executives and rail-related management be responsive and committed to the RTA safety program and to fulfilling the WisDOT SSO program requirements, in accordance with state law and this Program Standard, as well as the RTA's minimum safety standards.
- WisDOT SSO Program commits to being responsible for the safety program-related investigations and internal audits at the RTAs, with the expectation that the RTAs are granted the responsibility to lead these investigations and internal audits. The WisDOT SSO program may, at its discretion, directly participate in or lead these safety program related activities, including the conduct of independent or cooperative onsite investigations or audits at the RTA's rail transit system.
- WisDOT SSO Program commits to provide both periodic and three-year reviews or audits, as required and determined necessary by the WisDOT SSO program, and to assure that WisDOT's SSO Program is appropriately aware of the safety risk environment at each of the Wisconsin RTAs.
- WisDOT SSO Program commits to providing annual and periodic information and data to the FTA safety oversight program, as required and appropriate.
- WisDOT SSO Program works in partnership with Wisconsin RTAs in support of each RTA's safety program. However:

The WisDOT SSO program does not own any RTA's safety-related risk.

Each RTA owns and is responsible for the safety-related risks associated with operating and maintaining its own rail transit system.

This means that WisDOT's SSO program staff will participate in and technically review safety-related investigations, internal audits, and complete independent investigations or audits, such as the triennial audit; WisDOT SSO will also make recommendations and provide input and technical assistance as needed or requested. However, RTAs must always develop and own their corrective actions. The WisDOT SSO program will coordinate with the RTAs to review and approve those corrective actions, provided the WisDOT SSO program finds it consistent and complete with respect to the findings or recommendations of the investigations and audits.

FTA-TSO requires that the WisDOT SSO program must demonstrate that it has the authority to escalate enforcement up to and including the authority to stop rail operations at Wisconsin RTAs based on safety deficiencies. This enforcement escalation process is in Procedure SSO-004.

SECTION 4. AGENCY SAFETY PLANS AND INTERNAL REVIEW

At the time of publication for Revision 5.0 of WisDOT's SSO Program Standard, 49 CFR Part 673, FTA's final rule for the Public Transportation Agency Safety Plan (PTASP), was not yet finalized. Per 49 CFR 674.9(c), a Part 659-compliant SSPP serves as the interim PTASP, until such time that Part 673 is finalized. Once Part 673 is final, and the Wisconsin RTAs are ready to convert to their SSPP to a Part 673-complaint PTASP, then the SSO program standard will be revised to fully address the Part 673-compliant PTASP and its required processes.

49 CFR §674.25(b) – Role of the State safety oversight agency

An SSOA must review and approve the Public Transportation Agency Safety Plan for every rail fixed guideway public transportation system within its oversight. An SSOA must oversee an RTA's execution of its Public Transportation Agency Safety Plan. An SSOA must enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate. An SSOA must ensure that a Public Transportation Agency Safety Plan meets the requirements at 49 U.S.C.5329(d).

49 CFR §674.27(a)(4) – State safety oversight program standards

Oversight of Rail Public Transportation Agency Safety Plans and Transit Agencies' internal safety reviews. The SSO program standard must explain the role of the SSOA in overseeing an RTA's execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA's fixed guideway public transportation system. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA's accountable executive. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its rail fixed guideway public transportation system.

49 CFR §674.29 – Public Transportation Safety Plans: general requirements

- (a) In determining whether to approve a Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system, an SSOA must evaluate whether the Public Transportation Agency Safety Plan is consistent with the regulations implementing such Plans; is consistent with the National Public Transportation Safety Plan; and is in compliance with the program standard set by the SSOA.
- (b) In determining whether a Public Transportation Agency Safety Plan is compliant with 49 CFR part 673, an SSOA must determine, specifically, whether the Public Transportation Agency Safety Plan is approved by the RTA's board of directors or equivalent entity; sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for the rail fixed guideway public transportation system; includes a process and timeline for annually reviewing and updating the safety plan; includes a comprehensive staff training program for the operations personnel directly responsible for the safety of the RTA; identifies an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the RTA; includes adequate methods to support the execution of the Public Transportation Agency Safety Plan by all employees, agents, and contractors for the rail fixed guideway public transportation system; and sufficiently addresses other requirements under the regulations at 49 CFR part 673.
- (c) In an instance in which an SSOA does not approve a Public Transportation Agency Safety Plan, the SSOA must provide a written explanation, and allow the RTA an opportunity to modify and resubmit its Public Transportation Agency Safety Plan for the SSOA's approval.

Revision 5.0 of WisDOT's SSO Program Standard does not include requirements for the content of the Part 659 SSP/SSEPP. As previously noted in Section 2, an RTA's SSP/SSEPP and EOP will be included as minimum standards for safety. The inclusion of these documents focuses on aspects of

the security programs that overlap with the safety program: risk assessment, emergency preparedness, and response planning. All of the documented requirements established within an RTA's SSP/SSEPP will continue to be a part of the WisDOT SSO program oversight as defined in those documents by the RTA, and not prescribed by the WisDOT SSO program. Appendix H includes the procedure and assessment guide for an SSP/SSEPP, as currently defined.

Appendix F provides guidelines for completion of an RTA agency safety plan, as defined by FTA guidance available as of the drafting of Revision 5.0 of WisDOT's SSO Program Standard. The requirements for an SSO program's process of review and approval of an RTA's agency safety plan is generally the same as for the Part 659 SSPP, and the requirements for the SSPP will continue to be provided in WisDOT's SSO program standard documentation (as the RTA requirements and WisDOT SSO program process) until such time as a Part 673-compliant PTASP has been implemented by each RTA.

The additional actions required for the WisDOT SSO program and Wisconsin RTAs, in order to address agency safety plan requirements, are as follows:

- The interim PTASP must be approved by an RTA's board of directors (or equivalent)
- The SSO program standard must provide criteria for an "adequately trained" Chief Safety Officer (CSO).

The FTA's 'SMS Glossary of Terms' (September 2016) defines the CSO as:

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

Wisconsin RTAs will need to have their next version of the SSPP, to be completed by the end of calendar year 2018, approved by their boards of directors, or equivalent. Additionally, while FTA has provided no clear indication that a CSO must be fully trained or directly involved in safety oversight, audits, or inspections, it is the position of the WisDOT SSO program that a CSO is not required to complete the FTA Safety Certification Training Program. This will remain the WisDOT SSO program's position unless the CSO's duties specifically include conducting safety oversight, audits and inspections. The WisDOT SSO program provides for the following two possibilities in determining an adequately trained CSO:

1. The CSO has education in system safety with a college degree (e.g., bachelor or higher degree), or specialized training and experience in transit safety program processes, including safety program management, auditing, and investigations.
2. The CSO has more than 10 years of direct experience (Safety Director, Executive, or equivalent, over a Safety Department, or equivalent) managing a Safety Department and its processes, including a full understanding of an RTA's safety program and documentation (SSPP).

It is expected that this criterion will be superseded upon the completion of FTA's PTASP rulemaking, and/or the issuance of official guidance in this matter.

4.1 Receiving and Evaluating RTA Materials

Each RTA must submit to the SSO agency its agency safety plan (Part 659 SSPP or Part 673 PTASP) consistent with the program requirements specified in the following subsection, including all procedures and materials referenced therein. Referenced materials may include:

- Procedures, checklists and training materials for accident investigation
- The internal safety audit program
- The hazard management process
- The emergency response planning, coordination and training program
- The rules compliance program

An RTA's agency safety plan should be submitted in digital format via email to the WisDOT SSO program manager. Supporting procedures may be submitted in hard copy via mail or fax, though digital format is preferred.

4.1.1 WisDOT SSO Program Review and Approval of RTA Agency Safety Plan

Based on the requirements of Revision 5.0 of the WisDOT SSO Program Standard and 49 CFR Part 659, the RTA is required to submit an initial SSPP, any significant updates or modifications to a previously approved SSPP, and annual reviews and updates (if needed) to the WisDOT SSO program for review and approval.

49 CFR §659.25 Annual review of system safety program plan and system security plan

- (a) The oversight agency shall require the rail transit agency to conduct an annual review of its system safety program plan and system security plan.
- (b) In the event the rail transit agency's system safety program plan is modified, the rail transit agency must submit the modified plan and any subsequently modified procedures to the oversight agency for review and approval. After the plan is approved, the oversight agency must issue a formal letter of approval to the rail transit agency.
- (c) In the event the rail transit agency's system security plan is modified, the rail transit agency must make the modified system security plan and accompanying procedures available to the oversight agency for review, consistent with requirements specified in §659.23(e) of this part. After the plan is approved, the oversight agency shall issue a formal letter of approval to the rail transit agency.

Per 49 CFR 674.29(b), the RTA is required to review its agency safety plan at least annually, and to make any modifications as needed to assure that the plan is current and accurate. The RTA completes the annual review for the previous calendar year and submits an updated draft agency safety plan to WisDOT for review and approval before the end of the calendar year. Each updated draft agency safety plan submitted to the WisDOT SSO program by an RTA should include a summary that identifies and explains the changes. If there are no changes required for the agency safety plan, it should be indicated at this point in the review and approval process.

WisDOT SSO Program Standard

The agency safety plan must be reviewed at least once each calendar year to determine if changes are required. The RTA must address when, during the calendar, the agency safety plan will be reviewed. The review cannot be later than September 30th of each calendar year.

After the annual review has been conducted, all revisions to the agency safety plan must be completed and submitted to WisDOT no later than November 30th of each calendar year, for review and approval by the WisDOT SSO program. If, after the annual review of the agency safety plan, no changes are deemed to be required, then the RTA must submit a letter to WisDOT no later than September 30th of each year stating that the agency safety plan has been reviewed and that no changes are required at this time. Each RTA is required to submit the agency safety plan directly to the WisDOT SSO program for review and approval.

The WisDOT SSO program manager will review the draft agency safety plan update to determine whether it is ready for approval. The WisDOT SSO program uses a conformance checklist for the review of the agency safety plan (included in Appendix G), and determines whether it meets federal and state program requirements based on the most current authorized version of WisDOT's SSO program standard, consistent with the National Public Transportation Safety Plan defined in 49 CFR Part 670. Any potential issues with the draft agency safety plan will be communicated to the RTA and WisDOT will negotiate appropriate modifications to the plan. WisDOT or the RTA may request a meeting to review and discuss agency safety plan issues to assure an understanding of the needed changes and negotiate the timing of any needed modifications to the draft agency safety plan.

Once the draft agency safety plan has been determined to be ready for approval, WisDOT SSO program staff will indicate that status to the appropriate RTA staff and provide the checklist used for the review. At this point in the update process, the RTA can finalize their updated agency safety plan with appropriate signatures and transmittal letter, and submit the final draft to WisDOT. This submittal is required to be completed by January 31st each year, to coincide with the RTA's annual report to the WisDOT SSO program, as discussed in the next subsection on internal safety audits. Upon receipt of an RTA's final agency safety plan, the WisDOT SSO program will issue written approval of the plan to the RTA within thirty (30) calendar days.

The WisDOT SSO program may require on-demand changes to an agency safety plan based on revisions to its program standard, federal or state law or regulation, audit results, investigations, or changing trends in safety and security data and information analysis. Upon receipt of a written notification from the WisDOT SSO program for agency safety plan modifications, the RTA and the WisDOT SSO program will negotiate a timeframe and set a deadline for completing the revision. In the event the RTA significantly modifies its agency safety plan for its own purposes and needs, the RTA will submit the modified agency safety plan to WisDOT for review and approval within thirty (30) calendar days of the effective date of the change.

All operating rules, procedures, and materials referenced in the RTA's agency safety plan should also be submitted to WisDOT to ensure an efficient and complete review of the RTA's total safety program, as documented in its agency safety plan.

4.1.2 Initial submittals from a RTA

An RTA rail transit system capital project (new or extension) is required to make an initial submittal of an agency safety plan (or appropriate modification to an existing plan) to the WisDOT SSO program at least 180 calendar days before beginning revenue service operations. The initial agency safety plan will be reviewed and approved by the WisDOT SSO program in writing as part of the new rail system capital project safety and security certification process. The review and approval process for initial submittals generally follows the agency safety plan update review and approval process (discussed below), but is generally a more thorough review and may take several revision cycles to complete. This is the reason for the long-lead time for the initial submittal.

An RTA new starts project is required to submit to the WisDOT SSO program an agency safety plan and associated procedures and referenced materials at least 180 calendar days before beginning passenger/revenue service operations. The initial agency safety plan will be reviewed and approved by the WisDOT SSO program and adopted by the RTA as part of the projects safety and security certification process. The WisDOT SSO program will use the agency safety plan conformance checklist and will transmit a formal letter of approval to the RTA with the completed checklist. As necessary, the WisDOT SSO program may require additional information or documentation as part of the review, and may request meetings or teleconferences to address identified issues.

Specific to new starts projects, the WisDOT SSO program may conduct on-site readiness reviews to assess the capabilities of the RTA to implement its agency safety plan during passenger operations. This assessment may be conducted in conjunction with the WisDOT SSO program's review and approval of the initial agency safety plan submission.

4.2 Requirements for the Agency Safety Plan (Interim PTASP – Part 659 SSPP)

An agency safety plan is intended to document the safety program at an RTA (or any other transit mode), including all of the activities within the safety program. The agency safety plan is used by the transit agency and the WisDOT SSO program to audit the safety program and activities to assure that both the program documentation is complete and accurate and that the transit agency is executing all of the documented program activities. In addition, this section describes the annual review and update process of the agency safety, and the WisDOT SSO program process for approval of the updated agency safety plan.

FTA has several primary resource documents for developing a Part 659 SSPP⁴, but there is no applicable guidance for developing a Part 673-compliant PTASP (or SSPP-PTASP hybrid), as Part 673 is not yet final as of the publication of Revision 5.0.

⁴ The primary resource documents from FTA for developing an SSPP are the following:

- *Implementation Guidelines for 49 CFR Part 659*, FTA, March 2006, http://www.fta.dot.gov/documents/Imp_Guidelines.pdf.
- *Resource Toolkit for State Oversight Agencies Implementing 49 CFR Part 659, Appendix E: Program Requirements for Development of a Rail Transit Agency System Safety Program Plan (SSPP)*, FTA, March 2006, http://transit-safety.volpe.dot.gov/publications/ssp/Imp_Guidelines/toolkit/pdf/AppendixE.pdf.

49 CFR §659.15 System safety program standard	
(b)(8)	<i>System safety program plan section.</i> This section shall specify the minimum requirements to be contained in the rail transit agency’s system safety program plan. The contents of the system safety program plan are discussed in more detail in §659.19 of this part. This section shall also specify information to be included in the affected rail transit agency’s system safety program plan relating to the hazard management process, including requirements for on-going communication and coordination relating to the identification, categorization, resolution, and reporting of hazards to the oversight agency. More details on the hazard management process are contained in §659.31 of this part. This section shall also describe the process and timeframe through which the oversight agency must receive, review, and approve the rail transit agency system safety program plan.
49 CFR §659.17 System safety program plan: general requirements	
(a)	The oversight agency shall require the rail transit agency to develop and implement a written system safety program plan that complies with requirements in this part and the oversight agency’s program standard.
(b)	The oversight agency shall review and approve the rail transit agency system safety program plan.
(c)	After approval, the oversight agency shall issue a formal letter of approval to the rail transit agency, including the checklist used to conduct the review.

4.2.1 Required Content of the RTA SSPP

Minimum requirements for the development of an SSPP are specified by the FTA in 49 CFR 659.17 and 49 CFR 659.19. In preparing its SSPP, the RTA will include the required minimum elements:

Element	Title
1	Policy Statement and Authority for SSPP
2	Purpose, Goals, and Objectives
3	Management Structure
4	SSPP Control and Update Procedure
5	SSPP Implementation
6	Hazard Management Process
7	Safety and Security Certification
8	Managing Safety in System Modifications
9	Safety Data Acquisition
10	Accident/Incident Notification, Investigation, and Reporting
11	Emergency Management Program (Response Planning)
12	Internal Safety Audit Process
13	Rules Compliance
14	Facilities and Equipment Inspections
15	Maintenance Audits and Inspections
16	Training and Certification
17	Configuration Management and Control
18	Compliance with Local, State and Federal Requirements
19	Hazardous Materials
20	Drug & Alcohol Program
21	Procurement

These items (previous page) are provided in this order to provide a sample format for a SSPP and are further detailed in Appendix F and Appendix G.

4.3 Internal Safety Audit Oversight

The WisDOT SSO program requires each RTA to develop a three-year cycle of internal audits of all 21 elements of the SSPP, in which approximately one-third of these elements are audited each calendar year. The purpose of the internal safety audits is to compare the content of the safety program documentation to the activities performed by the RTA. Inconsistencies in documentation and practice may lead to findings and changes resulting in modifications to program documentation or minimum standard for safety updates to reflect current activities, or those activities might need to be changed to assure documentation and activities are consistent with one another. In order to demonstrate compliance with annual internal safety audits, the RTA must provide the WisDOT SSO program with an annual report and certification letter of compliance no later than March 1st of each calendar year. This certification must be accompanied by the current version of the RTA's SSPP.

4.3.1 Internal Audit Schedule and Checklists

The WisDOT SSO program requires that each RTA implement a process to perform ongoing internal safety and security audits, and develop a three-year schedule of internal safety audits at the beginning of the three-year cycle. The schedule should be submitted by March 1st of the year beginning the three-year cycle, and contain planned safety audits throughout the three-year period. This schedule of internal safety audits can change and be modified by the RTA as needed, as long as all 21 elements are reviewed during the three-year period. The schedule and progress of internal safety audits is tracked as part of the monthly status reports each RTA is required to provide to the WisDOT SSO Program. Appendix I contains a description of the process for conducting internal audits in a manner compliant with the expectations of the WisDOT SSO program.

The purpose of these audits is to ensure the implementation of the RTA's SSPP, and to evaluate its effectiveness. The audit process must be described in the SSPP, as detailed in Appendix I.

The RTA develops procedures and documents the process for the performance of on-going internal safety audits. Each year, checklists, procedures, and documents are developed/collected for each audit at the RTA and provided/submitted to the WisDOT SSO program for review and notification at least thirty (30) days before the intended internal audit so that the WisDOT SSO program staff has the opportunity to participate in reviews and audits at their discretion. In order to address conflict of interest and to protect the independent nature of the internal audit processes, the RTA staff in charge of each audit cannot be the department in charge of implementing the activities being audited.

Based on the results of each audit/review conducted, the RTA must prepare a written report documenting recommendations and any corrective actions identified as a result of the audit/review. The RTA must also prepare an Internal Safety and Security Audit/Review findings log to track through implementation all findings, recommendations, and corrective actions developed as a result of the internal safety and a security audit/review process. This log will be made available to the WisDOT SSO program and can be referenced during activities performed in support of the hazard management process.

The WisDOT SSO program requires that the internal audit reports produced for each audit be provided for review. This requirement is intended to help address any issues with the internal audit findings and CAPs developed in order to streamline the approval of the RTA's annual report and certification letter.

4.4 RTA Annual Report to the WisDOT SSO Program

The RTA is required annually to submit a report to the WisDOT SSO program by January 31st of each year. The report, prepared by the RTA includes results of the Internal Safety and Security Audit Process and includes other audits performed during the preceding year.

The Annual Report must include:

1. A listing of the internal safety and security audits/reviews conducted for that year;
2. A discussion of where the RTA is in meeting its three-year audit/review schedule;
3. An updated schedule for the next year's audit's/reviews;
4. The status of all findings, recommendations and corrective actions resulting from the audit/reviews conducted that year; and
5. Any challenges or issues experienced by the RTA system safety or security/police function in obtaining action from/compliance with these findings, recommendations and corrective actions during that year

The WisDOT SSO program will review and approve the report within thirty (30) days. The WisDOT SSO program may request additional information, clarifications or revisions from the RTA while conducting its review. If required, meetings and/or teleconferences will be conducted to address any issues identified by the WisDOT SSO program during its review of the annual report. In addition to the annual report, the RTA must submit a formal letter of certification, signed by senior management stating that based on the evaluation performed during the internal safety and security audit/review process during the previous year, the RTA follows its SSPP and SSP/SSEPP.

If the annual report is approved by the WisDOT SSO program, no further actions relative to the annual report will be required, and the WisDOT SSO program will provide an approval letter to the RTA. If the WisDOT SSO program disapproves the annual report, the WisDOT SSO program will notify the RTA in writing and identify the specific deficiencies in the report. The RTA will have thirty (30) calendar days, upon receipt of disapproval of the report, to develop a CAP or methodology to correct the identified deficiencies. The CAP must identify the noted audit deficiency; identify a process, plan, or mechanism to address and resolve the deficiency; establish a timeframe for implementation of a plan of action; identify department(s) and person(s) who will be responsible for implementation, and other critical pertinent information.

The WisDOT SSO program and RTA will work together to assure that the CAP is sufficient to address the deficiencies identified in the internal audits. This CAP will become a part of the RTA's monthly tracking of all open CAPs until fully implemented. Once any corrective actions are defined, the WisDOT SSO program will provide their approval in writing for the RTA annual report.

SECTION 5. TRIENNIAL AUDITS

At least once every three (3) years, the WisDOT SSO program will conduct an on-site safety audit at each rail transit system in its jurisdiction. These triennial audits will focus on RTA implementation of its agency safety program, as documented in its agency safety plan, beginning with initiation of the passenger operations on the system. After the on-site audit, the WisDOT SSO program will prepare and issue a report containing findings and recommendations resulting from the review and audit, including an analysis of the effectiveness of the RTA's agency safety plan. Findings and recommendations may require that an RTA's safety program documentation be updated to reflect current activities, or that the content of activities might need to be changed or added so that documentation and activities match. An RTA will be required to develop CAPs as needed, based on WisDOT SSO's findings and recommendations. Appendix L provides WisDOT's SSO program audit process and procedure, including WisDOT's expectations and requirements for Wisconsin RTAs.

49 CFR §674.27(a)(5) – State safety oversight program standards

Triennial SSOA audits of Rail Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA's compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

49 CFR §674.31 Triennial audits: general requirements

At least once every three years, an SSOA must conduct a complete audit of an RTA's compliance with its Public Transportation Agency Safety Plan. Alternatively, an SSOA may conduct the audit on an on-going basis over the three-year timeframe. At the conclusion of the three-year audit cycle, the SSOA shall issue a report with findings and recommendations arising from the audit, which must include, at minimum, an analysis of the effectiveness of the Public Transportation Agency Safety Plan, recommendations for improvements, and a corrective action plan, if necessary or appropriate. The RTA must be given an opportunity to comment on the findings and recommendations.

The WisDOT SSO program will establish an audit team and prepare a schedule, procedures, and checklists to guide the audit process. Criteria will be established so the WisDOT SSO program can evaluate the RTA's implantation of its agency safety plan, minimum standards for safety, and other related documents and procedures.

An RTA is required to show verification that:

- The agency safety plan is an integral part of the RTA's overall management, engineering, operating and maintenance practice
- The RTA reviews its agency safety plan annually, at minimum
- The RTA regularly monitors compliance with its agency safety plan through ongoing internal safety audit or review processes
- The RTA identifies potentially serious conditions and hazards, safety and safety-related issues, and that measures to control them are implemented
- Investigations are conducted following established procedures adopted by the RTA

- Specific activities and tasks identified in the agency safety plan are being carried out as specified in these plans and/or identification of deficiencies or areas requiring improvement.

The WisDOT SSO program will develop and maintain a schedule of three-year safety audits of each RTA under its jurisdiction, and will schedule the three-year safety audit of each RTA at least sixty (60) calendar days in advance of the on-site portion of the audit. The WisDOT SSO program will schedule a pre-audit meeting with the RTA for clarification of any questions and concerns, and coordination of daily schedules with the RTA (typically as part of an existing quarterly meeting at the RTA). The triennial audit process is intended to be flexible in scheduling – changes to the schedule can be requested as-needed by an RTA, or otherwise made by WisDOT.

The WisDOT SSO program team will develop checklists from program experience over at least the previous three years in order to thoroughly check all investigations, audits, CAPs, and previous reviews. The checklists used for auditing an RTA's safety program will be risk-based and data-driven, and WisDOT's SSO program will transmit these checklists to an RTA at least thirty (30) calendar days prior to the start date of the on-site portion of the audit.

During the on-site audit week, WisDOT SSO program staff (including contractors, as needed) will schedule an entrance and exit meeting with RTA staff: the entrance meeting will outline the major activities planned during the scheduled audit and provide space to attempt to resolve any issues that existed before the audit; the exit meeting will offer time to provide any observations from the audit itself. Both of these meetings with the RTA will provide a description of the next steps and provide an opportunity for discussion of any issues. The WisDOT SSO program's triennial audits are intended to be an open and collaborative process with the RTAs.

After the on-site audit has been completed, WisDOT SSO program staff will issue a draft report detailing its findings and recommendations. The RTA will have an opportunity to comment on the content of the report, including the findings and recommendations. WisDOT's SSO program team will make revisions as needed and distribute the final safety audit report.

Once the audit report has been completed, the RTA is required to develop a CAP to correct identified deficiencies. The WisDOT SSO program will formally approve all such CAPs – the CAP development and approval process is described further in Section 8.

The WisDOT SSO program will submit its completed report for the three-year safety audit to FTA as part of its annual submission.

SECTION 6. ACCIDENT NOTIFICATION

This section addresses safety-related events that require the RTA to notify both WisDOT's SSO program and FTA within two hours. These notification requirements often coincide with safety-related events that require an investigation.

49 CFR §674.27(a)(6) – State safety oversight program standards

Accident Notification Requirements. The SSO program standard must establish requirements for an RTA to notify the SSO agency of accidents on the RFGPTS. These requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSO agency.

49 CFR §674.33 – Notification of accidents

- (a) Two-hour notification. In addition to the requirements for accident notification set forth in an SSO program standard, an RTA must notify both the SSOA and the FTA within two hours of any accident occurring on a RFGPTS. The criteria and thresholds for accident notification and reporting are defined in a reporting manual developed for the electronic reporting system specified by FTA as required in § 674.39(b), and in appendix A.
- (b) FRA notification. 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 the SSOA and FTA of the accident within the same time frame as required by the FRA.

The following definitions concern safety-related events and have been taken from 49 CFR 674.7 and the appendix to Part 674:

Event means an Accident, Incident, or Occurrence.

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. An accident must be reported in accordance with the thresholds for notification and reporting set forth in an Appendix to this part [shown below].

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 a RTA. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in the Appendix to this part. If a RTA or State Safety Oversight Agency 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 to this part.

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

Appendix to Part 674 – Notification and Reporting of Accidents, Incidents and Occurrences

Event / Threshold	Human Factors	Property Damage	Types of Events (examples)	Actions
Accident: RTA to Notify SSOA and FTA within two hours	<ul style="list-style-type: none"> - Fatality (occurring at the scene or within 30 days following the accident) - One or more persons suffering serious injury 	<ul style="list-style-type: none"> - Property damage resulting from a collision involving a rail transit vehicle; or any derailment of a rail transit vehicle 	<ul style="list-style-type: none"> - A collision between a rail transit vehicle and another rail transit vehicle - A collision at a grade crossing resulting in serious injury or fatality - A collision with a person resulting in serious injury or fatality - A collision with an object resulting in serious injury or fatality - A runaway train - Evacuation due to life safety reasons - A derailment (mainline or yard) - Fires resulting in a serious injury or fatality 	<ul style="list-style-type: none"> - RTA to notify SSOA and FTA within 2 hours; investigation required - RTA to report to FTA within 30 days via the NTD - RTA to record for SMS Analysis
Incident: RTA to Report to FTA (NTD) within 30 days	<ul style="list-style-type: none"> - A personal injury that is not a serious injury - One or more injuries requiring medical transportation away from the event. 	<ul style="list-style-type: none"> - Non-collision related damage to equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency 	<ul style="list-style-type: none"> - Evacuation of a train into the right-of-way or onto adjacent track; or customer self-evacuation - Certain low-speed collisions involving a rail transit vehicle that result in a non-serious injury or property damage - Damage to catenary or third-rail equipment that disrupts transit operations - 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 material spills 	<ul style="list-style-type: none"> - RTA to report to FTA within 30 days via the NTD - RTA to record for SMS Analysis
Occurrence: RTA to record data and make available for SSO and/or FTA review	<ul style="list-style-type: none"> - No personal injury 	<ul style="list-style-type: none"> - Non-collision related damage to equipment, rolling stock, or infrastructure that does not disrupt the operations of a transit agency 	<ul style="list-style-type: none"> - Close Calls/Near Misses - Safety rule violations - Violations of safety policies - Damage to catenary or third-rail equipment that do not disrupt operations - Vandalism or theft 	<ul style="list-style-type: none"> - RTA will collect, track and analyze data on Occurrences to reduce the likelihood of recurrence and inform the practice of SMS

Serious injury means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

6.1 Requirements for RTA to Notify SSO Agency

Part 674 requires that an RTA notify the SSO agency (and FTA) of events that meet the definition of an accident according to the definition provided in 49 CFR 674.7. The Part 674 criteria are similar to those in Part 659, though there are notable differences (see Table 5, below). Revision 5.0 of WisDOT’s SSO Program Standard focuses on the Part 674 reportable event criteria, but also includes the Part 659 reportable event criteria (as a union of the two sets of criteria), because the WisDOT SSO program has not yet been certified by FTA. Once the WisDOT SSO program is certified by FTA to Part 674, the Part 659-only reportable criteria will no longer be required, which will require a revision of the program standard. Some of the removed Part 659 criteria-based events may continue as hazardous condition investigations, as determined by the WisDOT SSO program.

Table 5. Notification Criteria for Reportable Accidents

Part 659 Criteria	Part 674 Criteria
Any incident involving a rail transit vehicle or taking place on rail transit-controlled property	No related language; Implied that the scope is all of the rail system, operations, command and control, and maintenance
A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident	Same; clarified to match as described in Appendix
Injuries requiring immediate medical attention away from the scene for two or more individuals	One or more “serious injury”, definition provided above
Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds \$25,000	No related language; Appendix implies that it requires another criterion to be met (collision or derailment) “Significant damage” will likely continue to be a reportable safety event and require investigation
An evacuation due to life safety reasons	Same
A collision at a grade crossing	Same; however, Appendix implies that it requires a “serious injury” to be reportable as an accident
A main-line derailment	Expanded to all derailments on any part of the rail system whether in or out of service, passenger or work vehicle
A collision with an individual on a rail right of way	Same, but Appendix implies that it requires a “serious injury” to be reportable as an accident
A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle	Same
N/A	Appendix also indicates that a collision with an object that causes a “serious injury”
N/A	Runaway train
N/A	Fire on the rail system that causes “serious injury”

As of the publication of Revision 5.0, the WisDOT SSO program requires several additional topics to be notified and investigated in a similar fashion as the regulatory required notification criteria. These topics are considered potentially hazardous conditions, and are subject to an RTA’s hazard management process.

Once the WisDOT SSO program is certified by FTA, the list of required state criteria for notification and investigation can be revised in Procedure SSO-003 – more topics may be added, as needed, based on experience with safety performance issues. Once the WisDOT SSO program is

certified to Part 674, the specific topics that will be removed from notification, investigation, and reporting are the following:

- Two or more injuries requiring immediate medical attention away from the scene
 - Only the ‘serious injury’ criterion will be used once certified to Part 674

Additionally, some topics removed by Part 674 will be added to the state-required hazardous condition notification, investigation, and reporting:

- Property damage that disrupts the rail system operation is redefined as an incident by Part 674, but will continue to be required by the state. This includes significant damage to:
 - The rail system
 - OCS
 - Third rail
 - Substations, and
 - Any other rail-related facilities
- Collisions – all grade crossing collisions (vehicles or persons), collision with an individual on the right of way, if these events do not reach the Part 674 requirement, they will continue to be required as a state required hazardous condition event.

The appendix to Part 674 indicates that incidents and occurrences are only reportable to NTD and that defined incidents and occurrences are only auditable by FTA or the SSO agency. The WisDOT SSO program risk monitoring and analyses for safety performance measurement (discussed in Section 1) requires that these events be reported to the state. Under Part 659, there was a term “unacceptable hazardous condition.” However, the WisDOT SSO program uses the term “significant hazardous condition.” FTA has determined that these hazardous conditions need to have data reported in the annual data submission, and that the required topics are actually occurrences (provided via FTA audit – red signal violations; broken rail/track buckle; railcar braking failure; near misses with automobiles/pedestrians; and door faults/doors opening wrong side).

FTA’s program standard guidance document lists the following topics as potentially being required by the SSO agency for notification and then some amount of investigation. The source of this information is provided in the list, along with any requirement for state-level notification, investigation, and reporting:

- Red signal violations
 - Daily incident log
- Signal device failures
 - Daily incident log
- Near misses with other rail vehicles, employees, automobiles, or pedestrians
 - Daily incident log
 - Also a state reportable, if deemed a ‘significant hazardous condition’
- Door faults including wrong-side door openings or door openings during train movement
 - Daily incident log
- Arcing electrical equipment
 - This item appears to imply a serious injury and would be reportable or equipment failure, and would be on the daily incident log if a disruption to service/operations

- OSHA-reportable accidents
 - If a serious injury, this is reportable; OSHA accidents are tracked as part of SSPP Section 18, and as required by law; if one of these accidents is deemed to be a significant hazardous condition, it would be state-reportable.

Experience has shown that some events become reportable based on further information beyond the two-hour time limit, and this will continue to be expected. For example, a *security* event where two or more persons are transported away from the scene for medical attention; or a situation involving difficulty in accurately and quickly assessing damage above \$25,000. In some cases, an event appears to be reportable but is later determined not to meet reportable event criteria – each of these situations will be managed on a case-by-case basis. In each case, the notification and reporting should be made as soon as possible, or as needed. It is also expected that occasionally a notification or set of event progress reports for an event might be removed from the WisDOT SSO program event investigation process, because it is later determined to be outside of the reporting criteria.

The discussion of safety-related events that require notification, investigation, and reporting will be further revised to include only Part 674 criteria and state requirements, after FTA certifies the WisDOT SSO program under Part 674.

6.1.1 Time limits for notification

With the information available to an RTA in the immediate aftermath of an event on its rail transit system, RTA personnel must notify WisDOT and FTA within two (2) hours of the event if it is determined that the event is an ‘accident’ according to this document.

WisDOT acknowledges that RTA personnel may have incomplete information in the immediate aftermath of an event. Therefore, WisDOT recommends that RTA personnel inform the SSO agency of all events – except, perhaps, for events that clearly and unambiguously do not rise to the level of ‘accident’ – to the greatest extent practicable, within the two-hour timeframe. If further investigation reveals that an event has not crossed an ‘accident’ threshold, there is no harm done in having notified the SSO agency – simply notifying the SSO agency of an event will not automatically re-categorize that event (which might otherwise be categorized an ‘incident’ or ‘occurrence’) as an ‘accident’.

6.1.2 Initial Notification

The RTA is required to contact one of the WisDOT SSO program staff listed in Procedure-003. The initial notification should be in the form of a telephone call or email (or both), and is intended for the RTA staff to provide any known facts about the safety event that has occurred. A discussion about the known facts, and whether the event is reportable, requires additional notification, investigation and reporting by FTA regulation or state requirements. In some cases, the notification ends here if it is determined that the event is not reportable to FTA or the WisDOT SSO program. It addition, if it is agreed that notification is required, then the WisDOT SSO program staff member will contact the FTA with a brief description of the event.

6.1.3 Initial Notification Form

The RTA must provide an initial notification via a follow-up email with an initial notification form to the WisDOT SSO program at the earliest available opportunity following the initial telephone notification.

The following information must be provided by the RTA in the initial notification of the event. If the information is not pertinent to the event, the item should be identified on the initial notification form as “not applicable” (N/A).

- Name and job title of person reporting and name of RTA
- Event type (fatality, injuries, property damage, evacuation, derailment or other)
- Location, time, and date
- Notification time for WisDOT SSO program
- Fatalities
- Injuries
- Rail transit vehicle(s) involved (type, number)
- Other vehicle(s) involved (type, number)
- Property damage estimate
- NTSB, FRA, TSA reportable
- RTA primary person (i.e., Chief Investigator) conducting the investigation (name, title, phone and fax numbers, email address)
- Short description of the event.

The RTA may be required to provide additional information at the WisDOT SSO program’s request. The RTA should maintain a current list of contact information for all primary and alternate contact personnel, including email addresses, telephone, cell phone, and fax numbers. This information is also located in Procedure SSO-003.

6.1.4 RTA Reportable Event Notifications to Other Federal Agencies

Additional notifications to federal agencies may also be required – an RTA may be required to notify NTSB or TSA for events listed in 49 CFR Part 840⁵ and 49 CFR Part 1580⁶. For all notifications to other federal agencies (FRA⁷, NTSB, and TSA), the WisDOT SSO program requires that the RTA share those notifications and any additional information requested by those other federal agencies. This may be as easy as just adding these potential notifications to the initial notification form. For TSA notifications and because the RTA may notify from the security department, a separate initial notification form is acceptable.

⁵ Available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol7/pdf/CFR-2011-title49-vol7-part840.pdf>

⁶ Available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol9/pdf/CFR-2011-title49-vol9-part1580.pdf>

⁷ FRA notification requirements for commuter rail or shared track are 49 CFR 225.9, 233.5, and 234.7, if applicable.

6.1.5 RTA Hazardous Conditions Notifications to the WisDOT SSO Program

In the event that an RTA, using the criteria and assessment process in its agency safety plan, determines that a risk monitoring activity or risk assessment has identified a significant hazard, the RTA must notify WisDOT, as soon as practical, of such a determination.

Based on RTA risk monitoring activities (as discussed in Section 1), WisDOT may require notification and reporting on events that are not considered reportable to FTA; for example, WisDOT may request notification and reporting of all evacuations of rail vehicles, or all track or OCS-related issues that cause a rail transit vehicle to go out of service. If WisDOT requires such action from RTAs, WisDOT will communicate it through a formal change to Procedure SSO-003. At such time that WisDOT chooses to discontinue such additional notification and reporting, that change will also be communicated to each RTA by a revision to the procedure.

Notification of hazards and requested additional reportable events for the WisDOT SSO program should follow the notification process discussed above, including the two (2) hour time limit.

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SECTION 7. INVESTIGATIONS

The WisDOT SSO program is responsible for the sufficiency of all reportable event investigations at each RTA under its jurisdiction; however, that does not mean that SSO program personnel will act as lead investigators. The RTA is always responsible for completing notification to WisDOT and FTA (and other agencies when required), and in nearly every investigation the RTA will be the lead investigator on behalf of WisDOT's SSO program.

Each RTA must have appropriately trained and competent safety professionals with the capability to perform safety event investigations and provide clear, competent, and compliant standardized investigation reports for the WisDOT SSO program (as well as for internal RTA needs and requirements). All personnel tasked with performing safety event investigations – whether WisDOT SSO program personnel or RTA staff – must be trained in accordance with FTA's Public Transportation Certification Training Program, as defined in 49 CFR Part 672.

49 CFR §674.25 – Role of the State safety oversight agency

- (c) An SSOA has primary responsibility for the investigation of any allegation of noncompliance with a Public Transportation Agency Safety Plan. These responsibilities do not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.
- (d) An SSOA has primary responsibility for the investigation of an accident on a rail fixed guideway public transportation system. This responsibility does not preclude the Administrator from exercising his or her authority under 49 U.S.C. 5329(f) or 49 U.S.C. 5330.

49 CFR §674.27(a)(7) – Investigations

The SSO program standard must identify thresholds for accidents that require the RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

49 CFR §674.35 – Investigations

- (a) An SSOA must investigate or require an investigation of any accident and is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate an accident, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the accident or incident, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.
- (b) Within a reasonable time, an SSOA must issue a written report on its investigation of an accident or review of an RTA's accident investigation in accordance with the reporting requirements established by the SSOA. The report must describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a corrective action plan, as necessary or appropriate. The SSOA must formally adopt the report of an accident and transmit that report to the RTA for review and concurrence. If the RTA does not concur with an SSOA's report, the SSOA may allow the RTA to submit a written dissent from the report, which may be included in the report, at the discretion of the SSOA.
- (c) All personnel and contractors that conduct investigations on behalf of an SSOA must be trained to perform their functions in accordance with the Public Transportation Safety Certification Training Program.
- (d) The Administrator may conduct an independent investigation of any accident or an independent review of an SSOA's or an RTA's findings of causation of an accident.

Subparts (c) and (d) under 49 CFR 674.25 indicate that WisDOT, as Wisconsin's SSO agency, is responsible for investigations of noncompliance of an RTA's agency safety plan, and for accidents at rail transit systems under WisDOT's oversight. WisDOT recognizes that FTA's regulatory framework accounts for both safety event-based investigations and investigations as a result of hazard management activities. WisDOT Procedure SSO-009 describes the process to be undertaken in any instance of an allegation of non-compliance with a RTA's agency safety plan.

7.1 Investigations

Reportable safety events, WisDOT SSO program additional reportable hazardous condition events, and hazardous conditions that will have investigations and reports developed for the WisDOT SSO program will have been notified and are listed and described in Section 6. The reportable safety events are generally safety-related, but could also be security-related. In all cases, the RTA initially will be the lead investigator, even if ultimately there is a need for WisDOT, FTA, or the NTSB to lead the investigation. Since the RTA will be the lead investigator, it is required that the RTA has investigation procedures that follow industry practice for investigations and are reviewed, approved, and adopted by the WisDOT SSO program. These procedures have been designated a minimum safety standard and tracked for updates, as well as following the transit industry standard from the American Public Transportation Association (APTA)⁸.

The WisDOT SSO program staff may go to an RTA-led investigation as a resource or observer depending on the severity of the safety event that caused the investigation. In all cases, when the WisDOT SSO program staff intends to go to an RTA investigation, the RTA will be notified and the WisDOT SSO program staff will coordinate with the RTA staff. Only under unusual circumstances will the WisDOT SSO program staff take over and lead the investigation. An example might be if the RTA safety department is conflicted from leading the investigation.

In the cases where WisDOT SSO program staff lead or participate in the investigation, WisDOT personnel will follow the RTA's investigation procedures as approved and adopted, and reporting will follow the process described in this section. Appendix E describes WisDOT's SSO program procedures for participating or leading an investigation. **All WisDOT staff going onsite at a rail transit system for an investigation will follow all safety practices and procedures of the RTA over that rail transit system.** In addition, if the WisDOT SSO program staff takes over an investigation, the RTA will continue to be included in the investigation in some manner, at the very least as a resource.

Personnel serving as WisDOT's SSO program investigators are required to be trained according to the FTA Safety Certification Training Program and the RTA RWP plan and other applicable procedures and requirements. The RTA investigators are also required to have the appropriate training and experience for performing these investigations at the RTA. Also note that the expectation is that the investigation team will include the appropriate rail system expertise to successfully and thoroughly investigate the safety event that has occurred.

⁸ Rail Transit Accident/Incident Investigation, APTA RT-OP-S-002-02 Rev. 2, March 2012, <http://www.apta.com/resources/standards/Documents/APTA-RT-OP-S-002-02.pdf>.

If the FTA decides to go onsite at the RTA and take over an investigation, the RTA will support that FTA investigation, as required. If the NTSB decides to go onsite at the RTA and take over an investigation, the RTA will support that NTSB investigation, as required. The WisDOT SSO program staff intends to also go onsite to support the RTA, FTA, and/or the NTSB as a resource or observer. Both the RTA and the WisDOT SSO program staff will follow the requirements and rules of the FTA or NTSB investigation. The WisDOT SSO program and the RTA will review (and comment on) the FTA or NTSB findings, draft and final reports, and the RTA will develop CAPs to implement any findings/recommendations, as appropriate and agreed to by the WisDOT SSO program.

7.2 Investigation Progress and Final Reports

The APTA standard indicates that the purpose of an accident/incident investigation is to:

1. Gather and assess facts to determine cause(s); and
2. Identify corrective measures to prevent recurrence.

Accident/incident investigation is **not** intended to affix blame, subject people to liability for their actions, or to recommend disciplinary action. This purpose statement is consistent with FTA's transit-specific SMS.

The accident/incident investigation outcomes or objectives and the data and information collection onsite and offsite the scene need to address the following:

- **Safety Performance of the Rail Operator**
 - Before, during, and after the safety event being investigated.
- **Safety Performance of the controller and Field Supervision (or others responding to the event)**
 - Before, during, and after the safety event being investigated.
- **Securing the train/scene of the safety event and assuring there are no additional hazards**
 - Need to assess the safety performance of those involved in this critical activity including the Rail Operator, Controller, Field Supervision, and any additional RTA personnel responding to the safety event. An example is the performance and following procedure and/or command to lower the pantograph or removing OCS or third rail power. This also includes control of any train movement or single-tracking.
- **Safety Performance of any Passenger Evacuation**
 - This may be at a platform or on the right-of-way (ROW) to a platform; special attention should be given to control of an evacuation on the ROW (other RTA trains, freight rail traffic, if nearby) and passengers with disabilities.
- **Consideration of future prevention of the safety event and/or any additional capabilities that would increase safety performance and emergency response.**

The above topics need to be evaluated from a safety performance perspective, including individuals and the organization, for:

- Staff recognizing the event or a potential event
- Following procedures (and whether those procedures were appropriate)

- Problem-solving
- Communication and coordination

An analysis is required to develop the primary cause and contributing factors, typically based on the outcome of completing the above analysis of outcomes and objectives. Typical corrective actions are training/re-training, changing/adding procedures, awareness information (bulletins, orders, etc.) and activities, and adding or enhancing capabilities.

As an investigation proceeds from notification, start of investigation, and completion of the investigation, the WisDOT SSO program requires progress and final reports as follows:

- An initial facts report
 - Within one (1) working day of the safety event
 - Includes all key safety event information compiled at the scene by the RTA
- A status report
 - Identifies the preliminary cause of the safety event (once established)
- Progress update reports
 - Every 30 days until the draft final investigation report is submitted
 - Including CAPs (with assignments and due dates)

The WisDOT SSO program requires that the RTA investigation reports be standardized, and include at least the following topics (or as needed based on the safety event and investigation):

Investigation Report General Outline

- Safety event description
- Notification, Incident Response, and Incident Command
- Initiating Event
- Immediate Corrective Actions
- Operator Information – Fatigue Evaluation and Training
- Investigation
 - Operator event report
 - Field supervision report
 - Employee record/history
 - Post-accident safety inspection
 - Video analysis
 - Communications analysis
- Findings, Potential Causal Factors, and Recommendations (CAPs)
- Investigator
- Date of Report
- Distribution

If the WisDOT SSO program staff is the lead investigator, progress and investigation reports will follow the same process and content as described in this section. The RTA can provide input and comments based on the progress and investigation reports, before the investigation report is

finalized. This may require a meeting between the WisDOT SSO program and RTA staff to resolve any discrepancies and comments.

Part 674 includes requirements for the responsibilities of the SSO agency in terms of accident investigations and reporting, most expressly under Section 674.35(a):

An SSOA must investigate or require an investigation of any accident and is ultimately responsible for the sufficiency and thoroughness of all investigations, whether conducted by the SSOA or RTA. If an SSOA requires an RTA to investigate an accident, the SSOA must conduct an independent review of the RTA's findings of causation. In any instance in which an RTA is conducting its own internal investigation of the accident or incident, the SSOA and the RTA must coordinate their investigations in accordance with the SSO program standard and any agreements in effect.

For RTA-led investigations – which should make up the vast majority of investigations – the RTA will submit the progress reports (and then a draft final investigation report, when completed) to the WisDOT SSO program. In accordance with the process outlined in Procedure SSO-010, WisDOT will then review the report and either: 1) adopt and approve it; or 2) require that the RTA provide specific additional information to be included in the report. If revisions to the draft final investigation report are required, the time frame for revising the report will be determined jointly by the WisDOT SSO program and the RTA, on a case-by-case basis. The revisions to an investigation report might be due to incomplete information, or possible issues with existing CAPs that happen to match or otherwise address all root causes for the safety event – this scenario is discussed further in Section 8, regarding CAPs. After WisDOT formally adopts and approves of an RTA's investigation report, the final report (no longer 'draft final') will serve as the formal WisDOT SSO program investigation document.

7.3 WisDOT SSO Program Investigations/Inspections

As part of ongoing risk monitoring, the WisDOT SSO program intends to conduct independent investigations or inspections of issues that have been identified either by the RTA or from data/information tracking and analysis (risk-based, data-driven). The WisDOT SSO program will inform and schedule with the RTA for any investigation, inspections, and planned on-site interviews, discussions, or inspections. These investigations/inspections will always include appropriate RTA staff such as for safely inspecting track, catenary locations, or traction power substations. If during these onsite investigations/inspections, a concern arises that constitutes an immediate threat to safety on the rail system, the RTA staff and management will be required to respond immediately and appropriately to reduce that safety hazard to an appropriate level. Any issues or findings will be provided to the RTA in writing as a request for explanation from the RTA of appropriate risk controls or mitigations. Any CAPs needed will be developed according to standard procedures and as discussed in Section 8 of Revision 5.0 of WisDOT's SSO Program Standard.

7.4 Confidentiality of Investigation Reports

WisDOT regularly receives requests for records under the Open Records Law, Wis. Stats. s. 19.31 – 19.39. Within this statute there are requirements for both disclosure and non-disclosure. It is WisDOT’s policy that all persons are entitled to the greatest possible information regarding WisDOT affairs and the official acts of its offices and employees, consistent with the State of Wisconsin Open Records Law, and which therefore dictates WisDOT’s overarching policies regarding investigation reports and confidentiality.

Please refer to Appendix J for further information regarding State of Wisconsin open records policy.

SECTION 8. CORRECTIVE ACTIONS

The WisDOT SSO program requires corrective action plans (CAPs) to be developed for the following:

- Investigation Reports
 - From the RTA, WisDOT, FTA, or NTSB
- Internal Safety Audits
 - From the RTA
- Three Year Audits
 - From WisDOT, or FTA's triennial audit of the WisDOT SSO program

CAPs may also be developed in response to hazard identification and analysis, risk assessment, and risk monitoring, by either the RTA or WisDOT.

49 CFR §674.27(a)(8) – State safety oversight program standards

Corrective Action Requirements. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a Corrective Action Plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP, and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

49 CFR §674.37 Corrective action plans

- (a) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan; however, 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. A CAP must describe specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA 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.
- (b) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

Although Part 674 indicates that an RTA cannot carry out a CAP prior to approval by its SSO agency, WisDOT expressly provides permission for an RTA to initiate a CAP as the RTA determines appropriate. However, WisDOT will provide an independent review of any such CAP, and offer requests for any change or additional CAP determined necessary, along with formal approval of each CAP developed. If there is any dispute or disagreement regarding a CAP between WisDOT and an RTA, WisDOT is the authority in the process; however, an RTA is always encouraged to explain its position – though WisDOT has final approval and authority, the SSO

program intends and is committed to reasonably evaluate all information related to the determination of sufficiency of a CAP.

Each CAP must identify:

- The hazard or programmatic deficiency
- The action to be taken by the RTA
- An implementation schedule
- The individual(s) and department(s) responsible for the implementation
- Any other critical information, such as interim/short-term steps taken while awaiting longer-term mitigations to be implemented.

Depending on the source of the CAP, a separate development, review, and approval process has been defined including for investigations (Section 6), internal safety audits (Section 4), and triennial reviews and audits by the WisDOT SSO program (Section 5). Each of these processes for the different sources of CAPs includes a process for the WisDOT SSO program to negotiate changes to proposed CAPs and addition of CAPs, as needed, as well as approval of the CAPs.

The WisDOT SSO program may request changes (or additions) to a CAP. A request for a change or addition might stem from an event's root cause, an identified programmatic or organizational deficiency, or whether the CAP fully resolves the issue(s) identified – such a determination would be based on experience from risk monitoring, or a previously implemented CAP. The WisDOT SSO program expects that RTA CAP assignments have agreement with the responsible parties regarding content and due date for any CAP. Should there be a disagreement with the content or due date for any CAP developed for the WisDOT SSO program, that disagreement should be noted upon submission to WisDOT.

Recommendations received from FTA or the NTSB may be developed into CAPs, as determined by WisDOT, or as jointly determined by WisDOT and the RTA.

8.1 Policy and Practice for Tracking and Verifying RTA CAP compliance

RTAs will maintain a CAP monitoring process and tracking document to be updated and provided monthly to the WisDOT SSO program (described in Section 1). The tracking document must include, at minimum, documentation of monthly updates by individual CAP, and any progress towards closure or revision to the due date (with an explanation of due date changes) until the CAP is closed. The content, scope, person responsible, or due date of each CAP cannot be changed once approved without prior notification and formal approval from the WisDOT SSO program.

All open (or recently closed) CAPs will also be discussed at quarterly meetings with the RTA (described in Section 1). When a CAP is ready for closure, the RTA is required to provide the evidence used (or explanation) for closure and the date that closure was achieved. CAPs may also be agreed to be closed as part of the quarterly meetings, and evidence or explanation of closure will be documented as part of those meetings. The CAP closure documentation will be used as part of the WisDOT SSO program risk monitoring activity and will be included in the annual internal data and information analysis report (described in Section 1). During the

triennial reviews and audits by the WisDOT SSO program of the RTA, all of the CAPs (investigations and all audits) during the previous three-year internal audit cycle will be verified (as described in Section 5). CAP closures may also be reviewed during any on-site visits as part of, or between, quarterly meetings.

8.2 SSO Agency Policy and Practice for managing conflict with RTA relating to development or execution of CAP or Findings

This section explains WisDOT's policy and practice for managing any conflicts with RTAs relating to development or execution of CAP or of audit findings.

If an RTA:

- Disagrees with or otherwise disputes a WisDOT finding or recommendation, or
- Does not adopt an NTSB, FTA, or other agency recommendation, or
- Fails to implement an existing CAP

The WisDOT SSO program is authorized to require the RTA to undertake and perform a detailed hazard analysis. Such a hazard analysis is meant to provide evidence and data-driven support that the deficiency underlying the disputed finding or recommendation, if left unmitigated by the RTA, does not and will not present an unnecessary safety risk to rail transit passengers, patrons, personnel, or the public. Such a hazard analysis must follow all requirements outlined in the most current adopted WisDOT SSO Program Standard, as well as with the RTA's hazard management plan in its agency safety plan.

The WisDOT SSO program team will review the RTA's hazard analysis; the WisDOT SSO program manager has authority to approve it or require revisions. If the WisDOT SSO program determines that the RTA's hazard analysis indicates the deficiency in question presents an unacceptable level of risk when left unmitigated, WisDOT will reject the hazard analysis and require the RTA to begin the CAP process. For findings identified during a WisDOT SSO program audit of the RTA, an RTA must develop a CAP, per the processes set out in this Program Standard. WisDOT will work with an RTA to ensure agreement regarding the facts giving rise to a finding.

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SECTION 9. ANNUAL REPORTING TO FTA

The WisDOT SSO program completes its annual reporting to FTA by March 15th of the following year, as required by 49 CFR 674.39. The objective of these reporting requirements is to provide FTA with information regarding the operation of WisDOT's SSO program. All submissions to FTA will be made using an FTA-specified reporting system. The annual reporting includes all required information and data, including the following:

- Program standard updates and annual review (per Procedure SSO-001)
- Progress towards completion of requirements for the FTA Public Transportation Safety Certification Training Program
- Data and information submission for each RTA
 - Investigations
 - CAPs
 - RTA certification of compliance (including internal audits)
 - Agency safety plan updates and evidence of review
 - Level of effort expended by the WisDOT SSO program.
- Triennial audit progress reports and updates
- Letter of certification that WisDOT is in compliance with 49 CFR Part 674

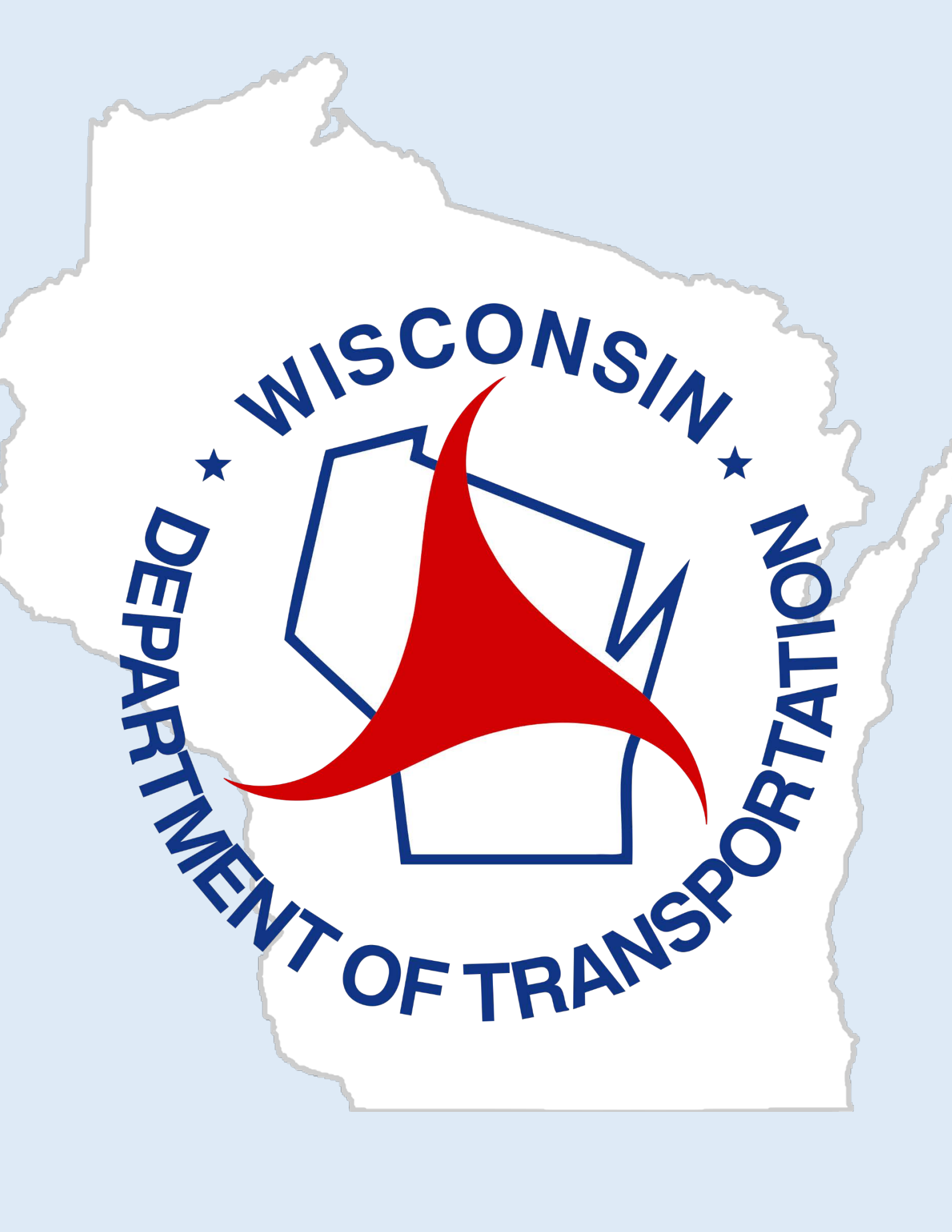
49 CFR §674.39 – State Safety Oversight Agency annual reporting to FTA

- (a) On or before March 15 of each year, an SSOA must submit the following material to FTA:
- (1) The SSO program standard adopted in accordance with §674.27, with an indication of any changes to the SSO program standard during the preceding twelve months;
 - (2) 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;
 - (3) A publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the SSOA in carrying out its oversight activities;
 - (4) A summary of the triennial audits completed during the preceding twelve months, and the RTAs' progress in carrying out CAPs arising from triennial audits conducted in accordance with §674.31;
 - (5) Evidence that the SSOA has reviewed and approved any changes to the Public Transportation Agency Safety Plans during the preceding twelve months; and
 - (6) A certification that the SSOA is in compliance with the requirements of this part.
- (b) These materials must be submitted electronically through a reporting system specified by FTA.

49 CFR §674.27(b) – State safety oversight program standards

At least once a year an SSOA must submit its SSO program standard and any referenced program procedures to FTA, with an indication of any revisions made to the program standard since the last annual submittal. FTA will evaluate the SSOA's program standard as part of its continuous evaluation of the State Safety Oversight Program, and in preparing FTA's report to Congress on the certification status of that State Safety Oversight Program, in accordance with 49 U.S.C. 5329.

On at least a monthly basis, each Wisconsin RTA is required to provide updates for investigations, audits, and CAPs of all types. Accordingly, WisDOT's annual submission to FTA does not require any special request of information. Accuracy of data and information shared between WisDOT's SSO program and the RTAs is completed on a monthly basis and during quarterly meetings at each RTA. Prior to submission of investigations, audits, and CAPs to FTA, the information is de-identified as described in Procedure SSO-006, and in accordance with Wisconsin's Open Records Law. In addition, WisDOT develops a publicly available annual program status report (separate from the annual report to FTA), the process for which is provided in Procedure SSO-005.



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DEPARTMENT OF TRANSPORTATION