



# ARKANSAS SSO PROCEDURES MANUAL

Adopted: April 19, 2018

## DOCUMENT PURPOSE

This Arkansas State Safety Oversight Procedures Manual serves as a companion document to the Arkansas State Safety Oversight Program Standard administered by the Arkansas Department of Transportation.

**Charles A. Brewer, WSO-CSS, TSSP-Rail**  
State Safety Oversight Officer

## Preamble

**49 CFR Part 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112-141; July 6, 2012) (“MAP-21”), the statute now codified at 49 U.S.C. 5330, titled “State safety oversight,” will be repealed three years after the effective date (April 15, 2016) of the regulations set forth in this part.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regulations set forth in this part (April 15, 2019), the regulations now codified at part 659 of this chapter will be rescinded.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 one year after the effective date of the Public Transportation Agency Safety Plan final rule (not finalized), which will be codified in part 673 of this chapter.

This Procedures Manual serves as a companion document to the Arkansas Department of Transportation (ARDOT) State Safety Oversight Program Standard (SSOPS). The SSOPS is a policy document, authorized by Commission Minute Order 2017-096, that gives the State Safety Oversight Agency (SSOA) the necessary authority to administer the enhanced oversight of rail fixed guideway public transportation systems (RFGPTS) in Arkansas as envisioned in 49 CFR Part 674.

The SSOA authority applies to any Rail Transit Agency (RTA) operating a RFGPTS in Arkansas. References to the RTA or RFGPTS do not apply to one specific RTA, but to any RTA operating in Arkansas. (The Rock Region METRO is the only RTA/RFGPTS currently subject to oversight in the State of Arkansas.)

Note: This Procedures Manual differs from the previous Arkansas State Standard by placing emphasis on defining the relationship and required communication, information documentation, and data collection associated with a RTA in Arkansas rather than specific paper forms. Utilizing email forms, spreadsheets, and other electronically transmitted forms will facilitate transition to a data driven coordinated system of access and communication for enhanced oversight of the safety programs at the RTA. The SSOA is working cooperatively, in an oversight capacity, with the RTA to develop meaningful communication that reduces duplication and error potential while protecting, as much as practicable, confidentiality of information, with a specific emphasis on sensitive security information.

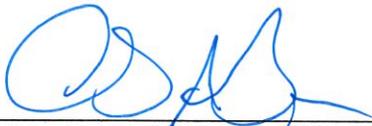
*Assistance developing the  
Arkansas State Safety Oversight Program Standard  
and Procedures Manual was provided by:*



## Substantive Updates

| Date       | Sections Affected | Substantive Change   |
|------------|-------------------|----------------------|
| March 2018 | All               | Document Origination |
|            |                   |                      |
|            |                   |                      |
|            |                   |                      |

## Adoption Signature and Date:



Charles A. Brewer, WSO-CSS, TSSP-Rail  
State Safety Oversight Officer

Date: 19 April 2018

## Contents

|   |     |
|---|-----|
| Preamble .....  | i   |
| Substantive Updates.....  | ii  |
| Adoption Signature and Date: .....                              | ii  |
| Definitions.....  | v   |
| Acronyms.....   | vii |
| State Safety Oversight Agency Role.....                         | 1   |
| Program Policies and Objectives.....                            | 1   |
| Minimum Safety Standards.....                                   | 2   |
| State Safety Oversight Program Standard (SSOPS) .....           | 3   |
| State Safety Oversight Program Standard Policy Document.....    | 5   |
| Procedures Manual.....  | 5   |
| RTA Safety Plan.....  | 5   |
| Requirements for the SSPP .....                                 | 6   |
| Requirements for the PTASP.....                                 | 8   |
| System Security and Emergency Preparedness Plan.....            | 9   |
| RTA Internal Audits.....  | 9   |
| Triennial Audits of RTA .....                                   | 10  |
| Audit Procedures.....   | 10  |
| Audit Findings .....  | 11  |
| Audit Report .....  | 11  |
| Notification of Accidents.....                                  | 11  |
| Requirements.....   | 11  |
| Two-Hour Notification .....                                     | 12  |
| Investigations .....  | 12  |
| RTA Investigations.....   | 13  |
| SSOA Investigations.....  | 14  |
| Joint Investigations.....                                       | 14  |
| National Transportation Safety Board (NTSB) Investigations..... | 14  |
| Reporting.....  | 15  |
| Final Accident Report Content .....                             | 15  |
| Other Incidents that Warrant Investigation.....                 | 16  |

|  |    |
|--|----|
| Confidentiality of Information .....             | 16 |
| Corrective Action Plans .....                    | 17 |
| Development .....                                | 17 |
| Corrective Action Plan Required Components ..... | 18 |
| Tracking .....                                   | 18 |
| Corrective Action Plan Schedule and Format ..... | 19 |
| Closure .....                                    | 19 |
| Annual Reporting to FTA .....                    | 19 |
| SSOA Reporting Requirements .....                | 19 |
| RTA Reporting Requirements .....                 | 20 |
| Appendix .....                                   | a  |
| 49 CFR Part 674 – Appendix A .....               | a  |
| Example 2-hour Notification Email Template ..... | b  |
| Accident Tracking Log Example .....              | b  |
| CAP Log Example .....                            | b  |
| Hazard Log Example .....                         | c  |

## Definitions

### 49 CFR Part 674.7 Definitions

**Accident** means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause. An accident must be reported in accordance with the thresholds for notification and reporting set forth in Appendix A to this part.

**Accountable Executive** means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

**Administrator** means the Federal Transit Administrator or the Administrator's designee.

**Contractor** means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.

**Corrective action plan** means a plan developed by a Rail Transit Agency that describes the actions the Rail Transit Agency will take to minimize, control, correct, or eliminate risks and hazards, and the schedule for taking those actions. Either a State Safety Oversight Agency or FTA may require a Rail Transit Agency to develop and carry out a corrective action plan.

**Event** means an Accident, Incident or Occurrence.

**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, or infrastructure of a rail fixed guideway public transportation system; or damage to the environment.

**Incident** means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in Appendix A to this part. If a rail transit agency 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 A to this part.

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

**National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

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

**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 rail transit agency.

**Person** means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

**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. Until one year after the effective date of FTA's PTASP final rule, a System Safety Program Plan (SSPP) developed pursuant to 49 CFR part 659 will serve as the rail transit agency's safety plan.

**Public Transportation Safety Certification Training Program** means either the certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 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 that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are 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 public transportation system.

**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 Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

**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.

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

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

**Vehicle** means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

## Acronyms

APTA - American Public Transportation Association  
ARDOT – Arkansas Department of Transportation  
AREMA - American of Railway Engineering and Maintenance of Way Association  
ASP - agency safety plan  
CAP - corrective action plan  
CFR - Code of Federal Regulations  
FRA - Federal Railroad Administration  
FTA - Federal Transit Administration  
MAP-21 - Moving Ahead for Progress in the 21st Century  
N/A - not applicable  
NFPA - National Fire Protection Association  
NPRM - notice for proposed rulemaking  
NTD - National Transit Database  
NTSB - National Transportation Safety Board  
OSSRC – Operations Safety and Security Review Committee  
PTASP - public transportation agency safety plan  
RFGPTS - rail fixed guideway public transportation system  
ROW - right of way  
RRM – Rock Region METRO  
RTA - rail transit agency  
SEPP – system security and emergency preparedness plan  
SMS - safety management system  
SOP - standard operating procedure  
SSCP - safety and security certification plan  
SSCRC - Safety and Security Certification and Review Committee  
SSO - state safety oversight  
SSOA - state safety oversight agency  
SSOPS - state safety oversight program standard  
SSPP - system safety program plan  
TAM - transit asset management  
TASP - transit agency safety plan  
U.S.C. - United States Code

## State Safety Oversight Agency Role

### Program Policies and Objectives

The policy statement of the Arkansas SSO program:

The Arkansas Department of Transportation's State Safety Oversight Program is responsible for the development and implementation of an effective and comprehensive state safety oversight program to ensure that all rail fixed guideway public transportation systems in its jurisdiction fully define and implement a safety program that is compliant with all applicable state and federal rules and regulations.

The objectives for the SSO program include the following:

- Develop and maintain an SSO program meeting all federal and state requirements, including but not limited to the following sections of 49 CFR Part 674:
  - 674.13(a)(1) The SSOA is financially and legally independent from any public transportation agency the SSOA is obliged to oversee.
  - 674.13(a)(2) The SSOA does not directly provide public transportation service in an area with a RFGPTS the SSOA is obliged to oversee.
  - 674.13(a)(3) The SSOA does not employ any individual who is also responsible for administering a RFGPTS the SSOA is obliged to oversee.
  - 674.41(c) A contractor may not provide services to both an SSOA and a RFGPTS under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.
  - 674.11(f) The State prohibits any public transportation agency in the State from providing funds to the SSOA.
- Assure that SSO program staff and contractors meet training and qualification requirements outlined in the Public Transportation Safety Certification Training Program Interim Provisions.
- Assure the SSO program and procedures are consistent with the National Public Transportation Safety Plan.
- Provide oversight and technical assistance to the RTA in developing, maintaining, evaluating and implementing a safety program wholly owned by the RTA, not the State of Arkansas.
- Work cooperatively with the RTA and FTA Office of Transit Safety and Oversight (TSO), to improve system safety performance and reduce system safety risk to as low as reasonably practical.
- Ensure the RTA conducts investigations and internal audits as required and participate as appropriate (SSOA may choose to lead, participate in, or conduct independent investigations, audits or inspections).
- Ensure the RTA executive staff fully supports the safety principles and methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation.
- Ensure the RTA safety staff and contractors meet training and qualifications outlined in the Public Transportation Safety Certification Training Program Interim Provisions.
- Participate in monthly safety meetings.

- Ensure that investigations are conducted to determine causality. Review investigations of accidents/incidents/events as appropriate.
- Provide guidance and input to the RTA safety implementation program.
- Investigate any allegations of an RTAs non-compliance with their Safety Plan.
- Ensure the RTA is effectively implementing its safety program and SMS by conducting SSO triennial audits.

*Note: To assist in the effectiveness of the SSOA mission, the RTA will grant full access to all fixed guideway safety related records including equipment and rail maintenance records and access to personnel, and facilities at the RTA.*

If, during the course of inspections, observations, analysis, interviews or other SSOA activities, potential unacceptable hazardous conditions are identified, the SSOA will discuss the concerns directly with RTA safety staff and management and may require development of a corrective action plan. These risk-related concerns will typically find resolution at this level of discussion and interaction. If the situation is an immediate safety risk, the RTA is directed to implement any necessary action to mitigate that risk with proper and timely notification to the SSOA. In addition, the SSOA will work closely with the RTA to monitor issue resolution to assure the corrective action does not create unintended risks.

If the SSOA identifies and communicates potential unacceptable hazardous conditions to the RTA staff, and either the corrective action or the timeliness of the action is not acceptable to the SSOA, the escalation protocols defined in the SSOPS will be implemented. However, if equipment of the RTA is determined to be unsafe for transporting passengers due to defective, excessively worn or non-functioning components, the SSOA may place such equipment out of service until such necessary repairs have been made by the RTA.

## Minimum Safety Standards

**49 CFR Part 674.25(a)** *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.*

The SSOA defines minimum safety standards as those adopted and documented by the RTA that govern safe operations, command and control, and inspection and maintenance of the rail systems, including facilities, infrastructure, and rail-related vehicles. Those standards should be based on existing transit industry standards (APTA, AREMA, NFPA, etc.) that have been customized for the RTA equipment, infrastructure, and operations.

The SSOA may require new safety standards or updates to existing standards based on observations from investigations, audits, inspections, industry standards, or updates to practices and procedures. The SSOA may require a CAP be developed by the RTA to address these changes. The SSOA requires direct access to all such documents and will review any changes to safety related documents or newly developed safety related documents.

The investigation procedures developed by the RTA will be reviewed and then adopted by the SSOA for its' own use in conducting investigations.

All RTA documents should follow either internal or document specific procedures for update and review.

To ensure an RTA’s minimum safety standard documents are current, the SSOA annually reviews the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, any rules governing development of Public Transportation Agency Safety Plans, and all applicable Federal and Arkansas State laws. The SSOA also reviews any safety information or advisories issued by the FTA (including those found in the Compendium of Transit Safety Standards) and recommendations by nationally recognized industry leaders such as APTA, CTAA and the NTSB. The SSOA will provide RTAs written notice of updates or changes to the required minimum safety standards and amend this procedures manual to reflect those changes at least annually.

The table below lists the current documentation available for RTA.

*Table 1: RTA Minimum System Safety and Security Related Documents*

| <b>Control Document</b>  | <b>Current Version</b>          |
|--|---------------------------------|
| System Safety Program Plan (SSPP)                              | February 2017                   |
| System Security and Emergency Preparedness Plan (SEPP)         | February 2017                   |
| METRO Streetcar Standard Operating Procedures (various)        | December 2017                   |
| METRO Streetcar Line Operator’s Manual                         | February 2017                   |
| River Rail Streetcar Operations Policies and Procedures Manual | March 2014                      |
| River Rail Maintenance Policies and Procedures Manual          | August 2013                     |
| METRO Streetcar Emergency Responders Instructions              | May 2017                        |
| Little Rock Replica Birney Trolley Operator’s Manual           | 2004                            |
| Transit Asset Management Plan                                  | In development                  |
| CATA Accident Investigation Procedures                         | 2007 (will revise for Part 674) |
| Right of Way Worker Protection                                 | In revision                     |
| TSA Base Review  | July 2016                       |

## State Safety Oversight Program Standard (SSOPS)

**49 CFR Part 674.27** *State safety oversight program standards.*

*(a) An SSOA must adopt and distribute a written SSO program standard, consistent with the National Public Transportation Safety Plan and the rules for Public Transportation Agency Safety Plans. This SSO program standard must identify the processes and procedures that govern the activities of the SSOA. Also, the SSO program standard must identify the processes and procedures an RTA must have in place to comply with the standard. At minimum, the program standard must meet the following requirements:*

*(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.*

*(2) 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.*

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

*(4) 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.*

*(5) 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.*

*(6) Accident notification. The SSO program standard must establish requirements for an RTA to notify the SSOA of accidents on the RTA's rail fixed guideway public transportation system. 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 SSOA.*

*(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.*

*(8) Corrective actions. 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.*

*(b) 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.*

## State Safety Oversight Program Standard Policy Document

The SSOPS is the policy document that addresses Arkansas' responsibilities to develop and promulgate rules setting forth the procedure to review, approve, oversee, investigate and enforce rail fixed guideway public transportation system safety plans, for the purpose of regulating and enforcing the requirements set forth in 49 CFR Part 674.

## Procedures Manual

The Procedures Manual is a companion document to the SSOPS and has been created to address changes in industry standards, safety related guidance from the FTA, and general procedural or administrative changes to standard operating practices between the SSOA and RTA. It defines the relationship and required communication, information documentation, and data collection associated with rail transit agencies in Arkansas. Utilizing email forms, spreadsheets, and other electronically transmitted forms will facilitate transition to a data driven coordinated system of access and communication for enhanced oversight of the safety programs at the RTA. The SSOA is working cooperatively, in an oversight capacity, with the RTA to develop meaningful communication that reduces duplication and error potential while protecting, as much as practicable, confidentiality of information, with a specific emphasis on sensitive security information. (A hazard log example is included in the appendix.)

The Procedures Manual will be reviewed by the SSOA at least annually for required updates to document the evolving oversight program. It will be sent to the RTA for review and comment 30 days prior to any updates. The RTA will be given 15 days to provide comments. The SSOA will work with the RTA to address any comments and make agreed upon changes accordingly. The SSOA will then distribute the updated Procedures Manual to the RTA. The changes will be documented in the Substantive Update Log, signed and dated by the SSOA. The updated Procedures Manual will be submitted to the FTA with the annual report on or before March 15<sup>th</sup> of each year.

The SSOA authority applies to any RTA operating a RFGPTS in Arkansas. References to the RTA or RFGPTS do not apply to one specific RTA, but to any RTA operating in Arkansas (The Rock Region METRO is the only RTA/RFGPTS currently subject to oversight in the State of Arkansas.)

## RTA Safety Plan

**49 CFR Part 674.25(b)** *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 Part 674.25(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.

**49 CFR Part 674.9 (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 (not finalized), which will be codified in part 673 of this chapter.

As a result of this transitional period, both in the SSOPS and in this Procedures Manual the term Safety Plan is used to reference the existing adopted agency plan. Both the requirements for the SSPP and the PTASP will be used to review and approve any safety plan submitted to the SSOA by an RTA.

## Requirements for the SSPP

**49 CFR Part 659.19** System safety program plan: contents.

The system safety plan shall include, at a minimum:

- (a) A policy statement signed by the agency's chief executive that endorses the safety program and describes the authority that establishes the system safety program plan.
- (b) A clear definition of the goals and objectives for the safety program and stated management responsibilities to ensure they are achieved.
- (c) An overview of the management structure of the rail transit agency, including:
  - (1) An organization chart;
  - (2) A description of how the safety function is integrated into the rest of the rail transit organization; and
  - (3) Clear identification of the lines of authority used by the rail transit agency to manage safety issues.
- (d) The process used to control changes to the system safety program plan, including:
  - (1) Specifying an annual assessment of whether the system safety program plan should be updated; and
  - (2) Required coordination with the oversight agency, including timeframes for submission, revision, and approval.
- (e) A description of the specific activities required to implement the system safety program, including:
  - (1) Tasks to be performed by the rail transit safety function, by position and management accountability, specified in matrices and/or narrative format; and
  - (2) Safety-related tasks to be performed by other rail transit departments, by position and management accountability, specified in matrices and/or narrative format.
- (f) A description of the process used by the rail transit agency to implement its hazard management program, including activities for:
  - (1) Hazard identification;
  - (2) Hazard investigation, evaluation and analysis;
  - (3) Hazard control and elimination;
  - (4) Hazard tracking; and

- (5) Requirements for on-going reporting to the oversight agency relating to hazard management activities and status.
- (g) A description of the process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification, but which may have safety impacts.
- (h) A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.
- (i) A description of the process used to collect, maintain, analyze, and distribute safety data, to ensure that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program.
- (j) A description of the process used by the rail transit agency to perform accident notification, investigation and reporting, including:

  - (1) Notification thresholds for internal and external organizations;
  - (2) Accident investigation process and references to procedures;
  - (3) The process used to develop, implement, and track corrective actions that address investigation findings;
  - (4) Reporting to internal and external organizations; and
  - (5) Coordination with the oversight agency.
- (k) A description of the process used by the rail transit agency to develop an approved, coordinated schedule for all emergency management program activities, which include:

  - (1) Meetings with external agencies;
  - (2) Emergency planning responsibilities and requirements;
  - (3) Process used to evaluate emergency preparedness, such as annual emergency field exercises;
  - (4) After action reports and implementation of findings;
  - (5) Revision and distribution of emergency response procedures;
  - (6) Familiarization training for public safety organizations; and
  - (7) Employee training.
- (l) A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the system safety program plan, including:

  - (1) Identification of departments and functions subject to review;
  - (2) Responsibility for scheduling reviews;
  - (3) Process for conducting reviews, including the development of checklists and procedures and the issuing of findings;
  - (4) Review of reporting requirements;
  - (5) Tracking the status of implemented recommendations; and
  - (6) Coordination with the oversight agency.
- (m) A description of the process used by the rail transit agency to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:

  - (1) Identification of operating and maintenance rules and procedures subject to review;
  - (2) Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing;
  - (3) Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules; and

- (4) *Process for documenting results and incorporating them into the hazard management program.*
- (n) *A description of the process used for facilities and equipment safety inspections, including:*
  - (1) *Identification of the facilities and equipment subject to regular safety-related inspection and testing;*
  - (2) *Techniques used to conduct inspections and testing;*
  - (3) *Inspection schedules and procedures; and*
  - (4) *Description of how results are entered into the hazard management process.*
- (o) *A description of the maintenance audits and inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.*
- (p) *A description of the training and certification program for employees and contractors, including:*
  - (1) *Categories of safety-related work requiring training and certification;*
  - (2) *A description of the training and certification program for employees and contractors in safety-related positions;*
  - (3) *Process used to maintain and access employee and contractor training records; and*
  - (4) *Process used to assess compliance with training and certification requirements.*
- (q) *A description of the configuration management control process, including:*
  - (1) *The authority to make configuration changes;*
  - (2) *Process for making changes; and*
  - (3) *Assurances necessary for formally notifying all involved departments.*
- (r) *A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements, including:*
  - (1) *Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency property; and*
  - (2) *Processes for ensuring the employees and contractors know and follow the requirements.*
- (s) *A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements.*
- (t) *A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.*
- (u) *A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency's procurement process.*

## Requirements for the PTASP

### **49 CFR Part 674.29** *Public Transportation Agency 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.*

One year after 49 CFR Part 673 becomes a final rule, the SSOA will modify the requirements in this Procedures Manual.

## System Security and Emergency Preparedness Plan

49 CFR Part 674 does not require the SSOA to oversee the development, revision or implementation of a System Security and Emergency Preparedness Plan (SEPP) for the RTA. However, 49 CFR Part 659 does require oversight of a System Security Plan (SSP). The ARDOT SSOA will continue to provide support to the RTA in all aspects of its Security and Emergency Preparedness planning as it relates to safety of the system, its employees and passengers.

## RTA Internal Audits

Under 49 CFR Part 659, all 21 elements of the SSPP and 5 elements of the SSP (RTA currently covers in the SEPP) must be audited by the RTA at least once over a three-year period.

**49 CFR Part 674.27(a)(4)** *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.*

Under 49 CFR Part 674, all identified elements of the Safety Plan must be audited by the RTA in an on-going manner over a three-year cycle to determine if all identified elements are performing as intended; determine if areas of non-compliance and hazards are being identified in a timely manner; and, ensure that no unit leads its own internal audit. The RTA internal audit program will encompass all SMS requirements as identified in FTA's National Safety Program at 49 CFR Part 670 and enumerated in the RTA's Safety Plan, and in the departmental documentation detailing how the SMS program is implemented within each

department/functional area. System security and emergency preparedness elements that are an integral part of system safety will be included in the audits of those functional areas.

Under both 49 CFR Part 674 and Part 659, the RTA is required to notify the SSOA at least 30 days in advance of any planned internal audits. The RTA must submit checklists and a schedule to the SSOA for review and comment. The SSOA will submit any comments to the RTA within 15 days of receipt. The SSOA will also inform the RTA of its intended level of participation in the internal audits. The SSOA may attend all, some, or none of the actual interviews, but will review all reports for areas of concern. The SSOA may require CAPs be created by the RTA to address any concerns in a timely manner.

On or before February 1<sup>st</sup> of each year, the RTA will submit a report detailing all internal safety audits performed during the preceding calendar year. The report, signed by the RTA Accountable Executive, must contain at a minimum: a listing of the internal safety audits conducted the previous calendar year; an updated schedule for audits that will be conducted in the current three-year cycle; a status of all findings; and, recommendations and corrective actions resulting from the audits conducted the previous calendar year.

The SSOA will review and approve the internal audit report submitted by the RTA prior to submission to the FTA each year on or before March 15<sup>th</sup>.

## Triennial Audits of RTA

**49 CFR Part 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.*

### Audit Procedures

In addition to on-going inspections, investigations, and examinations of RTA safety implementation procedures, the SSOA will conduct an on-site audit of the RTA's implementation of its safety program at least once during each three-year cycle. The SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The three-year audit will be a comprehensive review and evaluation of the effectiveness of the RTA Safety Plan and other standard operating procedures.

In anticipation of a three-year audit of the RTA Safety Program, the SSOA will establish an audit team and audit schedule; develop audit checklists for use during the audit; provide the RTA with written notification of the audit schedule 60 days in advance; and offer the RTA an opportunity to schedule a pre-audit meeting to ensure clarity of the SSOA audit objectives. The SSOA will provide the RTA with the list of team members and audit checklists 30 days in advance of the audit.

The audit is intended to be an open and collaborative process with the RTA with the primary goal of improving safety procedures documentation and implementation at the RTA.

### Audit Findings

A list of audit findings will be incorporated into an audit tracking matrix. The matrix will provide the findings and any comments developed by the SSOA necessary to clarify the intent of the finding. The matrix will be used to track any findings to resolution.

### Audit Report

At the conclusion of the three-year audit cycle, the SSOA will issue a report with findings and recommendations for improvements (including recommended CAPs) to the RTA Safety Plan or other documentation related to the effectiveness of the RTA Safety Plan and safe operations of the RFGPTS. The SSOA will issue a draft report within 60 days of the audit. The RTA will have 30 days to comment on the content of the draft report, including the findings and recommendations for improvement. The SSOA will respond to those comments within 15 days. If the RTA has alternative methods to address the recommendations for improvement provided by the SSOA in the draft audit report, the SSOA will consider those and initiate dialogue as appropriate. The SSOA review team will make revisions, if appropriate to the goals of the audit. The SSOA will then distribute the final audit report to the RTA and FTA. Corrective actions required, as a result of the audit, will be managed through the corrective actions process.

## Notification of Accidents

### **49 CFR Part 674.33** *Notifications 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 rail fixed guideway public transportation system. 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.*

### Requirements

The SSOA requires the RTA to report the following accidents (*reportable accident*):

- A fatality at the scene, or where an individual is confirmed dead within 30 calendar days of a transit-related incident
- Injuries requiring immediate medical attention away from the scene for two or more individuals
- Property damage to RTA vehicles, non-RTA vehicles, other RTA property or facilities, and non-RTA property that equals or exceeds \$25,000
- An evacuation due to life safety reasons
- A collision at a grade crossing
- A derailment at any location

- A collision with an individual on a RTA right of way
- A collision between a RTA vehicle and a second RTA vehicle or an RTA non-revenue vehicle
- A near-miss of a collision or derailment
- Runaway train
- Red signal violations
- Signal failures
- Significant arcing/electrical equipment malfunction or failure
- Reportable injuries/accidents as described below

In any instance in which the RTA is required to 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.

### Two-Hour Notification

The RTA shall notify the SSOA and FTA within two (2) hours of a *reportable accident*. Notification shall be via email (or if unavailable, via telephone with follow-up email) or other electronic notification method defined by the SSOA. (Schedule A of 49 CFR Part 674, an example of the 2-hour notification email template and an accident tracking log example are found in the Appendix.)

The two-hour notification will contain the following information:

- Sender/Caller name
- Transit system name
- Type of accident (e.g., which accident criteria prompted the accident report to the SSOA)
- Time and date of the accident
- The location of the accident
- Transit vehicle identifying information, including route, direction, vehicle number, block number, etc.
- Information about any other vehicles involved
- Number of injuries (persons requiring immediate medical attention away from the scene)
- Number of fatalities
- Estimated property damage, if available
- A brief description of the accident
- A description of accident investigation activities completed and anticipated in the short term
- Preliminary determination of accident cause, if available
- NTSB determination, if available

## Investigations

**49 CFR Part 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.*

**49 CFR Part 674.25(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 Part 674.25(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.*

**49 CFR Part 674.25(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 SSOA must investigate or require an investigation of any *reportable accident* and is ultimately responsible for the sufficiency and thoroughness of all investigation reports, whether conducted by the SSOA, the RTA, or a third party. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, or conducted jointly by the SSOA and RTA.

## RTA Investigations

In most cases, the SSOA requires the RTA to investigate their own accidents and the SSOA will conduct an independent review of the RTA's findings of causation. Investigations may also be appropriate for other incidents or occurrences. When conducting an investigation on behalf of the SSOA, investigations are performed in accordance with investigation procedures developed by the RTA and approved by the SSOA. The RTA will maintain investigation procedures that meet or exceed all rules, guidance or industry standards associated with investigation

procedures, including this SSOPS. Investigation procedures will be reviewed annually by the RTA against industry standards and updated as appropriate and necessary.

During investigations conducted by the RTA, the SSOA will provide any technical assistance or guidance requested by the RTA in support of the investigation.

### SSOA Investigations

If the SSOA determines that it will conduct its own investigation, the SSOA will inform the RTA of its decision to conduct or participate in an investigation, will use investigation personnel other than those employed or utilized by the RTA, and will use the RTA's approved investigation procedures. The SSOA investigation personnel will have the proper investigation training and expertise as outlined in the Public Transportation Certification Training Program.

The RTA will be provided with a list of SSOA investigation team members. The SSOA investigation team will arrive at the RTA as soon as practicable. The SSOA investigation team will wait until the RTA and/or other emergency response personnel have secured the scene before commencing its investigation. The SSOA reserves the right to request that the RTA preserve the scene to the maximum extent feasible until arrival and start of the investigation.

All SSOA investigation personnel will be granted authority to access records, materials, data, analysis, and other information which is pertinent to the investigation. The RTA is expected to provide the SSOA investigation team with the resources and information necessary to conduct the investigation in an effective and efficient manner.

### Joint Investigations

The SSOA may request joint participation in an investigation. In such cases, the RTA will cooperate to the extent practicable in preserving the scene until the SSOA investigation team members arrive.

The SSOA investigation team will observe or participate in field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation.

The SSOA investigation team will observe or participate in assessing physical evidence of the scene and document the environmental and physical factors of the scene through measurements, diagrams, and photographs.

As part of the investigation, the SSOA investigation team will observe or participate in assessing compliance with operating rules and procedures; conducting follow up interviews (if required); analyzing employee records and the results of post-accident drug and alcohol tests; and conducting vehicle and equipment inspections.

If the SSOA investigation team requires information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this information or analysis in a written request to the RTA.

### National Transportation Safety Board (NTSB) Investigations

In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will participate in the investigation and will evaluate whether the

findings or recommendations by the NTSB require a CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

## Reporting

All required accident investigations will result in a formal investigation report. Accident reports will describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a CAP, as necessary or appropriate. The SSOA will accept RTA accident investigation reports without explicit CAPs when existing CAPs address the causes identified in the accident and are clearly delineated in the final report. This occurs most often in conjunction with rules compliance or mixed traffic operating issues.

## Final Accident Report Content

All final accident reports produced by the RTA for the ARDOT SSO must contain, at a minimum, the following information:

1. Event description
2. Notifications
3. Incident response and command
4. Precipitating event(s)
5. Immediate corrective actions/mitigation strategies
6. Operator/employee status, if applicable
  - i. Fatigue
  - ii. Training
  - iii. Post-accident testing
7. Investigation records
  - i. Employee/operator report, if applicable
  - ii. Responding supervisor report
  - iii. Field sketch
  - iv. Photographs
  - v. Post-accident hazard assessment
  - vi. Data analysis
  - vii. Causal and contributory factors; mitigating factors If applicable
  - viii. Findings
  - ix. Related CAPs

The SSOA may request any additional information about a particular accident to help identify accident or safety related trends.

The SSOA will review this report and within 30 calendar days approves it or requests changes. If the SSOA approves the report, it asks the RTA to finalize it. If the SSOA requests changes to the report, the RTA will develop and submit the revised report. In the very rare case that the RTA and the SSOA disagree about the changes and cannot come to a resolution, the SSOA may use the RTA's original report with the SSOA addenda or additional investigation as needed to fulfill the accident investigation.

In most cases, the RTA will conduct investigations of their own accidents and will be required to produce a final accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police

reports). The RTA will provide a report indicating the status of the investigation including any significant new reports or report components, and any preliminary investigation conclusions by the 10<sup>th</sup> of the month until the investigation is completed and adopted by the SSOA. The SSOA maintains an independent ongoing tracking log (excel spreadsheet) of reportable accident investigations and meets at least monthly prior to the 10<sup>th</sup> of the month with the RTA to review the status of each report.

Upon submission of a final accident investigation report by the RTA, the SSOA will conduct an independent review of the findings of causation and either provide acceptance and adoption of the report in a timely manner or ask for additional information or analysis. In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation.

In cases where the SSOA decides to conduct its own investigation, the SSOA will produce an accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The final accident report will be provided to the RTA for review and concurrence. If the RTA does not concur with the SSOA's report, the RTA may submit a written dissent of the report, which the SSOA may include in the final report.

In cases where the SSOA and RTA conduct a joint accident investigation, both agencies will collaborate on investigation, analysis, and determination of causal or contributing factors. Both agencies will also collaborate on developing the final accident investigation report. Upon completion, the SSOA will adopt the final report.

In special circumstances, the FTA may conduct an independent investigation of an accident or review the findings of causation contained in an accident report. The SSOA and RTA will cooperate, to the extent practicable, with the FTA's investigation and provide support for findings and recommendations.

### Other Incidents that Warrant Investigation

In certain cases, the SSOA or the RTA may determine that a formal investigation is necessary for events occurring at the RTA, even though such events may not meet the SSOA's accident reporting or other regulatory criteria. These events may include hazards, significant operational incidents, significant failures of SMS, and other events that might, under other circumstances, lead to significant adverse events. The RTA will use its established investigation procedures and comply with all SSOA requirements and requests for participation for such an investigation.

If the SSOA determines that an investigation of this nature is necessary, it notifies the RTA as soon as possible. The SSOA may modify its required deadlines due to the nature of a particular hazard or condition.

## Confidentiality of Information

**49 CFR Part 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.*

The Arkansas Freedom of Information Act (FOIA) was established in 1967 and is one of the most comprehensive and strongest open-records and open-meetings laws in the country. Anyone can request public records and no purpose is required. There are no restrictions on what can be done with the public documents once a records requester has them in hand. The custodian of the records must respond to requests within three business days.

The SSOA cannot legally protect the confidentiality of accident investigation reports from discovery except under the exemptions listed below or when the report contains sensitive security information. *Exemptions: state tax records, medical/adoption/education records, archaeological and historical information, grand jury minutes, unpublished drafts of judicial opinions, undisclosed police investigations, information that would create unfair competition, identities of undercover law enforcement, computer security information, home addresses of non-elected employees, license examinations, military service discharge information, or records relevant to the security of public infrastructure.*

The SSOA will handle all reportable information in accordance with all federal and state laws.

## Corrective Action Plans

**49 CFR Part 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.*

The SSOA's primary concern is the safety of the travelling public using a RFGPTS. CAPs are an integral part of ensuring safety. The SSOA will work with the RTA to ensure that corrective actions are implemented in a timely fashion and corrective actions are commensurate to the severity of the potential safety related hazard.

## Development

CAPs may be identified and developed through a number of processes and procedures including: accident investigation reports developed by the RTA, SSOA, FTA or NTSB; internal safety audits conducted by the RTA; three-year audits conducted by the SSOA or FTA; or the

RTA Hazard Management Program. CAPs may be identified by other activities as well and may be initiated by the RTA or required by the SSOA.

In any instance where the RTA must develop and carry out a CAP, the SSOA will 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 notification by email within 5 days, and the SSOA provides subsequent review and approval by email within 7 days.

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.

### Corrective Action Plan Required Components

The CAP must include the following minimum information:

- Identified hazard or deficiency
- Date corrective action plan was opened
- Process, plan or mechanism to address and resolve deficiency
- Deadline for implementation of corrective action
- Department(s) and person(s) responsible for implementation

The SSOA requires all information be entered into the dated CAP log and submitted to the SSOA.

The SSOA will notify the RTA in writing of its approval or rejection of a CAP within 15 calendar days of receiving the CAP. In the event the SSOA rejects a CAP, the reasons and recommended revisions will be stated in writing. The RTA shall submit a revised CAP to the SSOA no later than 15 calendar days following the rejection. If the RTA does not agree with the proposed revisions, the SSOA and RTA shall meet to resolve differences regarding the CAP.

In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

### Tracking

The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA will 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.

CAPs shall be tracked by using the following naming convention. Each CAP name shall begin with: YYYY-##. The first CAP for a year shall be 01 and the numbers shall increase one-by-one through the year. The following year, the numbers shall begin again at 01. CAPs shall be entered into the RTA CAP log upon creation and remain on the log the entire calendar year even after closure. CAP progress is tracked during monthly meetings.

## Corrective Action Plan Schedule and Format

The RTA must submit current CAP logs to the SSOA at least every thirty (30) days. If there has been no activity during the 30-day reporting period, the RTA may notify the SSOA via letter, memo, or email that the last CAP log remains the most current.

Electronic CAP log submissions are preferred. The RTA ensures transmission of the document to the SSOA via electronic mail at an address agreed to by the SSOA. The SSOA reviews the CAP logs independently and may review select CAP items with the RTA during regularly scheduled meetings. (A CAP log example is included in the Appendix.)

## Closure

Implementation of CAPs may require timeline adjustments. The SSOA should be informed of any implementation schedule changes and review the reasons for those changes.

CAPs will be acknowledged as closed by the SSOA once supporting documentation is provided by the RTA and review and/or inspection is conducted by the SSOA. The SSOA will provide the RTA with timely written acceptance of a CAP closure.

## Annual Reporting to FTA

**49 CFR Part 674.39** State Safety Oversight Agency annual reporting to FTA.

(a) On or before March 15<sup>th</sup> 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.

## SSOA Reporting Requirements

On or before March 15<sup>th</sup> of each year, the SSOA will submit the following material to the Arkansas Governor's Office, the Arkansas State Highway Commission, the RTA Board of Commissioners, and the FTA (submitted electronically through a specified reporting system): (1)

The SSOPS and the accompanying Procedures Manual, with an indication of any changes to those documents 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 the RTA Safety Plan, 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 (if conducted); (5) Evidence that the SSOA has reviewed and approved any changes to the RTA Safety Plans during the preceding twelve months; and (6) A certification that the SSOA is in compliance with the requirements 49 CFR Part 674.

### RTA Reporting Requirements

On or before February 1<sup>ST</sup> of each year, the RTA will submit the following material in a report to the SSOA: (1) The Safety Plan, with an indication of any changes to that document during the preceding twelve months; (2) A report on all internal safety audits performed during the preceding calendar year to include, a listing of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, and a status of all findings, recommendations and corrective actions resulting from the audits conducted the previous calendar year; (3) A report listing all reportable accidents and unacceptable hazards identified during the previous 12 month period that describes any causal factors identified through investigation, and identifies the status of corrective actions; (4) A certification that the RTA is in compliance with this SSOPS and any federal rules applicable to their Safety Plan.

## Appendix

### 49 CFR Part 674 – Appendix A

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

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

### Example 2-hour Notification Email Template

|  |  |
|--|--|
| Sender (Caller) name   |  |
| Transit system name  |  |
| Time and date of the accident  |  |
| Streetcar number & end   |  |
| Line & direction   |  |
| Nearest intersection - location  |  |
| Type of accident   |  |
| Operator name & badge #  |  |
| Information about any other vehicles involved  |  |
| Number of injuries (persons requiring immediate medical attention away from the scene)         |  |
| Number of fatalities   |  |
| Damages, if available  |  |
| A brief description of the accident  |  |
| A description of accident investigation activities completed and anticipated in the short term |  |
| Preliminary determination of accident cause, if available                                      |  |
| NTSB determination, if available   |  |

### Accident Tracking Log Example

| Accident Tracking Log |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|-----------------------|------|------|------------|----------------|----------------|-------------------|------------|----------------------|----------------------|------------------|---------------------|-----------------|--------------|----------------|---------------|----------|---------------|----------------------|---------------------|--|
| Unique ID             | Date | Time | Event Type | Collision With | Event Location | 2-Hr Notification | Fatalities | Injuries Transported | Est. Property Damage | Investigation By | Information Pending | Adopted by SSOA | Date Adopted | Probable Cause | Tow Required? | Comments | CAP Required? | Unacceptable Hazard? | Additional Comments |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |
|                       |      |      |            |                |                |                   |            |                      |                      |                  |                     |                 |              |                |               |          |               |                      |                     |  |

### CAP Log Example

| Corrective Action Plan Monitoring Log |       |                 |            |         |                   |                |                   |          |                     |          |
|---------------------------------------|-------|-----------------|------------|---------|-------------------|----------------|-------------------|----------|---------------------|----------|
| Period Ending                         |       |                 |            |         |                   |                |                   |          |                     |          |
| CAP ID                                | Title | Date CAP Opened | CAP Source | Finding | Corrective Action | Current Status | Responsible Party | Date Due | Actual Closure Date | Comments |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |
|                                       |       |                 |            |         |                   |                |                   |          |                     |          |



## Hazard Log Example

Hazard Tracking Log

| HAZARD DESCRIPTION |                    | HAZARD CAUSE/EFFECT |  | HAZARD RISK INDEX  |                  | HAZARD RESOLUTION / CAPS                 |                               |                          |        |           |                  |
|--------------------|--------------------|---------------------|--|--------------------|------------------|--|-------------------------------|--------------------------|--------|-----------|------------------|
| ID Number          | Hazard Description | Potential Cause     | Potential Effect on System/<br>Subsystem | Initial Assessment | Final Assessment | Recommendations/<br>Controlling Measures | Person/Department Responsible | Proposed Completion Date | Status | CAP Req'd | SSO Notice Req'd |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |
|                    |                    |                     |  |                    |                  |  |                               |                          |        |           |                  |