



ARKANSAS SSO PROGRAM STANDARD

Adopted: April 19, 2018

DOCUMENT PURPOSE

The Arkansas State Safety Oversight Program Standard is the policy document that outlines the Arkansas Department of Transportation's role in administering the enhanced oversight of rail fixed guideway public transportation systems in Arkansas as envisioned in 49 CFR Part 674.

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Preamble

The Arkansas Department of Transportation (ARDOT) State Safety Oversight Program Standard (SSOPS) is a policy document, authorized by the Arkansas Highway Commission Minute Order 2017-096. The Minute Order gives the State Safety Oversight Agency (SSOA) the necessary authority to develop and promulgate rules setting forth the procedure to review, approve, oversee, investigate and enforce rail fixed guideway public transportation safety plans, for the purpose of regulating and enforcing the requirements set forth in 49 CFR Part 674. The SSOA authority applies to any Rail Transit Agency (RTA) operating a rail fixed guideway public transportation system (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.)

An accompanying Procedures Manual 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. The creation of the Procedures Manual reduces the administrative burden on the SSOA.

*Assistance developing the
Arkansas State Safety Oversight Program Standard
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Introduction

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed on December 18, 1991, required the Federal Transit Administration (FTA) to create a first-ever State-managed safety and security oversight program for rail fixed guideway public transportation systems (RFGPTS) not regulated by the Federal Railroad Administration (FRA).

In each successive Act following ISTEA, including the Transportation Equity Act for the 21st Century (TEA-21), signed on June 9, 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed on August 10, 2005, the State Safety Oversight (SSO) program was continued, setting the stage for the safety and programmatic advances required under the Moving Ahead for Progress in the 21st Century Act (MAP-21) signed July 6, 2012 and continued under the Fixing America's Surface Transportation Act (FAST Act), signed on December 4, 2015.

On March 16, 2016, FTA issued the 49 CFR Part 674 final rule. This rule reflects the requirements of 49 U.S.C. Section 5329(e) and directs States to strengthen their authorities to oversee and enforce safety requirements and to prevent and mitigate accidents on the RFGPTS in their jurisdictions.

Section 1: Program Management

Authority

Amendment 42 of the Constitution of Arkansas, adopted in 1952, established the State Highway Commission (Commission). The Commission is vested with powers and duties for administering the state highway system, and its power is exercised via the issuance of minute orders which have the "effect of a statute."

The Arkansas Highway and Transportation Department's (AHTD) transportation related responsibilities were further expanded in the Arkansas Act 192 of 1977 (codified as A.C.A. 27-1-101 et seq.). The legislature declared that the AHTD be given added responsibilities for coordinating public and private transportation activities and implementing a safe and efficient intermodal transportation system.

In a letter from the Governor of the State of Arkansas dated June 4, 2013, the AHTD was designated as the State Safety Oversight Agency (SSOA).

In another letter from the Governor dated May 15, 2015, the AHTD was designated as the recipient and administrator of FTA funds for the State of Arkansas.

Commission Minute Order 2015-071 passed July 22, 2015 authorized the Director of Highways and Transportation to develop and implement programs for FTA grant funds.

The Arkansas Highway and Transportation Department's name was changed to the Arkansas Department of Transportation (ARDOT) by Arkansas Act 707 of 2017.

Commission Minute Order 2017-096 passed October 18, 2017 authorized the Director of ARDOT (Director) to develop and promulgate rules setting forth the procedure to review,

approve, oversee, investigate and enforce rail fixed guideway public transportation safety plans, for the purpose of regulating and enforcing the requirements set forth 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. Rock Region METRO (METRO Streetcar) is the only RTA/RFGPTS subject to oversight in the State of Arkansas.

Policies That Govern SSOA Activities

The SSO Program is administered by the State Safety Oversight Officer. The SSO Officer is responsible for carrying out the policies enumerated in the State Safety Oversight Program Standard (SSOPS) and the specific activities and objectives provided in the Procedures Manual. The SSO Program is currently administered through the Transportation Planning and Policy Division, Public Transportation Programs Section of the ARDOT. The SSO Officer and any staff or contractors will meet the training requirements of the Public Transportation Safety Certification Training Program (49 CFR Part 672).

The SSO Officer is supported by the Public Transportation Administrator, the Transportation Planning and Policy Engineer, the Assistant Chief Engineer – Planning, the Deputy Director – Chief Engineer, the Deputy Director – Chief Operating Officer, and the Director. If additional technical or staff support is required from the ARDOT, the Assistant Chief Engineer – Planning is authorized to dedicate these resources to the program. The ARDOT retains the authority to use contractors as required to support the performance of safety oversight activities. All contractors used for the SSO Program will be under the supervision and authority of the SSO Officer.

SSOA Reporting Requirements

On or before March 15th of each year, the SSOA will submit the following material to the Arkansas Governor's Office, the Arkansas State Highway Commission, the Rock Region METRO Board of Directors, and the FTA: (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 Corrective Action Plans (CAP) arising from triennial audits (if conducted); (5) Evidence that the SSOA has reviewed and approved any changes to the RTA Safety Plan during the preceding twelve months; and (6) A certification that the SSOA is in compliance with the requirements of 49 CFR Part 674.

RTA Reporting Requirements

On or before February 1st 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 its Safety Plan.

SSOA and RTA Communications

The SSOA will maintain on-going communications with the RTA regarding safety related aspects of the RFGPTS. To facilitate communications, the SSOA will attend monthly meetings to discuss the status of accident/incident/event investigations, open CAPs, identified unacceptable hazards, and other safety related topics.

In addition, the SSOA will participate in safety related training and other events and will conduct on-site inspections. The inspections may include, but not be limited to; reviewing and approving accident investigation procedures and reports; reviewing monthly construction reports, as appropriate; and collecting and reviewing other data as leading indicators of safety related events to identify mitigation measures. Any requests made by the SSO Officer to the RTA, either by phone call or email, shall be returned via email within a five-day period unless otherwise noted in the request.

Section 2: SSOPS Development

This SSOPS was developed in compliance with 49 CFR Part 674 and aspects of the previous Arkansas State Standard developed under 49 CFR Part 659.

This SSOPS is a policy document, authorized by Commission Minute Order 2017-096 and gives the SSOA the necessary authority to administer the enhanced oversight of RFGPTS in Arkansas as envisioned in 49 CFR Part 674. An accompanying Procedures Manual 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. The creation of the Procedures Manual reduces the administrative burden on the SSOA.

Review and Revision

The SSOPS and Procedures Manual are reviewed at least annually. Any changes to either document are submitted to the FTA (and as appropriate to the RTA) for review with the Annual Report by March 15th of each year. Additionally, changes in procedures may be addressed at any time as needed.

Minimum Safety Standards

The SSOPS, along with Minute Order 2017-096, provides the SSOA the necessary authority to develop any rules and/or regulations necessary to enforce minimum safety standards of operation by RFGPTS operators in the State of Arkansas. Much like the FTA's Public Transportation Safety Program (49 CFR Part 670) does not outline those minimum standards, but does so in the National Public Transportation Safety Plan. The SSOPS requires all Arkansas RTA's to meet or exceed any nationally recognized safety standards for operating rail fixed guideway public transportation systems.

The Procedures Manual contains the required minimum safety standards developed by the RTA to facilitate their safe operations. Additional safety standards required by the SSOA may be based on observations from investigations, audits, inspections, industry standards, federal and state laws, or updates to practices and procedures. The SSOA will provide written notice of updates posted in the Procedures Manual and all Arkansas RTAs will be required to adhere to those rules and procedures.

Section 3: Program Policy and Objectives

The SSOA provides oversight and technical assistance to the RTA and evaluates the effectiveness of that RTA's Safety Plan implementation. Through participation in safety meetings, reviewing investigations of accidents/incidents/events, the SSOA will provide guidance and input to the RTA safety implementation program, which is wholly owned by and implemented by the RTA.

In addition, the SSOA has specific objectives associated with the programs implementation that will be listed in the Procedures Manual. Those objectives may change based on specific oversight needs for an RTA, industry standards revisions, or guidance from the FTA. The Program Objectives will be reviewed annually and updated as appropriate in the Procedures Manual.

The SSOA is responsible for investigating any allegations of a RTA's non-compliance with its agency Safety Plan. 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 potentially unacceptable hazardous conditions to the RTA staff as indicated above, and either the corrective action or the timeliness of the action is not acceptable to the SSOA, the escalation protocols will be implemented as noted herein. 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.

Escalation Level I

The SSOA will send a formal letter to the RTA Safety Management System (SMS) Executive/Lead if a previously communicated risk related activity has not been sufficiently addressed in a specified time period. The letter will describe the risk concerns and require the RTA SMS Executive/Lead to formally respond with a letter that explains how the RTA plans to address the identified risk concerns. If the explanation from the RTA is acceptable and an acceptable timetable is established, the concerns and responses are documented and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs

additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

Escalation Level II

If the RTA does not comply with direction provided in Escalation Level I, a formal letter will be sent from the Director to the RTA Accountable Executive. The letter will describe the risk concerns and require the RTA Accountable Executive to formally respond with a letter that explains how the RTA plans to address the identified risk concerns. If the explanations from the RTA are acceptable and an acceptable timetable established, the concerns and responses are documented and the SSOA will continue risk monitoring. If the SSOA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

Escalation Level III

If at any time during Escalation Level II, the identified risk concerns cannot be resolved due to a lack of communication or responsiveness from the RTA, the SSOA may wholly suspend the operation of the RTA or withhold transit funds from the RTA until the situation is corrected.

Section 4: Oversight of RTA Safety Plans and Internal Safety Reviews

RTA Safety Plan Review

The RTA is required to develop and submit a Safety Plan to the SSOA for its review and written approval. The Safety Plan must be compliant with the SSOPS, any federal rules (i.e. 49 U.S.C. 5329(d)) specifically addressing RTA Safety Plans, any specific guidance found in the SSOA Procedures Manual, and other guidance provided through the FTA's National Public Transportation Safety Plan.

The SSOA may require changes to the Safety Plan based on changes in Federal or State requirements, audit results, inspections, investigations, or findings based on safety data analysis. After written notification from the SSOA for Safety Plan modifications, the RTA and SSOA will determine a reasonable timeline for completing the revision(s).

The RTA must assess its Safety Plan annually and revise it as needed to reflect changes in its organization, procedures, equipment, facilities, and operating environment.

The RTA must submit any revisions to the SSOA to ensure compliance with the SSOPS. The SSOA will complete a compliance review of the Safety Plan within 30 calendar days of receipt, or notify the RTA if additional time is needed. If the RTA Safety Plan complies with the SSOPS and other guidance as necessary, the SSOA will issue a written approval of the Safety Plan (along with appropriate checklists) and request that the RTA send a final copy of the Safety Plan with appropriate signatures and other endorsements as required.

The Safety Plan and any revisions to the Safety Plan must be approved by the RTA Board of Directors and signed by a designee of the RTA Board of Directors.

The approved RTA Safety Plan remains in effect until another such Safety Plan or revisions to the existing Safety Plan is/are submitted and approved in accordance with this SSOPS.

If the SSOA determines that the submitted Safety Plan does not meet the requirements of the SSOPS or other appropriate guidance, a written rejection of the Safety Plan will be sent to the RTA along with a description (comments and appropriate checklists) of necessary changes to gain approval. The RTA will make such changes in an expeditious manner, unless otherwise specified in the rejection letter. The RTA may request a meeting with the SSOA to discuss the Safety Plan review comments. In the event the RTA objects to a noted deficiency or requested change from the SSOA, a written notice of the objections and suggested alternatives will be provided to the SSOA within 30 days. Both the SSOA and RTA must agree on an appropriate course of action or the SSOA will follow the escalation procedures.

RTA Internal Reviews

The RTA must develop and document a process for the performance of on-going internal safety audits that assess the elements and implementation of the RTA Safety Plan. Each element of the Safety Plan must be audited at least once during a three-year cycle.

The audit process must at a minimum; describe a process used by the RTA to determine if all identified elements of the Safety Plan are performing as intended; determine if areas of non-compliance and hazards are being identified in a timely manner; ensure that all elements are being reviewed in an on-going manner and over a three-year cycle; and, ensure that no unit leads its own internal audit.

The RTA will notify the SSOA in writing at least 30 days prior to any internal audit and will provide audit checklists, procedures, and other documents as necessary. The RTA will coordinate any comments on the checklists and schedule with the SSOA.

On or before February 1st 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 15th.

Section 5: Triennial SSOA Audits

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 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

Any findings established during a triennial audit will be documented in a draft written report along with recommendations for improvements (including recommended CAPs) to the Safety Plan or other documentation related to the effectiveness of the RTA Safety Plan and safe operations of the RFGPTS. The RTA will have an opportunity to comment on the content of the report, including the findings and recommendations prior to the SSOA publishing the final audit report. If the RTA has alternative methods to address the recommendations 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, and will distribute the final audit report. Corrective actions required, as a result of the audit, will be managed through the corrective action plan process. The SSOA will transmit final audit reports to the FTA.

Section 6: Accident Notification

Requirements

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

1. Fatality (occurring at the scene or within 30 days following the accident).
2. One or more persons suffering serious injury (Serious injury means any injury which: (a) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (b) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (c) causes severe hemorrhages, nerve, muscle, or tendon damage; (d) involves any internal organ; or (e) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface).
3. A collision involving a rail transit vehicle.
4. A runaway train.
5. An evacuation for life safety reasons.
6. Any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

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.

The RTA will also be required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e. 49 CFR 674 Appendix A) or guidance under

the National Public Transportation Safety Plan or other reporting guidelines. These will be published and communicated to the RTA through the SSOA Procedures Manual.

Methodology and Content

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 described in the Procedures Manual.

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

Section 7: Investigations

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. When conducting an accident investigation on behalf of the SSOA, investigations are performed in accordance with accident investigation procedures developed by the RTA and approved by the SSOA. The RTA will develop accident investigation procedures that meet or exceed all rules, guidance or industry standards associated with investigation procedures, including this SSOPS. Accident investigation procedures will be reviewed annually by the RTA against industry standards and updated as appropriate and necessary.

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

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 monthly accident log update detailing the status of all investigations through closure and adoption by the SSOA.

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.

Corrective Actions

If a final investigation report contains findings and/or recommendations for addressing deficiencies or unsafe conditions identified during the investigation process, the RTA will be responsible for developing appropriate CAPs. The SSOA will review and approve or ask for revisions to CAPs as appropriate. If, after reviewing an investigation report not resulting in a CAP and the SSOA determines that a CAP was necessary or appropriate, the SSOA will communicate the need to develop a CAP to the RTA.

Records Confidentiality

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.

Section 8: Corrective Action Plans

The SSOA's primary concern is the safety of the travelling public using a RFGPTS. Corrective action plans 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 and developed through other activities as well and may be initiated by 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.

The SSOA will notify the RTA of its approval or rejection of a corrective action plan 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 a 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.

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.

Section 9: Annual Reporting to FTA

SSOA Reporting Requirements

On or before March 15th 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 Directors, 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 Plan during the preceding twelve months; and (6) A certification that the SSOA is in compliance with the requirements of 49 CFR Part 674.