

**New Jersey Department of Transportation (NJDOT)
Fixed Guideway State Safety Oversight (SSO)
Program Standard**



**Office of Fixed Guideway Safety and Security Oversight
New Jersey Department of Transportation
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**New Jersey Department of Transportation
State Safety Oversight (SSO)
Program Standard**

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Signature Pages

New Jersey Department of Transportation (NJDOT)
Division of Multimodal Services



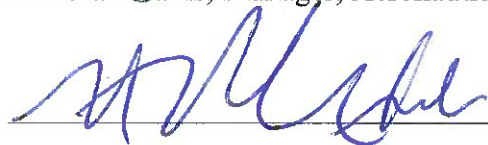
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**New Jersey Department of Transportation
State Safety Oversight (SSO)
Program Standard**

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Version Tracking

This document contains revisions to the initial NJDOT Program Standard. Any previous versions should be discarded. The full revision history is located on page 83.



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Definitions

Many of these definitions are those provided in 49 CFR Part 674.7 with a few additional definitions from other related regulations, as well as definitions from the National Transit Database (NTD).

SSOA/FTA - 2 Hour Notification	An email must be sent to both the designated New Jersey Department of Transportation (NJDOT) State Safety Oversight Program Manager at NJOFGSSO@dot.nj.gov and to the FTA at TOC-01@dot.gov within two hours of the safety event that reaches the FTA reportable threshold for Accidents. Additionally, a phone call must be made to the NJDOT SSO program as per Procedure SSO-003 .
24 Hour Summary	A document supplied by the RTA/RFGPTS to NJOFGSSO@dot.nj.gov in editable format for safety events as per Procedure SSO-003 .
Accident	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 [of Part 674] to this part.
Accountable Executive	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	The Federal Transit Administrator or the Administrator's designee.
Advisory	A notice that informs or warns a recipient of hazards or risks to the recipient's public transportation system. An advisory may include recommendations for avoiding or mitigating the hazards or risks. [49 CFR Part 670]
Attempted Suicide	Refers to self-inflicted harm where death does not occur, but the intention of the person was to cause a fatal outcome. The intent can be determined by any reasonable method including police reports and eyewitness accounts. [NTD Glossary]
Audit	A review or analysis of records and related materials, including, but not limited to, those related to financial accounts. [49 CFR Part 670] See also Safety Audit.
Chief Safety Officer (CSO)	An adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system. [49 CFR Part 673]



Collision	<p>A vehicle/vessel accident in which there is an impact of a transit vehicle/vessel with: [NTD Glossary]</p> <ul style="list-style-type: none">• Another transit vehicle• A non-transit vehicle• A fixed object• A person(s) (suicide/attempted suicide included)• An animal• A rail vehicle• A vessel• A dock
Conditional Approval	<p>Approval given by the NJDOT SSO program to the CSO indicating that a submission will be approved after specific conditions are met (e.g., RTA signatures, Board of Directors approval, etc.).</p>
Contractor	<p>An entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.</p>
Corrective Action Taken	<p>Actions taken by the Rail Transit Agency to minimize, control, correct, or eliminate risks and hazards, prior to NJDOT SSO program approval.</p>
Corrective Action Plan (CAP)	<p>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, the schedule for taking those actions and the individual(s) and department(s) responsible for implementation. A State Safety Oversight Agency or FTA may require a Rail Transit Agency to develop and carry out a corrective action plan.</p>
Derailment	<p>A non-collision event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails. [NTD Glossary]</p>
Designated personnel	<p>Employees and contractors identified by a recipient whose job function is directly responsible for safety oversight of the public transportation system of the public transportation agency; or employees and contractors of a State Safety Oversight Agency whose job function requires them to conduct safety audits and examinations of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency. [49 CFR Part 672]</p>
Directly responsible for safety oversight	<p>Public transportation agency personnel whose primary job function includes the development, implementation and review of the agency's safety plan, and/or the SSOA requirements for the rail fixed guideway public transportation system pursuant to 49 CFR Part 674. [49 CFR Part 672]</p>
Directive	<p>A written communication from FTA to a recipient that requires the recipient to take one or more specific actions to ensure the safety of the recipient's public transportation system. [49 CFR Part 670]</p>
Employee	<p>An individual who is compensated by the transit agency. Applies to Transit Employees and Contractors. [NTD Glossary]</p>
Evacuation, reportable	<p>A condition that occurs when persons depart from transit vehicles or facilities for life safety reasons. Evacuations to a location that may put passengers or patrons in imminent danger (such as controlled rail right-of-way) must also be reported. [NTD Glossary]</p>



Event	An Accident, Incident or Occurrence.
Examination	A process for gathering or analyzing facts or information related to the safety of a public transportation system. [49 CFR Part 670]
External Safety Audit/Review Findings Log	A document/log created and maintained by the CSO to track through implementation all findings, recommendations, and corrective actions taken/plans developed as a result of the external safety audit/review process (Triennial, FTA, etc.). The log is to be provided to the SSOA in editable spreadsheet format.
Fatality	A death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes. [NTD Glossary]
Federal Railroad Administration (FRA)	An agency within the United States Department of Transportation.
Federal Transit Administration (FTA)	An agency within the United States Department of Transportation.
Grade Crossing	An intersection of a roadway and a rail right-of-way that cross each other at the same level (at grade). For street-running operations, each street intersection is considered a grade crossing (excludes driveways and parking lot entrances). [NTD Glossary]
Hazard	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.
Hazard Tracking Log	A document/log created and maintained by the CSO to collect, track, and analyze all hazards identified through the various methods used by the RTA/RFGPTS. The log is to be provided to the SSOA in editable spreadsheet format.
Immediate Action	An action taken by transit or emergency responders to manage a safety-related event in the first few moments or hours for emergency response and securing the scene of the safety event.
Incident	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. If a rail transit agency or State Safety Oversight Agency later determines that an Incident meets the definition of Accident, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in Appendix A [of Part 674]. See also Procedure SSO-003 .
Incident and Occurrence Log	A document/log created and maintained by the CSO to collect, track and analyze data on Incidents/Occurrences to reduce the likelihood of recurrence and inform the practice of SMS. The log is to be provided to the SSOA in editable spreadsheet format.
Injury	Any damage or harm to persons as a result of an event that requires immediate medical attention away from the scene. [NTD Glossary]



Inspection	A physical observation of equipment, facilities, rolling stock, operations, or records for the purpose of gathering or analyzing facts or information. [49 CFR Part 670]
Internal Safety Audit/Review Findings Log	A document/log created and maintained by the CSO to track through implementation all findings, recommendations, and corrective actions taken/plans developed as a result of the internal safety audit/review process. The log is to be provided to the SSOA in editable spreadsheet format.
Investigation	The process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.
Life Safety Reason	A situation, such as a fire, the presence of smoke or noxious fumes, a fuel leak, a vehicle fuel leak, an electrical hazard, a bomb threat, a suspicious item, or other hazard that constitutes a real or potential danger to any person. [NTD Glossary]
Mainline	The primary rail over which rail transit vehicles travel between stations; it excludes: Yard and Siding track. [NTD Glossary]
Monthly Status Tracking Reports	Status tracking reports/logs that are required to be provided by the CSO to the NJDOT SSO program by the 15 th of the month, unless that date falls on the weekend and then it is required by the following business day. The logs must contain the information required by the FTA (SSOR Database), at a minimum.
National Public Transportation Safety Plan	The plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.
National Transportation Safety Board (NTSB)	An independent Federal agency.
Near Miss (or Mishap)	An event that did not involve personal injury or damage to equipment, but could have resulted in damage to equipment, serious injury, or death.
Occurrence	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.
Passenger	An individual on board, boarding, or alighting from a revenue transit vehicle. Excludes operators, transit employees and contractors. [NTD Glossary]
Patron	An individual on transit property such as a bus stop or transit facility. [NTD Glossary]
Pattern or Practice	Two or more findings by FTA of a recipient's violation of the requirements of 49 U.S.C. 5329 or the regulations thereunder. [49 CFR Part 670]
Performance measure	An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets. [49 CFR Part 673]
Performance target	A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA. [49 CFR Part 673]



Person	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)	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.
Public Transportation Safety Certification Training Program	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 (RFGPTS) (e.g., Rail System)	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)	Any entity that provides services on a rail fixed guideway public transportation system.
Rail transit vehicle	Any revenue or non-revenue rail vehicle that is used on the rail system, including the mainline, yards, and non-mainline tracks.
Recipient	A State or local governmental authority, or any other operator of public transportation that receives financial assistance under 49 U.S.C. Chapter 53. The term “recipient” includes State Safety Oversight Agencies. [49 CFR Part 670]
Record	Any writing, drawing, map, recording, diskette, DVD, CD-ROM, tape, film, photograph, or other documentary material by which information is preserved. The term “record” also includes any such documentary material stored electronically. [49 CFR Part 670]
Right-of-Way	The area through which a train travels; a train’s dynamic envelope, to include the track and the area around the track. [NTD Glossary]
Risk	The composite of predicted severity and likelihood of the potential effect of a hazard.
Risk mitigation	A method or methods to eliminate or reduce the effects of hazards.
Roadway or Right-of-way Worker Protection	Providing a safe work zone while minimizing the dangers and hazards of working on the right-of way, including moving rail vehicles and other hazards on the right-of-way such as traction power delivery (overhead or third rail).
Runaway Train	A train which is no longer under the control of a driver regardless of whether the operator is physically on the vehicle at the time. [NTD Glossary]
Safety Assurance	Processes within a transit agency’s Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information. [49 CFR Part 673]



Safety audit	A review or analysis of safety records and related materials, including but not limited to, those related to financial accounts. [49 CFR Part 672]
Safety Management Policy	A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety. [49 CFR Part 673]
Safety Management System (SMS)	A formal, top-down, organization-wide data-driven approach to managing safety risk and assuring the effectiveness of a recipient's safety risk mitigations. SMS includes systematic procedures, practices and policies for managing risks and hazards. [49 CFR Part 673]
SMS Executive	A Chief Safety Officer or equivalent. [49 CFR Part 673]
Safety Performance Target	A Performance Target related to safety management activities. [49 CFR Part 673]
Safety Promotion	A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system. [49 CFR Part 673]
Safety Risk Assessment	The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks. [49 CFR Part 673]
Safety Risk Management	A process within a Transit Agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk. [49 CFR Part 673]
Serious injury	Any injury that: <ol style="list-style-type: none">(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	A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.
State of good repair	The condition in which a capital asset is able to operate at a full level of performance. [49 CFR Part 673]
State Safety Oversight (SSO) Program	The division or department within the established State Safety Oversight Agency responsible for management of the State's responsibilities defined in 49 CFR Part 674 and 49 CFR Part 673 for Rail Fixed Guideway Public Transportation Systems in the State.
State Safety Oversight Agency (SSOA)	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.
Substantial damage	Damage to any involved vehicles, facilities, equipment, rolling stock, or infrastructure that:



- Disrupts the operations of the rail transit agency, and
- Adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, rolling stock, or infrastructure, such that it requires towing, rescue, on-site maintenance, or immediate removal prior to safe operation.

Substantial damage excludes damage that is limited to:

- Cracked windows;
- Dents, bends, or small puncture holes in the body;
- Broken lights, mirrors; or
- Removal from service for minor repair or maintenance, inspection, testing, or video and event recorder download.

[NTD 2021 Safety & Security Reporting Manual]

Suicide	Refers to self-inflicted harm where the intention of the person was to cause a fatal outcome and death occurs. The intent can be determined by any reasonable method including police reports and eyewitness account. [NTD Glossary]
Testing	An assessment of equipment, facilities, rolling stock or operations of a recipient's public transportation system [49 CFR Part 670]
Tow-Away	Tow-away from the scene for a transit roadway vehicle or other non-transit roadway vehicle that incurred disabling damage as a result of a collision. [NTD Glossary]
Transit Asset Management Plan	The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625. [49 CFR Part 673]
Trespasser	A person in an area of transit property not intended for public use (i.e., an unauthorized area). [NTD Glossary]
Vehicle	Any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles. Same as Rail Transit Vehicle [NTD Glossary]



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Acronyms and Abbreviations

A-C

ACID	Accident/Incident Database
ALARP	As Low As Reasonably Practicable
APTA	American Public Transportation Association
AREMA	American of Railway Engineering and Maintenance of Way Association
ASP	Agency Safety Plan
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CMP	Configuration Management Plan
COI	Conflict of Interest
CSO	Chief Safety Officer

D-F

DRPA	Delaware River Port Authority
EAR	Electronic Accident and Incident Reporting Database
EMP	Emergency Management Plan
EOP	Emergency Operations Plan
FAST	Fixing America's Surface Transportation Act
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTE	Full Time Equivalent

G-L

HBLR	Hudson Bergen Light Rail
IFR	Interim Final Rule

M-O

MAP-21	Moving Ahead for Progress in the 21st Century
MPO	Metropolitan Planning Organization
N/A	Not Applicable
NFPA	National Fire Protection Association
N.J.A.C.	New Jersey Administrative Code
NJDOT	New Jersey Department of Transportation
N.J.S.A.	New Jersey Statutes Amended
NJ Transit	New Jersey Transit
NLR	Newark Light Rail
NTD	National Transit Database
NTSB	National Transportation Safety Board
OCS	Overhead Catenary (or Contact) System
OHA	Operational Hazard Assessment
OPRA	Open Public Records Act



P-R

PATCO	Port Authority Transit Corporation
PII	Personal Identifiable Information
PSR	Annual Public Rail Transit Safety Report
PTASP	Public Transportation Agency Safety Plan
PTSCTP	Public Transportation Safety Certification Training Program
RFAI	Request For Additional Information
RFGPTS	Rail Fixed Guideway Public Transportation System
RFGS	Rail Fixed Guideway System
RFI	Request For Information
ROW	Right-Of-Way
RTA	Rail Transit Agency
RWP	ROW or Roadway Worker Protection

S

S&S	Safety and Security
SA	Safety Assurance
SEPP	Security and Emergency Preparedness Plan
SGR	State of Good Repair
SMS	Safety Management System
SNJRG	Southern New Jersey Rail Group
SOP	Standard Operating Procedure
SRM	Safety Risk Management
SSCP	Safety and Security Certification Plan
SSO	State Safety Oversight
SSOA	State Safety Oversight Agency
SSOR	State Safety Oversight Reporting
SSP	System Security Plan
SSPP	System Safety Program Plan

T-Z

TAM	Transit Asset Management
TSA	Transportation Security Administration
TSI	Transportation Safety Institute
TTP	Technical Training Plan
TVA	Threat and Vulnerability Assessment
U.S.C.	United States Code
USCG	United States Coast Guard
USDOT	United States Department of Transportation



Introduction/Background

This document serves as the Program Standard for the New Jersey Department of Transportation (NJDOT) Fixed Guideway State Safety Oversight (SSO) program (NJDOT SSO program). This NJDOT program is required by the Federal Transit Administration (FTA) and applies to rail transit agencies (RTAs) and rail fixed guideway public transportation systems (RFGPTS) not solely regulated by the Federal Railroad Administration (FRA) in the State of New Jersey. The authorization for FTA's and NJDOT's SSO programs was initially in 49 United States Code (U.S.C.) Section 5330 (State Safety Oversight). FTA published their state safety oversight rule, Rail Fixed Guideway Systems; SSO; Final Rule, on December 27, 1995, codified as 49 Code of Federal Regulations (CFR) Part 659. On April 29, 2005, the FTA published a revised version of 49 CFR Part 659.

In 2012, as part of Moving Ahead for Progress in the 21st Century (MAP-21), the FTA safety programs were changed with more specific expectations and responsibilities for safety oversight and safety performance for the FTA, states, and the transit agencies (for all transit modes, not just rail), authorized as 49 U.S.C. Section 5329, shown in Appendix A along with the current SSO Rule (49 CFR Part 674). The new FTA safety programs are in the process of being developed to follow a transit-specific safety management system (SMS), which is the basis of these changes to the transit safety programs.

SMS means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

The enhanced version of FTA's safety programs includes the following regulations:

- **Public Transportation Safety Program (49 CFR Part 670)** – the FTA completed rulemaking that establishes their procedural rules for administration of the comprehensive safety program to improve safety at transit agencies and states, published as a Final Rule in August 11, 2016. This includes their authority to take over audits and inspections from an SSO program or transit agency. This regulation also includes FTA's authority to provide Safety Advisories, General Directives, and Special Directives to transit agencies, states, and SSO programs.
- **National Safety Plan (49 CFR Part 670.31)** – The National Public Transportation Safety Plan introduces the use of the transit-specific SMS framework, safety performance measurement, and concepts of managing risks and assuring safety performance at transit agencies that are proactive and based on SMS. This plan also introduced the FTA's intended requirements for safety performance criteria that the transit agencies are required to base their safety performance measures and targets on for improvements documented in their Public Transportation Agency Safety Plans. The current version of the National Safety Plan was published in January 2017.
- **Safety Certification Training Program (49 CFR Part 672)** – the Public Transportation Safety Certification Training Program (PTSCPTP) requires safety-related training for specific FTA, SSO, and RTA/RFGPTS staff responsible for safety and oversight. This



program was originally published as an Interim Final Rule (IFR) and the Final Rule was published on July 19, 2018. This regulation includes requirements for designated safety oversight and RTA/RFGPTS staff to complete defined training from FTA and the Transportation Safety Institute (TSI). In addition, this regulation requires the development of an SSO Program Technical Training Plan (TTP) specific for each rail system that a state provides safety oversight.

- **Public Transportation Agency Safety Plan (49 CFR Part 673)** – the FTA requires the use of the transit-specific SMS framework through the Public Transportation Agency Safety Plan (PTASP or ASP), which has been completed as a Final Rule published on July 19, 2018. All transit agencies that do not already have federal safety program requirements, including RTA/RFGPTS, were required to have approved ASPs by July 20, 2020. This includes assignment of the Accountable Executive and Chief Safety Officer, as well as approval by the Board of Directors or equivalent and the SSO program (for RTA/RFGPTS). FTA has provided a checklist for development, review, and SSO program approval of the ASPs.
- **State Safety Oversight (49 CFR Part 674)** – the FTA completed rulemaking March 16, 2016 for new regulations based on 49 U.S.C. Section 5329 instead of Section 5330. The new regulation for SSO programs went into effect on April 15, 2016 and states had three years to complete development and approval from FTA through a certification process for their Part 674 compliant SSO program. This three-year period has elapsed and the previous SSO regulation, 49 CFR Part 659, has been repealed along with its authorization, Section 5330.
- **Transit Asset Management (49 CFR Part 625 and 630)** – the FTA completed rulemaking July 26, 2016 for their Transit Asset Management (TAM) processes that include state of good repair (SGR) and data collection, prioritization, and data delivery to the National Transit Database (NTD). The TAM final rule is 49 CFR Part 625 and changes made for TAM in the NTD requirements are in final rule as part of 49 CFR Part 630. The condition of transit assets and adequate performance of maintenance have a direct impact on the safety performance of RTA/RFGPTS.

Transition to the Current SSO Rule (Part 674)

The current SSO rule was authorized in 49 U.S.C. 5329(e) and is applicable to States with rail fixed guideway public transportation systems (RFGPTS), SSO programs, and the entities that operate RFGPTS and receive financial assistance from FTA, as indicated in the purpose, applicability, and policy from Part 674, shown in the text box. Note that in this Program Standard, the terms RFGPTS (used in Part 674), rail fixed guideway system (RFGS; used in Part 659), and fixed guideway transit system mean an RTA or their related RFGPTS that are under the safety oversight of the NJDOT SSO program.



49 CFR §674.1 Purpose

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

49 CFR §674.3 Applicability

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

49 CFR §674.5 Policy

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

There are a couple of issues that need to be addressed in making the change to the ASP and SSO regulations. These two issues are further discussed and addressed in Section 4.

- (1) The ASP regulation requires that the RTAs/RFGPTS must complete a compliant and approved ASP that includes the planned implementation of their SMS activities. The ASP is required to be approved by the Accountable Executive, the RTA/RFGPTS Board of Directors (or equivalent), and the SSO Program. The update process follows the ASP requirements as defined in 49 CFR Part 673, guidance from the FTA, and this Program Standard.
- (2) An adequately trained **Chief Safety Officer (CSO)** is required to be designated by and report to the Accountable Executive (Chief Executive Officer, Executive Director, or equivalent) at the RTAs/RFGPTS. **The criteria/requirements for the CSO are defined in 49 CFR Part 673** and provided in the definitions section and repeated here.

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

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



- **Accountable Executive** means a single, identifiable person 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. [Source: 49 CFR Part 674]
- **Chief Safety Officer** means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system. [Source: 49 CFR Part 673]

Certification of an SSO Program

The conversion of this SSO program to the new regulation (Part 674) has been completed via Certification by FTA on February 28, 2019. The requirements of the Certification process are provided in 49 CFR Part 674.19 as shown in the text box. FTA also provided guidance to the SSO programs for this process and development of the Part 674 compliant Program Standard.

All SSO programs were required via Part 674 to be Certified by April 15, 2019 and completed this task with the last SSO program certified in March 2019.



49 CFR §674.19 Certification of a State safety oversight program

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

Organization of the NJDOT SSO Program Standard

As required in Part 674.27, the NJDOT SSO Program Standard is consistent with the National Public Transportation Safety Plan and the PTASP requirements. This Program Standard is adopted and provides all the processes and procedures used by the NJDOT SSO program to implement safety oversight of all RTA/RFGPTS, under the jurisdiction of New Jersey. This Program Standard also provides the expectations and requirements of the New Jersey RTA/RFGPTS safety programs as allowed and required by federal and state regulation/law.



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

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.

This Program Standard includes the required nine sections for program standards as defined in Part 674.27 and guidance provided by FTA, as well as an introduction/background section, along with several appendices and procedures. Note that all aspects of this Program Standard are requirements for the NJDOT SSO program and all RTA/RFGPTS, under the jurisdiction of New Jersey, per New Jersey Statutes Amended (N.J.S.A.) 27:25-8 and 48:2-15, as well as New Jersey Administrative Code (N.J.A.C.) 16:53E.

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

Table 1 shows a crosswalk of where each section of Part 674 is covered in this NJDOT SSO Program Standard.



Table 1. Crosswalk Matrix FTA SSO Rule to this Program Standard

FTA STATE SAFETY OVERSIGHT FINAL RULE (49 CFR PART 674), MARCH 16, 2016	CORRESPONDING SECTION IN THIS PROGRAM STANDARD
Subpart A – General Provisions	
§ 674.1 Purpose	Introduction/Background
§ 674.3 Applicability	Introduction/Background
§ 674.5 Policy	Introduction/Background
§ 674.7 Definitions	Definitions
§ 674.9 Transition from previous requirements for State safety oversight	Introduction/Background
Subpart B – Role of the State	
§ 674.11 State safety oversight program	Section 1
§ 674.13 Designation of the oversight agency	Section 1 Waiver process not applicable
§ 674.15 Designation of oversight agency for multi-state system	Section 1
§ 674.17 Use of Federal financial assistance	Section 1
§ 674.19 Certification of a State Safety Oversight Program	Introduction/Background
§ 674.21 Withholding of Federal financial assistance for noncompliance	Introduction/Background
§ 674.23 Confidentiality of Information	Section 1
Subpart C – State Safety Oversight Agencies	
§ 674.25 Role of the State safety oversight agency	Sections 1, 2, 4, and 7
§ 674.27 State safety oversight program standards	Introduction/Background Sections 1-8
§ 674.29 Public Transportation Agency Safety Plans: general requirements	Section 4
§ 674.31 Triennial audits: general requirements	Section 5
§ 674.33 Notifications of accidents	Section 6
§ 674.35 Investigations	Section 7
§ 674.37 Corrective action plans	Section 8
§ 674.39 State Safety Oversight Agency annual reporting to FTA	Section 9
§ 674.41 Conflicts of interest	Section 1



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Section 1. Program Management

The Program Management section is defined in Part 674.27(a)(1) and broken down into four general topics:

- Authority of the SSO Agency to oversee the RTA/RFGPTS safety program and related activities
- Policies that govern safety oversight activities
- Reporting and data collection requirements
- Communication and Coordination

49 CFR §674.27(a)(1) – State safety oversight program standards

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

1.1 Establishing the Oversight Agency

The general requirements for SSO programs are provided in Part 674.11, Part 674.13, and the NJDOT SSO program responses to these requirements are in state law, N.J.S.A 27:25-8 and 48:2-15, as well as N.J.A.C. 16:53E.

49 CFR §674.11 State safety oversight program

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

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



49 CFR §674.13 Designation of oversight agency

(a) Every State that must establish a State Safety Oversight program in accordance with 49 U.S.C. 5329(e) must also establish a SSOA for the purpose of overseeing the safety of rail fixed guideway public transportation systems within that State. Further, the State must ensure that:

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

The N.J.S.A. sections and N.J.A.C. address these requirements for the NJDOT SSO program and are provided in the following text box. This Program Standard, compliant to the new SSO Rule (Part 674), is the document referenced in Executive Order #65 and N.J.A.C. 16:53E – NJDOT Standards for Fixed Guideway Safety Oversight.



State of New Jersey Executive Order #65 (1997)

1. The New Jersey Department of Transportation (NJDOT) is hereby designated as the agency to carry out the provisions of the FTA's State Safety Oversight of Fixed Guideway Systems in the State of New Jersey. It is empowered to protect and promote the public health, safety and welfare and is responsible for the oversight of Fixed Guideway Systems not regulated by the Federal Railroad Administration (FRA).
2. The NJDOT shall carry out its responsibilities as directed by and in compliance with 49 CFR Part 659, and shall promulgate Fixed Guideway Safety Standards for use by agencies in developing their safety programs.
3. The NJDOT is authorized to enter into such agreements and delegate its powers as necessary to effectuate the purposes of this Order.
4. Each light, heavy, rail rapid transit system, monorail, inclined plane, funicular, trolley, streetcar, or automated guideway (people mover) that is not regulated by the FRA and is operating within the State of New Jersey, or between the State of New Jersey and adjoining states, shall comply with the NJDOT Standards for Fixed Guideway Safety Oversight as established by the NJDOT and shall comply with all NJDOT rules, directives, and requirements issued pursuant thereto.
5. This Order shall take effect immediately.

New Jersey Administrative Code (N.J.A.C.)

Title 16. Department of Transportation

Chapter 53E. Fixed Guideway Systems State Safety and Security Oversight

Subchapter 1. Purpose and Scope

16:53E-1.1 Purpose

This chapter establishes rules concerning the State's oversight of the safety of rail fixed guideway systems through the Department of Transportation (Department), designated as the State's oversight agency by Executive Order No. 65 (1997). This chapter carries out the mandate of 49 U.S.C. 5329(e) for State safety oversight of rail fixed guideway public transportation systems. The Office of Fixed Guideway Safety and Security Oversight in the Department is responsible for the administration of this chapter.

Subchapter 2. State Safety Oversight Program Standard

The Department, in its role as the oversight agency, develops safety oversight program rules that establish processes and procedures that govern the conduct of the oversight agency. The rules also provide guidance to the regulated transit agencies and other fixed guideway systems regarding the content of the plans and procedures they must have in place in order to be in compliance with the State program.

16:53E-1.4 Incorporation by reference

The Department incorporates herein by reference 49 CFR Part 674, State Safety Oversight.

1.2 NJDOT SSO Program RTAs/RFGPTS

The New Jersey RTA/RFGPTS, including all parties listed below, are subject to the NJDOT SSO program:

- NJ TRANSIT
 - Newark Light Rail (NLR) system.
 - River LINE light rail system, operated and maintained by the Southern New Jersey Rail Group, LLC, under contract.
 - Hudson-Bergen Light Rail (HBLR) system, operated and maintained by the 21st Century Rail Corporation, under contract.



- Delaware River Port Authority (DRPA)
 - Port Authority Transit Corporation (PATCO) heavy rail system.

The NJDOT SSO program includes safety oversight of any rail system capital project related to these RTAs/RFGPTS or any new rail system capital project planned and/or built with any FTA funding and not on the general freight rail system or fully under the jurisdiction of the FRA.

The State of New Jersey and Commonwealth of Pennsylvania have agreed that the NJDOT SSO program is responsible for the safety oversight for PATCO, including the infrastructure and operation on the Philadelphia, Pennsylvania side of the Delaware River. This agreement and the application of the single SSO Agency for the multi-state RTA/RFGPTS satisfies Section 674.15(b), shown in the following text box.

49 CFR §674.15 Designation of oversight agency for multi-state system

In an instance of a rail fixed guideway public transportation system that operates in more than one State, all States in which that rail fixed guideway public transportation system operates must either:

- (a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator; or
- (b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through an SSO program that has been approved by the Administrator.

Originally, the DRPA was the SSO Agency for PATCO when the SSO Rule was initially implemented. In 2000, the DRPA had a reorganization that caused a conflict in being the SSO Agency. At that time, through a series of letters, the single SSO Agency became the NJDOT SSO program, and was agreed to by FTA. Since that time, NJDOT and Pennsylvania DOT have agreed to a memorandum of agreement for state safety oversight, which is included in [Appendix B](#).

1.3 NJDOT SSO Program Staff and Responsibilities

The NJDOT SSO Program is designed with NJDOT staff and contractor support staff serving as an extension of the NJDOT staff, as allowed in N.J.A.C 16:53E-1.2(d). For interactions with RTAs/RFGPTS and the FTA, the contractor staff report to the NJDOT SSO Program Manager for anything that requires NJDOT approval and act on behalf of the NJDOT SSO program based on this Program Standard, as well as state and federal law/regulation.

49 CFR §674.25 Role of the State safety oversight agency

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

The NJDOT SSO Program is staffed at FTE levels certified by FTA, inclusive of NJDOT and contractor support staff. As mentioned earlier, FTA has requirements for training of SSO staff and



contractors in their regulation 49 CFR Part 672, Safety Certification Training Program (See **Procedure SSO-011**). The NJDOT SSO program has a Training Plan that describes requirements and tracks progress of NJDOT and contractor staff towards completing the Training Plan and maintaining currency as called for in the technical training plan (TTP). The TTP also addresses access to any rail expertise needed by the NJDOT SSO program to complete investigations, inspections, and/or audits at all RTA/RFGPTS, under the jurisdiction of New Jersey.

Responsibilities of the NJDOT SSO program staff include:

- Requiring RTA/RFGPTS to maintain an ASP that complies with NJDOT's SSO Program Standard and federal regulation.
- Requiring RTA/RFGPTS to develop and follow minimum safety standards (as recorded in safety program related control documents) based on an all-hazards approach for operations, command and control, and maintenance of the rail systems.
- Requiring RTA/RFGPTS to develop, document, and administer a process for performing internal safety program compliance reviews/audits and for submitting audit plans and procedures to the NJDOT SSO program for review and potential participation in the actual safety program and SMS compliance audits.
- Conducting on-site safety program and SMS compliance audits of the RTAs'/RFGPTS safety program under the NJDOT SSO program jurisdiction once every three (3) years to assess the RTA/RFGPTS implementation of its safety program and SMS based on the ASP. At the conclusion of the review, the NJDOT SSO program prepares and issues a report containing findings and recommendations, which, at a minimum, include an analysis of the effectiveness and accuracy of the ASP and a determination of whether or not it is being followed and if it should be updated.
- Requiring RTA/RFGPTS to notify the NJDOT SSO program (and FTA) within a required timeframe of any reportable event or significant hazard, as defined in the Program Standard and regulation.
- Requiring RTA/RFGPTS that share track with the general railroad system and are subject to FRA notification requirements to notify the NJDOT SSO program (and FTA) within the time for which the RTA/RFGPTS must notify the FRA.
- Investigating, or causing to be investigated, at a minimum, any reportable event or significant hazard as defined in the Program Standard.
- Requiring RTA/RFGPTS to develop corrective action plans (CAPs) for results from investigations (performed by the National Transportation Safety Board [NTSB], FTA, NJDOT SSO Program, or RTA/RFGPTS), in which identified causal factors, contributing factors, and findings are determined by the RTA/RFGPTS or the NJDOT SSO program as requiring corrective actions; and for findings and recommendations from safety program audits performed by the RTA/RFGPTS, the NJDOT SSO program, the FTA, or other external audits/investigations; and inspection/observation findings.
- Tracking progress and evidence of resolving CAPs and monitoring identified safety risks at the RTA/RFGPTS on a regular basis with monthly status tracking reports and monthly CSO safety meetings, as well as other visits to the RTA/RFGPTS. This includes risk monitoring activities, follow-up inspections, and discussions to determine and assure the success of the implemented CAPs.



- Providing required and requested information, data, and reports to FTA.
- Participating in capital projects related to rail transit and safety program aspects of the project including design through safety certification and successful transition from the project to revenue operations and maintenance. This specifically includes NJDOT SSO program participation in extension and new RTA/RFGPTS capital projects, as well as major purchases/contracting for the rail systems, such as purchasing new or major refurbishment of rail vehicles or significant upgrades to rail infrastructure, such as electrical substations and passenger stations.
- Review submissions from RTA/RFGPTS on a regular basis including daily dispatch, incident/occurrence logs, and relevant communications (bulletins, general orders, safety advisories, etc.).

1.4 Grant Funding and the Part 674 SSO Program

Since its inception up to 2013, the FTA SSO program has been an unfunded mandate/requirement for states. Enforcement of this mandate/requirement was based on FTA's authority to withhold up to 5% of the state's annual urbanized transit agency grant funding (these grants are described in 49 U.S.C. Section 5307) for states that are not compliant with the FTA SSO program requirements. However, the unfunded mandate changed with MAP-21, continuing into the FAST Act. MAP-21 and the FAST Act enhance FTA's safety program responsibilities and authority, but also provide funding for the SSO programs at an 80% federal and 20% state match.

Part 674.17 describes FTA's grant funding and the apportionment strategy used to allocate available grant funding for the SSO programs. Part 674.21 describes FTA's authority to withhold this grant funding for noncompliance of each SSO program as well as a state's loss of all transit grant funding if the Part 674 compliant SSO program is not in place and certified or making acceptable progress towards certification by the end of the three-year transition period, ending April 15, 2019.



49 CFR §674.17 Use of Federal financial assistance

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

49 CFR §674.21 Withholding of Federal financial assistance for noncompliance

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

NJDOT SSO program grant funding from the FTA and the twenty (20) percent state match can be found in the SSO Agency Annual Public Rail Transit Safety Report (PSR).

1.5 SSO Agency Policies

FTA provided a list of topics to be addressed as policies of the NJDOT SSO program.

- Policy and procedures for Triennial Safety Program Audits are covered in Section 5 of this Program Standard.
- Policy and procedures for Investigations are covered in Section 7 of this Program Standard.
- Inspections and meetings with all RTA/RFGPTS, under the jurisdiction of New Jersey, are discussed in this section as part of the communication and coordination discussion.

Two additional topics are addressed in this subsection regarding protection of investigation and audit reports and information and managing potential conflicts of interest (COI).



Protection/confidentiality of Investigation and Audit Reports and Information is addressed in Part 674.23 and allows for the state to have protection for the investigation reports and related safety program information, as well as any protected security information from the RTA/RFGPTS.

Confidentiality of Investigation Reports and Security Plans are exempt from the Open Public Records Act (OPRA) under N.J.S.A. 47:1A-3.a. Ongoing Investigations. Information required by the FTA safety program will be provided by the NJDOT SSO program in a de-identified form, as explained in **Procedure SSO-006**. All NJDOT SSO program procedures are described and provided in **Appendix D**.

49 CFR §674.23 Confidentiality of information

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

COI Management is addressed in Part 674.41 as shown in the following text box. The NJDOT SSO program has also developed a **Procedure SSO-002** that provides a process for considering COI and requiring a record of the decisions made to manage any perceived significant COI that falls under the requirements of Part 674.41. COI is also addressed in N.J.A.C. 16:53E-1.3 COI. The COI form contains a clause of non-disclosure.

49 CFR §674.41 Conflicts of interest

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

1.6 SSO Agency Required Reporting

This section provides a quick summary of the requirements for Federal and State reporting.

- (1) **SSO Agency Annual Report to FTA** – these requirements are covered specifically in Program Standard Section 9 and include all of the data and information required to be delivered annually by the NJDOT SSO program to FTA via their electronic data collection system (now the State Safety Oversight Reporting (SSOR) system), by March 15th of the following year or as required/allowed by FTA. **Procedure SSO-006** also describes requirements for RTA/RFGPTS data and information provided to FTA.
- (2) **SSO Agency Annual Public Rail Transit Safety Report (PSR)** – this requirement (Part 674.13(a)(7)) is covered in **Procedure SSO-005** and describes that the State must ensure at least once a year, the SSO program reports the status of the safety program of each



RTA/RFGPTS to: the Governor of New Jersey, the Governor of Pennsylvania, the FTA, and the board of directors, or equivalent entity, of the RTA/RFGPTS.

- (3) **SSO Agency Requirements for RTA/RFGPTS Reporting to the SSO agency and FTA** – these requirements are covered in Sections 6 through 9 of this Program Standard, as well as Procedures SSO-003 (notifications of reportable events) and SSO-007 (hazards). This includes communications and coordination of investigations, audits, and hazards data collection and reporting, and summarized in the next subsection.
- (4) **SSO Agency Requirements for Access to RTA/RFGPTS Information** – these requirements are generally addressed in the next subsection and in a specific Appendix for each New Jersey RTA/RFGPTS: [Appendix E](#) (NJ TRANSIT Newark Light Rail), [Appendix F](#) (NJ TRANSIT River LINE), [Appendix G](#) (NJ TRANSIT Hudson-Bergen Light Rail), and [Appendix H](#) (DPRA Port Authority Transit Corporation).

1.7 SSO Agency and RTA/RFGPTS Communication and Coordination

The NJDOT SSO program expects and requires full access to and cooperation from each RTA/RFGPTS under its jurisdiction (per N.J.A.C. 16:53E and this Program Standard). This full access includes the rail system assets (vehicles, trackway/right-of-way [ROW], overhead catenary system [OCS], third rail power systems, substations, signals and signal huts, maintenance facilities, command and control systems, and any related data, information systems, standard operating procedures [SOPs], safety related documents, and standards/rules) and RTA/RFGPTS staff at all levels (executives, directors, middle management, supervisors, and staff). The NJDOT SSO program staff are expected and required to follow operations, maintenance, and safety requirements and procedures of the RTA/RFGPTS when accessing facilities and systems.

The CSO or designee is the NJDOT SSO program primary contact for formal communication, coordination, and planning of safety program oversight; however, contact and coordination with the rail-related departments within the RTA/RFGPTS (Rail, Engineering, Command and Control, Training, Internal Audit, etc.) are also expected. The RTA/RFGPTS Safety Staff often act as an extension of the NJDOT SSO program for investigations, audits, and development and tracking of CAPs at the RTA/RFGPTS. Specific coordination activities and personnel involved with the NJDOT SSO program safety oversight are described in an Appendix for each New Jersey RTA/RFGPTS – [Appendix E through H](#).

The NJDOT SSO program maintains and ensures on-going communication with RTA/RFGPTS under its jurisdiction through various means including teleconferences (as needed) held with RTA/RFGPTS personnel, monitoring RTA/RFGPTS executive-level safety-related or risk-related meetings (often through attendance, minutes of those meetings and copies of handouts), holding monthly meetings with CSO to discuss/address all open items related to the NJDOT SSO program, including investigations, internal/external audits, hazards, training and CAPs (See [Appendix M](#) for the Monthly CSO Safety Meeting Agenda). These risk monitoring or hazard management activities are shown in Table 2 and designed to ensure active involvement of all parties in the NJDOT SSO program and monitoring of all safety-related activities identified at the RTA/RFGPTS. In addition, the NJDOT SSO program tracks all relevant communications, reports, investigations, audits, and submissions made by each CSO and will discuss/address any open issues during the Monthly CSO Safety Meetings with program participants, including tracking databases, as well as programmatic record keeping.



All official communications must be sent to the official NJDOT SSO program email address (NJOFGSSO@dot.nj.gov) with an option to CC key SSO staff members.

Although communications with the RTAs/RFGPTS are often completed via telephone or emails, some communication may need to be more formal so that requests for data and information can be tracked. These more formal communications will be provided to the CSO as a Request for Information (RFI) or a Request for Additional Information (RFAI). An RFI or RFAI will be communicated via formal letter on NJDOT letterhead, typically transmitted via email. These communications will also request a timeframe for response by the CSO, additional time requires communication and agreement with the NJDOT SSO program. Failure to respond to RFIs will result in an Administrative Notice of Violation (See **Procedure SSO-004**).

Data and Information Collection and Analysis. The NJDOT SSO program collects and tracks status of the following data and information:

- Reportable event notifications and investigations
- Internal audits and associated logs
- Triennial audits and associated logs
- Status of each Corrective Action Taken/Plan from all safety program related sources through closure, including evidence of closure.
- Tracking of hazards and daily dispatch, & incident/occurrence logs
- Safety Risk Management/Hazard Analyses
- The RTA/RFGPTS database systems for operations, maintenance, and command and control related to the rail systems.
- Relevant Communications (bulletins, general orders, safety advisories, etc.)

In addition, the NJDOT SSO program tracks some investigations that are not reportable to FTA, because of ongoing monitoring of safety performance at the RTA/RFGPTS. This information is tracked in a database developed by the NJDOT SSO program, the Electronic Accident and Incident Reporting (EAR) Database, for the RTAs/RFGPTS. The NJDOT SSO program has a master Accident/Incident Database (ACID) to collect data and information from all RTA/RFGPTS. Information from the database is used to support the NJDOT SSO program annual submission to FTA and to develop analysis for risk monitoring or hazard management of the safety program at the RTAs/RFGPTS. This analysis activity is intended to support risk-based, data-driven decision-making for additional investigation or audit of the RTA/RFGPTS safety program and related all-hazards minimum safety standards and safety program related control documents by the NJDOT SSO program.

The FTA has developed their electronic data collection system for the Annual Submission, State Safety Oversight Reporting (SSOR) system. The National Transit Database (NTD) data collection from the RTAs/RFGPTS for the Safety and Security (S&S) Module for accidents and incidents is used to populate the SSOR system for each SSO program, including the NJDOT SSO program. The SSO program then needs to verify and address discrepancies in this data system working with



each RTA/RFGPTS and complete data entry. The SSOR system is then used to submit the SSO Program Annual Submission to FTA and Certification of Compliance.

Table 2. New Jersey RTA/RFGPTS Communication and Coordination

RISK MONITORING ACTIVITY	OUTPUT
Collection of investigations, hazards, logs, and CAPs; monthly status tracking reports	The Electronic Accident and Incident Report (EAR) Database is used to collect notifications, investigations, hazards and CAPs, including status of these activities from each RTA/RFGPTS, along with submissions from the CSO.
Reportable events and hazardous conditions – notification and investigation	Notification, 24-hour summary, status investigation report; final investigation report and CAPs which are approved and adopted by NJDOT SSO program.
Collection of Internal audits Report, Annual Report/Certification letter of compliance, & Internal Safety Audit/Review Findings Log	Checklists, plans, procedures, final Internal audit reports/Annual Report, and CAPS which are reviewed and approved by the NJDOT SSO program; Internal Safety Audit/Review Findings Log
Monthly RTA/RFGPTS executive-level and other safety-related meetings	Meeting minutes and handouts provided to NJDOT SSO program for executive safety committee, configuration management committee, and other related safety program committee meetings; this also includes attendance by the NJDOT SSO program as needed and when possible.
Monthly CSO Safety Meetings	Open Investigations, internal/external audits, observations/inspections, training, hazard tracking, CAPs, daily incident logs, and significant communications with outside agencies or anything related to the safety program (See Appendix M for details).
Meetings, observations, examinations, and site visits at the RTAs/RFGPTS	Meeting minutes, observations, examinations, inspection reports, and site visits to monitor safety risk, review CAP closure evidence, or unsafe conditions; these meetings/visits are also being used to monitor management of change and security activities.
Technical Training Plan for NJDOT SSO program staff	NJDOT SSO program staff to attend RTA/RFGPTS awareness and technical/safety competency training for NJDOT SSO program staff as defined in the Training Plan (See Appendix C) as well as on-site activities such as riding the rail system and participating in RTA/RFGPTS safety efficiency activities. Also includes relevant TSI courses and online trainings as required or appropriate
Annual ASP review/update; review and approval of any subsequent updates to an approved ASP	RTA/RFGPTS annual review or update (Board approval for any subsequent updates). The process is covered in section 4.2
Review and approval of RTA/RFGPTS minimum safety standards	RTA/RFGPTS minimum safety standards include those standards defined by the RTA/RFGPTS for safe operations and maintenance in selected Plans, Manuals, and SOPs
NJDOT SSO program review and interactions for data discrepancies	FTA’s State Safety Oversight Reporting (SSOR) tool populates data from the NTD S&S module into the SSOR system for the SSO programs to resolve data discrepancies and complete data entry on an ongoing basis and then for the Annual Submission and Certification
NJDOT SSO program triennial audit of each RTA/RFGPTS	Audit plan, draft audit report, final audit report, and CAPs which are developed by CSO and approved by the NJDOT SSO program; External Safety Audit/Review Findings Log



The information collection activity is supplemented through periodic on-site visits by the NJDOT SSO program staff beyond the planned meetings. The NJDOT SSO program analyzes information collected to develop an annual data analysis (trends) report to be reviewed/shared with each of the RTAs/RFGPTS. In addition, a programmatic-level (PSR) annual report is developed for the NJDOT SSO program that is made available for review by the RTAs/RFGPTS and ultimately released to the public (as now required in the Part 674 SSO program). These reports are scheduled for publication by December 31st of each year.

Federal Information Requests to RTAs/RFGPTS. The NJDOT SSO program requires that the New Jersey RTA/RFGPTS, under the jurisdiction of New Jersey, notify and share results of contact from federal agencies such as FTA, NTSB, FRA, or the Transportation Security Administration (TSA) in regards to the safety program at the RTA/RFGPTS. A copy of the correspondence and attachments is required to be sent to the NJDOT SSO program (NJOFGSSO@dot.nj.gov). The NJDOT SSO program also provides any RTA/RFGPTS-desired support, input, or review of responses that the RTAs/RFGPTS provide to these federal agencies. The NJDOT SSO program also intends to share any contact received from or responses required to federal agencies that includes or directly affects the RTAs/RFGPTS in the state, such as contact by the FTA investigators or TSA Surface Transportation Security Inspectors. This also includes FTA Safety Advisories, General Directives, or Special Directives related to the SSO program or any of the RTAs/RFGPTS. All communications received by the NJDOT SSO program will be forwarded to the CSO.

1.8 NJDOT SSO Program Risk Monitoring of RTAs/RFGPTS

The NJDOT SSO program embraces a philosophy of safety oversight that is essentially the same as the expected oversight requirements from the SSO Rule, ASP, and SMS through spending time on-site at the RTAs/RFGPTS meeting with staff, touring facilities and infrastructure, and riding the system as often as resources allow. Safety Risk Management (SRM) is essentially the same as the Hazard Management Program with expansion on more comprehensive hazard identification, and Safety Assurance (SA) also provides for detailed safety performance measurement to understand the risk environment at the RTAs/RFGPTS. The SRM and SA process are used to continuously monitor the effectiveness of mitigations and decision-making regarding priorities in allocating safety resources. In addition, the intent is to develop capabilities for preventing potential safety events from occurring and managing safety risk to a level as low as reasonably practicable (ALARP).

A **hazard** is 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 public transportation system; or damage to the environment. A **consequence** is the effect or result of a hazard. **Safety-related events** (accident, incident, or occurrence) have already occurred due to the consequence of hazard(s). A safety event is a culmination of potential hazard(s) that have aligned to cause a safety-related event.

Hazards that should be tracked are real or potential issues that have not occurred, with no finite closure. Each RTA/RFGPTS must establish and manage a **Hazard Tracking Log** as outlined in [Appendix K](#). These hazards are collected and tracked by NJDOT SSO program along with the mitigations to manage these identified hazards. Often, the existence and patterns of lower-



consequence incidents and occurrences tracked (latent conditions) in RTA/RFGPTS logs can be used through trend analysis and then hazard identification of controls or mitigations not fully successful at lowering risk to an acceptable level. Then, the SRM process can be used to re-assess any changes to mitigations needed.

FTA's guidance for this discussion is provided in the following guidance documents:

- Hazard Management Versus Safety Risk Management Guide – <https://www.transit.dot.gov/regulations-and-programs/safety/public-transportation-agency-safety-program/hazard-management-vs>
- Hazards and Consequences Training Tool – <https://www.transit.dot.gov/regulations-and-guidance/safety/ptasp-hazards-and-consequences-self-guided-learning-tool>
- Safety Risk Mitigations Versus Corrective Actions Guide – <https://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/safety-risk-mitigations>
- Guide to the Sample Safety Risk Register for Rail Transit Agencies – <https://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/guide-sample-safety-ri-0>

The NJDOT SSO program completes safety risk monitoring in the same way as SMS SA monitors safety performance measures, data, and information such as those shown in Figure 1 from the National Safety Plan. The list in Figure 1 can also be used as a framework for transit-specific safety performance measures and assess:

- The effectiveness of risk controls (mitigations) in agencies' operations and safety programs
- Conformance to expectations and/or the objectives of agencies' safety programs or policies
- Causes and contributing factors to non-conformances and potential new hazards or threats
- Improvements for agencies' operations and safety programs.

The risk monitoring data, information, and analyses are used to fully understand the state of the risk environment and provide a high-level understanding of safety culture at the RTAs/RFGPTS. The NJDOT SSO program also has a safety risk monitoring and examination process described in [Appendix M](#).

Existing safety performance measures – The safety performance measures in Figure 1 already exist and are reported by transit agencies to the FTA's NTD and other federal and state agencies. Although these measures are currently in use, they would benefit significantly from better definitions to improve consistency in data reporting as well as more discrete and finer granularity to better evaluate safety performance considering such factors as type of service and vehicle types and sizes. These performance measures also need to take the risk environment into account as a part of the calculations.



Figure 1. Data and Information from Safety Risk Monitoring in the Transit Industry

<p>Existing safety performance measures (under NTD)</p> <ul style="list-style-type: none">● Casualties<ul style="list-style-type: none">○ Fatalities (customers, employees, and the public)○ Injuries (customers, employees, and the public)● Property and environmental damage● Reportable events (Accidents)<ul style="list-style-type: none">○ Train derailments (mainline, yard, side tracks)○ Collisions (vehicle-to-vehicle, vehicle-to-person, vehicle-to-object)○ Collisions at grade-crossings○ Fires○ Evacuations for life safety reasons <p>Results from reportable event (accident) investigations</p> <ul style="list-style-type: none">● Probable cause● Contributing factors● Corrective actions <p>Audit results</p> <ul style="list-style-type: none">● Findings● Corrective actions <p>Safety Risk Management and Monitoring Information</p> <ul style="list-style-type: none">● Safety and security reporting from all levels of the organization● Violations of operations and maintenance rules● Job-based certification and awareness training● All-hazards preparedness analyses● Operations and maintenance performance, including SGR and TAM● Monitoring of hazard logs● Crime trends, such as trespassing, perimeter breaches, and fare evasion● Fitness for duty, including drug/alcohol program results and hours of service● Liability losses● Customer complaint information● Changes to management, operations, or maintenance● Studies of hazardous materials, spills, and environmental concerns● Ad hoc studies of hazards, threats, and vulnerabilities
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Results from investigations – For reportable safety events, transit industry investigations should include determinations of probable causes and contributing factors, as well as root cause analysis of organizational issues that influenced the causes or consequences of the events. Investigations should identify system safety deficiencies (e.g., poor system design, failed controls, and failed preventive/corrective actions).

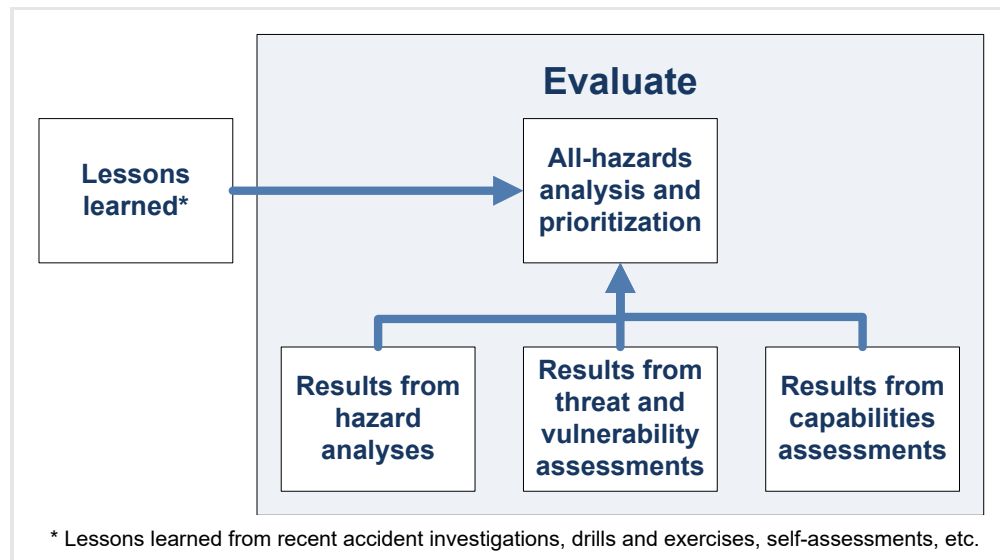
Audits results – For the transit industry, the objective of internal safety compliance audits is to find and correct any safety-related programmatic or procedural non-conformances. External safety audits at transit agencies, such as FTA triennial audits, may be required for capital financing or, in the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



Safety risk management and monitoring information – Monitoring the safety program through investigations and compliance audits, and their concomitant corrective actions, is straight-forward. Monitoring the safety program by proactively collecting and analyzing data that may indicate future problems is more difficult. The last bulleted list in Figure 1 identifies areas within the safety program where these data and information may be collected. Having a proactive safety program requires significant attention to and monitoring of this group of activities.

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

Figure 2. All-hazards Risk Management and Prioritization



1.9 FTA Triennial Audit of the NJDOT SSO Program

The FTA SSO program is required in Section 5329(e)(10)(B) to complete an audit of each SSO program at least every three years to assure compliance to Part 674 and Section 5329(e). During these triennial audits of the NJDOT SSO program, the FTA SSO program staff request a tremendous number of documents and amount of information ahead of the on-site activities, which typically occur at one or more of the RTAs/RFGPTS. The NJDOT SSO program staff will work directly with the RTAs/RFGPTS and the FTA SSO program staff to schedule and coordinate the on-site portion(s) of the FTA audit and the interviews and inspections that might be completed with RTA/RFGPTS staff and on the RTA/RFGPTS. The NJDOT SSO program intends to negotiate on behalf of the state and the RTAs/RFGPTS (with consultation) for all findings and



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recommendations documented in FTA's audit report, and work with the RTAs/RFGPTS to develop and approve corrective actions to be tracked to completion, as needed.



Section 2. Program Standard Development

The primary requirement of the NJDOT SSO program is to develop and administer a program standard that establishes processes and procedures that govern the conduct of the safety oversight program at the state level. The program standard provides guidance to regulate RTAs/RFGPTS processes and procedures that are implemented to assure compliance to the safety program requirements. The NJDOT SSO program standard and procedures are required to be reviewed at least annually and any changes/revisions are required to be a part of the SSO program annual submission to the FTA, as described in Section 9. Annual Reporting to FTA.

The NJDOT SSO program standard is also required to address minimum standards for safety at the RTA/RFGPTS, under the jurisdiction of New Jersey. These standards are intended to include rail safety-related practices and procedures such as the RTA/RFGPTS ASP, System Security Plan (SSP), and other related RTA/RFGPTS documents and procedures associated with their safety program documentation. The minimum safety standards required by the NJDOT SSO program are industry-based, RTA/RFGPTS-developed safety standards used by the properties and documented in their policies, program documents, plans, and procedures. The NJDOT SSO program tracks the current versions of the RTA/RFGPTS safety program related control documents where the minimum standards for safety are recorded.

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

An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

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

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

2.1 NJDOT Fixed Guideway SSO Program Standard

The NJDOT SSO Program Standard describes the processes, procedures, interactions and requirements for the RTAs/RFGPTS and the state's responsibilities to the FTA. The program standard also includes a process for annual review, revision, approval, distribution and availability. The primary resource document from FTA for developing the program standard is the *Program Standard Technical Assistance Guide*, <https://www.transit.dot.gov/regulations-and-guidance/safety/program-standard-technical-assistance-guide>.

The SSO Program Manager is responsible for changes to this program standard, and these changes may originate from internal or external audits, policy changes, or organizational changes. All participants in the NJDOT SSO program are encouraged to offer comments and recommendations to the program standard. Each comment or recommendation will be reviewed and addressed in a timely manner. The revised program standard must be approved by the SSO Program Manager and additional NJDOT management, when necessary.



The approved program standard is distributed to the signees (Accountable Executive, Chief Safety Officer, Chief of Police/Security, and any other appropriate staff) for required signatures on the acknowledgement page when necessary and sent back to the NJDOT SSO program manager.

The finalized program standard is then distributed electronically in pdf format to all signees and placed on NJDOT's website. It is the responsibility of the signees to distribute the document to any appropriate staff, RFGPTS management, or contractors.

This program standard has been designed with the appendices and procedures separate from the body of the program standard. Updates to the appendices and procedures follow a separate update process that does not require the formal signatures or acknowledgement of the changes by the signees. Updates to the appendices or procedures will be distributed electronically to the signees and posted on the NJDOT website. It is the responsibility of the signees to distribute the changes to any appropriate staff, RFGPTS management, or contractors. A list of the appendices, procedures, and current version date is provided in a version tracking table so that all NJDOT SSO program participants can assure that they have the current version of each appendix and procedure.

The review and update process for the program standard is outlined in **Procedure SSO-001**.

2.2 Minimum Standards for Safety

The NJDOT SSO program is required to have the authority to develop, review, adopt, and revise minimum standards for safety at all RTA/RFGPTS, under the jurisdiction of New Jersey, and this authority exists in N.J.A.C. 16:53E by incorporation of the requirements from 49 U.S.C. Section 5329(e) and 49 CFR Part 674.

Minimum standards for safety are envisioned within the NJDOT SSO program to be those standards adopted and documented by the RTA/RFGPTS that govern the safe operations, command and control, and inspection and maintenance of the rail systems, including facilities, infrastructure, and rail-related vehicles. These safety-related standards generally already exist at the RTA/RFGPTS and experience from accident investigations, audits, and updates of procedures may indicate a need to update or develop new safety standards for the RTA/RFGPTS. The NJDOT SSO program requires that the safety program related control documents from each RTA/RFGPTS must be tracked, reviewed, and approved when changes are made.

In addition, all of these safety-related standards should be based on existing transit industry standards (such as from the American Public Transportation Association [APTA], National Fire Protection Association [NFPA], American Railway Engineering and Maintenance of Way Association [AREMA], etc.) that have been customized for the RTA/RFGPTS equipment, infrastructure, and operations. The existing transit industry related standards also need to be checked for updates and then those updates need to be integrated into the existing RTA/RFGPTS minimum safety standards documents.

The FAST Act added a requirement for FTA (in Section 5329) to include minimum standards for safety into their National Safety Plan as well as to develop a compendium of transit industry related safety standards. This compendium is available at <https://www.transit.dot.gov/regulations-and-guidance/safety/transit-safety-standards>. FTA has also convened a working group of transit



industry professionals to consider development and enforcement of minimum standards for safety that are not currently requirements by other federal agencies.

The general list of minimum standards for safety or safety program related control documents that are tracked by the NJDOT SSO program are listed next with a description of each type of document and then a specific document and version list is provided in the appendices for each New Jersey RTA/RFGPTS ([Appendix E through H](#)). This list of safety program related control documents may expand over time as the RTAs/RFGPTS spin out topics from the Agency Safety Plan as separate and referenced documents. These referenced documents may be easier to manage than being integrated directly into the Agency Safety Plan where all changes would need to go through the entire formal update and approval process.

The NJDOT SSO program requires direct access to the minimum standards for safety and any changes or when similar/related documents are developed by the RTA/RFGPTS. Each of these documents has its own process for update based on requirements or experience. Changes to the minimum standards for safety at each of the RTAs/RFGPTS are based on experience, investigations, audits, and/or transit industry experience. These new or updated minimum standards for safety are mutually agreed to with the NJDOT SSO program through discussions or based on corrective actions defined by the New Jersey RTA/RFGPTS and approved by the NJDOT SSO program.

Provided by the NJDOT SSO Program Directly to the RTAs and on the Website

- **New Jersey Department of Transportation (NJDOT) Fixed Guideway State Safety Oversight (SSO) Program Standard** – this document provides a description of the processes used by the SSO program, requirements of all RTA/RFGPTS, under the jurisdiction of New Jersey, including minimum safety standards and distributing the program standard and related minimum safety standards.

Documents that Must Be Provided to the NJDOT SSO Program

- **Agency Safety Plan (ASP)** – The ASP contains the requirements for the safety program and related activities at the RTA/RFGPTS. This document and its requirements are discussed further in this Program Standard Section 4.
- **Emergency Operations/Response Plan (EOP or ERP)** – this document provides the coordination and preparedness activities inside and outside of the RTA/RFGPTS.
- **Rail Operating Rule Book** – these are the rules that operators and others working around the rail system must follow.
- **Right-of-Way or Roadway Worker Protection (RWP) Plan** – this document is related to the Rail Operating Rule Book from the perspective of the protections and procedures for workers on the rail ROW.
- **Command and Control/Train Control SOPs** – these SOPs are used by the command and control staff/supervision to manage operations on the rail system for both usual and unusual operations, as well as managing maintenance and workers on the ROW. These SOPs should include troubleshooting information for frequent problems and managing emergencies on the rail system. These SOPs include the function of load/power control/management.



- **Investigation Procedures at the RTA/RFGPTS** – this procedure includes a description of the types of events that need notification and investigation, who will perform those requirements, causal factor analysis, hazard analysis, and development of recommendations and corrective actions. This procedure is also required to be adopted and approved by the NJDOT SSO program in order to authorize the RTA/RFGPTS to be the lead investigator for the SSO program. These procedures are also mentioned in this SSOPS Sections 6 and 7. Refer to forms and checklists to be used by the RTA/RFGPTS in **Appendix O**, Exhibit A.
- **Procedure requiring review of SOPs related to Safety** – this procedure requires that the minimum safety standards at the RTA/RFGPTS are also required to be reviewed, agreed to, and approved by the Safety Department.
- **Safety Risk Management Plan** – this plan provides the process that the RTA/RFGPTS follows for hazard analysis and risk assessment. This information may be included directly in the Agency Safety Plan (ASP), but may also be its own separate and referenced document. The Hazard Management Plan should be integrated into this plan or be enhanced and become the Safety Risk Management Plan.
- **Management of Change Documentation**
 - **Safety and Security Certification Plan (SSCP)**– the SSCP provides the required activities from the RTA/RFGPTS safety program for assuring that safety certification is completed for capital projects, new equipment/infrastructure, or system refurbishment and modification that impact safety and are deemed necessary by the SSO program. The main topics for safety and security certification are related design criteria, participation of the Safety Department, and a process of the RTA/RFGPTS assuring that all safety and security design criteria exist, were comprehensive, and were properly addressed, including integrated testing and readiness for revenue service.
 - **System Modification Plan** – the RTA/RFGPTS may decide to develop a separate System Modification Plan or as part of Management of Change documentation.
 - **Procurement Controls Documentation** – this document includes any safety program related controls required in all procurements of capital projects, services, or components.
 - **Configuration Management Plan (CMP)** – the Configuration Management Committee and processes are a required element/function within the RTA/RFGPTS safety program, along with safety and security certification and system modifications, as well as safety-related requirements for procurement.
- **TAM Plan** – this plan is required for RTAs/RFGPTS and it is related to the CMP, but with a focus on the state of good repair (SGR) of transit assets.
- **Field Supervision SOPs** – these SOPs are for supervision out on the rail system for support of service delivery, responsiveness to passengers, and safety. The field supervisors will often be the first supervision to arrive at the scene of a safety event on the rail system and provide at least initial investigation of events on the rail system.



Documents that May Be Provided or Only Available for Review On-Site

- **SSP/Security and Emergency Preparedness Plan (SEPP)** – this security program document describes the requirements for system security and emergency preparedness at the RTA/RFGPTS. Note that the new SSO Rule no longer defines the content of the SSP/SEPP, its processes or procedures. However, the NJDOT SSO program now considers this security program document as a minimum safety standard in terms of its overlap with the safety program at the RTA/RFGPTS (risk assessment and management, and emergency preparedness). The NJDOT SSO program and the ASP regulation require that the RTA/RFGPTS develop an appropriate emergency response/management program document(s) and the NJDOT SSO program will provide oversight of that document and the processes that it represents, but only from the safety program (all-hazards) perspective.
- **Operational Hazard Assessment/Analysis (OHA) and Safety Risk Register** – these documents are used to track existing and potential hazards in the operations and maintenance of transit service, assessment of those hazards, consideration of mitigations, and actual selection of mitigations. These documents are kept up to date based on risk monitoring from Safety Assurance activities at the transit agency.
- **Inspection and Maintenance Manuals, SOPs, and Standards** – these documents provide the requirements for inspection and maintenance of the rail system, including facilities, infrastructure, and related vehicles. These documents should have the customized requirements for preventive maintenance, inspection, and troubleshooting for equipment problems. The preventive maintenance inspections and intervals must continue to be directly provided to the NJDOT SSO program.



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Section 3. Program Policy and Objectives

The design and implementation of the NJDOT SSO program includes a difference between being responsible for defining and executing the safety program at an RTA/RFGPTS and the State providing oversight of the safety program at an RTA/RFGPTS. It is the intent of NJDOT's SSO program to provide safety program oversight for RTAs/RFGPTS in the State and not to attempt to take control of or manage the RTA/RFGPTS safety programs. NJDOT's SSO program is designed to be cooperative with the RTAs/RFGPTS in the State and with the FTA SSO program in order to encourage efficient and effective management of safety risk to an ALARP level within the resource constraints of these activities and programs. However, the NJDOT SSO program is also designed to provide proactive and progressive oversight in addressing emerging or uncontrolled safety risk at an RTA/RFGPTS.

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

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

The NJDOT SSO program objectives are:

- To take full responsibility for this State's safety program oversight authority and requirements from the federal regulation under Part 674 and related safety program regulations.
- To assure qualifications and training for SSO program-related staff (NJDOT and contractor staff).
- To provide strategic, dynamic, and transparent safety oversight of the RTAs/RFGPTS.
- To work in partnership with the RTAs/RFGPTS in support of their safety program, which includes oversight and technical assistance for maintaining and improving safety performance.
- To require that the RTA/RFGPTS Management, Safety Department, and Staff are competent in executing their safety program and complying with the NJDOT SSO program.
- To be responsible for the safety program-related-investigations and internal audits at the RTAs/RFGPTS with the expectation that the RTAs/RFGPTS are granted the responsibility to lead these investigations and internal audits. The NJDOT SSO program may, at its discretion, directly participate in (or lead) these safety program related activities, which may include independent or cooperative on-site investigations/audits at the RTAs/RFGPTS.
- To assure that the RTAs/RFGPTS own their safety-related risk. This means that the SSO program staff will participate in and technically review safety-related investigations, internal audits, and complete independent investigations/audits, such as the triennial review/audit. SSO program staff will also make recommendations and provide input and technical assistance as needed or requested. However, the RTAs/RFGPTS must develop corrective actions in conjunction with their Safety Department. The NJDOT SSO program must approve these corrective actions if they are deemed consistent and complete with respect to the findings of the investigations and audits.



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- To provide periodic safety program related reviews/audits of the RTAs/RFGPTS as required and deemed necessary by the NJDOT SSO program.
- To provide annual and periodic information and data to the FTA SSO program, as required and appropriate.

The FTA requires that the NJDOT SSO program must demonstrate it has the authority to escalate enforcement up to and including removal of equipment or suspending RTA/RFGPTS operations based on safety deficiencies. This enforcement escalation process is in **Procedure SSO-004**.



Section 4. Oversight of Agency Safety Plans and Transit Agencies' Internal Safety Reviews

FTA completed their final rule for the Public Transportation Agency Safety Plans (PTASPs or Agency Safety Plans) in 49 CFR Part 673, July 18, 2018. Each RTA/RFGPTS must complete development of an Agency Safety Plan and have it approved internally, including the Board of Directors (or equivalent), and the NJDOT SSO program. This section describes the requirements of the Agency Safety Plan for each RTA/RFGPTS in New Jersey. FTA provided requirements for the Agency Safety Plan and the SSO programs in 49 CFR Part 674.25(b), 674.27(a)(4), and 674.29, as shown in the following text box.

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

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

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

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

49 CFR §674.29 Public Transportation Safety Plans: general requirements

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



4.1 Requirements for the Agency Safety Plan

The Agency Safety Plan is intended to describe the transit agency's implementation of a Safety Management System (SMS) to assure authority, resourcing, safety performance improvement, and full compliance with the transit agency's safety program. The following information is taken directly from the Agency Safety Plan regulation. A review checklist for the Agency Safety Plan requirements is provided in [Appendix J](#) along with the System Safety Program Plan (SSPP)-based safety program description organized by the SMS components. The following text box provides the general requirements for an Agency Safety Plan from the regulation. Also, FTA has provided a website and a technical assistance center to answer questions about developing and approving the ASPs – <https://www.transit.dot.gov/PTASP-TAC>.

A summary of the over-arching requirements for the Agency Safety Plan are the following:

- The Agency Safety Plan and subsequent updates must be signed by the Accountable Executive and approved by the Board of Directors, or an Equivalent Authority.
- The Agency Safety Plan must document the processes and activities related to the SMS implementation.
- The Agency Safety Plan must include safety performance targets based on the safety performance measures established under the National Transportation Safety Plan.
- The Agency Safety Plan must address all applicable requirements and standards set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.
- The transit agency must establish a process and timeline for conducting an annual review and update of the Agency Safety Plan.
- RTA/RFGPTS must include or incorporate by reference in its Agency Safety Plan an emergency preparedness and response plan or procedures that addresses, at a minimum:
 - The assignment of employee responsibilities during an emergency
 - Coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

Additional requirements of the RTA/RFGPTS Agency Safety Plan are the following:

- The Agency Safety Plan may be developed for all transit modes or separately for transit modes.
- The RTA/RFGPTS must follow the recordkeeping requirements provided in 49 CFR Part 673.31.
- A State must draft and certify Agency Safety Plans for small public transportation providers.
- Transit agencies under the jurisdiction of the United States Coast Guard (USCG) or the Federal Railroad Administration (FRA) are not required to develop Agency Safety Plans for those transit modes of service.



49 CFR §673.11 General requirements.

- (a) A transit agency must, within one calendar year after July 19, 2019, establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:
- (1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by the agency's Board of Directors, or an Equivalent Authority.
 - (2) The Public Transportation Agency Safety Plan must document the processes and activities related to the Safety Management System (SMS) implementation, as required under subpart C of this part.
 - (3) The Public Transportation Agency Safety Plan must include performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.
 - (4) The Public Transportation Agency Safety Plan must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. Compliance with the minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C) is not required until standards have been established through the public notice and comment process.
 - (5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.
 - (6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.
- (b) A transit agency may develop one Public Transportation Agency Safety Plan for all modes of service, or may develop a Public Transportation Agency Safety Plan for each mode of service not subject to safety regulation by another Federal entity.
- (c) A transit agency must maintain its Public Transportation Agency Safety Plan in accordance with the recordkeeping requirements in subpart D of this part.
- (d) A State must draft and certify a Public Transportation Agency Safety Plan on behalf of any small public transportation provider that is located in that State. A State is not required to draft a Public Transportation Agency Safety Plan for a small public transportation provider if that agency notifies the State that it will draft its own plan. In each instance, the transit agency must carry out the plan. If a State drafts and certifies a Public Transportation Agency Safety Plan on behalf of a transit agency, and the transit agency later opts to draft and certify its own Public Transportation Agency Safety Plan, then the transit agency must notify the State. The transit agency has one year from the date of the notification to draft and certify a Public Transportation Agency Safety Plan that is compliant with this part. The Public Transportation Agency Safety Plan drafted by the State will remain in effect until the transit agency drafts its own Public Transportation Agency Safety Plan.
- (e) Any rail fixed guideway public transportation system that had a System Safety Program Plan compliant with 49 CFR Part 659 as of October 1, 2012, may keep that plan in effect until one year after July 19, 2019.
- (f) Agencies that operate passenger ferries regulated by the United States Coast Guard (USCG) or rail fixed guideway public transportation service regulated by the Federal Railroad Administration (FRA) are not required to develop agency safety plans for those modes of service.

On an annual basis, the RTA/RFGPTS must certify its compliance with 49 CFR Part 673. In addition, to the maximum extent practicable, the RTA/RFGPTS must coordinate with States and Metropolitan Planning Organizations (MPOs) in the selection of State and MPO safety performance targets.



49 CFR §673.13 Certification of Compliance

- (a) Each transit agency, or State as authorized in § 673.11(d), must certify that it has established a Public Transportation Agency Safety Plan meeting the requirements of this part one year after July 19, 2019. A State Safety Oversight Agency must review and approve a Public Transportation Agency Safety Plan developed by rail fixed guideway system, as authorized in 49 U.S.C. 5329(e) and its implementing regulations at 49 CFR Part 674.
- (b) On an annual basis, a transit agency, direct recipient, or State must certify its compliance with this part.

49 CFR §673.15 Coordination with metropolitan, statewide, and non-metropolitan planning processes.

- (a) A State or transit agency must make its safety performance targets available to States and Metropolitan Planning Organizations to aid in the planning process.
- (b) To the maximum extent practicable, a State or transit agency must coordinate with States and Metropolitan Planning Organizations in the selection of State and MPO safety performance targets.

FTA's requirements for the Agency Safety Plan and SMS implementation are described to include four components, as shown in Figure 3 and covered in the following text boxes. Each transit agency must establish and implement an SMS that is appropriately scaled to the size, scope, and complexity of the transit agency.

Subpart C—Safety Management Systems

49 CFR § 673.21 General requirements.

Each transit agency must establish and implement a Safety Management System under this part. A transit agency Safety Management System must be appropriately scaled to the size, scope and complexity of the transit agency and include the following elements:

- (a) Safety Management Policy as described in § 673.23.
- (b) Safety Risk Management as described in § 673.25.
- (c) Safety Assurance as described in § 673.27.
- (d) Safety Promotion as described in § 673.29.



Figure 3. Four Components of the Transit-Specific SMS



The following descriptions of the overall SMS Implementation requirements and the four SMS Components also include a summary of additional information and documentation related to each topic/component that are currently required to be included in the Agency Safety Plan. Historically, much of the Safety Program Description has only existed in the System Safety Program Plan. As the Agency Safety Plan is being developed to both replace the System Safety Program Plan and to implement the SMS, it is currently necessary to also account for the full Safety Program Description (currently described in the System Safety Program Plan) in order to account for the scope of what the SMS is intended to manage and the oversight of the Safety Program.

For the references to the SSPP Elements that follow, the intent is that over time, the Safety Program Description may be developed into documents and accounted for separate from the Agency Safety Plan with only references in the Agency Safety Plan, including the use of appendices or minimum standards for safety. This then would allow the Agency Safety Plan to focus more on the SMS, its implementation, and progress towards assuring and improving safety performance. In addition, the RTAs/RFGPTS may want to separate some of the safety program description information, so that updates of that information are not required to follow the formal update and approval process defined for the Agency Safety Plan.

Additional information and documentation related to the *SMS General Requirements*.

- Plan Review and Modification (Element 4)
- National Public Transportation Safety Plan
- Minimum Document Submission to the NJDOT SSO Program (Element 24)



- Safety Data Acquisition (Element 9)
- System Security Plan (SSP)/Security and Emergency Preparedness Plan (SEPP)
- Emergency Operations Plan (EOP)/Emergency Management Plan (EMP)
- Emergency Management Program (Element 11)

The RTA/RFGPTS SSP/SEPP and EOP/EMP are included as part of the safety program related control documents/minimum standards for safety, with a focus on those aspects of the security program that overlap with the safety program (risk assessment, emergency preparedness, drills and exercises, and emergency response planning). The SSP/SEPP content description is still provided in [Appendix I](#) (as recommended by the Transportation Security Administration (TSA)); however, the content of this document is no longer formally required by the SSO program. New versions of the SSP/SEPP and EOP/EMP will be formally acknowledged and approved along with all other safety program related control documents. As an extension of the safety program, the SSP/SEPP content that overlaps with the safety program is in scope of the RTA/RFGPTS internal audits and all safety oversight provided by the NJDOT SSO program.

Safety Management Policy (Part 673.23)

- Establish organizational accountabilities and responsibilities
- Written statement of safety management policy that includes the agency's safety objectives
- Establish and implement a process that allows employees to report safety conditions to senior management, protections for employees who report safety conditions, and a description of employee behaviors that may result in disciplinary action.
- The safety management policy must be communicated throughout the agency's organization.
- The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals:
 - Accountable Executive
 - Chief Safety Officer or SMS Executive
 - Agency leadership and executive management
 - Key Staff

Additional information and documentation related to *Safety Management Policy*.

- Policy Statement (Element 1)
- Purpose, Goals, and Objectives (Element 2)
- Management Structure (Element 3) – this excludes the rail systems/physical plant description that will be accounted for in Safety Risk Management and Safety Assurance.
- Plan Implementation (Element 5)



49 CFR §673.23 Safety Management Policy

- (a) A transit agency must establish its organizational accountabilities and responsibilities and have a written statement of safety management policy that includes the agency's safety objectives.
- (b) A transit agency must establish and implement a process that allows employees to report safety conditions to senior management, protections for employees who report safety conditions to senior management, and a description of employee behaviors that may result in disciplinary action.
- (c) The safety management policy must be communicated throughout the agency's organization.
- (d) The transit agency must establish the necessary authorities, accountabilities, and responsibilities for the management of safety amongst the following individuals within its organization, as they relate to the development and management of the transit agency's Safety Management System (SMS):
 - (1) *Accountable Executive*. The transit agency must identify an Accountable Executive. The Accountable Executive is accountable for ensuring that the agency's SMS is effectively implemented, throughout the agency's public transportation system. The Accountable Executive is accountable for ensuring action is taken, as necessary, to address substandard performance in the agency's SMS. The Accountable Executive may delegate specific responsibilities, but the ultimate accountability for the transit agency's safety performance cannot be delegated and always rests with the Accountable Executive.
 - (2) *Chief Safety Officer or Safety Management System (SMS) Executive*. The Accountable Executive must designate a Chief Safety Officer or SMS Executive who has the authority and responsibility for day-to-day implementation and operation of an agency's SMS. The Chief Safety Officer or SMS Executive must hold a direct line of reporting to the Accountable Executive. A transit agency may allow the Accountable Executive to also serve as the Chief Safety Officer or SMS Executive.
 - (3) *Agency leadership and executive management*. A transit agency must identify those members of its leadership or executive management, other than an Accountable Executive, Chief Safety Officer, or SMS Executive, who have authorities or responsibilities for day-to-day implementation and operation of an agency's SMS.
 - (4) *Key staff*. A transit agency may designate key staff, groups of staff, or committees to support the Accountable Executive, Chief Safety Officer, or SMS Executive in developing, implementing, and operating the agency's SMS.

Safety Risk Management (Part 673.25)

- Safety Risk Management process
- Safety hazard identification
- Safety risk assessment
- Safety risk mitigation

Additional information and documentation related to ***Safety Risk Management***.

- Hazard Management Process (Element 6)
- Control documents for Operational Hazard Assessment/Analysis, Safety Risk Management Plan, and Safety Risk Register
- Safety Certification Process (Element 7) – focuses on the formal hazard analyses and risk assessments used in this process.



- System Modification (Element 8) – focuses on the formal hazard analyses and risk assessments used in this process
- Procurement (Element 21) – focuses on documenting the safety-related controls on procurements based on risk assessments and safety-related requirements
- Coordination with other Risk Assessments and prioritization for public safety and threat and vulnerability assessments (TVAs)

49 CFR §673.25 Safety Risk Management

- (a) *Safety Risk Management process.* A transit agency must develop and implement a Safety Risk Management process for all elements of its public transportation system. The Safety Risk Management process must be comprised of the following activities: Safety hazard identification, safety risk assessment, and safety risk mitigation.
- (b) *Safety hazard identification.*
- (1) A transit agency must establish methods or processes to identify hazards and consequences of the hazards.
 - (2) A transit agency must consider, as a source for hazard identification, data and information provided by an oversight authority and the FTA.
- (c) *Safety risk assessment.*
- (1) A transit agency must establish methods or processes to assess the safety risks associated with identified safety hazards.
 - (2) A safety risk assessment includes an assessment of the likelihood and severity of the consequences of the hazards, including existing mitigations, and prioritization of the hazards based on the safety risk.
- (d) *Safety risk mitigation.* A transit agency must establish methods or processes to identify mitigations or strategies necessary as a result of the agency's safety risk assessment to reduce the likelihood and severity of the consequences.

Safety Assurance (Part 673.27)

- Safety Assurance process
- Safety performance monitoring and measurement
- Management of change
- Continuous improvement

Additional information and documentation related to *Safety Assurance*.

- Safety Performance Monitoring and Measurement
 - Safety Data Acquisition (Element 9)
 - Incident Notification, Investigation, and Reporting (Element 10)
 - Emergency Management Program (Element 11)
 - Internal Safety Audit Program (Element 12)
 - Rules Compliance (Element 13)
 - Facilities and Equipment Inspections (Element 14)
 - Maintenance Audit and Inspection Program (Element 15)
 - Training and Certification Program (Element 16)
 - Compliance with Local, State, and Federal Safety Requirements (Element 18)
 - Hazardous Materials Program (Element 19)



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- Drug and Alcohol Program (Element 20)
- Hours of Service (Element 22)
- Roadway Worker Protection (Element 23)
- Minimum Document Submission to the SSO Program (Element 24)
- Control documents for Rail Operating Rule Book, Roadway Worker Protection, Command and Control/Train Control Standard Operating Procedures (SOPs), Investigation Procedures, Procedure requiring review of SOPs related to Safety, Field Supervision SOPs, Inspection and Maintenance Manuals, SOPs, and Standards
- Management of Change
 - Safety Certification Process (Element 7)
 - System Modification (Element 8)
 - Procurement (Element 21)
 - Configuration Management (Element 17)
 - Control documents Safety Certification Plan, Transit Asset Management Plan, and Configuration Management Plan.
- Continuous Improvement
 - Safety Data Acquisition (Element 9) – includes tracking and analysis of corrective action plans
 - Incident Notification, Investigation, and Reporting (Element 10)
 - Emergency Management Program (Element 11) – includes results of drills and exercises
 - Internal Safety Audit Program (Element 12)
 - Plan Review and Modification (Element 4)



49 CFR §673.27 Safety Assurance

- (a) *Safety assurance process.* A transit agency must develop and implement a safety assurance process, consistent with this subpart. A rail fixed guideway public transportation system, and a recipient or subrecipient of Federal financial assistance under 49 U.S.C. Chapter 53 that operates more than one hundred vehicles in peak revenue service, must include in its safety assurance process each of the requirements in paragraphs (b), (c), and (d) of this section. A small public transportation provider only must include in its safety assurance process the requirements in paragraph (b) of this section.
- (b) *Safety performance monitoring and measurement.* A transit agency must establish activities to:
- (1) Monitor its system for compliance with, and sufficiency of, the agency's procedures for operations and maintenance
 - (2) Monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended
 - (3) Conduct investigations of safety events to identify causal factors
 - (4) Monitor information reported through any internal safety reporting programs.
- (c) *Management of change.*
- (1) A transit agency must establish a process for identifying and assessing changes that may introduce new hazards or impact the transit agency's safety performance.
 - (2) If a transit agency determines that a change may impact its safety performance, then the transit agency must evaluate the proposed change through its Safety Risk Management process.
- (d) *Continuous improvement.*
- (1) A transit agency must establish a process to assess its safety performance.
 - (2) If a transit agency identifies any deficiencies as part of its safety performance assessment, then the transit agency must develop and carry out, under the direction of the Accountable Executive, a plan to address the identified safety deficiencies.

Safety Promotion (Part 673.29)

- Competencies and Training
- Safety Communication

Additional information and documentation related to ***Safety Promotion.***

- Competencies and Training
 - Training and Certification Program (Element 16)
 - Roadway Worker Protection (Element 23)
 - Emergency Management Program (Element 11) – specifically training and drills and exercises.
 - Training requirements for designated staff under Part 672, Safety Certification Training Program
- Safety Communication
 - Hazard Management Process (Element 6)
 - Safety Data Acquisition (Element 9)
 - Compliance with Local, State and Federal Safety Requirements (Element 18)
 - Hazardous Materials Program (Element 19)
 - Drug and Alcohol Program (Element 20)
 - Hours of Service (Element 22)



- Roadway Worker Protection (Element 23)
- Any public safety communications

49 CFR §673.29 Safety Promotion

- (a) *Competencies and training.* A transit agency must establish and implement a comprehensive safety training program for all agency employees and contractors directly responsible for safety in the agency's public transportation system. The training program must include refresher training, as necessary.
- (b) *Safety communication.* A transit agency must communicate safety and safety performance information throughout the agency's organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

Safety Plan Documentation (Part 673.31)

This topic addresses all records generated as part of the SMS-related tasks and activities.

Subpart D – Safety Plan Documentation Recordkeeping

49 CFR §673.31 Safety plan documentation

At all times, a transit agency must maintain documents that set forth its Public Transportation Agency Safety Plan, including those related to the implementation of its Safety Management System (SMS), and results from SMS processes and activities. A transit agency must maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the agency uses to carry out its Public Transportation Agency Safety Plan. These documents must be made available upon request by the Federal Transit Administration or other Federal entity, or a State Safety Oversight Agency having jurisdiction. A transit agency must maintain these documents for a minimum of three years after they are created.

4.2 NJDOT SSO Program Review and Approval of Agency Safety Plans

Based on the requirements of the NJDOT Fixed Guideway SSO Program Standard, 49 CFR Part 674, and Part 673, the RTA/RFGPTS is required to submit an initial Agency Safety Plan, any subsequent updates to previously approved Agency Safety Plan, and annual reviews and updates (if needed) to the NJDOT SSO program for review and approval.

Per the SSO and Agency Safety Plan regulations, the RTA/RFGPTS is required to review its Agency Safety Plan at least annually and make any modifications, as needed to assure that the Agency Safety Plan is current and accurate, as well as progressing in maintaining or improving safety performance.

Note that all operating rules, procedures, and materials referenced in the RTA/RFGPTS Agency Safety Plan (these are the safety program related control documents where the minimum standards for safety are recorded) should also be submitted to the NJDOT SSO program with the Agency Safety Plan to ensure an efficient and complete review of the RTA/RFGPTS safety program, as documented in the Agency Safety Plan.



ASP Annual Review and Update

The RTA/RFGPTS completes the annual review for the previous calendar year and the CSO submits a letter to the NJDOT SSO program indicating that the review was completed and whether or not the ASP will be updated. If there are no changes to the ASP, it should be indicated at this point in the review and approval process.

If updates are required, then the CSO must submit the updated draft ASP to the NJDOT SSO program for review and approval. Each updated draft ASP should include a summary that identifies and explains the changes.

The NJDOT SSO program staff reviews the draft ASP update to determine if there are any issues or if the draft Agency Safety Plan update is ready for approval. The NJDOT SSO program uses a conformance checklist for the review of the ASP (included as part of **Appendix J**) and determines if the draft ASP update meets the federal and state program requirements.

If there are any issues with the draft ASP update, the NJDOT SSO program staff will provide the CSO with comments via the checklist. The NJDOT SSO program or the CSO may request a meeting to review and discuss ASP issues to assure an understanding of the needed changes and negotiate the timing of any necessary modifications to the draft ASP.

Once the review conformance checklist is complete and no issues remain, Conditional Approval (See Program Standard “Definitions”) of the draft ASP update will be issued to the CSO. At this point in the update process, the CSO can finalize the ASP with appropriate signatures and transmittal letter, including approval by the board of directors (or equivalent) and submit the final ASP to the NJDOT SSO program. **This submittal is required to be completed by February 12th each year to coincide with the RTA/RFGPTS annual report to the NJDOT SSO program as discussed in the next subsection on internal safety audits.**

Upon receipt of the final RTA/RFGPTS ASP, the NJDOT SSO program will issue written approval of the ASP to the CSO within thirty (30) calendar days.

Appendix J outlines the Agency Safety Plan Annual Review/Approval Timeline to assure the update is completed by February 12th.

Out-of-Cycle Updates to Agency Safety Plan:

The NJDOT SSO program may require on-demand changes to an Agency Safety Plan based on revisions to the NJDOT Fixed Guideway SSO Program Standard, 49 CFR Part 674 or Part 673, audit results, investigations, or changing trends in safety data and information analysis. Upon receipt of a written notification from the NJDOT SSO program for Agency Safety Plan modifications, the CSO and the NJDOT SSO program will negotiate a timeframe and set a deadline for completing the revision.

In the event the CSO significantly modifies its Agency Safety Plan for its own purposes and needs, the CSO will notify the NJDOT SSO program in writing and submit the modified Agency Safety Plan to the NJDOT SSO program for review and approval within thirty (30) calendar days of the effective date of the change.



Initial submittals. An RTA/RFGPTS new (or extension) rail system capital project (including a New Starts project) is required to make an initial submittal of an Agency Safety Plan (or appropriate modification to an existing Agency Safety Plan) to the NJDOT SSO program at least one-hundred eighty (180) calendar days before beginning revenue service operations. The initial Agency Safety Plan will be reviewed and approved by the NJDOT SSO program in writing as part of the new rail system capital project safety certification process.

The review and approval process for initial submittals generally follows the Agency Safety Plan update review and approval process discussed above and is generally a more thorough review and may take several revision cycles to complete. This is the reason for the long-lead time for the initial submittal.

Specific to **New Starts projects**, the NJDOT SSO program may conduct on-site Readiness Reviews to assess the capabilities of the RTA/RFGPTS to implement its Agency Safety Plan during passenger operations. This assessment may be conducted in conjunction with the NJDOT SSO program's review and approval of the initial Agency Safety Plan submission.

4.3 Oversight of Internal Audits

As part of the NJDOT SSO program, each New Jersey RTA/RFGPTS is required to develop a three-year cycle of internal compliance audits of all aspects of the Agency Safety Plan, covering approximately one-third of these components and subcomponents each year. The purpose of the internal safety audits is to compare the content of the safety program documentation to the activities that the RTA/RFGPTS actually executes (practical drift). Findings and changes might require the program documentation or minimum standards for safety be updated to reflect current activities or activities might need to be changed or added so that the documents and activities match. **Each RTA/RFGPTS is required to provide the NJDOT SSO program with an Annual Report and certification letter of compliance along with the RTA/RFGPTS current Agency Safety Plan by February 12th of each year.**

Agency Safety Plan Internal Safety Program Compliance Audits. With the development and implementation of the Agency Safety Plan and SMS at each RTA/RFGPTS, there is a need to better define the topics needed to be reviewed/audited to complete the entire scope of the SMS and safety program. The following breakdown is provided to explain the expectations of the NJDOT SSO program.

- **Agency Safety Plan/SMS Implementation** review and audit of progress – Complete annually with review of the Agency Safety Plan and safety program related control documents/minimum standards for safety. This audit includes an accounting of progress towards safety performance targets for improvement. This audit should be used as a part of Continuous Improvement and assurance of program recordkeeping.
- **Safety Management Policy** review and audit – Complete annually with review of the Agency Safety Plan. This audit should be used as part of Continuous Improvement.
- **Safety Risk Management** review and audit – This audit should be completed once during the three-year audit cycle. Schedule based on other planned audits and resources.



- **Safety Assurance** review and audit – Start this audit as soon as possible within the three-year cycle in order to complete the audit of the topics and processes. Report progress towards completing this audit category each year until complete.
- **Safety Promotion** review and audit – This audit should be completed once for each subcomponent during the three-year audit cycle. Schedule based on other planned audits and resources.

Internal Audit Schedule and Checklists. The NJDOT SSO program requires that each RTA/RFGPTS provide a three-year schedule of internal safety audits at the beginning of that three-year cycle (required by February 12th of the year starting the three-year cycle as part of the Annual Report) with a schedule for each of the three years of audits for the safety program. This schedule of internal safety audits can change as needed so long as the overall three-year requirement of completing audits for all aspects of the Agency Safety Plan and safety program description are met. The schedule and progress of internal safety audits each year is tracked as part of the monthly status tracking. [Appendix L](#) provides a description and procedure for RTA/RFGPTS conduct of internal functional safety reviews compliant with the NJDOT SSO Program.

The RTA/RFGPTS develops procedures and documents the process for the performance of ongoing internal safety audits. Each year, plans/checklists, procedures, and documents are developed/collected for each audit at the RTA/RFGPTS and provided/submitted to the NJDOT SSO program for review and audit plan/checklist approval, at least thirty (30) calendar days before the intended internal audit so that the NJDOT SSO program staff has the opportunity to participate in reviews and audits at their discretion. Notifications and audit plans/checklists are required to be sent to the NJDOT SSO program (NJOFGSSO@dot.nj.gov). Written approval for internal audit checklists is provided to the CSO. In order to address conflict of interest (COI) and to protect the independent nature of the internal audit processes, the RTA/RFGPTS staff in charge of each audit cannot be the department in charge of implementing the activities being audited. Additional requirements are outlined in [Appendix L](#).

The RTA/RFGPTS staff (or contracted service) in charge of each audit must prepare a written report documenting the findings, recommendations and any corrective actions identified as a result of the audit/review. The CSO is required to submit the final internal audit report to the NJDOT SSO program within sixty (60) calendar days of the closing conference, additional time requires communication and agreement with the NJDOT SSO program. This requirement is intended to help address any issues with the internal audit findings, corrective actions taken, and CAPs developed to streamline the approval of CAPs, and the RTA/RFGPTS Annual Report and certification letter. The NJDOT SSO program formally approves those CAPs via letter. The CAP development and approval process is described further in Program Standard Section 8.

In addition, the CSO must maintain an **Internal Safety Audit/Review Findings Log** to track through implementation all findings, recommendations, and corrective actions taken/plans developed as a result of the internal safety audit/review process. Recommendations are required to be considered for developing a CAP and the determinations be documented. The log is to be provided to the SSOA in editable spreadsheet format Monthly.



RTA/RFGPTS Annual Report. **The RTA/RFGPTS is required to submit a report to the NJDOT SSO program by February 12th of each year.** The report, prepared by the RTA/RFGPTS, includes results of the Internal Safety Audit process and includes other audits performed during the year.

The **Annual Report** must include:

- (1) A listing of the internal safety audits/reviews conducted for that year
- (2) A discussion of where the RTA/RFGPTS is in meeting its three-year audit/review schedule.
- (3) An updated schedule for the next year's audits/reviews or the three-year schedule of internal safety audits (if at the beginning of the new three-year cycle)
- (4) The status of all findings, recommendations and corrective actions taken/plans resulting from the audit/reviews conducted that year (Internal Safety Audit/Review Findings Log)
- (5) Any challenges or issues experienced by the RTA/RFGPTS system safety or public safety functions in obtaining action from/compliance with these findings, recommendations, and corrective actions during that year.
- (6) Provide verification SSP/SEPP & Accident Investigation Procedure were reviewed within the reporting calendar year.
- (7) List of major projects at RTA/RFGPTS along with the status

The NJDOT SSO program reviews and approves the Annual Report within thirty (30) calendar days. The NJDOT SSO program may request additional information, clarifications or revisions from the RTA/RFGPTS while conducting its review. If required, meetings and/or teleconferences may be conducted to address any issues identified by the NJDOT SSO program during its review of the Annual Report. In addition to the Annual Report, the CSO must submit a formal Letter of Certification, signed by the **Accountable Executive** stating that based on the evaluation performed during the internal safety audit/review process during the previous year, the RTA/RFGPTS is in compliance with its Agency Safety Plan and safety program related control documents/minimum standards for safety.

Once the Annual Report is approved by the NJDOT SSO program, no further actions relative to the annual report is required, and the NJDOT SSO program provides an approval letter to the CSO.

If the NJDOT SSO program disapproves the Annual Report, the NJDOT SSO program notifies the CSO in writing and identify the specific deficiencies in the report. The CSO has thirty (30) calendar days, upon receipt of disapproval of the report, to develop a CAP or methodology to correct the identified deficiencies. The CAP must identify the noted audit deficiency; identify a process, plan, or mechanism to address and resolve the deficiency; establish a timeframe for implementation of a plan of action; identify department(s) and person(s) who is responsible for implementation, and other critical pertinent information. The NJDOT SSO program and CSO work together to assure that the CAP is sufficient to address the deficiencies identified in the internal audits. This CAP will become a part of the RTA's/RFGPTS' monthly tracking of all open CAPs until fully implemented. Once any corrective actions are defined, the NJDOT SSO program will provide their approval in writing for the RTA/RFGPTS Annual Report.



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Section 5. Triennial SSO Agency Audits

The NJDOT SSO program conducts an on-site safety program compliance audit of the RTA/RFGPTS implementation of its safety program as documented in their Agency Safety Plan (ASP), including the minimum standards for safety and related documentation, at least once every three (3) years, beginning with initiation of the RTA/RFGPTS passenger operations. At the conclusion of the on-site audit, the NJDOT SSO program prepares and issues a report containing findings and recommendations resulting from the review and audit. Findings and recommendations might require the program documentation to be updated to reflect current activities or activities might need to be changed or added so that the documents and activities match. The RTA/RFGPTS is required to develop CAPs as needed based on those findings and recommendations. [Appendix N](#) provides the NJDOT SSO program audit process and procedure, including expectations/requirements of the RTAs/RFGPTS.

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

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

49 CFR §674.31 Triennial audits: general requirements

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

In conducting the three-year review, the NJDOT SSO program establishes a review team and prepare a schedule, procedures and a checklist to guide the review process. Criteria are established through which the NJDOT SSO program can evaluate RTA/RFGPTS implementation of its ASP and minimum standards for safety and other related documents and procedures.

The RTA/RFGPTS is required to show verification that:

- The ASP is an integral part of RTA/RFGPTS overall management, engineering, operating and maintenance practice
- The ASP is reviewed, at a minimum, on an annual basis
- The RTA/RFGPTS regularly monitors compliance with the ASP through ongoing internal safety program audit/review processes
- The RTA/RFGPTS identifies potentially serious conditions and hazards, security issues, and that measures to control them are implemented



- Investigations are conducted following established procedures developed by the RTA/RFGPTS
- Specific activities and tasks identified in the ASP are being carried out as specified in these plans and/or identification of deficiencies or areas requiring improvement.
- Compliance with state program standards and federal regulations.

The NJDOT SSO program develops and maintains a schedule of three-year safety program audits of each RTA/RFGPTS under its jurisdiction and schedules the three-year safety program audit of each RTA/RFGPTS at least sixty (60) calendar days in advance of the review/audit. The Accountable Executive, Chief Safety Officer and RFGPTS management will receive official communication of the audit schedule and a list of pre-audit documents and procedures which are due within thirty (30) calendar days. Any documents and procedures considered sensitive will be reviewed onsite. The NJDOT SSO program schedules a pre-review meeting with the CSO and RFGPTS management for clarification of any questions and concerns, and coordination of daily schedules. This audit process is intended to be flexible in scheduling and changes are made as needed.

The NJDOT SSO program team develops a dataset that contains data from the previous three years in order to thoroughly check all investigations, audits, and CAPs. The NJDOT SSO program three-year review and audit checklists is risk-based, and data-driven for reviewing and auditing the safety program at the RTAs/RFGPTS.

The NJDOT SSO program team transmits the audit plan/checklists to the CSO and RFGPTS management at least thirty (30) calendar days prior to the start date of the planned review/audit.

During the review/audit, the NJDOT SSO program team conducts entrance meetings with the CSO and RFGPTS management to explain the planned on-site activities. At the conclusion of the audit, any preliminary findings are communicated to the CSO and RFGPTS management in an exit briefing. Both meetings provide an opportunity for discussion of any issues.

After the review/audit has been completed, the NJDOT SSO program issues a **draft** report detailing its findings and recommendations (as required by 49 CFR Part 674.31). The CSO and RFGPTS management have an opportunity to comment on the report including the findings and recommendations. The CSO compiles and submits formal comments. The NJDOT SSO audit team makes revisions as needed and distributes the **final** safety review/audit report to the Accountable Executive, CSO, RFGPTS management, and any other participants (such as FTA staff).

Once the review/audit report has been completed, the RTA/RFGPTS is required to develop a CAP or methodology to correct identified findings. All audit recommendations are required to be considered for developing a CAP and the determinations be documented. The NJDOT SSO program formally approves those CAPs via letter. CAP development is required within thirty (30) calendar days after delivery of the final triennial report.

The CSO must also prepare an **External Safety Audit/Review Findings Log** to track through implementation all findings, recommendations, and corrective actions taken/plans developed as a result of the external safety audit/review process. The log is to be provided to the SSOA in editable spreadsheet format monthly.



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In addition, the NJDOT SSO program submits a summary report for the three-year safety review to FTA as part of its Annual Submission.



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Section 6. Event Notification

This section addresses those safety-related events that might require notification by the RTA/RFGPTS to the SSO program. The requirements for notification often coincide with the safety-related events that need to be investigated by the SSO program either directly or through the RTA/RFGPTS Safety Department.

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

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

49 CFR §674.33 Notification of accidents

- (a) Two-hour notification. In addition to the requirements for accident notification set forth in an SSO program standard, an RTA must notify both the SSOA and the FTA within two hours of any accident occurring on a RFGPTS.
- (b) FRA notification. In any instance in which an RTA must notify the FRA of an accident as defined by 49 CFR 225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA.

The new FTA safety programs have a new set of definitions for a safety-related event, taken from Part 674.7.

The requirements for notifications to the FTA and the SSO program are found in the following sections of this Program Standard:

- Program Standard “Definitions” section for Accidents, Incidents, Occurrences and Serious injury.
- Program Standard [Appendix A](#) for Event Notifications and Examples from Part 674.
- **Procedure SSO-003** Event Notifications – this procedure provides the specific notifications required for this SSO program, the FTA, and other federal agencies.



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Section 7. Accident Investigations

The NJDOT SSO program is responsible for accident investigations and reporting – “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.”

49 CFR §674.25 Role of the State safety oversight agency

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

49 CFR §674.27(a)(7) - Investigations

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

49 CFR §674.35 Investigations

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

By SSO regulation and the N.J.A.C., the NJDOT SSO program is responsible for all reportable safety event investigations at each RTA/RFGPTS. However, in nearly every investigation, the



RTA/RFGPTS will be the lead investigator and complete the notification, investigation, and reporting on behalf of the NJDOT SSO program. The RTA/RFGPTS must have designated staff that are adequately trained and competent safety professionals at the RTAs/RFGPTS, including compliance to the Public Transportation Safety Certification Training Program (PTSCTP, 49 CFR Part 672). These designated staff provide capabilities for the purposes of performing the safety event investigations and providing standardized investigation reports for the NJDOT SSO program (as well as for internal RTA/RFGPTS needs and requirements).

Note that Part 674.25(c) and (d) describe that the NJDOT SSO program is responsible for investigations of noncompliance of the Agency Safety Plan (ASP) and for accidents at the RTAs/RFGPTS. These two regulatory requirements account for both the investigations required based on the notification regulatory requirement and the state required hazardous condition topics to be investigated.

7.1 Investigations

Reportable safety events, NJDOT SSO program additional reportable hazardous condition events, and hazardous conditions requiring investigations and reports are described/listed in Program Standard Section 6 and **Procedure SSO-003**. The reportable safety events are generally safety-related, but could also be public safety-related. In all cases, the RTA/RFGPTS will be the lead investigator at least initially even if there is a need for the NJDOT SSO program, FTA, or the NTSB to lead the investigation. Since the RTA/RFGPTS will be the lead investigator, it is required that the RTA/RFGPTS has investigation procedures that follow industry practice for investigations and are reviewed, approved, and adopted by the NJDOT SSO program. These procedures have been designated a safety program related control document/minimum standard for safety and tracked for updates, as well as following the current transit industry standard from APTA.

- *Rail Transit Accident/Incident Investigation*, APTA RT-OP-S-002-02 Rev. 3, July 2018, <https://www.apta.com/resources/standards/Documents/APTA%20RT-OP-S-002-02%20Rev%203.pdf>.

In addition, the RTAs'/RFGPTS' investigation procedures must describe the interactions and communications responsibilities for notifications communications with the NJDOT SSO program and the FTA. Also, the internal communications and responsibilities within the RTAs and RFGPTS must also be clear and followed in regards to responsibilities for and communications with the NJDOT SSO program. The person(s) or designee(s) that have the authority for internal approval of completed investigations must be clear. The accident investigation procedures used by the RTA/RFGPTS must be approved by the NJDOT SSO program. Each RTA/RFGPTS must review its accident investigation procedures on an annual basis. Any changes that are required in the procedures must be completed and submitted directly to the NJDOT SSO program by the CSO for review and approval. **Appendix O** describes the process for the annual accident investigation procedure review, revision (if needed), and approval by the NJDOT SSO Program.

The NJDOT SSO program staff may go to an RTA/RFGPTS-led investigation as a resource or observer depending on the severity of the safety event that caused the investigation. In all cases, when the NJDOT SSO program staff intends to go to an RTA/RFGPTS investigation, the RTA/RFGPTS will be notified and the NJDOT SSO program staff will coordinate with the



RTA/RFGPTS staff. Only under unusual circumstances will the NJDOT SSO program staff take over and lead the investigation.

In the cases where the NJDOT SSO program staff lead or participate in the investigation, the NJDOT SSO program staff will follow RTA/RFGPTS investigation procedures as approved and adopted, and reporting will follow the process described in this section. [Appendix O](#) describes the NJDOT SSO program procedures for participating in or leading an investigation. First and foremost, the NJDOT SSO staff going on-site for the investigation will follow all safety practices and procedures of the RTA/RFGPTS. In addition, if the NJDOT SSO program staff takes over an investigation, the RTA/RFGPTS will continue to be included in the investigation at least as a resource.

The NJDOT SSO program investigators are required to be trained according to the FTA Safety Certification Training Program and the RTA/RFGPTS Roadway Worker Protection Plan and other applicable procedures and requirements. The RTA/RFGPTS investigators are also required to have the appropriate training and experience for performing these investigations at the RTA/RFGPTS. Also note that the expectation is that the investigation team will include the appropriate rail system expertise to successfully and thoroughly investigate the safety event that has occurred.

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

7.2 Investigation Progress and Final Reports

The APTA standard listed above indicates that the purpose of an accident/incident investigation is to gather and assess facts in order to determine cause(s); and to identify corrective measures to prevent recurrence. Accident/incident investigation is not intended to affix blame, or subject people to liability for their actions, or to recommend disciplinary action. This purpose statement is consistent with FTA's transit-specific SMS.

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

- **Safety Performance of the Rail Operator** – before, during, and after the safety event being investigated.
- **Safety Performance of the controller and Field Supervision (or others responding to the event)** – before, during, and after the safety event being investigated.
- **Securing the train/scene of the safety event and assuring there are no additional hazards** – need to assess the safety performance of those involved in this critical activity including the Rail Operator, Controller, Field Supervision, and any additional RTA/RFGPTS personnel responding to the safety event. An example is the performance



and following procedure and/or command to lower the pantograph or removing OCS or third rail power. This also includes control of any train movement or single-tracking.

- **Safety Performance of any Passenger Evacuation** – this may be at a platform or on the ROW to a platform; special attention should be given to control of an evacuation on the ROW (other RTA/RFGPTS trains, freight rail traffic, if nearby) and passengers with disabilities.
- **Consideration of future prevention of the safety event and/or any additional capabilities that would increase safety performance and emergency response.**

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

- Staff recognizing the safety event or a potential safety event,
- Following procedures (and whether or not those procedures were appropriate),
- Problem-solving, and
- Communication and coordination.

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

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

- An initial facts report within the next business day after the event (24 Hour Summary), which includes all key information regarding the safety event compiled at the scene by the RTA/RFGPTS
- A status report identifying the preliminary cause of the safety event, once this preliminary cause is established, and updates of progress every thirty (30) calendar days until the draft final investigation report is submitted, including any Corrective Actions Taken or CAPs with assignments and due dates

The NJDOT SSO program requires that the RTA/RFGPTS investigation reports be standardized through use of the EAR database, and include at least the following topics (or as needed based on the safety event and investigation):

Investigation Report General Checklist

- Safety event description
- Notification, Incident Response, and Incident Command
- Initiating Event
- Immediate Action taken (employee removal from service, securing of scene, towing of motor vehicle/train, etc.)
- Investigation
 - Operator Information – Fatigue Evaluation and Training



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- Injury & Damage
- Operator event report
- Field supervision report
- Employee record/history
- Post-accident safety inspection
- Video analysis
- Communications analysis
- Findings, Potential Causal/Contributing Factors, and Recommendations
- Any Corrective Action Taken/Plans
- Investigator
- Date of Report
- Distribution

If the NJDOT SSO program staff is the lead investigator, progress and investigation reports will follow the same process and content as described in this section. The RTA/RFGPTS can provide input and comments based on the progress and investigation reports, before the investigation report is finalized. This may require a meeting between the NJDOT SSO program and RTA/RFGPTS staff to resolve any discrepancies and comments.

For RTA/RFGPTS-led investigations, the RTA/RFGPTS will submit the progress reports and then a draft final investigation report from the CSO (when completed and signed) to the NJDOT SSO program, which will review the report and either adopt and approve it, or require specific additional information from the RTA/RFGPTS. The NJDOT SSO program has N.J.A.C. requirements to protect investigation-related and audit-related information from automatic public release.

If revisions to the draft final investigation report are required, a letter is provided to the CSO detailing clarifications and includes the time frame. There may be instances when the time frame will be determined jointly by the NJDOT SSO program and the RTA/RFGPTS, on a case-by-case basis. The revisions to an investigation report might be due to incomplete information or issues with having CAPs that match and address all causes and contributing factors for the safety event (discussed further in Program Standard Section 8 regarding CAPs).

After the NJDOT SSO program provides adoption and approval of the investigation report to the CSO (via formal letter), the final report (no longer draft final) will serve as the formal NJDOT SSO report. The acceptance is then distributed by the CSO.

The NJDOT SSO program is required to keep detailed records of this process including every submission/change made by either the NJDOT SSO program or the RTA/RFGPTS. Also, see Procedure SSO-013.

Investigation reports often include detailed information about those involved in the safety event that occurred. For information that is intended to be provided to the FTA, personal identifying information (PII) should be removed, when possible. This includes information provided by the RTA/RFGPTS to the NJDOT SSO program and information provided to the FTA. Also see **Procedure SSO-006**.



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In addition, the CSO is required to maintain an Incident & Occurrences Log to collect, track and analyze data on Incidents/Occurrences to reduce the likelihood of recurrence and inform the practice of SMS. The log is to be provided to the SSOA in editable spreadsheet format Monthly. See **Procedure SSO-003** for additional details.



Section 8. Corrective Actions

For the NJDOT SSO program, CAPs are developed for the following activities: investigation reports (from RTA/RFGPTS, NJDOT SSO program, FTA, or NTSB), internal or external safety compliance audits, and three-year safety compliance reviews and audits (from the NJDOT SSO program or FTA triennial compliance audit of the NJDOT SSO program). CAPs may also be developed from other sources such as hazard identification and analyses, risk assessments, and risk monitoring by the RTA/RFGPTS or the NJDOT SSO program. The sources of all of these CAPs have already been discussed in the previous sections of this Program Standard.

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

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

49 CFR §674.37 Corrective action plans

- (a) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.
- (b) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.

Although Part 674 indicates the RTA/RFGPTS cannot carry out a CAP prior to approval by the SSO program, the regulation provides an exception for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided the SSO program has been given timely notification, and the SSO program provides subsequent review and approval to be provided within thirty (30) calendar days. The NJDOT SSO program provides a review of the RTA/RFGPTS CAPs and offers request for any changes or additional CAPs needed, along with formal approval of each CAP developed. If there is a dispute regarding a CAP between the NJDOT SSO program and an RTA/RFGPTS, the NJDOT SSO program is the authority in this process; however, the RTA/RFGPTS is always encouraged to explain their position and the NJDOT SSO program intends to be reasonable. At the end of these discussions, the NJDOT SSO program has the final approval and authority. The CAP review and approval process is described in [Appendix P](#).

Note: Any **Corrective Action** by the RTA/RFGPTS that is implemented prior to the submission of a final accident investigation report, internal/external safety audit report, etc., is required to be



documented within the final report and go through the independent CAP review and approval process described in [Appendix P](#).

Depending on the source of the CAP, a separate development, review, and approval process has been defined including for investigations (Section 7), internal safety audits (Section 4), and triennial audits by the NJDOT SSO program (Section 5). Each of these processes for the different sources of CAPs includes a process for the NJDOT SSO program to negotiate changes to proposed CAPs and addition of CAPs, as needed, as well as approval of the CAPs. The NJDOT SSO program may request changes to, or additions of CAPs based on causes or contributing factors of the safety event or programmatic/organizational deficiencies identified, and whether or not the CAPs fully resolve the issues identified based on experience from risk monitoring or previous CAPs that were indicated as implemented. The NJDOT SSO program expects that the RTA/RFGPTS CAP assignments have agreement with the responsible parties regarding content and due date for any CAP. Should there be an internal RTA/RFGPTS disagreement with the content and/or due date for any CAP developed by Safety for the NJDOT SSO program, that disagreement should be noted with the submission of the CAP by the CSO to the NJDOT SSO program.

Each CAP must identify:

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

Any recommendations received from FTA or the NTSB are to be developed into CAPs as required or determined jointly by the NJDOT SSO program and the CSO to be appropriate. Any recommendations from FTA or the NTSB that apply to the NJDOT SSO program are to be considered and CAPs developed as needed.

The CSO must maintain a CAP monitoring process, document monthly updates, and provide to the NJDOT SSO program monthly (described in Section 1). The tracking document must include documentation of monthly updates by individual CAP and any progress towards closure or revision to the due date (with an explanation of changes) until the CAP is closed. This includes long-term CAPs. The content/scope, person responsible, or due date of each CAP cannot be changed once initially approved without formal agreement from the NJDOT SSO program.

All open or recently closed CAPs will also be discussed at monthly CSO Safety Meetings (described in Section 1). When a CAP is ready for closure, the CSO must provide the evidence used (or explanation) for closure and the date that closure was achieved. The CAP closure documentation will be used as part of the NJDOT SSO program safety risk monitoring activity. During the triennial audits by the NJDOT SSO program of the RTA/RFGPTS, all CAPs (from all sources) during the previous three-year internal audit cycle are to be checked/verified (as described in Section 5).



Section 9. Annual Reporting to FTA

The NJDOT SSO program completes its annual reporting to the FTA by March 15th of the following year (or as allowed by FTA), as required by 674.39 including all of the required information and data. The objective of these reporting requirements is to provide the FTA with information regarding the operation of the NJDOT SSO program. All submissions to the FTA must be made electronically using a reporting system specified by the FTA – the State Safety Oversight Reporting (SSOR) tool, including the Users Manual provided within the SSOR system under Help.

- Program standard updates and annual review (per Procedure SSO-001)
- Progress towards completion of requirements for the FTA Public Transportation Safety Certification Training Program
- Data and information submission for each RTA/RFGPTS – investigations, CAPs, RTA/RFGPTS certification of compliance (including internal audits), ASP updates and evidence of review, and level of effort expended by the NJDOT SSO program.
- Some of the data and information from each RTA/RFGPTS is pre-populated from the National Transit Database (NTD) into the SSOR system. Discrepancies between these two electronic data and information systems is the responsibility of the SSO program to resolve with the help of the RTAs/RFGPTS and occasionally with the help of FTA.
- Triennial compliance audit progress reports and updates
- Certification letter that the NJDOT SSO program is in compliance with the SSO Rule.
- Annual Public Rail Transit Safety Report (PSR)

Each of the RTA/RFGPTS, under the jurisdiction of New Jersey, are required to provide updates for investigations, audits, and CAPs of all types on at least a monthly basis, so there is no special request of information for this annual submission to FTA. Accuracy of data and information shared between the NJDOT SSO program and the RTA/RFGPTS is completed during monthly CSO safety meetings. Prior to submission of investigations, compliance audits, and CAPs to FTA, the information is de-identified as described in **Procedure SSO-006** and in accordance with state law protection of investigations and audits per N.J.A.C.

In addition, the NJDOT SSO program annual Public Rail Transit Safety Report (PSR) is separate from this annual reporting to FTA, and the process/procedure is provided in **Procedure SSO-005**.



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

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

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

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



Version History

VERSION	DATE	PURPOSE FOR CHANGES
1.0	March 2018	Re-organization and revision to reflect the requirements of 49 CFR Part 674 instead of 49 CFR Part 659, except the interim Agency Safety Plan (SSPP) continues to be the Part 659 compliant System Safety Program Plan, including the internal audits requirements. The content of the System Security Plan requirements and internal audits have been removed and added to the list of minimum standards for safety. Standardization of formatting, headers, and footers. Incorporation of comments from the RTAs/RFGPTS.
2.0	October 2021	Revised the program standard to address being Certified to 49 CFR Part 674 and removing information focused on supporting that certification. Also removing references to Part 659 and the SSPP to convert to 49 CFR Part 673 and the Public Transportation Agency Safety Plan (PTASP) requirements. Revised SSO responsibilities, and CSO required submissions and dates. Established Monthly CSO Safety Meetings. Revised Notifications and Contact Information.