

# FTA

FEDERAL TRANSIT ADMINISTRATION

## 2016 SSO Program Workshop

### 49 CFR Part 674 Certification SSO Program Enhancements Audits, Inspections and Investigations

**Eric Madison**  
Program Analyst  
Office of Safety Review  
Office of Transit Safety and Oversight  
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# Overview

- Background
- Part 674 Requirements and Certification Guidance
  - Audits
    - Process
    - Findings
  - Inspections
  - Investigations

# Background

Part 674 states that SSOAs:

- Must conduct triennial audits (instead of reviews)
- May conduct unannounced inspections and use any other means deemed necessary or appropriate to verify implementation of corrective action
- Are ultimately responsible for thoroughness of accident investigations
- Have primary responsibility for overseeing the safety of the RTAs in their jurisdictions

# SSOA Triennial Audit Process: Regulations

## 49 CFR Part 674.27(5)

- 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 RTAs' 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 RTAs may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe

# SSOA Triennial Audit Process: Certification Guidance

- Ongoing audit schedule, projected as far in advance as possible
  - Requirements for RTAs notification and coordination
  - Process to develop detailed onsite audit schedule in advance of audit activities
    - Policy for rescheduling audit activities due to RTAs request
    - Prioritization of activities to assess highest risk elements based on inspection reports, trends, observations, etc.
  - Process to ensure the independence of the SSO agency's audit activities
- Policy for the performance of unannounced audit related activities

# SSOA Triennial Audit Findings: Regulations

## 49 CFR Part 674.27(5):

- 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 Part 674.27(5):

- 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

# SSOA Triennial Audit Findings: Certification Guidance

- The Program Standard must specify the process for audit findings (and recommendations):
  - **Finding identification:** Standards to which the RTAs is held
  - **Finding communication:** Process for determining which findings must be communicated immediately and appropriate forum for findings resolution
  - **Finding comment process:** Methods for resolving RTA's comment to the Findings
  - **Finding resolution:** CAP process
  - **Public Agency Safety Plan analysis:** Process for summarizing adequacy of RTAs Agency Safety Plan

# SSOA Inspections: Regulations and Certification Guidance

## 49 CFR Part 674.37(a):

- 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
- Program Standard to specify the inspection process including:
  - **Thresholds for inspections:** Such as CAP review, rule compliance, complaints
  - **Frequency:** General schedule for routine inspections, such as maintenance records, hours of service records
  - **Reports:** Timeline for release of reports, including comment periods as appropriate



# Investigations: Regulations

## 49 CFR Part 674.35:

- 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

# Investigations: Certification Guidance

- The Program Standard must specify the investigation process including:
  - Policy on responsible party(ies) for conducting investigations
    - Process for determining whether the investigation will be conducted by the SSO agency, the RTAs, an independent investigation team, or any combination
    - Process for or requiring the training and qualifications of the investigation team
    - Process for ensuring the sufficiency of investigations conducted by parties other than the SSO agency
      - Independent SSO agency review
  - Reference to Accident Investigation Procedures
  - Process for incorporating findings into CAPs

# Investigations: Regulations and Certification Guidance

## 49 CFR Part 674.27(7):

- 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
- Program Standard to specify:
  - Process for participating in and supporting NTSB or FTA investigations
  - Procedures for protecting investigation reports
    - On-site review of sensitive information such as employee history and video
    - State legislation in place to protect confidentiality

# Questions?

Eric Madison  
Program Analyst  
Office of Safety Review  
Office of Transit Safety and Oversight  
202.366.0304  
[Eric.Madison@dot.gov](mailto:Eric.Madison@dot.gov)