

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-7**

##### **PART 7**

#### **RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS**

##### **BASIS, PURPOSE, AND STATUTORY AUTHORITY**

The basis for and purpose of these rules is to describe the manner of regulation over railroads, railroad corporations, rail fixed guideways, rail fixed guideway systems, transit agencies, persons holding a certificate of public convenience and necessity to operate by rail, any other person operating by rail, governmental or quasi-governmental entities that own and/or maintain public highways at rail crossings, railroad peace officers, and to Commission proceedings concerning such entities. These rules address a wide variety of subject areas including, but not limited to, applications, petitions, annual reporting, civil penalties, formal and informal complaints, operating authority, transfers of operating authority, mergers, tariffs, crossings and warning devices, cost allocation for grade separations, crossing construction and maintenance, railroad clearances, program standard for rail fixed guideway systems, and employment of railroad peace officers.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-119, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101(1), 40-4-101(2), 40-4-106, 40-5-105, 40-6-108(2), 40-6-111(3), 40-9-108(2), 40-18-101, 40-18-102, 40-18-103, 40-18-104, 40-20-302, 40-20-303, 40-20-305, 40-20-310, 40-29-110, and 40-32-108, C.R.S.

##### **GENERAL PROVISIONS**

###### **7000. Scope and Applicability.**

- (a) The rules in this Part 7, the "7000" series, apply to railroads, railroad corporations, rail fixed guideways, rail fixed guideway systems, transit agencies, persons holding a certificate of public convenience and necessity to operate by rail, any other person operating by rail, governmental or quasi-governmental entities that own and/or maintain public highways and/or public pathways at rail crossings, railroad peace officers, and to all Commission proceedings concerning such entities.
- (b) Except as otherwise required by law, the Commission's jurisdiction over rail fixed guideway systems shall be limited to matters concerning the following rules:
  - (I) 7001 – 7003;
  - (II) 7006 – 7007;

(III) 7200 – 7213;

(IV) 7301; and

(V) 7340 – 7363.

(c) Specific applicability provisions are found in rules 7100, 7200, 7300, 7320, 7340, and 7400.

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[indicates omission of unaffected rules]

**7002. Applications.**

(a) Commission action shall be sought regarding any of the following matters unless otherwise excepted by these rules through the filing of an appropriate application:

(I) for a certificate of public convenience and necessity, as provided in rule 7101;

(II) to amend a certificate of public convenience and necessity, or to change, extend, curtail, abandon, or discontinue any service, as provided in rule 7102;

(III) for authority to transfer a certificate of public convenience and necessity, to obtain a controlling interest in any utility, to transfer assets or stock, or to merge a utility with another entity, as provided in rule 7103;

(IV) for authority to construct, alter, or abolish a utility crossing, or a highway-rail or pathway crossing; or for authority to install or modify crossing warning devices, as provided in rule 7204;

(V) for authority to allocate costs for highway-rail grade separations, as provided in rule 7205;

(VI) for approval of a transit agency's public transportation agency safety plan, as provided in rule 7345, roadway worker protection manual as provided in rule 7357, or annual report, as provided in rule 7352; or

(VII) for any other matter provided by statute or rule but not specifically described in this rule.

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[indicates omission of unaffected rules]

**State Safety Oversight Program Standard for Rail Fixed Guideway Public Transportation Systems**

**7340. Applicability.**

Rules 7341 through 7363 apply to all transit agencies and rail fixed guideway systems operating within the State of Colorado, which agencies or systems are regulated by the Commission pursuant to Title 40, Article 18, C.R.S.

**7341. Definitions.**

The following definitions apply only in the context of rules 7341 through 7363:

- (a) “Accountable executive” means a single identifiable individual who has ultimate responsibility for carrying out the PTASP of a RTA; responsibility for carrying out the RTA’s TAMP; and control or direction over the human and capital resources needed to develop and maintain both the RTA’s PTASP, in accordance with 49 U.S.C. 5329(d), and the RTA’s TAMP in accordance with 49 U.S.C. 5326.
- (b) “Assault on a transit worker” means, as defined under 49 U.S.C 5302, a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.
- (c) “Audit” means a review and analysis of records and related materials.
- (d) “Cameras” means any device that can produce audio and image recordings capable of providing a means to continuously record and verify actions.
- (e) “CDC” means the Center for Disease Control and Prevention of the United States Department of Health and Human Services.
- (f) “C.F.R.” means the Code of Federal Regulations.
- (g) “Chief safety officer” means an adequately trained individual who has responsibility for safety and reports directly to a RTA’s chief executive officer, general manager, president, or equivalent officer. A chief safety officer may not serve in other operational or maintenance capacities.
- (h) “Collision” means any impact between a rail transit vehicle and any other vehicle, object, or any person.
- (i) “Contractor” means an entity that performs tasks on behalf of an SSOA, or a RTA through contract or other agreement. The RTA is not a contractor for the Commission.
- (j) “Corrective action plan” (CAP) means a plan developed by the RTA that describes the actions the RTA will take to address an identified deficiency or safety concern, and report to the Commission, to minimize, control, correct, or eliminate safety risks and hazards with a high-risk safety assessment code of 1A, 2A, 1B, or 2B, a serious safety risk assessment code of 1C, 2C, 3A, or 3B, or resulting from a reportable safety event, and the schedule for implementing those actions. Either the SSOA or the RTA may require a RTA to develop and carry out a CAP.
- (k) “Derailment” means a safety event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails.
- (l) “Designated personnel” means:

- (I) employees and contractors identified by a RTA whose job functions are directly responsible for safety oversight of the RFGPTS of the RTA; or
  - (II) employees and contractors of a SSOA whose job functions require them to conduct reviews, inspections, examinations, and other safety oversight activities of the RFGPTS subject to the jurisdiction of the SSOA.
- (m) “Directly responsible for safety oversight” means RTA personnel whose primary job function includes the development, implementation, and review of the RTA’s safety plan and/or the SSOA requirements for the RFGPTS pursuant to 49 CFR part 674.
  - (n) “Disabling damage” means damage to a rail transit vehicle resulting from a collision and preventing the vehicle from operating under its own power.
  - (o) “Emergency” means, as defined under 49 U.S.C. 5324, a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, as a result of which the Government of a State has declared as emergency and the Secretary has concurred; or the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).
  - (p) “Evacuation for life safety reasons” means a condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation. A life safety reason may include a situation such as a fire, the presence of smoke or noxious fumes, a fuel leak from any source, an electrical hazard, or other hazard to any person. An evacuation of passengers into the rail right of way (not at a platform or station) for any reason is presumed to be an evacuation for life safety reasons.
  - (q) “Examination” means a process for gathering or analyzing facts or information related to the safety of a RFGPTS.
  - (r) “Fatality” means a death confirmed within 30 days of a safety event. Fatalities include suicides, but do not include deaths in or on RTA property that are a result of drug overdose, exposure to the elements, illness, or natural causes.
  - (s) “Finding” means non-compliance with the RTA’s PTASP, rules, procedures, programs, or other regulatory guidelines, which results in the formulation of a CAP.
  - (t) “FRA” means the Federal Railroad Administration, an agency of the United States Department of Transportation.
  - (u) “FTA” means the Federal Transit Administration, an agency of the United States Department of Transportation.
  - (v) “Hazard” means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a RFGPTS; or damage to the environment.

- (w) “Initial training” means the group of specific courses an individual must complete within three years of enrollment in the PTSCTP to receive their first program certificate.
- (x) “Injury” means any harm to persons as a result of an event that requires immediate medical attention away from the scene. Injury does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings.
- (y) “Inspection” means a physical observation of equipment, facilities, rolling stock, operations, personnel, or records for the purpose of gathering or analyzing facts or information.
- (z) “Investigation” means the process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating safety risk.
- (aa) “Joint labor-management process” means a formal approach to discuss topics affecting transit workers and the public transportation system.
- (bb) “National public transportation safety plan” (NPTSP) means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.
- (cc) “Near-miss” means a narrowly avoided safety event.
- (dd) “NTSB” means the National Transportation Safety Board, an independent Federal agency.
- (ee) “Passenger” means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.
- (ff) “Passenger operations” means the period of time when any aspect of RTA operations are initiated with the intent to carry passengers.
- (gg) “Performance measure” means 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.
- (hh) “Person” means a passenger, transit worker, contractor, volunteer, official worker, pedestrian, trespasser, or any other individual on the property of a RFGPTS or associated infrastructure.
- (ii) “Potential consequence” means the effect of a hazard.
- (jj) “Procedure” means an established or official way of doing something.
- (kk) “Process” means a series of actions or steps taken to achieve a particular end.
- (ll) “Program standard” means the standards in rules 7340 through 7363, which codify the policies, objectives, responsibilities, and procedures used to provide RTA safety oversight.

- (mm) “Public transportation” means, as defined under 49 U.S.C. 5302, regular continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income. Public transportation does not include:
- (I) intercity passenger rail transportation provided by the entity described in 49 U.S.C. chapter 243 (or a successor to such entity);
  - (II) intercity bus service;
  - (III) charter bus service;
  - (IV) school bus service;
  - (V) sightseeing service;
  - (VI) courtesy shuttle service for patrons of one or more specific establishments; and
  - (VII) intra-terminal or intra-facility shuttle services.
- (nn) “Public Transportation Agency Safety Plan” (PTASP) means the documented comprehensive agency safety plan for a transit agency, including a RTA, that is required by 49 U.S.C. 5329 and established by the regulations set forth in 49 C.F.R. Part 673, and based on an SMS.
- (oo) “Public transportation safety certification training program” (PTSCTP) means the certification training program required by 49 U.S.C. 5329(c) and established by the regulations set forth in 49 C.F.R. Part 672.
- (pp) “Rail fixed guideway public transportation system” (RFGPTS) means any rail fixed guideway system, or any such system in engineering or construction as defined in paragraph 7001(d) that use rail, is operated for public transportation, is within the jurisdiction of the Commission, and are not subject to the jurisdiction of the FRA. These include, but are not limited to, rapid rail, heavy rail, light rail, monorail, trolley, and automated guideway that are under the jurisdiction of the Commission.
- (qq) “Rail transit agency” (RTA) means any entity that provides services on a RFGPTS.
- (rr) “Rail transit vehicle” means any rolling stock used on a RFGPTS, including but not limited to passenger and maintenance vehicles.
- (ss) “Recommendation” means a suggestion or proposal for improvements to how the PTASP is implemented by a RTA.
- (tt) “Record” means any writing, drawing, map, recording, diskette, DVD, CD-ROM, tape, film, photograph, electronic file, or other documentary material by which information is preserved. The term record also includes any such documentary material stored electronically.
- (uu) “Revenue vehicle” means a rail transit vehicle used to provide revenue service for passengers. This includes providing fare free service.

- (vv) “Risk” means the composite of predicted severity and likelihood of the potential effect of a hazard.
- (ww) “Risk-based inspection program” means an inspection program that uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk.
- (xx) “Risk mitigation” means a method or methods to eliminate or reduce the effects of hazards.
- (yy) “Roadway” means land on which rail transit tracks and support infrastructure have been constructed to support the movement of the RTA’s vehicles, excluding station platforms.
- (zz) “Safety” means freedom from harm resulting from unintentional acts or circumstances.
- (aaa) “Safety assurance” means processes within a RTA’s SMS that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the RTA meets or exceeds its safety objectives through the collection, analysis, and assessment of information.
- (bbb) “Safety committee” means the formal joint labor-management committee on issues related to safety that is required by 49 U.S.C. 5329.
- (ccc) “Safety event” means an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.
- (ddd) “Safety management policy” means a RTA’s documented commitment to safety, which defines the RTA’s safety objectives and the accountabilities and responsibilities for the management of its safety.
- (eee) “Safety management system” (SMS) means the formal organization-wide approach to managing safety risk and assuring the effectiveness of a RTA’s safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing hazards and safety risks.
- (fff) “Safety management system executive” means a chief safety officer or an equivalent.
- (ggg) “Safety performance target” means a quantifiable level of performance or condition, expressed as a value for the measure, related to safety management activities, to be achieved within a specified time period.
- (hhh) “Safety promotion” means a combination of training and communication of safety information to support SMS as applied to the RTA’s RFGPTS.
- (iii) “Safety review” means a review or analysis of safety records and related materials.
- (jjj) “Safety risk” means the composite of predicted severity and likelihood of a potential consequence of a hazard.
- (kkk) “Safety risk assessment” means the formal activity whereby a RTA determines safety risk management priorities by establishing the significance or value of its safety risks.

- (lll) “Safety risk assessment code” means the combination of a severity ranking and a likelihood level to identify the safety risk of a specific hazard as defined in paragraph 7350(d).
- (mmm) “Safety risk management” means a process within a RTA’s safety plan for identifying hazards and analyzing, assessing, and mitigating the safety risk of the potential consequences of each hazard.
- (nnn) “Safety risk mitigation” means a method or methods to eliminate or reduce the severity and/or likelihood of a potential consequence of a hazard.
- (ooo) “Safety set-aside” means the allocation of not less than 0.75 percent of assistance received by a RTA under 49 U.S.C. 5307 to safety-related projects eligible under 49 U.S.C. 5307.
- (ppp) “State of good repair” means the condition in which a capital asset is able to operate at a full level of performance.
- (qqq) “State safety oversight agency” (SSOA) means the Colorado Public Utilities Commission, the agency established by Colorado that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in 49 C.F.R. Part 674.
- (rrr) “Testing” means an assessment of equipment, facilities, rolling stock, or operations of a RFGPTS.
- (sss) “Transit asset management plan” (TAMP) means a plan developed by a RTA that includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization.
- (ttt) “Transit worker” means any employee, contractor, or volunteer working on behalf of the transit agency.
- (uuu) “U.S.C.” means the United States Code.
- (vvv) “Unintended train movement” means any instance where a revenue vehicle is moving and is not under the control of a driver (whether or not the operator is physically on the vehicle at the time). This applies regardless of whether the event occurred in revenue service.

**7342. Incorporation by Reference.**

References in these rules to 49 C.F.R. Part 671, Part 672, Part 673 and Part 674 are rules issued by the FTA and are hereby incorporated by reference in these rules. These rules may be found at 49 C.F.R. Part 671, Part 672, Part 673 and Part 674 revised as of March 20, 2025. References to 49 C.F.R. Part 671, Part 672, Part 673 and Part 674 do not include later amendments to, or editions of, 49 C.F.R. Part 671, Part 672, Part 673 and Part 674. A copy of all material that has been incorporated by reference is maintained at the offices of the Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, and is available for inspection during normal business hours. Copies of the incorporated rules shall be provided at cost upon request. The Director of the Commission will provide information regarding how 49 C.F.R. Part 671, Part 672, Part 673 and Part 674 may be examined at any state publications depository library. The incorporated federal regulations are also available from the original issuing agency at: [www.govinfo.gov/help/cfr](http://www.govinfo.gov/help/cfr).

**7343. State Safety Oversight Program Management, Policies and Objectives.**

The Commission is the established SSOA for Colorado. The Commission has the statutory authority under § 40-18-102, C.R.S. and obligation to establish a state safety oversight program and minimum safety standards for RFGPTS's under its jurisdiction in accordance with the "Moving Ahead for Progress in the 21<sup>st</sup> Century Act", 49 U.S.C. sec. 5329, and Title 49 C.F.R. Part 674, which replaced Title 49 C.F.R. Part 659.

- (a) Commission policies and objectives governing state safety oversight activities.
  - (I) The Commission's statutory charge in rail matters is to prevent accidents and promote public safety.
  - (II) The Commission is responsible for establishing standards for RFGPTS safety and procedures to be used by the RTA. The Commission's program standard outlined in rules 7340 to 7363 is consistent with the NPTSP, the PTSCTP, the rules for PTASPs, and all applicable federal and state laws.
  - (III) The Commission is responsible for overseeing the safety performance of RTA practices and procedures, RTA internal safety reviews, and the RTA PTASP to ensure compliance with the program standard and compliance with 49 C.F.R. Part 674 through audits once every three years of the RTA PTASP and in an on-going manner.
  - (IV) The Commission has authority to access and enter each RTA the Commission oversees. This access includes both with advanced notice and without advance notice. Access to restricted areas must be allowed with an appropriate attendant. Access includes, but is not limited to, rail transit vehicle repair and maintenance facilities, signal and power facilities, control center, track facilities, and training facilities.
  - (V) The Commission must be allowed the capability to physically access each RTA the Commission oversees through an access key card, physical keys, or other method used by the RTA.
  - (VI) The Commission's access will be dependent on the necessary safety training and requirements to safely access facilities including, but not limited to, on-track safety training, use of personal protective equipment, facility safety awareness, lock out tag out training, and accompaniment of a RTA transit worker with appropriate communication devices.
  - (VII) The Commission has authority to investigate any allegation of noncompliance with the program standard, the RTA PTASP, and the RTA safety policies, practices and procedures pursuant to its statutory authority and federal authority.
  - (VIII) The Commission has the authority and capability to audit, inspect, investigate, and enforce the program standard, the RTA PTASP, the RTA safety policies, practices and procedures, address imminent threat to public safety on a RFGPTS, and address non-responsiveness of a RTA to respond to identified issues and implement corrective action in a timely manner. The Commission authority and capability includes inspection of activities, infrastructure, equipment, records, personnel, and data of the RTA.

- (IX) The Commission has the primary responsibility for the investigation of a safety event on a RFGPTS. The Commission may allow the RTA to perform a safety event investigation on its behalf.
  - (X) The Commission may enter into an agreement with a contractor for assistance in overseeing safety event investigations, performing independent safety event investigations, and reviewing safety events, and for expertise the Commission does not have within its own organization.
  - (XI) All SSOA staff and contractors the Commission may employ to work on the Commission's behalf, including those conducting investigations, must comply with the requirements of the PTCTP as applicable.
  - (XII) SSOA staff shall develop a process and procedures manual to outline how SSOA staff will conduct activities necessary to meet the requirements of the program standard. Any policies and procedures developed by SSOA staff must be developed in consultation with each RTA overseen by the Commission.
- (b) Commission enforcement authority.
- (I) The Commission's oversight and enforcement activities will be conducted in an on-going manner.
  - (II) Imminent threats to public safety.
    - (A) If SSOA staff determines any imminent threats to public safety requiring immediate action from the RTA, SSOA staff shall provide a written request to meet with the chief safety officer, safety department, and necessary rail operations departments for necessary inspections and initial discussion of corrective action, that may include removal of deficient equipment or system infrastructure from service, that will be taken to address the imminent public safety threat.
    - (B) If the initial discussion and CAP development fails to address the imminent public safety threat, SSOA staff shall file a formal complaint with the Commission requesting Commission action to correct an unsafe public safety condition.
    - (C) If the imminent public safety threat is not addressed upon determination by the Commission through completion of the formal complaint proceeding, the Commission may take additional action up to and including suspending a RTA's applicable RFGPTS operations until the imminent public safety threat is resolved.
  - (III) RTA non-responsiveness.
    - (A) If the RTA fails to complete and implement corrective action in a timely manner pursuant to the requirements of the CAP, SSOA staff shall provide a written request to meet with the chief safety officer, safety department, and necessary rail operations departments to discuss the specific CAP and determine necessary action to complete the CAP and a timeline in which to complete the CAP.

- (B) If discussion with SSOA staff fails to address the RTA non-responsiveness or failure to implement any CAP, SSOA staff shall file a formal complaint with the Commission requesting Commission action to require response and completion of the CAP.
  - (C) If required corrective action is not addressed upon determination by the Commission through completion of the formal complaint proceeding, the Commission may take additional action up to and including requiring the accountable executive, the chief safety officer, and others as may be necessary to appear before the Commission for discussion and determination of the failure of the RTA to respond and steps to ensure completion of corrective action and a plan to address the non-responsiveness of the RTA.
- (c) On-going communication between Commission and RTAs.
- (I) SSOA staff, the RTA safety department, and other RTA departments as necessary, shall meet monthly to discuss general safety issues, safety events, hazards, CAPs, and any other necessary matters.
  - (II) The SSOA program manager and the RTA chief safety officer or SMS executive shall meet at least quarterly.
  - (III) The SSOA program manager and the RTA accountable executive shall meet at least semi-annually.
  - (IV) The SSOA program manager and the RTA board of directors shall meet at least annually to discuss the annual report.
  - (V) Either SSOA staff or the RTA can request any additional meetings or conference calls on an as needed basis to discuss any general or specific matters.
- (d) Reporting requirements to the FTA.
- (I) Annual reporting. On or before March 15th of each year, the Commission shall submit the following information to the FTA through FTA's electronic reporting system:
    - (A) the Commission program standard and any referenced program procedures, with an indication of any revisions made to the program standard and procedures since the last annual submittal;
    - (B) evidence that each of its employees and contractors has completed the requirements of the PTSCTP, or, if in progress, the anticipated completion date of the training;
    - (C) a publicly available report that summarizes its oversight activities for the preceding twelve months, describes the causal factors of safety events identified through investigation, identifies the status of corrective actions, identifies any changes to the PTASP, includes the Commission order showing review and

- approval of the PTASP, and describes the level of effort by the Commission in carrying out its oversight activities;
- (D) a summary of the internal safety reviews conducted by RTAs during the previous twelve months, and the RTA's progress in carrying out CAPs arising under subparagraphs 7348(a)(I) through (VIII).
  - (E) a summary of the triennial audits completed during the preceding twelve months, and the RTA's progress in carrying out CAPs arising from audits conducted in accordance with rule 7352;
  - (F) evidence that the Commission has reviewed and approved any changes to the PTASP during the proceeding 12 months; and
  - (G) certification that the Commission is in compliance with the requirements of 49 C.F.R. Part 674.
- (II) The Commission shall provide a copy of its annual report to the Governor of Colorado and to the RTA board of directors.
  - (III) The Commission shall submit all filings to the FTA electronically using a reporting system specified by FTA.
- (e) Conflict of interest.
- (I) The Commission is legally and financially independent from a RFGPTS for State Safety Oversight activities.
  - (II) The Commission does not employ any individual who provides services to a RFGPTS under the State Safety Oversight of the Commission.
  - (III) The Commission does not provide any public transportation services in Colorado.
  - (IV) The Commission shall prohibit a party or entity from providing services to both the Commission and the RTA concerning the PTASP and all State Safety Oversight activities so as to avoid appearances of impropriety or conflict of interest pursuant to § 40-6-123, C.R.S.

#### **7344. State Safety Oversight Program Standard Development**

The Commission will work with SSOA staff and affected RTAs to develop any necessary changes that may need to be made to revise minimum standards for safety and update the program standard in rules 7340 through 7363 as required or as needed. The Commission will require SSOA staff to review the program standard and any procedures manuals at least annually to determine if changes are required or needed. The Commission will use its rulemaking proceeding, as outlined in rule 1306, to review, adopt, and revise its minimum standards for safety and will distribute those revised standards through publication in the Colorado Register upon completion of the rulemaking process and through its website.

**7345. Public Transportation Agency Safety Plan.**

Every RTA must establish and maintain a written PTASP. The PTASP must be consistent with the regulations implementing such plans, consistent with the NPTSP, based on the principles of SMS, and in compliance with the requirements of rule 7345. The RTA will establish a PTASP that complies with the program standard and includes the following sections.

- (a) Safety management policy. The RTA must establish its organizational accountabilities and responsibilities and have a written statement of safety management policy that includes the RTA's safety objectives. The safety management policy section of the PTASP shall contain the following information.
  - (l) Introduction.
    - (A) A safety management policy supporting the PTASP signed by the accountable executive and the chief safety officer or safety management system executive of the RTA and approved by the board of directors. Additionally, the safety management policy must:
      - (i) establish the RTA's organizational accountabilities and responsibilities and have a written statement of the safety management policy that includes the RTA's safety objectives and annual safety performance targets based on the safety performance measures established under the NPTSP and a description of the RTA's safety committee;
      - (ii) establish and implement a process that allows transit workers to report safety concerns, including assaults on transit workers, near-misses, and unsafe acts and conditions to senior management, includes protections for transit workers who report, and includes a description of transit workers behaviors that may result in disciplinary action;
      - (iii) state how the policy will be communicated throughout the RTA;
      - (iv) state the legal authority for the PTASP;
      - (v) establish the necessary authorities, accountabilities, and responsibilities for the management of safety including organizational diagrams of the RTA and the safety unit that identify the lines of authority and communications used by the RTA amongst the following individuals or groups including the:
        - (1) accountable executive;
        - (2) chief safety officer or SMS executive;
        - (3) joint labor-management safety committee;
        - (4) RTA leadership and executive management; and

- (5) key staff.
- (II) PTASP implementation and maintenance. The PTASP implementation and maintenance section of the PTASP shall contain the following information:
  - (A) specified process and time intervals between PTASP reviews to determine whether or not the PTASP needs to be revised because of changed operating conditions and/or system modifications;
  - (B) a detailed description of the PTASP revision process including the identification of the transit workers responsible for initiating, developing, and approving changes to the PTASP; and
  - (C) a statement that the Commission will be notified of all changes to the PTASP and supplied with a copy of all revised pages.
- (III) Emergency preparedness and response plans and procedures. The PTASP must include or incorporate by reference an emergency preparedness and response plan or procedures that address, at a minimum:
  - (A) the assignment of transit worker responsibilities during an emergency;
  - (B) coordination with federal, state, regional, and local officials with roles and responsibilities for emergency preparedness and response in the RTA's service area;
  - (C) any policy and procedures regarding rail transit workers on the roadway the RTA has issued; and
  - (D) the RTA policies and procedures developed in consultation with the SSOA to provide access and required data for the SSOA's safety risk-based inspection program.
- (IV) The PTASP must include a safety risk reduction program for transit operations to improve safety performance by reducing the number and rates of safety events, injuries, and assaults on transit workers. The safety risk reduction program must, at a minimum:
  - (A) address the reduction and mitigation of vehicular and pedestrian safety events involving rail transit vehicles that includes safety risk mitigations;
  - (B) address the reduction and mitigation of assaults on transit workers that includes safety risk mitigations; and
  - (C) include the safety performance targets set by the safety committee for the safety risk reduction program performance measures established in the NPTSP. These targets must be set based on a three-year rolling average of the data submitted by the RTA to the National Transit Database.
- (V) Coordination with metropolitan, statewide, and non-metropolitan planning processes.

- (A) The RTA 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 RTA must coordinate with states and Metropolitan Planning Organizations in the selection of state and Metropolitan Planning Organization safety performance targets.
- (b) Safety risk management. The safety risk management section of the PTASP shall develop and implement a safety risk management process for all elements of its RFGPTS that will be comprised of the following activities including: hazard identification, safety risk assessment, and safety risk mitigation.
- (I) Hazard identification.
    - (A) Pursuant to 49 U.S.C. Section 5329(d)(1)(C), the RTA must establish methods or processes for identifying hazards and potential consequences of hazards and evaluating safety risks throughout all FTA regulated elements of its public transportation system. For purposes of the requirements of this State Safety Oversight Program Standard, the RTA must establish methods for identifying and evaluating safety risks for its RFGPTS. The methods or processes applicable to the RFGPTS must include a description of:
      - (i) how hazards will be analyzed, evaluated and ranked for elimination or control including hazards associated with operations, maintenance, and engineering;
      - (ii) the process and mechanism used to track identified hazard(s) through resolution to the extent practicable; and
      - (iii) how the RTA will provide on-going reporting of hazard resolution activities to the Commission.
    - (B) The RTA must consider as a source for hazard identification;
      - (i) data and information provided by the SSOA and the FTA;
      - (ii) data and information regarding exposure to infectious disease provided by the CDC or state health authority; and
      - (iii) safety concerns identified through safety assurance activities.
  - (II) Safety risk assessment.
    - (A) The RTA must establish methods or processes to assess the safety risks associated with identified hazards.
    - (B) A safety risk assessment includes an assessment of the likelihood and severity of the potential consequences of the hazards, taking into account existing safety

risk mitigations, to determine if safety risk mitigation is necessary and to inform prioritization of safety risk mitigations.

- (III) Safety risk mitigation.
- (A) The RTA must establish methods or processes to identify safety risk mitigations or strategies necessary as a result of the RTA's safety risk assessment to reduce the likelihood and severity of the potential consequences. The methods or processes must address the role of the RTA's safety committee.
  - (B) The RTA must consider, as a source for safety risk mitigation:
    - (i) guidance provided by the SSOA and the FTA; and
    - (ii) guidelines to prevent or control exposure to infectious diseases provided by the CDC or a state health authority.
  - (C) When identifying safety risk mitigations for the safety risk reduction program related to vehicular and pedestrian safety events involving rail transit vehicles, including to address a missed safety performance target set by the safety committee, each RTA and its safety committee must consider mitigations, including mitigation efforts already in place already, to reduce visibility impairments for rail transit vehicle operators that contribute to safety events, including retrofits to vehicles in revenue service and specifications for future procurements that reduce visibility impairments.
  - (D) When identifying safety risk mitigations for the safety risk reduction program related to assaults on transit workers, including to address a missed safety performance target set by the safety committee, each large urbanized area provider and its safety committee must consider deployment of assault mitigation infrastructure and technology on vehicles and in transit facilities. Assault mitigation infrastructure and technology includes barriers to restrict the unwanted entry of individuals and objects into the workstations of vehicles.
  - (E) As a part of the safety risk reduction program, when the RTA's safety committee identifies and recommends safety risk mitigations, including mitigation efforts already in place and including mitigations relating to vehicular and pedestrian safety events involving vehicles to pedestrian safety events involving vehicles or assaults on transit workers, based on safety risk assessment conducted, the RTA must include or incorporate by reference these safety risk mitigations in its PTASP.
  - (F) When the RTA's safety committee recommends a safety risk mitigation unrelated to the safety risk reduction program, and the accountable executive decides not to implement the safety risk mitigation, the accountable executive must prepare a written statement explaining their decision, pursuant to recordkeeping requirements in paragraph 7345(e). The accountable executive must submit and present this explanation to the RTA's safety committee and board of directors.

- (c) Safety assurance. The RTA must develop and implement a safety assurance process that will be comprised of the following activities including safety performance monitoring and measurement, management of change, and continuous improvement.
  - (I) Safety performance monitoring and measurement.
    - (A) The RTA shall monitor its system for compliance with, and sufficiency of, the RTA's procedures for operations and maintenance.
    - (B) The RTA shall monitor its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended. These activities must address the role of the RTA's safety committee.
    - (C) The RTA shall conduct investigations of safety events to identify causal factors and contributing factors.
    - (D) The RTA shall monitor information reported through any internal safety reporting programs.
  - (II) Management of change.
    - (A) The RTA must establish a configuration management control process for identifying and assessing changes that may introduce new hazards or impact the RTA's safety performance. The process shall include:
      - (i) the identification of the unit(s) or group(s) of the RTA responsible for ensuring that the hazards associated with the system expansions or modifications are included in the RTA's hazard resolution process and are assessed for the introduction of new hazards or impacts to the RTA safety performance;
      - (ii) participation of operating and safety department transit workers in the design review process for new equipment, new or replacement vehicles, new starts projects, subsequent major projects to extend, rehabilitate, modify, or expand the existing system to ensure that safety concerns and hazards are adequately addressed;
      - (iii) a safety certification and sign-off process for verification of operational readiness of new equipment and system expansions of modifications prior to entering revenue service;
      - (iv) documentation of responsibility and authority for approval of modification exceptions to established design criteria for new equipment and system expansions; and
      - (v) procurement procedures that preclude the introduction into the RFGPTS of unauthorized hazardous materials and supplies, as well as defective or deficient equipment.

- (B) If the RTA determines that a change may impact its safety performance, then the RTA must evaluate the proposed change through its safety risk management process.
- (III) Continuous improvement.
  - (A) The RTA must establish a process to assess its safety performance annually.
    - (i) This process must include the identification of deficiencies in the RTA's SMS and deficiencies in the RTA's performance against safety performance targets.
    - (ii) This process must also address the role of the RTA's safety committee and include the identification of deficiencies in the RTA's performance against annual safety performance targets set by the safety committee for the safety risk reduction program.
    - (iii) The RTA must also address any specific internal safety review requirements established by the SSOA including the following:
      - (1) identification of the RTA departments and functions subject to review;
      - (2) identification of the RTA's schedule for conducting internal safety reviews and the responsibility for scheduling such reviews;
      - (3) a description of the process for conducting internal safety reviews, including the development of written checklists and procedures and the issuance of findings;
      - (4) written documentation of the process and procedures for issuing internal safety review findings including an evaluation of the adequacy and effectiveness of the PTASP;
      - (5) a description of the process to assess the RTA's safety performance;
      - (6) a process for the review of reporting requirements, identification of any deficiencies as part of the safety performance assessment, and how the RTA will develop and carryout, under the direction of the accountable executive and chief safety officer a plan to address the identified safety deficiencies;
      - (7) a description of the process for tracking the status of implemented recommendations;
      - (8) a requirement for an annual internal safety review and audit report, a copy of which must be submitted to the Commission by February 15th each year, which summarizes the results of the

internal safety reviews performed during the previous year, including a summary of required corrective actions taken, if any, and provision for follow up to ensure timely implementation and to determine effectiveness; and

- (9) coordination with the Commission.
- (B) The RTA must assess and monitor safety performance against annual safety performance targets set by the safety committee for the safety risk reduction program.
- (i) Assessment of safety performance must include a procedure for safety events, and hazard notification, reporting and investigation. This procedure shall comply with rules 7348, 7349, and 7350 and shall include the following:
    - (1) notification thresholds for internal and external organizations;
    - (2) the criteria for determining which safety events require investigation and who is responsible for conducting the investigation;
    - (3) a description of the safety risk management process and safety assurance process and procedures used for conducting safety event investigations which include the reporting of findings to internal and external organizations, conclusions, development, implementation and tracking of corrective actions that address investigation findings, and follow up to verify corrective action implementation; and
    - (4) coordination with the Commission.
  - (ii) A description of the process used to monitor, collect, maintain, analyze and distribute safety data, including data and information provided to the RTA by the SSOA, the FTA, and any internal safety reporting programs to ensure that the safety function within the RTA receives the necessary information to support implementation of the PTASP.
- (C) If the RTA does not meet an established annual safety performance target set by the safety committee for the safety risk reduction program, it must:
- (i) assess associated safety risk using the methods or processes established under subparagraph 7345(b)(II);
  - (ii) mitigate associated safety risk based on the results of a safety risk assessment using the methods or processes established under subparagraph 7345(b)(III). The RTA must include these mitigations in the PTASP describe in subparagraph 7345(c)(III)(D) and in the PTASP as described in subparagraph 7345(b)(III); and

- (iii) allocate its safety set-aside in the following fiscal year to safety-related projects eligible under 49 U.S.C 5307 that are reasonably likely to assist the RTA in meeting the safety performance target in the future.
    - (D) The RTA must develop and carry out, under the direction of the accountable executive, a plan to address any deficiencies identified through the safety performance assessment as described in this rule 7345.
- (d) Safety promotion. The safety promotion section of the PTASP shall develop and implement a safety promotion process for the RTA that will include the following activities: establish competencies and training and safety communication.
  - (l) Competencies and training.
    - (A) Safety certification and training for those directly responsible for safety.
      - (i) The RTA must establish and implement a comprehensive PTSCTP safety certification training program for all transit workers and contractors directly responsible for safety in the RTA's public transportation system. The training program must include de-escalation training, safety concern identification and reporting training, and refresher training, as necessary. The PTSCTP training program must include training and certification, drug and alcohol testing, as well as information about drug and alcohol abuse, and a hazardous materials program. The PTSCTP training program shall include a description of the training material and documentation of training test scores and dates and the RTA must maintain such training records. The comprehensive transit worker PTSCTP training program shall apply to personnel directly responsible for safety of the RFGPTS and shall comply with the requirements of the PTSCTP. Maintenance transit workers must be included in the PTSCTP safety training program. The transit workers training and certification shall also include:
        - (1) categories of safety-related work requiring training and certification;
        - (2) a description of the training and certification program for transit workers and contractors in safety-related positions including a description of the training material used;
        - (3) a process used to maintain and access transit workers and contractor records including documentation of training test scores and dates, when applicable; and
        - (4) a process used to assess compliance with training and certification requirements.
    - (B) Safety training for all RTA employees.

- (i) The RTA must establish and implement a comprehensive training program for all transit workers in the agency's public transportation system. The training program must include refresher training, as necessary. The program must include training and certification, drug and alcohol testing, as well as information about drug and alcohol abuse, and a hazardous materials program. The transit worker training program shall include a description of the training material and documentation of training test scores and dates and must maintain such training records. The comprehensive transit worker training shall also include:
  - (1) categories of safety-related work requiring training and certification;
  - (2) a description of the training and certification program for transit workers positions including a description of the training material used;
  - (3) a process used to maintain and access transit worker records including documentation of training test scores and dates, when applicable; and
  - (4) a process used to assess compliance with training and certification requirements.
  
- (II) Safety communication.
  - (A) The RTA must communicate safety and safety performance information throughout the RTA's organization that, at a minimum, conveys information on hazards and safety risks relevant to transit workers roles and responsibilities and informs transit workers of safety actions taken in response to reports submitted through a transit worker safety reporting program. The RTA must also communicate the results of cooperation with frontline transit workers representatives and the safety committee activities.
  
- (e) Safety plan documentation. The RTA must maintain documents that set forth its PTASP, including those related to the implementation of its SMS, and results from SMS processes and activities. The RTA must maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the RTA uses to carry out its PTASP. These documents must be made available upon request by the FTA or other federal entity, or the SSOA. The RTA must maintain these documents for a minimum of three years after they are created.
  
- (f) Safety committee. A RTA is required to form a safety committee that:
  - (I) is appropriately scaled to the size, scope, and complexity of the RTA;
  - (II) is convened by a joint labor-management process; and
  - (III) consists of an equal number of:

- (A) frontline transit worker representatives, selected by a labor organization representing the plurality of the frontline workforce employed by the RTA that must include frontline transit worker representatives from major transit service functions, such as operations and maintenance, across the RTA; and
  - (B) management representatives.
- (IV) Safety committee procedures. The RTA must include or incorporate by reference in its PTASP procedures regarding the composition, responsibilities, and operations of the safety committee which, at a minimum, must address:
- (A) the organizational structure, size, and composition of the safety committee and how it will be chaired;
  - (B) how meeting agendas and notices will be developed and shared, and how meeting minutes will be recorded and maintained;
  - (C) any required training for safety committee members related to the RTA's PTASP and the processes, activities, and tools to support the RTA's SMS;
  - (D) the compensation policy established by the RTA for participation in safety committee meetings;
  - (E) how the safety committee will access technical experts, including other transit workers, to serve in an advisory capacity as needed; RTA information, resources, and tools; and submissions to the transit worker safety reporting program to support its deliberations;
  - (F) how the safety committee will reach and record decisions;
  - (G) how the safety committee will coordinate and communicate with the RTA's board of directors and the accountable executive;
  - (H) how the safety committee will manage disputes to ensure it carries out its operations. The safety committee may use the dispute resolution or arbitration process from the RTA's Collective Bargaining Agreement, or a different process that the safety committee develops and agrees upon, but the accountable executive may not be designated to resolve any disputes within the safety committee; and
  - (I) how the safety committee will carry out its responsibilities identified in paragraph 7345(f).
- (V) The safety committee must conduct the following activities to oversee the RTA's safety performance.
- (A) Review and approve the PTASP and any updates required.
  - (B) Set annual safety performance targets for the safety risk reduction program.

- (C) Support operation of the RTA's SMS by:
  - (i) identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the RTA's safety risk assessment, including safety risk mitigations associated with any instance where the RTA did not meet an annual safety performance target in the safety risk reduction program;
  - (ii) identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the RTA did not meet an annual safety performance target in the safety risk reduction program; and
  - (iii) identifying safety deficiencies for purposes of continuous improvement, including any instance where the RTA did not meet an annual safety performance target in the safety risk reduction program.
  
- (VI) Safety committee responsibilities. The safety committee must conduct the following activities to oversee the RTA's safety performance:
  - (A) review and approve the RTA's PTASP and any updates as required at subparagraph 7345(a)(I)(i);
  - (B) set annual safety performance targets for the safety risk reduction program as required at subparagraph 7345(a)(V)(B);
  - (C) support operation of the RTA's SMS by:
    - (i) identifying and recommending safety risk mitigations necessary to reduce the likelihood and severity of potential consequences identified through the RTA's safety risk assessment, including safety risk mitigations associated with any instance where the RTA did not meet an annual safety performance target in the safety risk reduction program;
    - (ii) identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the RTA did not meet an annual safety performance target in the safety risk reduction program; and
    - (iii) identifying safety deficiencies for purposes of continuous improvement as required at subparagraph 7345(c)(III), including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.
  - (D) establishing safety risk reduction safety performance targets using a three-year rolling average of the data submitted by the RTA to the National Transit Database under 49 U.S.C. Section 5335. Risk reduction safety performance targets are not required to be in place until after FTA updates the NPTSP to include applicable performance measures.

**7346. Submittal and Review of the Public Transportation Agency Safety Plan.**

- (a) On or before November 1st of the first year of operation for new systems, and each November 1st thereafter, each RTA subject to rules 7340 through 7363 shall file its PTASP as an application for Commission approval. The Commission shall give ten days' notice of the filing of the application.
- (b) On or before December 20th, the Commission shall review the plan and shall approve the plan that complies with rules 7340 through 7363. All plans approved shall be approved by Commission order.
- (c) In the event that the Commission finds that the PTSAP does not comply with rule 7345, the Commission shall specify, in writing, the sections not in compliance, recommend appropriate modifications and/or additions necessary to bring the PTASP into compliance, and set a time frame for bringing the PTASP into compliance.
- (d) On an annual basis, the RTA must certify to the FTA, using the FTA's determined certification method, which the RTA has established and is in compliance with a PTASP meeting the requirements of rule 7345 and approved by the Commission pursuant to this rule.

**7347. Corrective Action Plan (CAP)**

Every RTA required to develop a CAP for the RFGPTS shall develop a CAP for the RFGPTS that is based upon a hazard analysis that complies with the following standards.

- (a) CAP Development. The RTA shall develop a CAP for the following:
  - (I) results from safety event investigations, in which the RTA or the SSOA identify causal and contributing factors that require corrective actions;
  - (II) findings of noncompliance from safety reviews or audits performed by the SSOA or RTA internal safety reviews; and
  - (III) any hazard that meets a safety risk assessment code outlined in subparagraphs 7347(d)(I) and (d)(II).
- (b) All CAPs are required to be filed within 45 days of identification of the need for a CAP unless otherwise ordered by the Commission.
- (c) Each CAP and associated hazard analysis shall identify:
  - (I) the element or activity identified including the assigned tracking number;
  - (II) the action or actions to be taken by the RTA to minimize, control, correct, or eliminate the safety risks and hazards identified by the CAP;
  - (III) the interim measures the RTA plans to implement to prevent recurrence before the final corrective actions are implemented;

- (IV) the CAP implementation schedule;
  - (V) the method(s) the RTA will use to validate the effectiveness of the corrective measures;
  - (VI) the individual responsible for the CAP implementation; and
  - (VII) any specific actions required by the Commission.
- (d) A CAP must be reviewed by the Commission or SSOA staff and formally approved by the Commission.
- (I) For hazards that meet a high safety risk assessment code of 1A, 2A, 1B, or 2B, of paragraph 7350(d), the Commission must review and formally approve the CAP before the RTA begins its safety risk mitigation activities.
    - (A) The Commission shall open an investigation proceeding and notify the RTA by order that a CAP is required.
    - (B) The RTA shall file a CAP and associated hazard analysis, if necessary, in the investigation proceeding within 30 days of the Commission order notifying the RTA that a CAP is required.
    - (C) The Commission shall issue an order in the investigation proceeding approving or rejecting the CAP within 15 days of receiving the RTA's CAP.
    - (D) If the CAP is rejected, the Commission order rejecting the CAP will provide the reasons for rejection and recommended revisions.
    - (E) If the CAP is rejected, the RTA shall submit a revised CAP within 15 days of the Commission's order rejecting the CAP.
    - (F) The Commission shall issue an order in the investigation proceeding approving or rejecting the revised CAP within 10 days of receiving the RTA's revised CAP.
    - (G) If the revised CAP is rejected, the Commission shall initiate its dispute resolution process.
  - (II) For hazards that meet the serious safety risk assessment code of IC, 2C, 3A, or 3B, SSOA staff will review and preliminarily approve the CAP before the RTA begins its safety risk mitigation activities.
    - (A) SSOA staff shall review the proposed CAP through the RTA hazard and CAP tracking system and shall provide preliminary approval of the CAP safety risk mitigation measures.
    - (B) If the CAP is rejected by SSOA staff, SSOA staff shall provide reasons for the rejection and recommended revisions.

- (C) If the CAP is rejected, the RTA shall submit a revised CAP within five business days of SSOA staff's rejection of the CAP.
- (III) For hazards that do not meet the safety risk assessment codes outlined in subparagraphs (d)(I) or (d)(II) above, a CAP is not required.
- (IV) If an emergency corrective action must be taken immediately to ensure safety, the RTA must notify SSOA staff immediately of the issue and then must follow up with the Commission for subsequent review and approval of a CAP pursuant to the criteria outlined in (I) above within 30 days of the Commission order requiring a CAP, or must follow up with SSOA staff for subsequent review and preliminary approval of a CAP pursuant to the criteria outlined in (II) above within 45 days.
- (V) If an interim corrective action needs to be taken immediately including, but not limited to, information that needs to be included in daily train orders, bulletin distribution, or emergency training to ensure safety, the RTA must notify SSOA staff immediately of the issue by email and then must follow-up with SSOA staff for subsequent review and approval of the interim measures for the CAP pursuant to the criteria outlined in subparagraph (II) above within 15 days.
- (VI) The Commission will review and provide final approval of CAPs on a quarterly basis.
- (e) The Commission's dispute resolution process will be used to resolve disputes between the Commission and the RTA, or SSOA staff and the RTA resulting from the development or enforcement of a CAP.
- (f) The Commission will evaluate the findings from any NTSB accident investigation and will determine if a CAP should be developed by either the Commission or the RTA to address the NTSB findings.
- (g) The RTA must provide to the Commission the following information:
  - (I) verification that the corrective action(s) has been implemented as described in the CAP, or that a proposed alternate action(s) has been implemented subject to Commission review and approval; and
  - (II) periodic reports requested by the Commission describing the status of each corrective action(s) not completely implemented as described in the CAP.
- (h) The Commission will monitor and track the implementation of each approved CAP using the following procedure:
  - (I) The RTA shall submit quarterly reports on the status of the actions and activities contained in the CAP. The quarterly report shall address, at a minimum, the following:
    - (A) actions and activities associated with the CAP that has occurred in the interim or since the last report;

- (B) a statement as to whether the actions and activities are on-schedule, behind schedule, or ahead of schedule;
  - (C) if actions and activities are behind schedule, a statement as to the causes of the delay and the planned measures to meet the schedule;
  - (D) any changes in key transit workers assigned to implementing the CAP;
  - (E) any management issues;
  - (F) effectiveness of safety measures;
  - (G) a statement as to the effectiveness of actions and/or activities that have already been implemented; and
  - (H) if a like safety event and/or hazardous condition has been identified subsequently to the CAP, a statement about the possible impacts on the CAP.
- (II) The Commission shall actively monitor the progress of the CAP by meeting periodically with the RTA and shall develop a monitoring plan in cooperation with the RTA.
  - (III) The Commission may monitor the RTA's progress in carrying out a CAP through unannounced, on-site inspections, or any other means the Commission deems necessary or appropriate.
  - (IV) All CAP related correspondence between the Commission and the RTA will include a CAP tracking number.
  - (V) The Commission shall have access to the RTA computerized log for tracking and recordkeeping of CAPs, shall monitor all quarterly status reports, additional information, and information from the finalization of the CAP, and shall check CAP due dates.

**7348. Safety Event Notification.**

- (a) The Commission shall require the RTA to notify SSOA staff and the FTA within two hours of any safety event occurring on a RFGPTS where one or more of the following occurs:
  - (I) a fatality;
  - (II) two or more injuries;
  - (III) a derailment;
  - (IV) a collision resulting in one or more injuries;
  - (V) a collision between two rail transit vehicles;
  - (VI) a collision resulting in disabling damage to a rail transit vehicle;

- (VII) evacuation for life safety reasons; or
- (VIII) unintended train movement.
- (b) RTAs must notify SSOA staff within two hours of any safety event occurring at a RFGPTS grade crossing that does not meet the notification requirements listed in subparagraphs 7348(a)(I) through (VIII), results in no injuries, or does not result in a fatality. The Commission does not require RTAs to notify the FTA of such safety events.
- (c) The two-hour notification requirement excludes criminal actions that result in fatalities or injuries, such as homicides and assaults.
- (d) RTA's that share tracks with the general railroad system and are subject to FRA notification requirements must notify both SSOA staff and the FTA within two hours of a safety event for which the RTA must also notify the FRA.
- (e) The Commission's required method of notification of safety events is by electronic mail within two hours of the safety event. The RTA shall provide the following information as part of the electronic mail notification:
  - (I) the nature of the safety event as described in subparagraphs 7348(a)(I through VIII) and paragraph 7348(b) above;
  - (II) the time, date, and location of the safety event;
  - (III) the time and date of the notification to the Commission;
  - (IV) a description of the safety event including vehicles, rail transit vehicles, passengers, persons, all property involved in the safety event, and the direction vehicles and rail transit vehicles were traveling at the time of the safety event, if known; and
  - (V) whether the safety event has been reported to the FRA or the NTSB.

**7349. Investigations and Reporting Procedures for Safety Events.**

- (a) The Commission shall investigate, or cause to be investigated, at a minimum, any safety event meeting the notification thresholds identified in paragraphs 7348(a) and (b).
- (b) No later than June 30, 2027, RTAs must install and use forward facing and operator facing in-cab cameras on all light rail vehicles to record activity at all times when the light rail vehicle power is on. RTAs that already have such cameras installed must immediately begin using them to record activity at all times when the light rail vehicle power is on. RTAs must use footage from the cameras to assist in the management of safe light rail operations. In all safety event investigations, whether performed by SSOA staff or the RTA, footage from such cameras must be reviewed.
- (c) The Commission shall use its own investigation procedures or those that have been formally adopted from the RTA and that have been submitted to FTA.

- (d) Investigation of safety events.
- (I) Each RTA shall investigate safety events on behalf of SSOA staff. SSOA staff may also perform separate, independent investigations at its discretion. If SSOA staff performs a separate, independent investigation, such investigation shall be coordinated with any internal investigation of the safety event by the RTA.
  - (II) When investigating a safety event as defined in paragraphs 7348(a) and (b), the RTA shall give prior sufficient telephone notice to SSOA staff of the times that a safety event investigation team will convene to conduct interviews, inspections, examinations, or tests to determine the cause of the safety event. SSOA staff will oversee a RTA's internal investigation through participation in the RTA's safety event investigation team activities, as necessary, and through monthly investigation review meetings.
  - (III) The RTA shall document its investigation in a written report. The RTA shall submit the report summary describing the investigation activities to the Commission on forms available from the Commission and additional investigation report documentation as needed. The report shall be submitted within 45 days after the safety event occurred and shall state if the report is an initial safety event report because of outstanding documentation needed from outside agencies, or the final safety event report. Reports shall be submitted for all safety events, as specified in paragraphs 7348(a) and (b). The safety event report shall contain the following information:
    - (A) the name of the RTA and the name of the RFGPTS, if different;
    - (B) the following safety event data, if applicable: the safety event date and time; the safety event's location; the type of safety event; whether the safety event occurred at a grade crossing; the number of fatalities; the number of injuries; and the estimated damage in dollars to the rail fixed guideway system, vehicles, or other rail transit-controlled property;
    - (C) a written description of the safety event;
    - (D) a diagrammatic sketch of the safety event;
    - (E) an explanation of the safety event's most probable cause and any additional contributing causes;
    - (F) a CAP to prevent reoccurrence of the safety event if a determination is made that a CAP is warranted, or a statement that a CAP is not necessary under paragraph 7347(a);
    - (G) the schedule for the implementation of the CAP if a CAP is warranted;
    - (H) the signature and title of the transit worker authorized to certify the accuracy of the report, together with the date the report is signed by either an electronic signature or wet ink;

- (I) all photographs of the safety event, or a statement that no such photographs exist;
  - (J) any evidence that exists in the form of magnetic media, such as video, forward facing and operator facing in-cab camera footage, event data recorder information, audio recordings of the event, or a statement that none exists;
  - (K) any report from an outside agency that was involved in the investigation (e.g., local police investigation reports or coroners' reports), or a statement explaining why none is available. Copies of police reports must include, if available, information regarding whether a citation or notice of violation was issued and to whom it was issued;
  - (L) a statement regarding whether drug and/or alcohol testing was performed on any RTA transit workers in connection with the safety event, and copies of the results of any such drug and/or alcohol tests or an affidavit reporting the results of any such testing;
  - (M) any witness statements; and
  - (N) any other information, reports, or statements that would aid in the formation of a conclusion as to the cause of the safety event.
- (IV) The RTA shall submit its safety event investigation report, including its CAP and implementation schedule, if necessary, to SSOA staff. The safety event investigation report (but not the CAP or implementation schedule) shall be submitted under seal and identified as a Highly Confidential Report filed in accordance with extraordinary protections afforded by Commission rules and § 40-18-104, C.R.S. Upon submission, such report, in whole or in part, is an investigative report of the Commission, defined in § 40-18-104, C.R.S., that shall be afforded extraordinary protections as highly confidential information. Unless modified by subsequent Commission decision, such extraordinary protections shall restrict access to the Highly Confidential Report only to Commissioners, Administrative Law Judges, Commission Advisory staff, SSOA staff, and legal counsel for each of these groups; provided however, the RTA may maintain and use copies of such safety event investigation reports and components thereof to assist in the management of safe light rail operations.
- (V) SSOA staff may request that the Commission consider the RTA's investigation and report thereon. The Commission may, after considering the RTA's investigation and report, make such order as it deems necessary, including an order mandating a SSOA staff investigation. If a SSOA staff investigation is ordered, the Commission shall consider SSOA staff's report and issue an appropriate order. Nothing in this subparagraph shall preclude SSOA staff from, in its discretion, performing its own investigation without an order of the Commission.
- (e) The threshold for the Commission's investigation of safety events is the same as the RTA's threshold for reporting safety events as set forth in paragraphs 7348(a) and (b).

- (f) The Commission authorizes the RTA to conduct investigations on the Commission's behalf and requires the RTA to use investigation procedures that have been formally approved by the Commission.
- (g) Each investigation must be documented in a final report that includes a description of investigation activities, identified causal and contributing factors, and a CAP and hazard analysis if warranted.
- (h) The Commission shall formally adopt a final investigation report for each investigation. Such adoption shall include the following information.
  - (I) If the Commission has conducted the investigation, the Commission shall formally transmit its initial investigation report to the RTA within 45 days of the safety event. The Commission shall formally transmit its final investigation report to the RTA once all required documentation from outside agencies has been provided and included in the report.
  - (II) If the RTA does not concur with the findings of the Commission's safety event investigation report, the RTA agency shall either:
    - (A) request a meeting with SSOA staff to discuss the items of non-concurrence and to negotiate with SSOA staff until a resolution on the findings is reached; or
    - (B) formally transmit the RTA's dissent to the findings of the investigation in writing, to the Commission, and negotiate with the Commission until a resolution on the findings is reached.
  - (III) The Commission shall review and formally adopt the final investigation report conducted by the RTA or any other entity that the Commission authorizes to conduct a safety event investigation.
  - (IV) If the Commission does not concur with the findings of the RTA investigation report, the Commission shall either:
    - (A) conduct a Commission investigation according to rule 7349; or
    - (B) formally transmit to the RTA the Commission's disagreement with the findings of the RTA's investigation and discuss the Commission's areas of disagreement with the RTA until a resolution of the findings is reached.
  - (V) The Commission shall formally adopt final investigation reports on a quarterly basis.
    - (A) The Commission shall review reports that document investigation activities and findings on a quarterly basis.
    - (B) The Commission shall participate in any investigation conducted or findings and recommendations made by the NTSB, FRA, or FTA.

- (i) Pursuant to 49 C.F.R. Part 674.35(d), the FTA administrator may conduct an independent investigation of a safety event or review SSOA or RTA findings of causation of a safety event.

**7350. Investigations and Reporting Procedures for Hazards.**

- (a) Each RTA must investigate and report the following hazards to the Commission:
  - (I) activation failure, partial activation, or false activation of a highway-rail grade crossing warning system;
  - (II) any track condition that prevents train movement over a section of track as indicated by the RTA Track Standard manual, not including maintenance repair efforts;
  - (III) broken Messenger or Contact wire, or Overhead Contact System wire;
  - (IV) train separation (train uncoupling) in revenue service;
  - (V) incapacitated train operator in revenue service;
  - (VI) red signal violations;
  - (VII) vehicle door opening on wrong side, opening away from station platforms, or opening during train movement;
  - (VIII) a near-miss collision with transit workers or other individuals including trespassers on the rail right-of-way or the general public including motorized vehicles and non-motorized vehicles, and pedestrians; or
  - (IX) any other hazard that meets a high safety risk assessment code of 1A, 2A, 1B, or 2B, or a serious safety risk assessment code of 1C, 2C, 3A, or 3B.
- (b) All RTA transit workers and SSOA employees that conduct investigations of hazards must be trained to perform their functions in accordance with the PTSCTP.
- (c) Each RTA must notify SSOA staff of the hazards specified in paragraph 7350(a) by electronic mail as soon as practicable, but not later than 24 hours from the earlier of the time or discovery of the safety event or determination of safety risk assessment code, except that hazards specified in subparagraph 7350(a)(IX) must be reported within 24 hours of the determination of the safety risk assessment code.
- (d) Safety risk assessment code.
  - (I) Each hazard shall be assigned a safety risk assessment code. The safety risk assessment code shall consist of a severity category and a likelihood level. Descriptions of severity categories, likelihood levels, and the resulting safety risk assessment matrix are included in paragraph 7350(d).
    - (A) Severity categories shall be identified as follows:

<b>SEVERITY CATEGORIES</b>		
<b>Description</b>	<b>Severity Category</b>	<b>Mishap Result Criteria</b>
<b>Catastrophic</b>	<b>1</b>	Could result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$10M.
<b>Severe</b>	<b>2</b>	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1M but less than \$10M.
<b>Serious</b>	<b>3</b>	Could result in one or more of the following: injury or occupational illness resulting in one or more lost workday(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$100K but less than \$1M.
<b>Limited</b>	<b>4</b>	Could result in one or more of the following: injury or occupational illness not resulting in a lost workday, minimal environmental impact, or monetary loss equal to or exceeding \$25K, but less than \$100K.
<b>Negligible</b>	<b>5</b>	Could result in one or more of the following: no injuries or occupational illness, no environmental impact, minor public inconvenience or nuisance, or monetary loss less than \$25K.

(B) Likelihood levels shall be identified as follows:

<b>LIKELIHOOD LEVELS</b>			
Description	Level	Specific Individual Item	Fleet or Inventory
<b>Frequent</b>	<b>A</b>	Likely to occur often in the life of an item.	Continuously experienced.
<b>Probable</b>	<b>B</b>	Will occur several times in the life of an item.	Will occur frequently.
<b>Remote</b>	<b>C</b>	Likely to occur sometime in the life of an item.	Will occur several times.
<b>Improbable</b>	<b>D</b>	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur.
<b>Highly Improbable</b>	<b>E</b>	So unlikely, it can be assumed occurrence may not be experienced in the life of an item.	Unlikely to occur, but possible.

(C) Risk assessment categories shall be identified as in the following safety risk assessment matrix:

<b>SAFETY RISK ASSESSMENT MATRIX</b>					
Severity / Likelihood	Catastrophic (1)	Severe (2)	Serious (3)	Limited (4)	Negligible (5)
<b>Frequent (A)</b>	<b>High</b>	<b>High</b>	<b>Serious</b>	<b>Medium</b>	<b>Medium</b>
<b>Probable (B)</b>	<b>High</b>	<b>High</b>	<b>Serious</b>	<b>Medium</b>	<b>Moderate</b>
<b>Remote (C)</b>	<b>Serious</b>	<b>Serious</b>	<b>Medium</b>	<b>Moderate</b>	<b>Low</b>
<b>Improbable (D)</b>	<b>Medium</b>	<b>Medium</b>	<b>Moderate</b>	<b>Low</b>	<b>Low</b>
<b>Highly Improbable (E)</b>	<b>Medium</b>	<b>Moderate</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>

(e) Each hazard investigation required by paragraph 7350(a) must be documented in a final report that includes: a description of investigation activities, identified causal and contributing factors, a CAP when required by paragraph 7347(a), or when the RTA determines a CAP is needed, a

hazard analysis, and any evidence that exists in the form of magnetic media such as video, forward facing and operator facing in-cab camera footage, event data recorder information, and audio recordings. Other safety events investigated, by the RTA per their event reporting processes and procedures, shall be documented.

**7351. Safety Risk Based Inspection Program.**

- (a) The Commission shall develop a safety risk-based inspection program. The SSOA staff process and procedures manual must address:
  - (I) scheduling inspections;
  - (II) inspection reports;
  - (III) safety event concerns;
  - (IV) inspections of equipment, infrastructure, and practices specific to each RFGPTS;
  - (V) safety event verification;
  - (VI) ongoing monitoring;
  - (VII) defects and corrective or remedial action; and
  - (VIII) CAP and safety risk mitigation verification.
- (b) Each RTA must provide the Commission with the data collected by the RTA when identifying hazards and assessing and mitigating safety risk. The SSOA staff process and procedures manual must define and identify:
  - (I) safety data sets to be shared with the Commission;
  - (II) processes and procedures for sharing data with the Commission; and
  - (III) the frequency that the data will be shared with the Commission.
- (c) Safety program data that the Commission will collect includes:
  - (I) records of safety events including primary source information from each RTA investigation if the RTA completes investigations on behalf of the Commission;
  - (II) hazard records including hazard source, associated consequences, safety risk ratings, and the status of any mitigations;
  - (III) safety risk mitigation records including before and after safety risk ratings and how the RTA monitors the implementation and effectiveness of safety risk mitigations;
  - (IV) CAPs; and

- (V) records of near misses.
- (d) Maintenance data that the Commission will collect includes:
- (I) inspection and maintenance records and report forms;
  - (II) work orders;
  - (III) records of failures and defects;
  - (IV) records of revenue vehicles out of service, including causal information;
  - (V) major maintenance and vehicle testing activity schedule and progress; and
  - (VI) adherence to maintenance and vehicle testing schedules, including reports and documentation of deferred maintenance.
- (e) Inspection data that the Commission will collect includes:
- (I) inspection records and report forms;
  - (II) records of failures and defects;
  - (III) records of speed restrictions;
  - (IV) safety event and safety risk mitigation verification;
  - (V) adherence to inspection schedules including reports and documentation of inspections not performed; and
  - (VI) capital project schedules and progress.
- (f) SSOA staff shall develop policies and procedures regarding how the data management system will;
- (I) store and use data sets for analysis;
  - (II) where data sets will be stored;
  - (III) will organize the data;
  - (IV) document how long records must be kept;
  - (V) when and how records will be disposed;
  - (VI) ensure the system is maintained;
  - (VII) ensure the system accurately stores records; and

- (VIII) Security Sensitive Information will be protected.
- (g) The Commission's data management system is required to have the capacity to store all data and records collected by the Commission and is required to accurately store data and records collected by the Commission.
- (h) The Commission shall specify and develop in the SSOA staff process and procedures manual a prioritization process for the safety risk-based inspection program.
- (i) The Commission shall require the SSOA staff process and procedures manual to outline data analysis procedures that will:
- (I) specify the safety metrics used to prioritize inspections by evaluating relevant data; and
  - (II) include comprehensive data analysis of safety program metrics data, maintenance data, and inspection data types.
- (j) The Commission shall require the SSOA staff process and procedures manual to outline safety risk prioritization ratings that will:
- (I) explain how the data regarding safety risks will be analyzed and used to prioritize inspection activities; and
  - (II) determine how to scale the prioritization ratings.
- (k) The Commission shall require the SSOA staff process and procedures manual regarding inspection prioritization what will:
- (I) identify and prioritize safety risks for each RTA; and
  - (II) describe how to prioritize inspections for each RTA.
- (l) The safety risk-based inspection and prioritization process shall be a continuous process for each RTA overseen by the Commission and the SSOA staff process and procedures manual will:
- (I) specify the frequency of data analysis, safety risk prioritization, and inspection prioritization for each RTA;
  - (II) perform at least four onsite safety risk-based inspections per RTA per year; and
  - (III) analysis shall be performed at least once per year.
- (m) The Commission shall require the SSOA staff process and procedures manual will be written such that safety risk-based inspections can be performed commensurately with the complexity of each RTA the Commission oversees.

**7352. RTA Internal Safety Reviews.**

- (a) The RTA is required to develop and document in its PTASP the process for the performance of on-going internal safety reviews.
- (b) The internal safety review process must:
  - (I) describe the process used by the RTA to determine if all identified elements of its PTSAP are performing as intended;
  - (II) ensure that all elements of the PTSAP are reviewed in an on-going manner and completed over a three-year cycle; and
  - (III) provide the internal review schedule for the three-year internal safety review cycle.
- (c) The RTA must notify the Commission at least 30 days before the conduct of scheduled internal safety review to allow SSOA staff to observe the internal review.
- (d) The RTA shall submit to the Commission any checklists or procedures it will use during the internal safety review prior to conducting such review.
- (e) The RTA must annually submit to the Commission a report documenting internal safety review activities and the status of subsequent findings and corrective actions.
- (f) The annual report must be accompanied by a formal letter of certification signed by the RTA's accountable executive, indicating that the RTA is in compliance with its PTASP.
- (g) If the RTA determines that findings from its internal safety review indicate that the RTA is not in compliance with its PTASP, the accountable executive must identify the activities the RTA will take to achieve compliance.
- (h) The Commission must formally review and approve the annual report.
  - (I) The RTA shall file its annual report on or before February 15th of the first year of operation for new systems, and each February 15th thereafter as an application for Commission approval. The Commission shall give ten days' notice of the filing of the application.
  - (II) On or before April 5th of the year in which the application for approval of the annual report is filed, the Commission shall review the annual report and shall approve those annual reports that conform to this rule.
  - (III) In the event the Commission finds that the annual report does not comply with this rule, the Commission shall specify the sections not in compliance, recommend appropriate modifications and/or additions necessary to bring the annual report into compliance, and set a time frame for bringing the annual report into compliance.

## **Rail Transit Roadway Worker Protection.**

### **7353. Applicability.**

Rules 7353 through 7359 apply to the rail transit roadway worker protection rules.

### **7354. Definitions.**

The following definitions apply only in the context of rules 7353 through 7359.

- (a) “Ample time” means the time necessary for a roadway worker to be clear of the track zone or in a place of safety 15 seconds before a rail transit vehicle moving at the maximum authorized speed on that track could arrive at the location of the roadway worker.
- (b) “Equivalent entity” means an entity that carries out duties similar to that of a board of directors, for a recipient or sub-recipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or sub-recipient’s PTASP.
- (c) “Equivalent protection” means alternative designs, materials, or methods that the RTA can demonstrate to the SSOA will provide equal or greater safety for roadway workers than the means specified in rule subparagraph 7357(e)(IV)(C).
- (d) “Flag person” means a roadway worker designated to direct or restrict the movement of rail transit vehicles or equipment past a point on a track to provide on-track safety for roadway workers, while engaged solely in performing that function.
- (e) “Foul time protection” is a method of establishing working limits in which a roadway worker is notified by the control center that no rail transit vehicles will be authorized to operate within a specific segment of track until the roadway worker reports clear of the track.
- (f) “Fouling a track” means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving rail transit vehicle or on-track equipment, typically within four feet of the outside rail on both sides of any track.
- (g) “Individual rail transit vehicle detection” means a process by which a lone worker acquires on-track safety by visually detecting approaching rail transit vehicle or equipment and leaving the track in ample time.
- (h) “Job safety briefing” means a meeting addressing the requirements of paragraph 7357(b) that is conducted prior to commencing work by the Roadway Worker in Charge, typically at the job site, to notify roadway workers or other transit workers about the hazards related to the work to be performed and the protections to eliminate or protect against those hazards. Alternatively, briefings can be conducted virtually for those individuals who are working remotely on the job site.
- (i) “Lone worker” means an individual roadway worker who is not afforded on-track safety by another roadway worker, who is not a member of a roadway work group, and who is not engaged in a common task with another roadway worker.

- (j) “Maximum authorized speed” means the highest speed permitted for the movement of rail transit vehicles established by the rail transit vehicle control system, service schedule, and operating rules. This speed is used when calculating ample time.
- (k) “Minor tasks” mean those tasks performed without the use of tools during the execution of which a roadway worker or other transit worker can hear and visually assess their surroundings at least every five seconds for approaching rail transit vehicles and that can be performed without violating ample time.
- (l) “On-track safety” means a state of freedom from the danger of being struck by a moving rail transit vehicle or other equipment, and other on-track hazards as provided by operating and safety rules that govern track occupancy by roadway workers, other transit workers, rail transit vehicles, and on-track equipment.
- (m) “Place of safety” means a space an individual or individuals can safely occupy outside the track zone, sufficiently clear of any rail transit vehicle, including any on-track equipment, moving on any track.
- (n) “Qualified” means a status attained by a roadway worker or other transit worker who has successfully completed required training (including refresher training) for, has demonstrated proficiency in, and is authorized by the RTA to perform, the duties of a particular position or function.
- (o) “Rail transit vehicle approach warning” means a method of establishing on-track safety by warning roadway workers of the approach of rail transit vehicles in ample time for them to move to or remain in a place of safety.
- (p) “Redundant protection” means at least one additional protection beyond individual rail transit vehicle detection to ensure on-track safety for roadway worker. Redundant protections may be procedural, physical, or both.
- (q) “Roadway maintenance machine” means a device which is used on or near rail transit track for maintenance, repair, construction or inspection of track, bridges, roadway, signal, communications, or electric traction system. Roadway maintenance machines may have road or rail wheels or may be stationary.
- (r) “Roadway worker” means a transit worker whose duties involve inspection, construction, maintenance, repairs, or providing on-track safety such as flag persons and watchpersons on or near the roadway or right-of-way or with the potential of fouling track.
- (s) “Roadway work group” means two or more roadway workers organized to work together on a common task.
- (t) “Roadway worker in charge” means a roadway worker who is qualified under this part to establish on-track safety.
- (u) “Roadway Worker Protection” (RWP) means the policies, processes, and procedures implemented by an RTA to prevent safety events for transit workers who must access the roadway in the performance of their work.

- (v) “RWP manual” means the entire set of the RTA’s on-track safety rules and instructions maintained together including operating rules and other procedures concerning on-track safety protection and on-track safety measures, designed to prevent roadway workers from being struck by rail transit vehicles or other on-track equipment.
- (w) “Sight distance” means the length of roadway visible ahead for a roadway worker.
- (x) “Track access guide” means a document that describes the physical characteristics of the RTA’s track system, including track areas with close or no clearance, curves with blind spots or restricted sight lines, areas with loud noise, and potential environmental conditions that require additional consideration in establishing on-track safety.
- (y) “Track zone” means an area identified by the RTA where a person or equipment could be struck by the widest equipment that could occupy the track.
- (z) “Transit worker safety reporting program” (TWSRP) means the process required under paragraph 7345(a) that allows transit workers to report safety concerns including transit worker assaults, near-misses, and unsafe acts and conditions to senior management, provides protections for transit workers who report safety conditions to senior management, and describes transit worker behaviors that may result in disciplinary action.
- (aa) “Watchperson” means a roadway worker qualified to provide warning to roadway workers of approaching rail transit vehicles or track equipment whose sole duty is to look out for approaching rail transit vehicles and track equipment and provide at least 15 seconds advanced warning plus time to clear based on the maximum authorized track speed for the work location to transit workers before the arrival of rail transit vehicles.
- (bb) “Working limits” means a segment of track with explicit boundaries upon which rail transit vehicles and on-track equipment may move only as authorized by the roadway worker having control over that defined segment of track.
- (cc) “Work zone” means the immediate area where work is being performed within the track zone.

**7355. RWP Program and RWP Program Manual.**

- (a) RWP program.
  - (I) Each RTA must adopt and implement an approved RWP program to improve transit worker safety that is consistent with Federal and State safety requirements and meets the minimum requirements of rules 7353 through 7359.
  - (II) The RWP program must include:
    - (A) an RWP manual as described in paragraph 7355(b); and
    - (B) all of the RWP program elements described in rule 7357.
  - (III) Each RTA must submit its RWP manual and subsequent updates to the Commission for review and approval as described in paragraph 7357(a).

- (b) RWP manual
- (I) Each RTA must establish and maintain a separate, dedicated manual documenting its RWP program.
  - (II) The RWP manual must include the terminology, abbreviations, and acronyms used to describe the RWP program activities and requirements.
  - (III) The RWP manual must document:
    - (A) all elements of the RWP program in paragraphs 7357(a) through (h);
    - (B) a definition of RTA and transit worker responsibilities as described in paragraph 7356(b);
    - (C) training, qualification, and supervision required for transit workers to access the track zone, by labor category or type of work performed;
    - (D) processes and procedures, including any use of roadway workers to provide adequate on-track safety, for all transit workers who may access the track zone in the performance of their work, including safety and oversight personnel. Procedures for SSOA personnel to access the roadway must conform with the SSOA's safety risk-based inspection program.
  - (IV) The RWP manual must include or incorporate by reference a track access guide to support on-track safety. The track access guide must be based on a physical survey of the track geometry and conditions of the transit system and include, at a minimum:
    - (A) locations with limited, close, or no clearance, including locations (such as alcoves, recessed spaces, or other designated places or areas of refuge or safety) with size or access limitations;
    - (B) locations subject to increased rail vehicle or on-track equipment braking requirements or reduced rail transit vehicle operator visibility due to precipitation or other weather conditions;
    - (C) curves with no or limited visibility;
    - (D) locations with limited or no visibility due to obstructions or topography;
    - (E) all portals with restricted views;
    - (F) locations with heavy outside nose or other environmental conditions that impact on-track safety; and
    - (G) any other locations with access considerations.
  - (V) Following initial approval of the RWP manual by the Commission, not less than every two years, the RTA must review and update its RWP manual to reflect current conditions and

lessons learned in implementing the RWP program and information provided by the Commission and FTA Manual.

- (VI) The RTA must update its RWP manual and track access guide as necessary and as soon as practicable upon any change to the system that conflicts with any element of either document.
- (VII) The RWP manual must be distributed to all transit workers who access the roadway and redistributed after each revision.

**7356 RTA and Transit Worker Responsibilities.**

(a) RTA responsibilities.

- (I) In general, each RTA must establish procedures to:
  - (A) provide ample time and determine the appropriate sight distance based on maximum authorized track speeds;
  - (B) ensure that individual rail transit vehicle detection is never used as the only form of protection in the track zone;
  - (C) provide job safety briefings to all transit workers who must enter a track zone to perform work;
  - (D) provide job safety briefings to all transit workers whenever a rule violation is observed;
  - (E) provide transit workers with the right to challenge and refuse in good faith any assignment based on on-track safety concerns and resolve such challenges and refusals promptly and equitably;
  - (F) require the reporting of unsafe acts, unsafe conditions, and near-misses on the roadway as part of the TWSRP and as described in subparagraph 7345(a)(I)(A)(ii);
  - (G) ensure all transit workers who must enter a track zone to perform work understand, are qualified in, and comply with the RWP program; and
  - (H) provide an escort, as needed, to support individuals that are not RWP certified and do not fall into the categories of roadway worker, transit worker, or emergency personnel if they must enter a track zone.
- (II) Each RTA must establish the equipment and protection requirements for on-track safety, including:
  - (A) equipment that transit workers must have to access the roadway or a track zone by labor category, including personal protective equipment such as high-reflection vests, safety shoes, and hard hats;

- (B) credentials (e.g., badge, wristband, RWP card) for transit workers to enter the roadway or track zone by labor category and how to display them so they are visible;
  - (C) protections for emergency response personnel who must access the roadway or the track zone; and
  - (D) protections for multiple roadway work groups within a common work area in a track zone.
- (b) Transit worker responsibilities.
- (I) RWP program. Each transit worker must follow the requirements of the RTA's RWP program by position and labor category.
  - (II) Fouling the track. A transit worker may only foul the track once they have received appropriate permissions and redundant protections have been established as specified in the RWP manual.
  - (III) Acknowledgement of protections providing on-track safety. A transit worker must understand and acknowledge in writing the protections providing on-track safety measures for their specific task before accessing the roadway or track zone.
  - (IV) Refusal to foul the track. A transit worker may refuse to foul the track if the transit worker makes a good faith determination that they believe any assignment is unsafe or would violate the RTA's RWP program.
  - (V) Reporting. A transit worker must report unsafe acts and conditions, and near-misses related to the RWP program as part of the RTA's TWSRP.

**7357. Commission and SSOA Staff Responsibilities.**

- (a) Review and approve RWP program elements. The Commission must coordinate with the RTA on the initial review and approval of the RWP manual and any subsequent updates for each RTA.
  - (I) The Commission must coordinate with the RTA on the initial review and approval of the RWP program elements so that the RWP program is established and approved on or before December 2, 2025; and
  - (II) The Commission also must submit all approved RWP program elements for each RTA in its jurisdiction, and any subsequent updates, to FTA within 30 calendar days of approving them.
  - (III) After the initial review and approval of the RWP manual, the RTA is required to annually submit the RWP manual for review and approval on or before November 1st of each year as part of the submittal and review of the PTASP.
- (b) RWP program oversight. The Commission must update its program standard to explain the role of the Commission in overseeing a RTAs execution of its RWP program.

- (c) Annual RWP program audit.
  - (I) SSOA staff must conduct an annual audit of the RTA's compliance with its RWP program, including all required RWP program elements, for each RTA overseen.
  - (II) The Commission must issue a report with any findings and recommendations arising from the audit, which must include, at a minimum:
    - (A) an analysis of the effectiveness of the RWP program, including, at a minimum, a review of:
      - (i) all RWP-related events over the period covered by the audit;
      - (ii) all RWP-related reports made to the TWSRP over the period covered by the audit;
      - (iii) all documentation of instances where a transit worker(s) challenged and refused in good faith any assignment based on on-track safety concerns and documentation of the resolution for any such instance during the period covered by the audit;
      - (iv) an assessment of the adequacy of the track access guide, including whether the guide reflects current track geometry and conditions;
      - (v) a review of training and qualification records for transit workers who must enter a track zone to perform work;
      - (vi) a representative sample of written job safety briefing confirmations as described in paragraph 7357(b); and
      - (vii) the compliance monitoring program described in paragraph 7357(g);
    - (B) recommendations for improvements, if necessary, or appropriate; and
    - (C) corrective action plan(s), if necessary or appropriate, must be developed and executed consistent with requirements established in rule 7347.
- (d) The RTA must be given an opportunity to comment on any findings and recommendations.

**7358. Required RWP Program Elements.**

- (a) Roadway worker in charge requirements.
  - (I) On-track safety and supervision. The RTA must designate one roadway worker in charge for each roadway work group whose duties require fouling a track.
    - (A) The roadway worker in charge must be qualified under the RTA's training and qualification program as specified in paragraph 7357(f).

- (B) The roadway worker in charge may be the designated personnel generally or may be designated specifically for a particular work situation.
  - (C) The roadway worker in charge is responsible for the on-track safety for all members of the roadway work group.
  - (D) The roadway worker in charge must serve only the function of maintaining on-track safety for all members of the roadway work group and perform no other unrelated job function while designated for duty.
  - (E) For multiple roadway work groups within common working limits, the RTA may designate a single roadway worker in charge for the entire working limit. If a single roadway worker in charge is designated over multiple roadway work groups within a working limit, each work group must be accompanied by an employee qualified to the level of a roadway worker in charge, as specified in paragraph 7357(a), who shall be responsible for direct communication with the roadway worker in charge.
- (II) Communication. The RTA must ensure that the roadway worker in charge provides a job safety briefing to all roadway workers before any member of a roadway work group fouls a track, following the requirements specified in paragraph 7357(b).
- (A) The roadway worker in charge must provide a job safety briefing to all members of the roadway work group before any on-track safety procedures change during the work period, whenever on-track safety conditions change, or immediately following an observed violation of on-track safety procedures, before work in the track zone may continue.
  - (B) In the event of an emergency, the roadway worker in charge must warn each roadway worker to immediately leave the roadway and not return until on-track safety is re-established, and a job safety briefing is completed.
- (b) Job safety briefing policies.
- (I) The RTA must ensure the roadway worker in charge provides any roadway worker who must foul a track with a job safety briefing prior to fouling the track, every time the roadway worker fouls the track.
  - (II) The job safety briefing must include, at a minimum, the following elements, as appropriate:
    - (A) a discussion of the nature of the work to be performed and the characteristic of the work, including work plans for multiple roadway worker groups within a single work area;
    - (B) working limits;

- (C) the hazards involved in performing the work. For RTAs with an electrified system, this discussion must include the status of power and hazards explicitly related to the electrified system;
  - (D) information on how on-track safety is to be provided for each track identified to be fouled; identification and location of key personnel, such as a watchperson and the roadway worker in charge; and information on what should be done in the event of an emergency;
  - (E) instructions for each on-track safety procedure to be followed, including appropriate flags and proper flag placement;
  - (F) communication roles and responsibilities for all transit workers involved in the work;
  - (G) safety information about any adjacent track, defined as track next to or adjoining the track zone where on-track safety has been established, and identification of roadway maintenance machines or on-track equipment that will foul such tracks;
  - (H) information on the accessibility of the roadway worker in charge, including emergency contact information, and alternative procedures in the event the roadway worker in charge is no longer accessible to members of the roadway work group;
  - (I) required personal protective equipment;
  - (J) designated place(s) of safety of all sufficient size to accommodate all roadway workers within the work area; and
  - (K) the means for determining ample time.
- (III) Confirmation and written acknowledgement. A job safety briefing is complete only after:
- (A) the roadway worker in charge confirms that each roadway worker understands the on-track safety procedures and instructions;
  - (B) each roadway worker acknowledges in writing that they have received the briefing and the requirement to use the required personal protective equipment; and
  - (C) the roadway worker in charge confirms in writing that they have received written acknowledgement of the briefing from each worker.
- (IV) Follow-up briefings. If after the initial job safety briefing there is any change in the scope of work or roadway work group, or on-track safety conditions change, or a violation of on-track safety is observed, a follow-up job safety briefing must be conducted.
- (c) Lone worker.

- (I) On-track safety and supervision. The RTA may authorize lone workers to perform limited duties that require fouling a track.
    - (A) The lone worker must be qualified as a roadway worker in charge and lone worker under the RTA's training and qualification program as specified in paragraph 7357(f).
    - (B) The lone worker may perform routine inspection or minor tasks and move from one location to another. The lone worker may not use power tools and may only access locations that have been defined in the track access guide as appropriate for lone workers, i.e., no loud noises, no restricted clearances.
    - (C) The lone worker may not use individual rail transit vehicle detection, where the lone worker is solely responsible for seeing approaching trains and clearing the track before the trains arrive, as the only form of on-track safety.
  - (II) Communication. Each lone worker must communicate prior to fouling the track with a supervisor or another designated employee to receive an on-track safety job briefing consisting of the elements in paragraph 7357(b), including a discussion of their planned work activities and the procedures that they intend to use to establish on-track safety. The lone worker must acknowledge and document the job safety briefing in working, consistent with paragraph 7357(c).
- (d) Good faith safety challenge
- (I) Written procedure. Each RTA must document its procedures that provide, to every roadway worker, the right to challenge and refuse in good faith any assignment they believe is unsafe or would violate the RTA's RWP program.
  - (II) Prompt and equitable resolution. The written procedure must include methods or processes to achieve prompt and equitable resolution of any challengers and refusals made.
  - (III) Requirements. The written procedure must include a requirement that the roadway worker provide a description of the safety concern regarding on-track safety and that the roadway work group must remain clear of the roadway or track zone until the challenge and refusal is resolved.
- (e) Risk-based redundant protections.
- (I) General requirements.
    - (A) Each RTA must identify and provide redundant protections for each category of work roadway workers perform on the roadway or track.
    - (B) Each RTA must establish redundant protections to ensure on-track safety for multiple roadway work groups within a common work area.

- (II) Safety risk assessment to determine redundant protections. Each RTA must assess the risk associated with transit workers accessing the roadway using the methods and processes established under subparagraph 7345(b)(II). The RTA must use the methods and processes established under subparagraph 7345(b)(III) to establish redundant protections for each category of work performed by roadway workers on the rail transit system and must include lone workers.
  - (A) The safety risk assessment must be consistent with the RTA's PTASP and the SSOA Program Standard.
  - (B) The safety risk assessment may be supplemented by engineering assessments, inputs from the safety assurance process established under paragraph 7345(c), the results of safety event investigations, and other safety risk management strategies or approaches.
  - (C) The RTA must review and update the safety risk assessment at least every two years to include current conditions and lessons learned from safety events, actions taken to address reports of unsafe acts and conditions, and near-misses, and results from compliance monitoring regarding the effectiveness of the redundant protections.
  - (D) The SSOA may also identify and require the RTA to implement alternate redundant protections based on the RTA's unique operating characteristics and capabilities.
- (III) Categories of work requiring redundant protections. Redundant protections must be identified for roadway workers performing different categories of work on the roadway and within track zones, which may include but are not limited to categories such as:
  - (A) roadway workers moving from one track zone location to another;
  - (B) roadway workers performing minor tasks;
  - (C) roadway workers conducting visual inspections;
  - (D) roadway workers using hand tools, machines, or equipment in conducting testing of track system components or non-visual inspections;
  - (E) roadway workers using hand tools, machines, or equipment in performing maintenance, construction or repairs; and/or
  - (F) lone workers accessing the roadway or track zone or performing visual inspections or minor tasks.
- (IV) Types of redundant protections.
  - (A) Redundant protections may be procedural or physical.

- (i) Procedural protections alert rail transit vehicles operators to the presence of roadway workers and use radio communications, personnel, signage, or other means to direct rail transit vehicle movement.
  - (ii) Physical protections physically control the movement of rail transit vehicles into or through a work zone.
- (B) Redundant protections may include but are not limited to:
- (i) approaches consistent with the FRA rules covering redundant protections;
  - (ii) rail transit vehicle approach warning;
  - (iii) foul time;
  - (iv) exclusive track occupancy, defined as a method of establishing working limits, as part of on-track safety, in which movement authority of rail transit vehicles and other equipment is withheld by the control center or restricted by flag persons and provided by a roadway worker in charge;
  - (v) warning signs, flags, or lights;
  - (vi) flag persons;
  - (vii) lock outs from the rail transit vehicle control systems or lining and locking track switches or otherwise physically preventing entry and movement of rail transit vehicles;
  - (viii) secondary warning devices and alter systems;
  - (ix) shunt devices and portable trip stops to reduce the likelihood of rail transit vehicles entering work zone with workers;
  - (x) restricting work to times when propulsion power is down with verification that track is out of service, and when barriers are placed that physically prevent rail transit vehicles, including on-track equipment, from entering the work zone;
  - (xi) use of walkways in tunnels and on elevated structures to reduce roadway worker time in the track zone; and
  - (xii) speed restrictions.
- (C) Redundant protections for lone workers must include, at a minimum, foul time or an equivalent protection approved by the Commission
- (f) RWP training and qualification program.

- (I) Each RTA must adopt an RWP training program.
  - (A) The RWP training program must address all transit workers responsible for on-track safety, by position, including roadway workers, operations control center personnel, rail transit vehicle operators, operators of on-track equipment and roadway maintenance machines, and any other worker with a role in providing on-track safety or fouling a track for the performance of work.
  - (B) The RWP training program must be completed for the relevant position before an RTA may assign a transit worker to perform the duties of a roadway worker, to oversee or supervise access to the track zone from the operations control center, or to operate vehicles, on-track equipment, and roadway maintenance machines on the rail transit system.
  - (C) The RWP training program must address RWP hazard recognition and mitigation, and lessons learned through the results of compliance testing, near-miss reports, reports of unsafe acts or conditions, and feedback received on the training program.
  - (D) The RWP training program must include initial and refresher training, by position. Refresher training must occur every two years at a minimum.
  - (E) The RTA must review and update its RWP training program not less than every two years, to reflect lessons learned in implementing the RWP program and information provided by the SSOA and FTA. The RTA must provide an opportunity for roadway worker involvement in the RWP training program review and update process.
- (II) Required elements. The RWP training program must include interactive training with the opportunity to ask the RWP trainer questions and raise and discuss RWP issues.
  - (A) Initial training must include experience in a representative field setting.
  - (B) Initial and refreshed training must include demonstrations and assessments to ensure the ability to comply with RWP instructions given by transit workers performing, or responsible for, on-track safety and RWP functions.
- (III) Minimum contents for RWP training. The RWP training program must address, as applicable, the following minimum contents:
  - (A) how to interpret and use the RTA's RWP manual;
  - (B) how to challenge and refuse assignments in good faith;
  - (C) how to report unsafe acts, unsafe conditions, and near-misses after they occur, and the mandatory duty to make such reports;
  - (D) recognition of the track zone and understanding of the space around tracks within which on-track safety is required, including use of the track access guide;

- (E) the functions and responsibilities of all transit workers involved in on-track safety, by position;
  - (F) proper compliance with on-track safety instructions given by transit workers performing or responsible for on-track safety functions;
  - (G) signals and directions given by watchpersons, and the proper procedures upon receiving a rail transit vehicle approach warning from a watchperson;
  - (H) the hazards associated with working on or near rail transit tracks to include traction power, if applicable;
  - (I) rules and procedures for redundant protections identified under paragraph 7357(d) and how they are applied to RWP; and
  - (J) requirements for safely crossing rail transit tracks in yards and on the mainline.
- (IV) Specialized training and qualification for transit workers with additional responsibilities for on-track safety. The RWP training program must include additional training for watchpersons, flag persons, lone workers, roadway workers in charge, and other transit workers with responsibilities for establishing, supervising, and monitoring on-track safety.
- (A) This training must cover the content and application of the additional RWP program requirements carried out by these positions and must address the relevant physical characteristics of the RTA's system where on-track safety may be established.
  - (B) This training must include demonstrations and assessments to confirm the transit worker's ability to perform these additional responsibilities.
  - (C) Refresher training on additional responsibilities for on-track safety, by position, must occur every two years, at a minimum.
- (V) Competency and qualification of training personnel. Each RTA must ensure that transit workers providing RWP training are qualified and have active RWP certification at the RTA to provide effective RWP training, and at a minimum must consider the following when selecting training personnel:
- (A) a trainer's experience and knowledge of effective training techniques in the chosen learning environment;
  - (B) a trainer's experience with the RTA RWP program;
  - (C) a trainer's knowledge of the RTA RWP rules, operations, and operating environment, including applicable operating rules; and
  - (D) a trainer's knowledge of the training requirements specified in this paragraph 7357(f).

- (g) RWP compliance monitoring program.
  - (I) Each RTA must adopt a program for monitoring its compliance with the requirements specified in its RWP program.
  - (II) Required elements. The RWP compliance monitoring program must include inspections, observations, and audits, consistent with safety performance monitoring and measurement requirements in the RTA's PTASP described in subparagraph 7345(c)(I) and the SSOA's program standard.
    - (A) The RTA must provide quarterly reports to the SSOA documenting the RTA's compliance with and sufficiency of the RWP program.
    - (B) The RTA must provide an annual briefing to the accountable executive and the board of directors, or equivalent entity, regarding the performance of the RWP program and any identified deficiencies requiring corrective action.

**7359. RWP Program Recordkeeping**

- (a) Each RTA must maintain the documents that set forth its RWP program; documents related to the implementation of the RWP program, and results from the procedures, processes, assignments, training and activities specified in this part for the RWP program.
- (b) Each RTA must maintain records of its compliance with this requirement including records of transit worker RWP training and refresher training, for a minimum of three years after they are created.
- (c) These documents must be made available upon request, as required by the FTA or other Federal entity, or the SSOA having jurisdiction.

**7360. Commission Safety Audits.**

At least once every three years, beginning with the initiation of RTA passenger operations, the Commission shall conduct a complete on-site safety audit of each RTA's implementation of its PTASP in an on-going manner. Audits may include record examinations, inspections, observations, field checks, interviews, and testing. At the conclusion of the three-year review cycle during which all parts of the PTASP have been audited, the Commission shall prepare and issue a report containing findings resulting from the audits, which at a minimum must include an analysis of the effectiveness of the PTASP, and a determination of whether the PTASP should be updated.

- (a) The Commission shall conduct six semi-annual safety audits during the three-year review process. Semi-annual audits shall be conducted during the spring and fall of a calendar year. SSOA staff shall notify the RTA at least 30 days prior to the start of the semi-annual safety audit which checklists will be reviewed and to determine the appropriate RTA transit worker to include for each checklist. The first five semi-annual audits shall involve a review of approximately five to ten areas of interest such that the entire PTASP is fully examined during the first five semi-annual audits. The sixth semi-annual audit shall be comprised of a review of the auditing process and procedures used during the previous five semi-annual audits, and preparation of the checklists to be used for the next three-year review process.

- (b) For each semi-annual audit during the three-year review process, SSOA staff shall prepare audit checklists that identify the safety areas of interest and the compliance criteria to be used for the audit during the specific semi-annual audit.
- (c) For each semi-annual audit during the three-year review process, SSOA staff shall prepare a draft report for the semi-annual audit with completed audit checklists, and audit findings. This draft report will be provided to the RTA for a 30-day review and comment by the RTA. The RTA shall provide written responses to all audit report findings, any written comments, and proposed CAP's and implementation schedules within 30 days of receipt of the Commission's audit report. The RTA shall also be allowed to make corrections to any findings outlined in the draft report within the 30-day review period. The Commission shall incorporate comments, CAPs and implementation schedules in a final audit report for the semi-annual audit. The Commission shall approve the final audit report for each semi-annual audit.
- (d) At the conclusion of the three-year review cycle, the Commission shall prepare and issue a report summarizing the audits conducted during the three-year cycle, including the six semi-annual audit reports, and shall file this report with the FTA.

**7361. Safety Oversight of Rail Fixed Guideway System Design, Construction, Pre-Operational Testing and Operation Start-Up.**

The Commission shall provide safety oversight and review of rail fixed guideway system design, construction, pre-operational testing and operation start-up.

**7362. Inspection of Records.**

All RTA records required by these rules and necessary for the Commission to perform its State Safety Oversight functions shall be made available upon request to authorized personnel of the Commission.

**7363. Variances.**

A RTA may request a variance from these rules. A RTA seeking such a variance shall comply with the variance request procedures contained in Commission's Rules Regulating Practice and Procedure.

**7364. – 7399. [Reserved].**