

Final Rule for 49 CFR Part 270 System Safety Program



AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

Hosted by the Federal Railroad Administration (FRA)
and American Public Transportation Association (APTA)

Moderator

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Presenters



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During and after the presentation:

Ask a Question:

- Submit a question or comment by typing into the Question box on the screen and then clicking the “send arrow” located at the bottom of the box

After the Presentation:

Raise Your Hand:

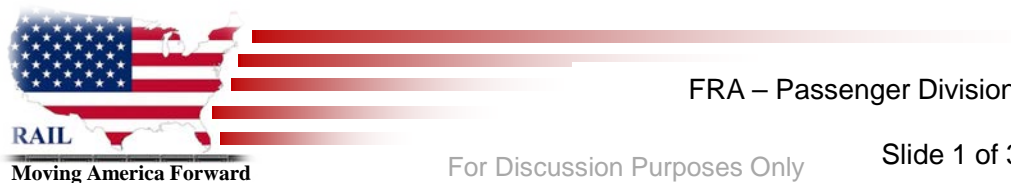
- Raise your hand to speak by clicking on the “raise hand” icon
- The APTA moderator will call on those who have raised their hands and unmute them.

System Safety Program Part 270 Regulation

APTA Tele-Conference

March 25, 2020

*System Safety Program
Michael Ramsey & Larry Day*



FRA – Passenger Division, Office of Safety

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Finally ... It's Baaaack



Different Approach to Safety

SSP/RRP, are not prescriptive and are different from traditional safety strategies which rely on results from and investigation of **past accidents/incidents**.

- Proactive
- Systematic
- Actively promoting continuous safety improvement
- Directly affecting safety culture

Application (SSP)



SSP (Part 270) applies to:

- Passenger Rail Operations that operate intercity passenger train service
- Passenger Rail Operations that provide commuter or other short-haul rail passenger train

What About FTA's SMS?



I have to have both, can I merge SMS and SSP?

- Not exactly
 - FRA has data protection, FTA does not
- Parts can be utilized for both (policy, etc.)

2020 Changes

SSP 20 Elements have NOT materially changed

Three big modifications:

1. New Term: “Railroad” has been changed to “Passenger Rail Operators” along with more detail regarding who develops and responsibility for a plan.

2020 Changes

SSP 20 Elements have NOT materially changed

Three big modifications:

2. Consultation meeting notification with non-profit employee organizations (i.e. Labor) has been modified. General chairperson OR primary point of contact for the passenger rail operation.
 - More information regarding consultation see Appendix B

2020 Changes

SSP 20 Elements have NOT materially changed

Three big modifications:

3. C³RS data:

- Federal or State court proceedings...initiated after March 4, 2021, information protected...includes C3RS information...includes in its system safety program.
- Information compiled or collected on or before August 14, 2017, and that continues to be compiled or collected, even if used to plan, implement, or evaluate a system safety program...
- Protection does not apply to civil enforcement or criminal law enforcement proceedings

Key Dates

Rule Effective Date

- May 4, 2020

Initial Consultation Meeting with Directly Affected Employees

- No later than July 2, 2020
- Notice of Preliminary Meeting at least 60 days before meeting

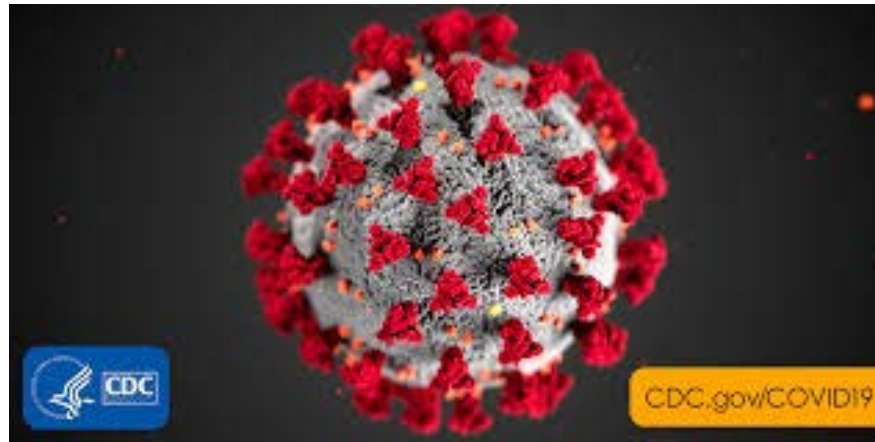
May 4, 2020

Plan Submission

- No later than March 4, 2021



Key Dates – delay?



FRA Emergency Docket for COVID – 19 (60 days delay)

Submit to the 49 CFR Part 270 Docket (*regulations.gov*) & FRA

FRA needs requests in writing with justification for the delay

- What is preventing you from proceeding utilizing all the tools at your disposal (virtual meetings, conference calls)?

49 CFR PART 270

System Safety Program



- Requires commuter and intercity passenger rail operations to develop and implement a system safety program (SSP).



Consultation

- A passenger rail operation must consult in good faith and use best efforts to reach agreement with all directly affected employees on the **contents of the SSP plan** and amendments to the plan.

Information Protections

270.105: Certain information a railroad compiles or collects for the SSP is protected from discovery, admission into evidence, or use for any other purpose in a Federal or State Court proceeding for damages involving personal injury, wrongful death, or property damage. Generally:

- Information is compiled or collected solely for SSP
- Not required by another law or regulation
- Non-SSP use of the information is unprotected
- If information was not protected prior to SSP rule, it remains unprotected

Promotes Safety Culture

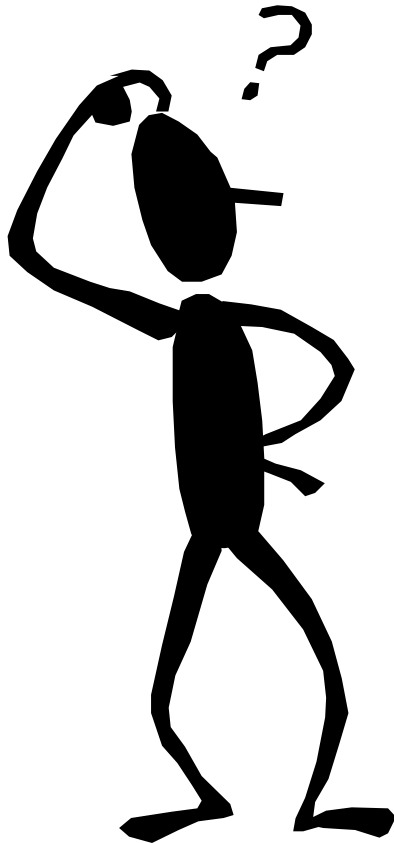
- SSP encourages a passenger rail operation and its employees/contractors to work together to proactively, identify hazards and to jointly determine what, if any, action to take to mitigate or eliminate the resulting risks.

Flexible



- The rule provides each passenger rail operation with a certain amount of flexibility to tailor its SSP to its specific operations.

So What is System Safety?



System Safety

The application of **management** and **engineering principles**, and techniques to optimize all aspects of safety, within the constraints of operational effectiveness, time, and cost, throughout all phases of a system life cycle

System Safety Program

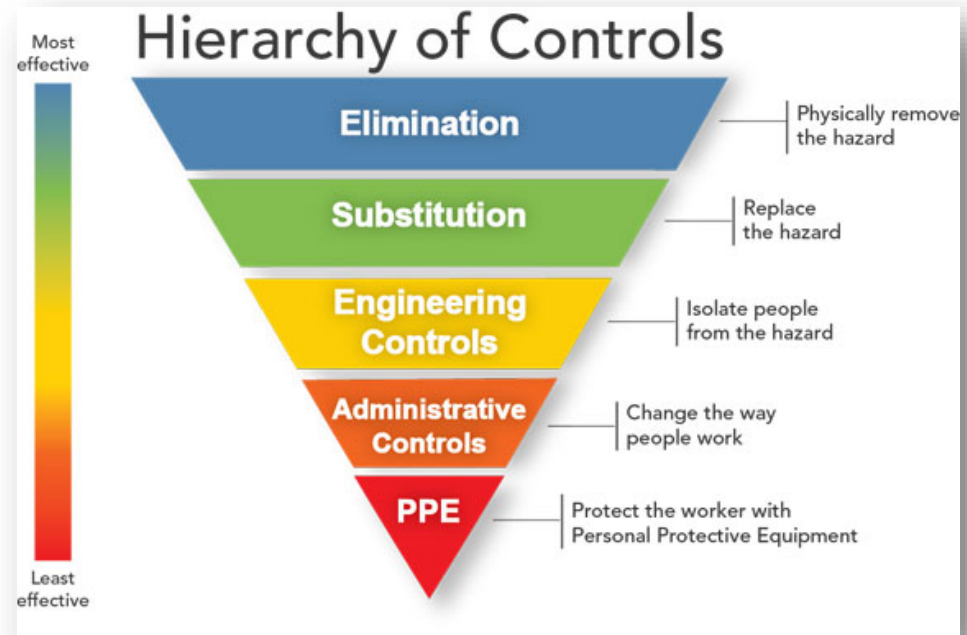
- Represents the passenger rail operation's safety philosophy and cultivates a robust positive safety culture from the most senior officer throughout all levels of the organization.
 - Top down and bottom up.

System Safety Program Plan

- A system safety program is adopted and implemented through a written system safety program plan.



System Safety Program Plan



As part of its SSP plan, a passenger rail operation will also be required to describe the various procedures, processes, and programs it has in place that support the goals of the SSP.

FRA SYSTEM SAFETY PROGRAM PLAN

20 ELEMENTS

1

Policy Statement

2

Program Goals

3

Railroad System
Description

4

Railroad
Management and
Organizational
Structure

5

SSPP
implementation
Process

6

Maintenance
Inspection & Repair
Program

7

Rules
Compliance &
Procedure
Review

8

Employee/
Contractor Training

9

Emergency
Management

10

Workplace Safety

11

Public Safety
Outreach Program

12

Accident
Reporting
and
Investigation

13

Safety Data
Acquisition

14

Contract
Procurement
Requirement

15

Risk Based
Hazard
Management
Program

16

Risk Based
Hazard
Analysis

17

Technology
Analysis
&
Implementation
Plan

18

Safety Assurance
Including Change
Management,
Configuration
Management, &
Safety Certification

19

Safety Culture

20

Internal System
Safety Program
Assessment

Bob's
Boxes



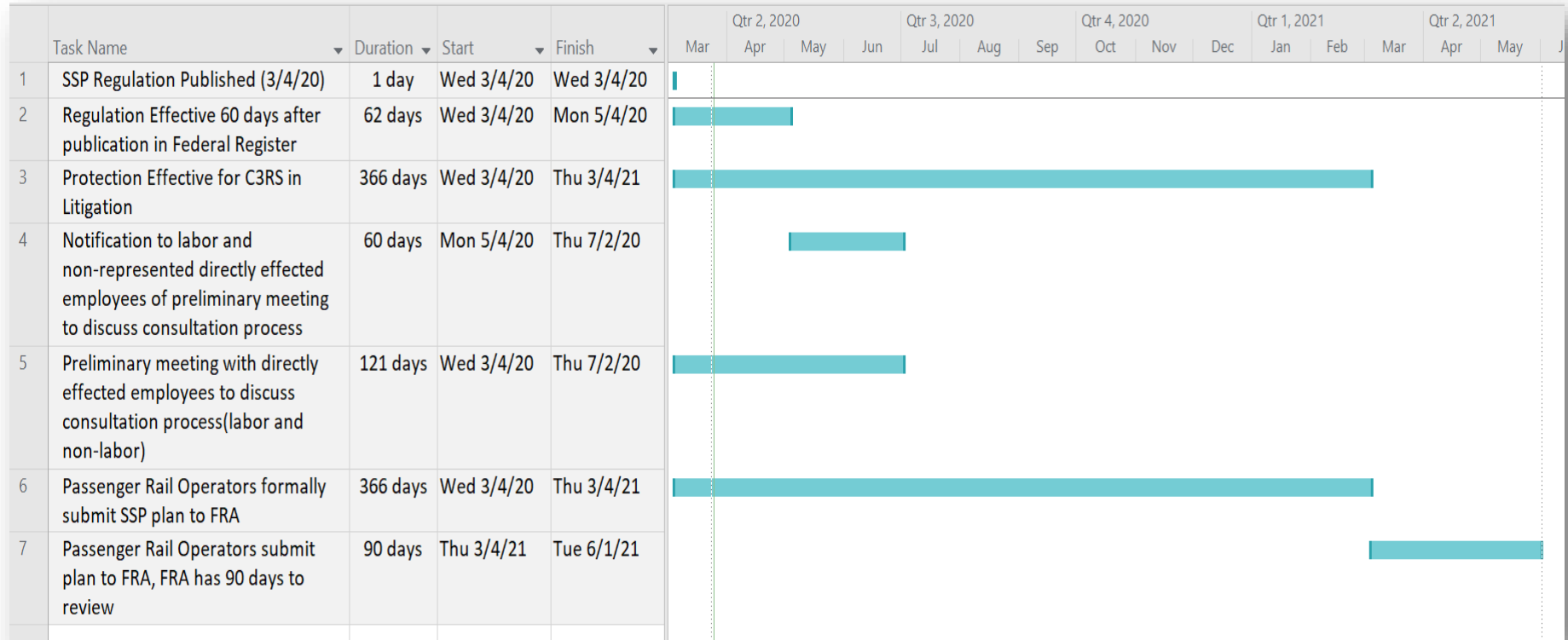
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SSP Time Line to Plan Submittal



So What is FRA doing to Roll Out this Regulation?



- SSP Development Assistance*
 - Sample SSP plans*
- Process for electronic plan submittal review
 - Consistent process for FRA reviewing plans
- Internal Assessment review process
- External Audits (Focused and Full) process

**Delayed due to internal policy changes – working through them and hope to have out soon.*

What are we doing now to prepare?



- Assistance documents*
- Conduct internal training
- Conduct external outreach*
- Hire Staff*
- Process for Reviews and Audits

**Dependent on FRA policies and budgets*

Proposed Training



- **Internal / External Training**
 - **Principles of System Safety for Executives**
 - e-Learning (1-2 hour virtual live training)
 - **Principle of System Safety and Management of Safety**
 - Instructor-Led Training (1 day)
 - **FRA System Safety**
 - Instructor-Led Training (4-5 days)
 - Managers and Contractors Responsible for Implementation
 - **Short-Term Technical Assistance Training to Passenger Rail Operators**

Federal Railroad Administration System Safety Development Assistance

This document outlines what is required in a system safety program plan to assist passenger rail operations in developing their plans

- Is intended to be assistance
- Includes the two examples of SSP plans



OGX

SYSTEM SAFETY PROGRAM PLAN



Audit Processes

Internal Assessment process review

Through Volpe developed a plan review software program we are looking to expand the software to include internal assessment reviews & audits

External Audits (Focused and Full)

Looking for any volunteers in late 2020/early 2021 to be subjects of a test audit

- Not full blown, but a day or two for us to test our theories and for you to get an independent review of segments of your SSP implementation



Internal System Safety Program Assessment

Passenger rail operations annually measure how well they are implementing and complying with their System Safety Program

- Identify areas in need of improvement
- Recommend corrective actions
- Measure the effectiveness of achieving program goals
- Submit internal assessment report to FRA



External Audits



External safety audit

- FRA conduct external audits of a passenger rail operation's system safety program
- Evaluate the passenger rail operation's compliance with the elements of their approved SSP plan
- FRA shall provide the passenger rail operation written notification of the results of any audit
- Follow-up on corrective actions

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FRA System Safety Team

- Communication

- System Safety Team

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- TBD



Questions?



Thank you for your time