

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of Multimodal Commerce

State Safety Oversight for Rail Fixed Guideway Public Transportation Systems (LAC 70:IX.Chapter 15)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, and pursuant to the authority set forth, the secretary of the Department of Transportation and Development (DOTD) declares an urgent need to update existing *Louisiana Administrative Code* Title 70 Chapter 15 State Safety Oversight for Rail Fixed Guideway Public Transportation Systems (RFGPTS) to meet Federal Transit Administration requirements. On October 21, 2022, the Federal Transit Administration issued Special Directive No. 22-32 (required by 49 U.S.C. § 5329(k)) to the state of Louisiana with requirements to develop and implement a risk-based inspections (RBI) program. Special Directive 22-32 required the Department of Transportation and Development to develop and submit to FTA for approval by October 21, 2024, documents including changes to the *Louisiana Administrative Code*. The documents outlined the RBI program, which gives DOTD the responsibility and authority to review data, identify and prioritize risks and then conduct inspections to ensure that the New Orleans Regional Transit Authority is doing the work necessary to protect the safety of the traveling public.

DOTD developed and submitted the required documents in January 2024. Through an iterative process, FTA approved the DOTD RBI-related changes on September 20, 2024. DOTD must immediately begin implementation and provide proof of implementation to FTA by September 20, 2025. The emergency *Louisiana Administrative Code* updates will allow DOTD to begin implementing the RBI program quickly and comply with FTA Special Directive No. 22-32, while simultaneously beginning the typical Administrative Code update process. If DOTD does not show proof of implementation, FTA is authorized to enact sanctions for transit funding in Louisiana.

This Emergency Rule shall have the force and effect of law on August 16, 2025, and will remain in effect for 180 days, unless renewed by the secretary of the Department of Transportation and Development, or until revised rules are promulgated in accordance with the law.

Title 70

TRANSPORTATION

Part IX. Intermodal Transportation

Chapter 15. State Safety Oversight for Rail Fixed Guideway Public Transportation Systems Subpart A. Intermodal

§1501. Introduction

A. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed on December 18, 1991, required the Federal Transit Administration (FTA) to create a firstever State-managed safety and security oversight program for rail fixed guideway public transportation systems (RFGPTS) not regulated by the Federal Railroad Administration. In each successive Act following ISTEA, including the Transportation Equity Act for the 21st Century (TEA-21), signed on June 9, 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed on August 10, 2005, the state safety

oversight (SSO) program was continued, setting the stage for the safety and programmatic advances required under the Moving Ahead for Progress in the 21st Century Act (MAP-21) signed July 6, 2012 and continued under the Fixing America's Surface Transportation Act (FAST Act), signed on December 4, 2015.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:922 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1503. Program Management

A. Authority. The state of Louisiana re-designated the Louisiana Department of Transportation and Development (LADOTD) as the state safety oversight agency (SSOA) for Louisiana in 2014. This enabling authority is found at Louisiana Revised Statute 48:214. The SSOA authority applies to any Rail Transit Agency (RTA) operating a RFGPTS in Louisiana. References to the RTA or RFGPTS do not apply to one specific RTA, but to any RTA operating in Louisiana.

NOTE: The New Orleans Regional Transit Authority is the only RTA/RFGPTS currently subject to oversight in the State of Louisiana.

B. Policies That Govern SSOA Activities. The SSO program is administered by the state safety oversight program manager. The Program Manager is responsible for carrying out the policies enumerated in the State Safety Oversight Program Standard (SSOPS) and the specific activities and objectives provided in the SSO Procedures Manual. The SSO program is currently administered through the Office of Multimodal Commerce at the LADOTD and supported by the commissioner of Multimodal Commerce, the deputy commissioner of Multimodal Commerce, and the freight and passenger rail development statewide program manager. The SSO program manager and any staff or contractors will meet the training requirements of the Public Transportation Safety Certification Training Program.

C. SSOA Reporting Requirements. On or before March 15 of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA:

1. the SSOPS and the accompanying procedures manual, with an indication of any changes to those documents during the preceding 12 months;

2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;

3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;

4. a summary of the triennial audits completed during the preceding 12 months, and the RTA's progress in carrying

out corrective action plans (CAP) arising from triennial audits (if conducted);

5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plan during the preceding 12 months; and

6. a certification that the SSOA is in compliance with the requirements of 49 CFR Part 674.

D. RTA Reporting Requirements. On or before February 15 of each year, the RTA will submit the following material in a report to the SSOA:

1. the safety plan, with an indication of any changes to that document during the preceding 12 months;

2. a report on all internal safety audits performed during the preceding calendar year to include a listing of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, and a status of all findings, recommendations and corrective actions resulting from the audits conducted the previous calendar year;

3. a report listing all reportable accidents and unacceptable hazards identified during the previous 12-month period that describes any causal factors identified through investigation and identifies the status of corrective actions;

4. a certification that the RTA is in compliance with this SSOPS and any federal rules applicable to its safety plan.

E. SSOA and RTA Communications. The SSOA will maintain on-going communications with the RTA regarding safety related aspects of the RFGPTS. To facilitate communications, the SSOA will attend monthly meetings to discuss the status of accident/incident/event investigations, open CAPs, identified unacceptable hazards, and other safety related topics. In addition, the SSOA will participate in safety-related training and other events and conduct on-site inspections. The inspections may include, but not be limited to: reviewing and approving accident investigation procedures and reports; reviewing monthly construction reports, as appropriate; and collecting and reviewing other data as leading indicators of safety-related events to identify mitigation measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:922 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1505. SSOPS Development

A. This SSOPS was developed in compliance with 49 CFR Part 674 and aspects of the previous Louisiana State Standard developed under 49 CFR Part 659. This SSOPS, along with Louisiana Revised Statute 48:214, give the SSOA the necessary authority to administer the enhanced oversight of RFGPTS in Louisiana as envisioned in 49 CFR Part 674. An accompanying procedures manual has been created to address changes in industry standards, safety-related guidance from FTA, and general procedural or administrative changes to standard operating practices between the SSOA and RTA. The creation of the SSO Procedures Manual reduces the legislative and administrative burden on the SSOA.

B. Review and Revision. The SSOPS policy document and Procedures Manual are reviewed at least annually. Any changes to either document are submitted to FTA (and as

appropriate to the RTA) for review with the annual report by March 15 of each year. Additionally, changes in procedures may be addressed at any time as needed.

C. Minimum Safety Standards. The SSOPS policy document, along with Louisiana Revised Statute 48:214, provides the SSOA the necessary authority to develop any rules and/or regulations necessary to enforce minimum safety standards of operation by RFGPTS operators in the state of Louisiana. Much like FTA's public transportation safety program does not outline those minimum standards but does so in the national public transportation safety plan, this policy document requires all Louisiana RTAs to meet or exceed any nationally recognized safety standards for operating rail fixed guideway public transportation systems. The SSOA Procedures Manual will contain any minimum safety standards deemed necessary beyond those developed by the RTA to facilitate safe operations or published by the FTA in the National Public Transportation Safety Plan or those developed by industry recognized leaders such as the American Public Transportation Association (APTA), etc. The SSOA will provide written notice of updates posted in the Procedures Manual and all Louisiana RTAs will be required to adhere to those rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:923 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1507. Program Policy and Objectives

A. The SSOA provides oversight and technical assistance to the RTA and evaluates the effectiveness of the agency's safety plan implementation. Through participation in safety meetings, reviewing investigations of accidents/incidents/events, the SSOA will provide guidance and input to the RTA safety implementation program, which is wholly owned and implemented by the RTA. In addition to the SSOA program policy, the SSOA has specific objectives associated with the program's implementation that will be listed in the Procedures Manual. Those objectives may change based on specific oversight needs of an RTA, industry standards revisions, or guidance from FTA. The program objectives will be reviewed annually and updated as appropriate in the Procedures Manual. The SSOA is responsible for investigating any allegations of an RTA's non-compliance with its agency safety plan. To assist in the effectiveness of the SSOA mission, the RTA will grant full access to fixed guideway safety-related records, personnel, and facilities at the RTA. If, during the course of inspections, observations, analysis, interviews or other SSOA activities, potential unacceptable hazardous conditions are identified, the SSOA will discuss the concerns directly with the RTA safety staff and management and may require development of a corrective action plan. These risk-related concerns will typically find resolution at this level of discussion and interaction. If the situation is an immediate safety risk, the RTA is directed to implement any necessary action to mitigate that risk with proper and timely notification to the SSOA. In addition, the SSOA will work closely with the RTA to monitor issue resolution to assure the corrective action does not create unintended risks. If the SSOA identifies and communicates potential unacceptable hazardous conditions to the RTA staff as indicated above, and either the corrective action or the timeliness of the

action is not acceptable to the SSOA, the following escalation protocols will be implemented.

1. Escalation Level I. If after an appropriate period of time, determined in writing by the SSOA, a similar pattern of risk-related activity, previously communicated to the RTA, is observed, a formal letter will be sent to the RTA safety management system (SMS) executive/lead. The letter will describe the risk concerns with a formal request to respond to the letter with an explanation of how the RTA plans to address the identified concerns. If the explanation from the RTA is reasonable/acceptable, the concerns and responses are documented and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

2. Escalation Level II. Louisiana Revised Statute 48:214 provides direction to each RTA regarding the requirement for a formal safety program and requires the SSOA to, “Direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time.” If the RTA does not comply with direction stemming from Escalation Level I, a formal letter from the commissioner of the Office of Multimodal Commerce to the 351 Louisiana Register Vol. 51, No. 3 March 20, 2025 RTA accountable executive reiterating the risk concerns with a request to respond to the letter including an explanation of how the RTA plans to address the identified concerns. If the explanations from the RTA are reasonable/acceptable and a reasonable timetable is established, the concerns and responses are documented; and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

3. Escalation Level III. If at any time during Escalation Level II, the identified risk concerns cannot be resolved due to a lack of communication or responsiveness from the RTA, the statute requires that the SSOA, “Take legal action in a court of competent jurisdiction to compel an operator of a fixed guideway rail system to correct a safety hazard, or to prevent the operation of all or part of a fixed guideway rail system that the office has determined to be unsafe.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:923 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1509. Oversight of RTA Safety Plans and Internal Safety Reviews

A. RTA Safety Plan Review. The RTA is required to develop and submit a safety plan to the SSOA for its review and written approval. The safety plan must be compliant with the SSOPS, any federal rules (i.e., 49 C.F.R. Part 673 and 49 U.S.C. 5329(d)) specifically addressing RTA safety plans, any specific guidance found in the SSO Procedures Manual, and other guidance provided through FTA’s National Public Transportation Safety Plan. The SSOA may require changes to a safety plan based on changes in federal or state requirements, audit results, inspections, investigations, or findings based on safety data analysis. After written notification from the SSOA for safety plan modifications, the RTA and SSOA will determine a

reasonable timeline for completing the revision(s). The RTA must assess its safety plan annually and revise it as needed to reflect changes in the organization, procedures, equipment, facilities, and operating environment. The RTA must submit any revisions to the SSOA to ensure compliance with the SSOPS. The SSOA will complete a compliance review of the safety plan within 30 calendar days of receipt or notify the RTA if additional time is needed. If the RTA safety plan complies with the SSOPS and other guidance as necessary, the SSOA will issue a written approval of the safety plan (along with appropriate checklists) and request that the RTA send a final copy of the safety plan with appropriate signatures and other endorsements as required. Per changes to 49 USC 5329(d) introduced in the Bipartisan Infrastructure Law (BIL), recipients receiving Section 5307 assistance and serving an urbanized area of 200,000 or more must establish a safety committee which approves the safety plan and any revisions. This safety committee shall consist of an equal number of frontline employee representatives selected by a labor organization and management representatives as described in paragraph (5) of 5329(d). For recipients serving an urbanized area with a population under 200,000, agency safety plans must be developed in cooperation with frontline employee representatives. The safety plan and any revisions to the safety plan must then be approved by the RTA Board of Commissioners and signed by a designee of the RTA Board of Commissioners. The approved RTA safety plan remains in effect until another such safety plan or revisions to the existing safety plan is/are submitted and approved in accordance with this SSOPS. If the SSOA determines that the submitted safety plan does not meet the requirements of the SSOPS or other appropriate guidance, a written rejection of the safety plan will be sent to the RTA along with a description (comments and appropriate checklists) of necessary changes to gain approval. The RTA will make such changes in an expeditious manner, unless otherwise specified in the rejection letter. The RTA may request a meeting with the SSOA to discuss the safety plan review comments. In the event the RTA objects to a noted deficiency or requested change from the SSOA, a written notice of the objections and suggested alternatives will be provided to the SSOA within 30 days. Both the SSOA and the RTA must agree on an appropriate course of action or the SSOA will follow the escalation procedures.

B. RTA Internal Reviews. The RTA must develop and document a process for the performance of on-going internal safety audits that assess the elements and implementation of the RTA safety plan. Each element of the safety plan must be audited at least once during a three-year cycle. The audit process must, at a minimum, describe a process used by the RTA to determine if all identified elements of the safety plan are performing as intended, determine if areas of non-compliance and hazards are being identified in a timely manner, ensure that all elements are being reviewed in an on-going manner and over a three-year cycle, and ensure that no unit leads its own internal audit. The RTA will notify the SSOA in writing at least 30 days prior to any internal audit and will provide audit checklists, procedures, and other documents as necessary. The RTA will coordinate any comments on the checklists and schedule with the SSOA. On or before February 15 of each year, the RTA will submit a report detailing all internal safety audits performed during the preceding calendar year. The report, signed by the RTA accountable executive, must contain at a minimum, a listing

of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, a status of all findings, and recommendations and corrective actions resulting from the audits conducted the previous calendar year. The SSOA will review and approve the internal audit report submitted by the RTA prior to submission to the FTA each year on or before March 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:924 (May 2018), amended LR 48:2187 (August 2022), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1511. Triennial SSOA Audits

A. Audit Procedures. In addition to ongoing inspections, investigations, and examinations of RTA safety implementation procedures, the SSOA will conduct an onsite audit of the RTA's implementation of its safety program at least once during each three-year cycle. The SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The three-year audit will be a comprehensive review and evaluation of the effectiveness of the RTA safety plan and other standard Louisiana Register Vol. 51, No. 3 March 20, 2025 352 operating procedures. The audit will generally be conducted prior to the FTA triennial audit of the SSOA Program. In anticipation of a three-year audit of the RTA safety program, the SSOA will establish an audit team and audit schedule, develop audit checklists for use during the audit, provide the RTA with written notification of the audit schedule 60 days in advance, and offer the RTA an opportunity to schedule a pre-audit meeting to ensure clarity of SSOA audit objectives. The SSOA will provide the RTA with the list of team members and audit checklists 30 days in advance of the audit. The audit is intended to be an open and collaborative process with the RTA with the primary goal of improving safety procedures documentation and implementation at the RTA.

B. Audit Findings. A list of audit findings will be incorporated into an audit-tracking matrix. The matrix will provide the findings and any comments developed by the SSOA necessary to clarify the intent of the finding. The matrix will be used to track any findings to resolution.

C. Audit Report. Any findings established during a triennial audit will be documented in a draft written report along with recommendations for improvements (including recommended CAPs) to the safety plan or other documentation related to the effectiveness of the RTA safety plan and safe operations of the RFGPTS. The RTA will have an opportunity to comment on the content of the report, including the findings and recommendations prior to the SSOA publishing the final audit report. If the RTA has alternative methods to address the recommendations provided by the SSOA in the draft audit report, the SSOA will consider those and initiate dialogue as appropriate. The SSOA review team will make revisions, if appropriate to the goals of the audit, and will distribute the final audit report. Corrective actions required, as a result of the audit, will be managed through the corrective action process. The SSOA will transmit final audit reports to the FTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:925 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1513 Accident Notification

A. Requirements

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

a. fatality (occurring at the scene or within 30 days following the accident).

b. one or more persons suffering serious injury (Serious injury means any injury which:

i. requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;

ii. results in a fracture of any bone (except simple fractures of fingers, toes, or nose);

iii. causes severe hemorrhages, nerve, muscle, or tendon damage;

iv. involves any internal organ; or

v. involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface).

c. *Substantial Damage*—damage to any involved vehicles, facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the rail transit agency and adversely affects the structural strength, performance, or operating characteristics of the asset, such that it requires towing, rescue, on-site maintenance, or immediate removal prior to safe operation.

d. a collision involving a rail transit vehicle that:

i. meets an injury, fatality, substantial damage, or evacuation threshold;

ii. includes suicides or attempted suicides that involve contact with a transit vehicle;

iii. occurs at a rail grade crossing;

iv. involves an individual in the right-of-way;

v. involves a rail transit vehicle and a second rail transit vehicle; or

vi. includes collisions that do not involve a transit revenue vehicle but meet a threshold.

e. a runaway train.

f. an evacuation for life safety reasons.

g. any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

2. In any instance in which the RTA is required to notify the Federal Railroad Administration (FRA) of an accident as defined by 49 CFR §225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA. The RTA will also be required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e. 49 CFR Appendix to Part 674) or guidance under the national public transportation safety plan or other reporting guidelines. These will be published and communicated to the RTA through the SSO Procedures Manual.

B. Methodology and Content: Two-Hour Notification. The RTA shall notify the SSOA and FTA within two hours of a reportable accident. Notification shall be transmitted via email (or if unavailable, via telephone with follow-up email) or other electronic notification method described in the Procedures Manual. The two-hour notification will contain the following information:

1. unique accident identification number (if more than one crash occurs on one day, the time will be added in 24-hour format and the operator badge number will be included as shown: YYMMDD HHMM operator badge number. All follow up information associated with a reportable accident will contain the unique accident identification number.);

2. sender (caller) name;
3. transit system name;
4. type of accident (e.g., which accident criteria prompted the accident report to the SSOA);
5. time and date of the accident;
6. the location of the accident;
7. transit vehicle identifying information, including route, direction, vehicle number, block number, etc.;
8. information about any other vehicles involved;
9. number of injuries (persons requiring immediate medical attention away from the scene);
10. number of fatalities;
11. estimated property damage, if available;
12. a brief description of the accident;
13. a description of accident investigation activities completed and anticipated in the short term;
14. preliminary determination of accident cause, if available; and
15. NTSB determination, if available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:925 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1515. Investigations

A. The SSOA must investigate or require an investigation of any reportable accident and is ultimately responsible for the sufficiency and thoroughness of all investigation reports, whether conducted by the SSOA, the RTA, or a third party. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, or conducted jointly by the SSOA and RTA.

1. RTA Investigations. In most cases, the SSOA requires the RTA to investigate their own accidents and the SSOA will conduct an independent review of the RTA's findings of causation. When conducting an accident investigation on behalf of the SSOA, investigations are performed in accordance with accident investigation procedures developed by the RTA and approved by the SSOA. The RTA will develop accident investigation procedures that meet or exceed all rules, guidance or industry standards associated with investigation procedures, including this SSOPS. Accident investigation procedures will be reviewed annually by the RTA against industry standards and updated as appropriate and necessary. During accident investigations conducted by the RTA, the SSOA will provide any technical assistance or guidance requested by the RTA in support of the accident investigation.

2. SSOA Investigations. If the SSOA determines that it will conduct its own investigation, the SSOA will inform the RTA of its decision to conduct or participate in an investigation, will use investigation personnel other than those employed or utilized by the RTA, and will use the RTA's approved investigation procedures. SSOA investigation personnel will have the proper investigation training and expertise as outlined in the public transportation certification training program. The RTA will be provided

with a list of SSOA investigation team members. The SSOA investigation team will arrive at the RTA as soon as practicable. The SSOA investigation team will wait until the RTA and/or other emergency response personnel have secured the scene before commencing its investigation. The SSOA reserves the right to request that the RTA preserve the scene to the maximum extent feasible until arrival and start of the investigation. All SSOA investigation personnel will be granted authority to access records, materials, data, analysis, and other information, which is pertinent to the investigation. The RTA is expected to provide the SSOA investigation team with the resources and information necessary to conduct the investigation in an effective and efficient manner.

3. Joint Investigations. The SSOA may request joint participation in an investigation. In such cases, the RTA will cooperate, to the extent practicable, in preserving the scene until SSOA investigation team members arrive. The SSOA investigation team will observe or participate in field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation. The SSOA investigation team will observe or participate in assessing physical evidence of the scene and document the environmental and physical factors of the scene through measurements, diagrams, and photographs. As part of the investigation, the SSOA investigation team will observe or participate in assessing compliance with operating rules and procedures; conducting follow up interviews (if required); analyzing employee records and the results of post-accident drug and alcohol tests; and conducting vehicle and equipment inspections. If the SSOA investigation team requires information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this information or analysis in a written request to the RTA.

4. National Transportation Safety Board (NTSB) Investigations. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will participate in the investigation and will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

5. Reporting. All accident investigations will result in a formal investigation report. Accident reports will describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a CAP, as necessary or appropriate. In most cases, the RTA will conduct investigations of its own accidents and will be required to produce a final accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The RTA will provide a monthly accident log update detailing the status of all investigations through closure and adoption by the SSOA. Upon submission of a final accident investigation report by the RTA, the SSOA will conduct an independent review of the findings of causation and either provide acceptance and adoption of the report in a timely manner or ask for additional information or analysis. In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation. In cases where the SSOA decides to conduct

its own investigation, the SSOA will produce an accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The final accident report will be provided to the RTA for review and concurrence. If the RTA does not concur with the SSOA's report, the RTA may submit a written dissent of the report, which the SSOA may include in the final report. In cases where the SSOA and RTA conduct a joint accident investigation, both agencies will collaborate on investigation, analysis, and determination of causal or contributing factors. Both agencies will also collaborate on developing the final accident investigation report. Upon completion, the SSOA will adopt the final report. In special circumstances, the FTA may conduct an independent investigation of an accident or review the findings of causation contained in an accident report. The SSOA and RTA will cooperate, to the extent practicable, with the FTA's investigation and provide support for findings and recommendations.

6. **Corrective Actions.** If a final investigation report contains findings and/or recommendations for addressing deficiencies or unsafe conditions identified during the investigation process, the RTA will be responsible for Louisiana Register Vol. 51, No. 3 March 20, 2025 354 developing appropriate CAPs. The SSOA will review and approve or ask for revisions to CAPs as appropriate. If, after reviewing an investigation report not resulting in a CAP and the SSOA determines that a CAP was necessary or appropriate, the SSOA will communicate the need to develop the CAP to the RTA.

7. **Records Confidentiality.** The Louisiana Public Records Act, also known as Louisiana's Sunshine Law, was enacted by the State Legislature in 1940, and is currently provided for in R.S. 44:1, et seq. Under Louisiana's Sunshine Law, the SSOA generally cannot legally protect the confidentiality of accident investigation reports from discovery except when the report contains sensitive security information, or when otherwise exempted for in law, jurisprudence, and/or R.S. 44:1, et seq. Anyone can request public records; and no purpose is required. There are no restrictions on what can be done with the public documents once a records requester has them in hand. The custodian of the records must respond to requests within three business days.

8. **Exemptions:** Pending criminal litigation; juvenile status offenders; sexual offense victims; security procedures; trade secrets; and some public employee information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:926 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1517. Corrective Action Plans

A. The SSOA's primary concern is the safety of the travelling public using an RFGPTS. Corrective action plans are an integral part of ensuring safety. The SSOA will work with the RTA to ensure that corrective actions are implemented in a timely fashion and corrective actions are commensurate to the severity of the potential safety-related hazard.

1. Development

a. CAPs may be identified and developed through a number of processes and procedures including accident investigation reports developed by the RTA, SSOA, FTA or NTSB; internal safety audits conducted by the RTA; three-year audits conducted by the SSOA or FTA; or the RTA hazard management program. CAPs may be identified by other activities as well, and may be initiated by RTA or required by the SSOA. In any instance where the RTA must develop and carry out a CAP, the SSOA will review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions.

b. The SSOA will notify RTA of its approval or rejection of a corrective action plan within 15 calendar days of receiving the CAP. In the event the SSOA rejects a CAP, the reasons and recommended revisions will be stated in writing. RTA shall submit a revised CAP to the SSOA no later than 15 calendar days following the rejection. If the RTA does not agree with the proposed revisions, the SSOA and RTA shall meet to resolve differences regarding the CAP. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

2. **Tracking.** The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA will monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate. CAPs shall be tracked by using the following naming convention. Each CAP name shall begin with: YY-##. The first CAP for a year shall be 01, and the numbers shall increase one-by-one through the year. The following year, the numbers shall begin again at 01. CAPs shall be entered into the RTA CAP log upon creation and remain on the log the entire calendar year, even after closure. CAP progress is tracked during monthly meetings.

3. **Closure.** Implementation of CAPs may require timeline adjustments. The SSOA should be informed of any implementation schedule changes and review the reasons for those changes. CAPs will be acknowledged as closed by the SSOA once supporting documentation is provided by the RTA and review and/or inspection is conducted by the SSOA. The SSOA will provide the RTA with timely written acceptance of a CAP closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:927 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1519. Annual Reporting to FTA: SSOA Reporting Requirements

A. On or before March 15 of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA (submitted electronically through a specified reporting system):

1. the SSOPS and the accompanying Procedures Manual, with an indication of any changes to those documents during the preceding 12 months;

2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;

3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;

4. a summary of the triennial audits completed during the preceding 12 months, and the RTAs' progress in carrying out corrective action plans arising from triennial audits (if conducted);

5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plans during the preceding 12 months; and

6. a certification that the SSOA is in compliance with the requirements 49 CFR Part 674.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:928 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1521. State Safety Oversight Risk-Based Inspection

A. Introduction. In November 2021, the Bipartisan Infrastructure Law amended 49 U.S.C. § 5329 to require that SSOAs conduct risk-based inspections (RBI) of the RTAs that they oversee. In October 2022, FTA issued Special Directive 22-32, under authority of 49 U.S.C. § 5329(k) and 49 CFR Part 670, requiring LADOTD, as the Louisiana SSOA, to develop and implement a risk-based inspection program. According to the Special Directive, a risk-based inspection program 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. As described in 49 U.S.C. § 5329(k), the SSOA must develop policies and procedures for inspection access and data collection in consultation with each RTA that it oversees. LADOTD's RBI Program is added to this SSOPS, and it addresses the SSOA's authority to conduct inspections, collect data from the RTA to support risk-based inspection monitoring and prioritization activities, implement inspection activities in a way that is commensurate with the size and complexity of the RTA the SSOA oversees, and train employees for RBI program implementation. Additional details about how LADOTD implements its RBI program are in its accompanying State Safety Oversight Procedures Manual.

B. SSO Authority. R.S. 48:214 re-designated the LADOTD as the SSOA in 2014, providing it with the

authority to establish and enforce minimum standards for the safety of all RTAs within its oversight. R.S. 48:214(B)(1) includes the SSOA's authority to enter onto and inspect the property of fixed guideway rail transit operators without prior notice. R.S. 48:214(B)(7) provides the SSOA the authority to implement rules and regulations as necessary to fulfill its obligations under federal law. In 2018, the Legislature added the SSOPS into this Chapter of *Louisiana Administrative Code*, which provides the SSOA the authority to develop rules and procedures needed to enforce minimum safety standards of operation by the agency. In 2024, this Section was added to the SSOPS and LAC 70:IX. Chapter 15 to include the authorities necessary to implement an effective RBI program, per 49 U.S.C. § 5329(k)(1)(A) and § 5329(k)(1)(B). These additions include the authority to collect and analyze data regarding safety program implementation at RTAs and to access each RTA property, with and without advanced notice, for the purposes of conducting inspections into RTA activities regarding the implementation of their safety programs. The authority to access RTA property includes access to infrastructure, equipment, records, personnel, and data. These authorities extend to contractors acting on behalf of the SSOA, who are required to have the capability to physically access the RTA the SSOA oversees as well as have the training necessary to safely access facilities.

C. Risk-Based Inspection Policies and Procedures. Per 49 U.S.C. § 5329(k)(1)(B) and § 5329(k)(3), the SSOA will access RTA facilities for risk-based inspections, both with and without advanced notice. Policies and procedures for these inspections were developed in close consultation between LADOTD and the RTA it oversees. The LADOTD SSOA will, at a minimum, conduct inspections at the RTA four times per year, though it has the authority to conduct as many as are needed depending on observed system risk. The LADOTD SSOA defines unannounced inspections as those in which the SSOA notifies the RTA when inspectors arrive onsite for inspection. Whether an announced or unannounced inspection, LADOTD SSO staff and contractors will not enter publicly inaccessible areas without an agency escort, though the RTA must provide one when requested. The SSOA must ensure all personnel leading inspections have been trained and certified according to 49 CFR Part 672, PTSCTP, TSSP, and RTA specifications to safely access RTA properties and rights-of-way. The SSOA will conduct inspections on the various procedures used to maintain RTA equipment, infrastructure, and practices of each RTA, with the areas and locations for inspection determined through the RBI prioritization process. As part of the RBI process, the LADOTD SSOA will monitor not only the physical aspects of RTA facilities and equipment, but also the conduct and performance of ongoing personnel involved in day-to-day operations. The RBI process will use the data and analysis to generate a prioritized list of operational aspects that should be monitored to ensure conformance with RTA procedures and processes. This will include monitoring operations centers, maintenance facilities, and training activities. Risk-based inspections do not replace other regularly scheduled inspections of infrastructure, equipment, records, personnel, and data.

D. Data Sources and Collection. Per 49 U.S.C. § 5329(k)(2)(A), § 5329(k)(2)(B), and § 5329(k)(4)(B), LADOTD SSO Program staff, including support contractors, will require all safety, inspection, and maintenance data

elements be submitted from the RTA quarterly as part of the RBI process, with the exception of capital projects and financial data being submitted annually; the SSO has the authority to increase this frequency if it deems it necessary to evaluate system-wide safety risk. Data submitted is used by the SSO to substantiate conditions and conduct analyses of trends, remedies, and remediations, then prioritize inspections accordingly. Category 3 of the RTA specific Procedures Manual contains details on the policies and secure processes used for data sharing and data management between the RTA and the SSOA. Data management policies in the Procedures Manual include agency specific details on data storage, organization, retention, maintenance, and accuracy. The Procedures Manual also identifies which records will be shared across safety, maintenance, and inspection data, detailing the components and formats for each data item. For safety program data, records include but are not limited to records of events, hazards, safety risk mitigations, corrective action plans (CAPs), and near misses. Safety data must also include that which the RTA collects when identifying hazards and assessing and mitigating safety risk. Maintenance data shared include but are not limited to maintenance records and report forms, work orders, records of failures and defects, records of revenue vehicles out of service, major maintenance activity schedules and progress, and adherence to maintenance schedules. Inspection data include but are not limited to inspection records and report forms, records of failures and defects, records of speed restrictions, incident and safety risk mitigation verification, adherence to inspection schedules, capital project schedules and progress, and financial data. LADOTD SSOA requests for data may also include items not identified as part of the previous three categories but identified as critical to completion of the RBI process. These additional requests may include but are not limited to records on internal audits, National Transit Database (NTD) reporting elements, security data and more.

E. Inspection Prioritization. The SSOA will prioritize inspection activity through analysis of maintenance, safety, and past inspection data, as is required in 49 U.S.C. § 5329(k)(4)(B). The SSOA will use qualitative and quantitative data to evaluate potential safety risks related to the equipment, infrastructure, and practices specific to each RTA it oversees, identifying concerns to be prioritized for inspection. This ongoing analysis will inform inspection planning so that the highest risk conditions are addressed first. To evaluate relative risk of system equipment, infrastructure, and practices, the SSOA will use metrics in its safety analysis to determine priorities for inspection across each of the records described in Category 3 of the Procedures Manual. Category 4 of the Procedures Manual includes the comprehensive list of metrics used to evaluate risk across safety, maintenance, inspection, and other data sources requested by the SSOA. To prioritize relative safety risk, the SSOA will use its safety risk matrix based on the industry standard (MIL-STD-882E) that includes probability and severity ratings, with equipment, facilities, or procedures whose potential failures intersect at higher levels of probability and severity receiving higher overall risk ratings. The highest scoring equipment, infrastructure, and practices will be prioritized for inspection first, and the SSOA will include clear documentation showing how safety concern ratings inform inspection prioritization. The SSOA's data analysis and prioritization process is ongoing, will be

updated to reflect changing safety conditions, and is independent from the RTA's own safety risk assessment practices for hazard mitigation. When system conditions change, the SSOA will analyze new data and develop new prioritization ratings, and these will inform potential revisions to inspection priorities. Unless required by activities or changes in system safety, the SSOA will schedule and perform an updated safety analysis and inspection prioritization quarterly at a minimum. The Procedures Manual details how the SSOA follows with each RTA before, during, and after inspection prioritization.

F. RBI Program Commensurate with RTA Number, Size, and Complexity. As is authorized in 49 U.S.C. § 5329(k)(4)(A), the SSOA conducts risk-based inspections commensurate with the number, size, and complexity of RFGPTS in the state. Inspection policies and procedures are tailored to an RTA's risk profile based on its size and complexity, which are described in Category 5 of the Procedures Manual. Currently, the SSOA only oversees one agency's RFGPTS (New Orleans Regional Transit Authority's streetcar system), so policies and procedures are tailored for this RTA specifically. The size and complexity of an RFGPTS is measured by its mode, physical characteristics, and operational characteristics. Because these physical and operational characteristics can change over time, the SSOA will use data reported to and verified by NTD to determine system size and complexity for a given year. Physical characteristics may include but are not limited to system vehicles and facilities, and operational characteristics may include but are not limited to operating expenses, ridership, and revenue mileage. 49 U.S.C. § 5329(k)(4)(A) requires consistent and ongoing site inspections of a transit system associated with the highest levels of safety risk. At a minimum, the SSOA will conduct at least four onsite risk-based inspections per RFGPTS per year no matter the risk profile or distance between the SSOA and RFGPTS it oversees. If an agency's size or complexity changes in a way that affects its risk profile, the SSOA will update inspection policies to account for this change. Inspections must cover the full spectrum of activities at the RTA, including infrastructure, equipment, records, personnel, and data, including the data the RTA collects when identifying and evaluating safety risks. Inspections will be prioritized based on relevant data including safety program, maintenance, and inspection data collected by the SSOA.

G. SSO Staffing, Qualification, and Training. In accordance with 49 U.S.C. §5329(k)(4)(C), the LADOTD SSO program will need sufficient personnel and skill sets to effectively implement and manage a risk-based inspection program. To ensure adequate staffing, training, and resources, three elements will be reviewed and updated annually: the SSO Workload Assessment, inspection personnel qualifications, and a Technical Training Plan (TTP). These three elements are detailed in Category 6 of the Procedures Manual. The SSO Workload Assessment determines the staffing levels needed based on the requirements of the SSO oversight program. The LADOTD SSOA will also develop a training matrix that corresponds to the various technical training elements of the SSO program and will identify personnel and training needs. The matrix will track each technical training requirement, and it will be specific to the RTA based on its size, complexity, and the number of personnel that should be trained in each skill set.

The TTP identifies both the general technical training requirements of the SSOA program and the specific skill sets and knowledge necessary to carry out the SSOA program at the RTA overseen by the program.

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§1523. Procedures Manual Content

A. Program Policies and Objectives

1. The policy statement of the Louisiana SSO program. The Louisiana Department of Transportation and Development's State Safety Oversight Program is responsible for the development and implementation of an effective and comprehensive state safety oversight program to ensure that all rail fixed guideway public transportation systems in its jurisdiction fully define and implement a safety program that is compliant with all applicable state and federal rules and regulations.

2. The objectives for the SSO program include the following:

a. developing and maintaining an SSO program meeting the federal and state requirements, including but not limited to 49 CFR Parts 674.11(f), 674.13(a)(1-3) and 674.41(c);

b. assuring that SSO program staff and contractors meet training and qualification requirements outlined in the Public Transportation Safety Certification Training Program final rule per 49 CFR Part 672;

c. providing oversight and technical assistance to the RTA in developing, maintaining, evaluating, and implementing a safety program wholly owned by the RTA, not the state of Louisiana;

d. working cooperatively with the RTA and FTA SSO program to improve system safety performance and reduce system safety risk to as low as reasonably practical;

e. ensuring RTA conducts investigations and internal audits as required, and participating as appropriate (SSOA may choose to lead, participate in, or conduct independent investigations, audits, or inspections);

f. ensuring RTA executive staff fully support the safety principles and methods of safety management systems (SMS) as the basis for enhancing the safety of public transportation;

g. ensuring RTA safety staff and contractors meet training and qualifications requirements outlined in the Public Transportation Safety Certification Training Program;

h. participating in safety meetings;

i. ensuring that investigations are conducted to determine causality, and reviewing investigations of accidents/incidents/events as appropriate;

j. providing guidance and input to the RTA safety implementation program;

k. investigating any allegations of an RTA's non-compliance with their safety plan.

B. Minimum Safety Standards. The SSOA reviews RTA documents to ensure minimum safety standards are met. These include but are not limited to the types of documents shown in the table below, in effect as of January 2024. Each control document, including plans, policies, and procedures, is listed in the Procedures Manual with the date of its most recent update.

Types and Examples of RTA Minimum System Safety and Security Related Documents	
Document Type	Examples
Overarching Safety Plan	Agency Safety Plan (ASP)
Emergency Preparedness	All Hazards Plan (including Annex B: Infectious Disease); Continuity of Operations Plan (COOP)
Operations	Streetcar Operator Manual
Maintenance	Transit Asset Management (TAM) Plan, Rail Maintenance Plan
Administration	Employee Onboarding Handbook, Employee Code of Conduct, Procurement Manual, RTA Employee Safety and Health Handbook
Safety Policies	RTA Distracted Driving Policy (SAF2), RTA Safety Management Policy (SAF3)
Safety-Related SOPs	Safety Assurance of Safety Critical Areas (004-006), Working in Hot Weather (004-009), Accident/Incident Investigation Procedures

C. State Safety Oversight Program Standard.

1. Annual Review. The Procedures Manual includes provisions for the annual review and update of the SSOPS and all its supporting documents. An annual review schedule outlines the recurring tasks the SSOA will undertake to prepare for and execute this process, including reviewing changes to federal policy and industry safety standards, reviewing the agency's updates to safety standards, incorporating revisions, verifying updates comply with federal rules, and submitting SSOPS revisions for adoption to the *Louisiana Administrative Code*.

2. Adoption and Distribution of Program Standard. The SSOA follows the *Louisiana Administrative Code* Rule Making SOP to formalize the updates to the SSOPS, which is included in the Appendix of the Procedures Manual. This process includes the review of any changes by DOTD's Legal Department. The updated Program Standard is then submitted to FTA with the SSO's Annual Report on or before March 15 of each year. The SSOA's completed Program Standard review checklist is included in the Appendix of the Procedures Manual.

D. Safety Plan Review. RTA system safety program plan must be compliant with 49 CFR Part 673 and 49 USC § 5329(d). The SSOA reviews the safety plan for compliance with federal regulations within 30 calendar days of receipt. The SSOA's completed ASP review checklist is included in the Appendix of the Procedures Manual.

E. Security and Emergency Preparedness Plan. 49 CFR Part 674 does not require the SSOA to oversee the development, revision or implementation of a Security and Emergency Preparedness Plan for the RTA. However, 49 CFR Part 673.11(a)(6) requires an agency to have an emergency preparedness plan. The SSOA supports the RTA in all aspects of its Security and Emergency Preparedness planning as it relates to the safety of the system, its employees, and passengers.

F. RTA Internal Audits. The Procedures Manual describes the timeline, materials, and communication to be used by the SSOA when conducting its review of the RTA's internal audits. The SSOA reviews and approves the internal audit report submitted by the RTA each year on or before March 15.

G. Triennial Audits of RTA. The SSOA will conduct an onsite audit of the RTA's implementation of its safety program at least once during each three-year cycle, and The

SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The Procedures Manual includes details on the timeline for scheduling and conducting a triennial audit, the development and use of audit checklists, the tracking of findings, and the writing and distribution of the audit report.

H. Notification of Accidents

1. Requirements. The RTA is required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e., 49 CFR 674 Appendix A, also included in the Appendix of the Procedures Manual) or guidance under the National Public Transportation Safety Plan or other reporting guidelines. These guidelines for reportable accidents are communicated to the RTA through the Procedures Manual.

2. Two-hour Notification. In addition to the content described in SSOPS §1513, the Procedures Manual includes details about the notification form to be used by the RTA. The Manual's Appendix includes the most recent version of the form, which will be updated as needed and when requirements for accident reporting change as directed by FTA.

I. Investigations

1. Accident Investigations. The SSOA must investigate or require an investigation of any reportable accident and is ultimately responsible for the sufficiency and thoroughness of all investigation reports. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, be conducted jointly by the SSOA and RTA, or be conducted by a third party. The RTA's Accident/Incident Investigation procedures are developed by the RTA, approved by the SSOA, and reviewed annually against industry standard.

2. Reviewing Findings of Causation. For each RTA investigation, the SSOA will conduct an independent review of the RTA's findings of causation. This review is primarily based on the RTA's Accident Investigation SOP and communication between the SSOA and the RTA's Chief Safety, Security and Emergency Management Officer (CSSEM). In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation.

3. Reporting. The Procedures Manual details the required contents of all final accident reports produced by the RTA for the SSOA. The Procedures Manual's Appendix includes the RTA's current Investigation Report template, which includes all required components.

4. Other Incidents that Warrant Investigation. In certain cases, the SSOA or the RTA may determine that a formal investigation is necessary for events occurring at the RTA, even though such events may not meet accident reporting regulation criteria. These events may include hazards, significant operational incidents, significant failures of SMS, and other events that might, under other circumstances, lead to significant adverse events. RTA will use its established investigation procedures and comply with all SSO requirements and requests for participation in such an investigation.

J. Confidentiality of Information. The Louisiana Public Records Act is currently provided for in R.S. 44:1 et seq. The SSOA generally cannot legally protect the confidentiality of accident investigation reports from discovery except when the report contains sensitive security information, or when otherwise exempted for in law,

jurisprudence, and/or R.S. 44:1 et seq. Anyone can request public records and no purpose is required. The custodian of the records must respond to requests within three business days. The SSOA will handle all reportable information in accordance with all federal and state laws.

K. Corrective Action Plans. The Procedures Manual details the process by which CAPs are identified, developed, approved by the SSOA, implemented, tracked, and closed. The Procedures Manual also describes CAP log procedures the RTA must follow, including the requirement for an updated log to be shared with the SSOA every thirty days. A CAP log example is included in the Appendix of the Procedures Manual.

L. Annual Reporting to FTA

1. SSOA Reporting Requirements. The Procedures Manual details each of the documents that must be submitted by the SSOA to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA (through its State Safety Oversight Reporting Tool) on or before March 15 of each year.

2. RTA Reporting Requirements. The Procedures Manual describes the contents of the Annual Report the RTA will submit to the SSOA on or before February 15 of each year.

M. Risk-Based Inspection

1. Category 1: Authority to Perform Risk-Based Inspections. Category 1 includes the SSO's authority to access the RTA, capability to access the RTA, inspection frequencies, and SSO enforcement actions.

2. Category 2: Risk-Based Inspection Policies and Procedures. Category 2 of the Procedures Manual includes procedures for SSO staff and contractors to notify the RTA for inspections, conduct inspections with notice, and conduct inspections without notice. It also details inspection practices of publicly accessible areas, inspection practices for access and RTA escorts for non-publicly accessible areas, inspection safety certification and training, scheduling inspections, the contents of inspection reports, and procedures for immediate safety concerns. In addition, it includes procedures for event verification, ongoing monitoring, defects and corrective or remedial actions, and CAP and safety risk mitigation verification. All inspection policies and procedures pertain to the inspections of equipment, infrastructure, and practices specific to each RTA.

3. Category 3: Data Sources and Collection. Procedures in Category 3 include those for the RTA's data sharing of safety program data, maintenance data, inspection data, and additional safety data with the SSOA as required. It also includes data management policies for how data sets will be stored and used for analysis, where data sets will be stored, how the data will be organized, how long records must be retained, how and when records are disposed, how the SSOA will ensure the system accurately stores records, and how the SSOA will protect security sensitive information.

4. Category 4: Inspection Prioritization. Procedures included are those that describe the prioritization of safety concerns to inform inspections, metrics used for inspection prioritization, safety concern prioritization rating procedures, inspection prioritization processes, and the continuous process for RBI prioritization.

5. Category 5: Risk-Based Inspection Commensurate with Number, Size, and Complexity of the RFGPTS. The

SSOA conducts RBI tailored to the RTA's risk profile based on its size and complexity, as the SSOA only oversees only one rail transit agency. This category includes procedures for evaluating the rail system's size and complexity, performing consistent and ongoing risk-based inspections, and inspecting the full spectrum of activities at the RTA.

6. Category 6: SSO Staffing, Qualifications, and Training. To ensure adequate staffing and resources for the effective implementation and management of the RBI program, three elements will be reviewed and updated annually: the SSO Workload Assessment, Inspection Personnel Qualification Verification, and the SSOA's Technical Training Plan. Procedures for the use and update of these elements are included in Category 6 of the Procedures Manual.

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Glenn Ledet, Jr.
Secretary