

**Subpart B—The Role of the State**

**§ 659.21 Designation of oversight agency.**

(a) For a transit agency or agencies operating within a single State, the State must designate an agency of the State, other than a transit agency, to serve as the oversight agency and to implement the requirements of this part.

(b) For a transit agency operating a system within more than one State, those States may designate a single entity, other than the transit agency, to implement the requirements of this part.

**§ 659.23 Confidential investigation reports.**

The State may prohibit an investigation report that may be prepared by the oversight agency from being admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

**Subpart C—The Oversight Agency’s Role**

**§ 659.31 The system safety program standard.**

(a) The oversight agency must develop and adopt a system safety program standard that, at a minimum—

(1) Complies with the American Public Transit Association’s “Manual for the Development of Rail Transit System Safety Program Plans” (APTA Guidelines) published on August 20, 1991, hereby incorporated by reference; and

(2) Requires the transit agency to address the personal security of its passengers and employees.

(b) The APTA Guidelines specify procedures for developing a system safety program plan, generally discuss the principles of system safety, and specifically address certain issues critical to the safe operation of a rail fixed guideway system.

(c) The incorporation by reference of the APTA Guidelines has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of the APTA Guidelines may be obtained from the American Public Transit As-

sociation, 1201 New York Avenue, NW., Washington DC 20005–3917, (202) 893–4000. The Guidelines may be inspected at, and are available from the Federal Transit Administration, Office of Safety and Security, 400 7th Street, SW., Washington, D.C. 20590, and at the Office of the Federal Register, 800 North Capitol Street, NW., Washington, DC.

**§ 659.33 System safety program plans.**

(a) Except as provided in § 659.33(b), the oversight agency must —

(1) Require the transit agency to implement, beginning on January 1, 1997, a system safety program plan conforming to the oversight agency’s system safety program standard; and

(2) Approve in writing before January 1, 1997, the transit agency’s system safety program plan.

(b) The oversight agency must —

(1) Require the transit agency to implement beginning on January 1, 1998, the security portion of its system safety program plan; and

(2) Approve in writing before January 1, 1998, the security portions of the transit agency’s system safety program plan.

(c) After December 31, 1996, the oversight agency must review and approve, in writing, the transit agency’s system safety program plan, as necessary, and require the transit agency to update its system safety program plan, as necessary.

(d) The oversight agency may prohibit a transit agency from publicly disclosing the security aspects of the system safety program plan.

[60 FR 67046, Dec. 27, 1995, as amended at 61 FR 67493, Dec. 23, 1996]

**§ 659.35 Transit agency annual audit reports.**

The oversight agency must—

(a) Require that the transit agency submit, annually, a copy of the annual safety audit report prepared by the transit agency as a result of the Internal Safety Audit Process (APTA Guidelines, checklist number 9); and

(b) Review the annual safety audit reports prepared by the transit agency.

**§ 659.37 Safety reviews.**

At least every three years the oversight agency must conduct an on-site

safety review of the transit agency's implementation of its system safety program plan and prepare and issue a report containing findings and recommendations resulting from that review, which, at a minimum, must include an analysis of the efficacy of the system safety program plan and a determination of whether it should be updated.

**§ 659.39 Transit agency report on accidents and unacceptable hazardous conditions.**

The oversight agency must require that the transit agency report accidents and unacceptable hazardous conditions to the oversight agency within a specified period of time.

**§ 659.41 Investigations.**

The oversight agency must—

(a) Establish procedures to investigate accidents and unacceptable hazardous conditions.

(b) Unless the National Transportation Safety Board has investigated or will investigate an accident, the oversight agency must investigate accidents and unacceptable hazardous conditions occurring at a transit agency under its jurisdiction.

**§ 659.43 Corrective actions.**

The oversight agency must require the transit agency to minimize, control, correct, or eliminate any investigated hazardous condition within a time period specified by and in accordance with a corrective action plan approved by the oversight agency.

**§ 659.45 Oversight agency report to the Federal Transit Administration.**

(a) *Initial submissions.* Before January 1, 1997, the oversight agency must submit to FTA the following information, which must be updated as necessary:

(1) The name and address of the oversight agency;

(2) The name(s) and address(es) of the transit agency or agencies subject to the oversight agency's jurisdiction under this part; and

(3) A written description of the oversight agency's oversight program including the following information:

(i) A copy of its system safety program standard;

(ii) Its procedures or process for reviewing and approving the transit agency's system safety program plan;

(iii) Its investigatory procedures; and

(iv) Its procedures for ensuring that appropriate corrective actions have been taken by the transit agency to correct, eliminate, minimize, or control investigated hazardous conditions.

(b) *Annual submissions.* Before March 15 of each year, the oversight agency must submit to FTA a publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the most common probable causal factors of accidents and unacceptable hazardous conditions.

(c) *Periodic submissions.* Status reports of accidents, hazardous conditions, and corrective action plans must be forwarded to the FTA upon request.

(d) *Addresses.* Reports and annual summaries must be sent to: Federal Transit Administration, Office of Safety and Security, 400 7th Street, S.W., Washington, DC 20590.

[60 FR 67046, Dec. 27, 1995, as amended at 61 FR 67493, Dec. 23, 1996]

**§ 659.47 Use of contractors.**

(a) The oversight agency may use a contractor to—

(1) Develop a system safety program standard;

(2) Review system safety program plans;

(3) Review annual audit reports;

(4) Conduct safety reviews;

(5) Prepare safety review findings;

(6) Establish investigation procedures;

(7) Conduct investigations;

(8) Review corrective action plans; and/or

(9) Prepare initial or annual submissions to FTA.

(b) The oversight agency may allow a transit agency to use a contractor to—

(1) Develop or update a system safety program plan;

(2) Prepare annual audit reports; and/or

(3) Develop a corrective action plan.

**§ 659.49 Certification of compliance.**

(a) Before January 1, 1997, and annually thereafter, the oversight agency must certify to the FTA that it has