

CHAPTER 53E
FIXED GUIDEWAY SYSTEMS STATE SAFETY
OVERSIGHT

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:25-8c, 48:2-12, 52:14D-6, 49 C.F.R. Part 659, October 5, 1978 Executive Reorganization Plan and Executive Order No. 65(1997).

Source and Effective Date

R.2005 d.316, effective August 24, 2005.
 37 N.J.R. 1926(a), 37 N.J.R. 3719(b).

Chapter Expiration Date

Chapter 53E, Fixed Guideway Systems State Safety Oversight, expires on August 24, 2010.

Chapter Historical Note

Chapter 53E, Fixed Guideway Systems State Safety Oversight, was adopted as R.2000 d.184, effective May 1, 2000. See: 32 N.J.R. 678(a), 32 N.J.R. 1523(a).

Chapter 53E, Fixed Guideway Systems State Safety Oversight, was readopted by R.2005 d.316, effective August 24, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL REQUIREMENTS

- 16:53E-1.1 Purpose
- 16:53E-1.2 Application
- 16:53E-1.3 Definitions
- 16:53E-1.4 State system safety program standard
- 16:53E-1.5 Transit agency's system safety program plan
- 16:53E-1.6 Approval of system safety program plan
- 16:53E-1.7 Transit agency annual audit reports
- 16:53E-1.8 Department safety review
- 16:53E-1.9 Transit agency report on accidents and unacceptable hazardous conditions
- 16:53E-1.10 Department investigations
- 16:53E-1.11 Corrective actions
- 16:53E-1.12 Document availability
- 16:53E-1.13 Assistance
- 16:53E-1.14 Reports

SUBCHAPTER 2. ADOPTION AND INCORPORATION BY REFERENCE OF FEDERAL TRANSIT ADMINISTRATION RAIL FIXED GUIDEWAY SYSTEMS STATE SAFETY OVERSIGHT REGULATIONS AND STANDARDS

- 16:53E-2.1 Regulations and standards adopted and incorporated by reference

SUBCHAPTER 1. GENERAL REQUIREMENTS

16:53E-1.1 Purpose

This chapter establishes rules concerning the State's oversight of the safety of rail fixed guideway systems through

the Department of Transportation, designated as the State's oversight agency by Executive Order No. 65(1997), which conform to the requirements established pursuant to section 5330 of the "Intermodal Surface Transportation Efficiency Act of 1991" (Pub. L. 102-240, 49 U.S.C. §5330). This includes incorporation by reference of 49 C.F.R. Part 659, the American Public Transit Association (APTA) Guidelines, the Federal Transit Administration (FTA) Implementation Guidelines, the Federal Transit Administration (FTA) Transit System Security Program (TSSP) Planning Guide, and the Federal Transit Administration (FTA) Transit Security (TS) Procedures Guide, as supplemented and amended thereto; and Appendices to 49 C.F.R. Part 659, all as supplemented and amended.

Amended by R.2005 d.316, effective September 19, 2005.

See: 37 N.J.R. 1926(a), 37 N.J.R. 3719(b).

Substituted "establishes" for "and appendix establish" following "This chapter" in the first sentence.

16:53E-1.2 Application

The provisions of this chapter are applicable to every transit agency operating a rail fixed guideway system exclusively within the boundaries of this State or between New Jersey and adjacent states.

16:53E-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Accident" means any event involving the revenue service operation of a rail fixed guideway system if as a result:

1. An individual dies;
2. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
3. A collision, derailment, or fire causes property damage in excess of \$100,000.

"APTA Guidelines" means "Manual for the Development of Rail Transit System Safety Program Plans," as amended and supplemented, published by the American Public Transit Association on August 20, 1991, 1201 New York Avenue, N.W., Washington, DC 20005-3917, Telephone: (202) 893-3917 or (202) 893-4000.

"Contractor" means an entity that performs tasks required by this chapter on behalf of the oversight or transit agency. The transit agency shall not be a contractor for the oversight agency.

"Department" means the New Jersey Department of Transportation.

“FTA” means the Federal Transit Administration, an agency within the U.S. Department of Transportation.

“Hazardous condition” means a condition that may endanger human life or property, and it includes unacceptable hazardous conditions.

“Implementation Guidelines” means the “Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems, July 1996, Final Report” published by the FTA, United States Department of Transportation, Research and Special Programs Administration, John A. Volpe National Transportation Systems Center, Safety and Security Systems Division, Cambridge, MA 02142-1093, obtainable from the National Technical Information Service, Springfield, VA 22161.

“Internal safety audit process” means the formal process by which the transit agency audits itself in accordance with APTA Guidelines, checklist number 9.

“Investigation” means a process to determine the probable cause of an accident or an unacceptable hazardous condition; it may involve no more than a review and approval of the transit agency’s determination of the probable cause of an accident or unacceptable hazardous condition.

“Rail fixed guideway system” means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is:

1. Included in FTA’s calculation of fixed guideway route miles or receives funding under FTA’s formula program for urbanized areas (49 U.S.C. § 5336); and
2. Not regulated by the Federal Railroad Administration.

“Safety” means freedom from danger.

“Safety review” means a formal, comprehensive, on-site examination by the Department of a transit agency’s safety practices to determine whether they comply with the policies and procedures required under the transit agency’s system safety program plan.

“Security” means freedom from intentional danger.

“System safety program plan” means a document adopted by the transit agency detailing its safety policies, objectives, responsibilities, and procedures.

“System safety program standard” means the standard adopted by the Department to comply with 49 C.F.R. § 659.31, as set forth in N.J.A.C. 16:53E-1.4.

“Transit agency” means an entity operating, or responsible for the operation of, a rail fixed guideway system.

“TS Procedures Guide” means the FTA’s “Transit Security Procedures Guide,” Final Report, Reprinted November 1997, published by the United States Department of Transportation,

Research and Special Programs Administration, John A. Volpe National Transportation Systems Center, Cambridge, MA 02142.

“TSSP Planning Guide” means the “Transit System Security Program Planning Guide,” Final Report, Reprinted November 1997, published by the FTA, United States Department of Transportation, Research and Special Programs Administration, John A. Volpe National Transportation Systems Center, Cambridge, MA 02142.

“Unacceptable hazardous condition” means a hazardous condition determined to be an unacceptable hazardous condition using the APTA Guidelines’ Hazard Resolution Matrix (APTA Guidelines, checklist number 7).

16:53E-1.4 State system safety program standard

(a) The primary purpose for the existence of a transit system is to move people, safely and securely. In order to move its passengers as safely as possible, an individual transit system must be able to identify all hazards, for their elimination, minimization, or control, and all safety and security related responsibilities, delegating these responsibilities to the proper units within the organization, and providing these respective units with the resources to carry out their assigned responsibilities. A transit system has the responsibility of maintaining oversight of its safety and security status and program to ensure all responsibilities are being carried out and coordinated. This process is known as system safety. A transit agency shall formalize this process in a written document called a System Safety Program Plan.

(b) A system safety program plan adopted by a transit agency shall contain the following sections and subsections, which shall be addressed in substantial conformance with the APTA Guidelines, the FTA’s TSSP Planning Guide, and the FTA’s TS Procedures Guide:

1. Introduction
 - i. Policy Statement from General Manager/Executive Director
 - ii. Statement of Legal Authority for System Safety Program Plan
 - iii. Purpose of System Safety Program Plan
 - iv. Scope of System Safety Program Plan
 - v. Goals for the System Safety Program Plan
 - vi. Policies in Place to Support the Implementation of the System Safety Program Plan
 - vii. System Safety Program Plan Update Procedures
2. Rail Fixed Guideway System Description
 - i. History
 - ii. Scope and Service