



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY TRANSPORTATION DIVISION

220 C.M.R. 151.03: PROPOSED AMENDMENTS TO RAIL FIXED GUIDEWAY SYSTEM SAFETY SYSTEM PROGRAM PLAN

151.03 System Safety Program Plan

- (1) The Transportation Authority shall prepare a system safety program plan (SSPP). The SSPP shall conform to the FTA Guidelines and to 220 C.M.R. 151.00.
- (2) The SSPP shall address:
 - (a) The personal safety of the Transportation Authority's passengers according to the guidelines set forth in American Public Transit Association: MANUAL FOR THE DEVELOPMENT OF RAIL TRANSIT SYSTEM SAFETY PROGRAM PLANS.
 - (b) The personal security of the Transportation Authority's passengers and employees according to the guidelines set forth in FTA-MA-90-700 1-94-1: TRANSIT SYSTEM SECURITY PROGRAM PLANNING GUIDE. (The plan for personal security may be filed separately or included in the SSPP.)
- (3) The SSPP shall describe:
 - (a) The procedure for communication between the Transportation Authority and the Department and for on-site safety reviews and security reviews by the Department.
 - (b) The procedure for investigating accidents and hazardous condition.
 - (c) The procedure for reporting accidents and unacceptable hazardous conditions to the Department.
 - (d) The procedure for identifying threats to personal security
 - (e) The procedure for reporting violations of and threats to personal security
 - (e) The procedure for submitting corrective action plans to the Department.
 - (f) The procedure for conducting annual internal safety and security audits and submitting reports to the Department.
- (4) The SSPP, and any subsequent revisions, shall be filed with the Department for review and approval.
- (5) The Department may perform inspections, investigations and reviews of the operation and maintenance of the Transportation Authority's rail fixed guideway system to determine whether the actual safety and security procedures of the Transportation Authority comply with the SSPP.
- (6) The Department and the Transportation Authority shall meet quarterly to discuss various safety issues.

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(7) The Transportation Authority shall transmit to the Department a monthly Safety Department Multi-Mode Review.

(8) The Department or its designee shall conduct a triennial on-site review to verify compliance of the Transportation Authority with the SSPP. The Department will issue a report of its findings, evaluation of the SSPP, and recommendations. The Department will file its report with the Federal Transit Administration.

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DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

January 22, 1998

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RESCHEDULED NOTICE OF PROPOSED RULEMAKING

Investigation by the Department of Telecommunications and Energy ("Department") on its own motion to amend 220 C.M.R. 151.00 et seq.: Plan for State Safety Oversight of the Massachusetts Bay Transportation Authority' ("MBTA") rail fixed guideway system, pursuant to G.L. c. 161 § 3(i), to satisfy the requirements of 49 C.F.R. Part 659.

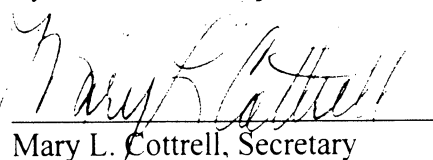
Pursuant to G.L. c. 30A, § 30, the Department of Telecommunications and Energy provide notice of its rulemaking procedure to amend 220 C.M.R. § 151.03: Rail Fixed Guideway System: Safety System Program Standard.

As mandated by the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240, codified at 49 U.S.C. 5330 (1994), the Federal Transit Administration ("FTA") has promulgated regulations at 49 C.F.R. 659 which require States in which a rail fixed guideway system that is not regulated by the Federal Railroad Administration operates, to promulgate and effect a Safety System Program Standard ("SSPS"). The Department promulgated 220 C.M.R. 151.00 concerning accident and hazardous condition safety on October 3, 1997. 220 C.M.R. 151.3(2) requires that the SSPS and the Safety System Program Plan ("SSPP") also provide for the personal security of passengers and employees of the rail fixed guideway system. The Department hereby gives notice of its intention to conduct an investigation to establish regulations for the oversight of the MBTA's security plan, and to review that plan.

A copy of the proposed regulations is available at the Department's office at the address listed below. The Department invites interested persons to comment on the proposed regulations by submitting an original and three (3) copies of written comments to the Department. These comments shall be addressed to the Department of Telecommunications and Energy and sent to Mary L. Cottrell, Secretary, 100 Cambridge Street, Boston, Massachusetts 02202, no later than Wednesday, March 11, 1998.

The Department will conduct a public hearing to receive oral comment on the proposed amendment to the Department's regulations at 10:00 a.m. on Wednesday, March 18, 1998 at the Department's offices, 100 Cambridge Street, Boston, Massachusetts.

By Order of the Department,


Mary L. Cottrell, Secretary

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Consent Communication #26 S-60

Communication was received from
Department of Telecommunications &
Energy, transmitting notice of
Rescheduled Notice of Proposed
Rulemaking regarding Plan for
State Safety Oversight of the
Massachusetts Bay Transportation
Authority.

In City Council February 2, 1998

Referred to
City Manager

Copy sent
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