Sounder Commuter Rail Internal Safety Audit

Report #: 2023-10

Executive Summary

Audit Objective & Scope

The Audit Division conducted our annual internal safety audit of the Sounder Commuter Rail (SCR) service to independently review and evaluate compliance to the Sounder System Safety Program (SSP), associated plans, procedures, policies, and applicable Federal Railroad Administration (FRA) safety requirements.

Our audit commenced on July 24, 2023 and concluded with a closing meeting on August 7, 2023.

The scope was to verify conformance to selected elements of the SSP from July 1, 2022, to June 30, 2023. The following elements of the SSP were audited:

- **Introduction**
  Background
  Management and Organizational Structure
  Host and Tenant Rail Structure
  Relationship and Authority of the ST Safety Department
  ST Safety Committee Structure and Line of Authority
  Goals and Objectives
- **Safety Plan**
  Conformance to FRA Guidelines
- **Safety Management Policy**
  Policy Statement and Authority
  Safety Management Policy and Communication
  Review and Control of the System Safety Plan
  Access to System Safety Program Documentation and Records
- **Safety Risk Management**
  Technology Analysis and Implementation Plan
- **Safety Assurance**
  Safety Data Acquisition
  Accident and Incident Reporting and Investigation
  Rules Compliance
  Contract Procurement
- **Safety Promotion**
  Safety Culture
  Public Safety Outreach Program

Additionally, our scope included a review of results from prior Sounder internal audits.

Audit Results

As a results of this audit, we found no **(0)** findings and have **two (2) observations** as opportunities for improvement. Additionally, **one (1)** finding from a previous audit will remain open involving Roles and Responsibilities not being listed in the SSP for the Executive Operations Director, Commuter Rail, Bus & Paratransit.

Conclusion

Based on our review of evidence and interviews with various agency staff and contracted partners we conclude that Sounder Commuter Rail operates in compliance with the requirements of the Sounder SSP and with applicable FRA safety requirements.

Overall, we found Sounder Commuter Rail to be well managed by both ST and its partners and that programs are in place to promptly address safety concerns. ST staff are actively involved in Safety Assurance by utilizing safety data collected internally and externally from the FRA to proactively address safety risks. Safety data is tracked and analyzed to compare safety trends with industry standards.

Additionally, the Joint Rail Safety Committee (JRSC) is actively engaged in monitoring and measuring the SCR goals, safety hazards and open corrective action items. Safety data shared with the committee serves to enhance system safety by addressing issues arising from SCR operations. Finally, Safety Promotion is actively addressed by ST and its contractors. Safety concerns are shared by BNSF amongst SCR Operations and ST Safety. ST Communications provide Public Safety Outreach by actively promoting rail safety to schools, municipalities and public who may be affected by SCR and ST owned Right of Way (ROW).

Audit Results

The following table summarizes the analysis performed during field work portion of our audit, and associated exceptions (if any). Results are identified as: Pass, Fail, or see comments for details.

Criteria (SSP Element)		Test Performed	Results	Finding or Observation
0.0	0.0 Introduction	• Does the SSP accurately describe the agency background and authority of the CEO and Board of Directors, BNSF & Amtrak? • Does the SSP accurately describe the Management & Organizational Structure • Does the SSP accurately describe the Host & Tenant Rail Structure including the relationship with ST Safety Department? • Does the SSP accurately describe ST's Safety Committee Structure and Line of Authority?	See comments below	**Observation #1**

		• Are the Goals and Objectives of SCR identified, tracked, and updated per JRSC procedures?		

Comments:

− Per FRA 49 CFR 270.103(d) the Sounder SSP accurately describes the background of ST including the authority of the CEO and Board of Directors, BNSF, and Amtrak.

− The Management Structure accurately lists the roles and responsibilities of ST SCR staff although the "Executive Operations Director, Commuter Rail, Bus & Paratransit" is missing. This is an open finding from the 2021 SCR internal safety audit.

− The Host and Tenant Rail Structure is listed and detailed per the ST Contractor Oversight Plan. Additionally, the SSP describes the oversight and services that the Safety Department provides including hazard analysis and management for all phases of system safety.

− The SSP accurately describes the ST Safety Committee Structure including the JRSC and how it manages hazard identification. The JRSC meets bi-monthly to update SCR staff and contracted personnel on open hazards and corrective actions from the SCR Safety Action Item Request (SAIR) log, accidents/incidents, and safety goals review. This is an opportunity for improvement, **see Observation.**

Observation #1:

SCR Safety Goals are assigned to appropriate departments and personnel although there is no mechanism that tracks the current status or updates of the assigned goals. Currently, the JRSC Chair reaches out to individuals to get information regarding the status and reports out during JRSC meetings. A tracking system such as a SharePoint list or shared excel document will allow current updates to be made and be visible to ensure accountability of each goal owner.

A formalized system eliminates the possibility of assigned safety goals not being completed, and holds those assigned accountable to ensure of completion.

Criteria (SSP Element)		Test Performed	Results	Finding or Observation
1.0	Safety Plan	• Does the SSP and Safety Plan conform to FRA guidelines?	Pass	None

Comments:

− The current version of the SSP, revision 1.0 dated August 2021 was approved by the FRA and signed by the Chief Safety Officer Aug 26, 2021.

− We reviewed each section of the SSP to confirm it includes each requirement of FRA 270.103. Additionally, the SSP includes a compliance checklist to visualize each FRA code requirement's relationship to its corresponding section of the SSP.

Criteria (SSP Element)		Test Performed	Results	Finding or Observation
2.0	Safety Management Policy	• Is the policy signed by the chief official and include statements to define the SCR authority for SSP and safety culture of rail operations? • Is the Safety Policy shared with ST personnel and contractors as described in the SSP? • Is the SSP annually reviewed and maintained as a Controlled Document by ST Safety?	Pass	None

		Is the SSP available to Federal and State entities when requested?		

Comments:

− The Safety Policy is signed by the Chief Safety Officer and includes all required objectives, accountabilities and responsibilities as required by CFR 270.103(b)

− The Safety Policy is presented during New Hire Orientation and is shared during STS Bi-Annual SMS Awareness Refresher Training. Additionally, the SSP is directly communicated with SCR's operational partners (BNSF).

− Annual Reviews are completed by ST Senior Transportation Safety & Security Specialist in consultation with SCR Operations. The SSP is controlled by ST Safety with copies distributed to personnel as required. A new revision of the SSP has been sent to the FRA for review and approval.

− The SSP is available upon request by Federal and State entities. No requests have been made during the scope of this audit.

Criteria (SSP Element)		Test Performed	Results	Finding or Observation
3.0	Safety Risk Management	• Has SCR developed a Technology Analysis and Implementation Plan (TAIP). • Is the TAIP detailed in the SSP? • Does the TAIP include processes to identify and analyze the safety impact of current or new technologies per CFR 270.103(r)?	Pass	None

Comments:

− The TAIP (SCR-PLN-10014, Revision 1.0, 01/03/2022) contains all required elements per CFR 270.103(r).

− The SSP contains details of the TAIP including the mitigation of identified risks and analyzing the safety impact of new technologies.

− During the timeframe and scope of this audit, no new technology has been implemented that required the TAIP.

Criteria (ISO Clause)		Test Performed	Results	Finding or Observation
4.0	Safety Assurance	• Are Safety Risks and Events reported, tracked and followed-up on by SCR safety committees? • Is accident and incident data tracked and analysed to mitigate and reduce risks? • Are accident and incident reports performed and sent to 49 CFR part 225 requirements? • Is SCR rules compliance performed by BNSF and reviewed by SCR operations? • Does ST Procurement and Contracts Dept. (PCD) support the Safety Assurance element by proactively maintaining policies, procedures, and strategies?	Pass	None

Comments:

- The Sounder Joint Rail Safety Committee (JRSC) tracks safety risks and events with the use of an Events log, Conditions Log, and the Safety Action Item Registry (SAIR) Log. Items on the Conditions and SAIR logs are risk rated and all safety items are updated and reported on during bi-monthly JRSC meetings.

- Accident and incident data is reviewed and compared to industry trends with the use of external data sources (FRA 55a/57 data) Analysis is captured by TSS-SOP-TSS05-Root-Cause-Analysis.

- Per the SCR Internal Control Plan (ICP) and SCR Notification matrix, accident & incident reporting is conducted by BNSF as the contract operator with notifications made to SCR Duty Officer.

- Accident and Incident reports are performed by the ST FRA Reporting Officer (The Transportation Safety and Security Specialist for SCR) and sent monthly as required by 49 CFR part 225. Additional information is detailed in the 49 CFR part 225 audit report performed concurrently with this internal safety audit.

- SCR rules compliance performed by BNSF is reported monthly to the Manager of Commuter Rail Transportation. Data is maintained and tracked using the SCR Contract Oversight tracker and violations are tracked with the Event Log and are reported on during regular JRSC meetings.

- The Procurement & Contracts Administration Manual (PCAM) outlines processes and procedures utilized for all acquisitions made by ST. Additionally, Procurement Integrity curriculum provides PCA with the foundation to ensure the procurement integrity and ethics are engrained in day-to-day business.

- PCA collaborates with appropriate departments including safety per Agency Policy 604 and the PCAM, a recent example was COVID-19 acquisitions for PPE, chemicals, and supplies. Items were reviewed and accepted by Safety prior to purchase.

	Criteria (ISO Clause)	Test Performed	Results	Finding or Observation
5.0	Safety Promotion	• Is the Safety Culture evident in SCR operations and oversight? • Is Safety Culture promoted and measured within the SCR system? • Is Public Outreach activities conducted in the communities around SCR tracks to increase awareness of safety around trains and tracks?	See comments below	**Observation #2**

> **Comments:**
>
> – Safety Culture is evident by tracking, follow-up and reporting of safety concerns by the JRSC. Safety is promoted by the committee during bimonthly meetings through various reports and discussions.
>
> – Safety Culture of SCR is measured by Employment Engagement Surveys, audit results, and hazards reported to the JRSC. ST Safety requests to be included in Sounder Crew Safety Briefings and invites all partners to monthly and quarterly meetings to raise safety concerns.
>
> – Public Safety Outreach is conducted by the Program Manager of Transit Safety (ST Communications). Training presentations, social media posts and community engagement events are programs used to inform the public of safe practices around tracks. This is an opportunity for improvement. **See Observation #2 below.**
>
> – The General School Safety Program provides community centers and schools   a presentation on safety around tracks and how to ride trains. The presentation was updated this year to enhance the program.
>
> – The Program Manager reviews social media for evidence of unsafe acts on or near tracks and disseminates information such as a campaign called "Game Over" to discourage dangerous behaviors. Additionally, community outreach activities are shared during Operation Lifesaver meetings and baseball games and other community events.
>
> ***Observation #2:***
>
> – Although there is a robust program in place for Public Safety outreach to include social media posts in-person safety presentations at schools, community centers and stations, there is no written standardized procedures to manage the program. We suggest that written procedures be developed to manage the consistency of the program to ensure all criteria is met.

Background

FRA 49 CFR part 270.103 as well as Sound Transit's Agency Safety Plan, and Audit Division policy and procedures requires that an internal safety audit be conducted annually on each of the agency's four modes of transportation (Link, Tacoma Link, Sounder Commuter Rail, and ST Express Bus service).

Internal safety audits occur to ensure the agency independently evaluates compliance with federal, state, and local requirements; identifies hazardous and risk conditions, and verifies that the agency is fully implementing its safety program as described in our plans and procedures.

All internal safety audits are resourced on a three-year audit plan that is communicated agency wide. The results of all annual audits are documented in an annual report that is presented to the Finance & Audit Committee (FAC) and distributed to Federal Railroad Administration (FRA). The annual report is also distributed to agency leadership and management, as required.

Methodology

Standards

We conducted this audit in accordance with Audit Division policies & procedures, which are governed by our Audit Charter; and meet several sets of applicable federal and local auditing standards.

Audit Processes

Each audit starts by examining the current processes in place relative to (1) laws or regulatory requirements, (2) agency policies and procedures and (3) industry best practices.

During the audit "planning" phase, we assess the engagement-specific conditions and risk, informing and confirming the audits' objectives and scope. At this time, relevant controls to mitigate these risks are also identified.

The audit "field work" phase then examines the design of the identified controls to determine if the intent meets the regulations, policies, etc. If the controls are designed to adequately mitigate the risk (control environment), we move on to assess the degree to which the controls are mitigating the risk (control activities).

Any areas identified where the control environment or activities do not adequately mitigate the identified risk are identified as an exception.
Exceptions are then defined as either findings or observations.

- **Findings** are the results of the evaluation and verification of evidence against audit criteria showing non-compliance with a policy, procedure, manual, standard, or industry best-practice.

- **Observations** are issue that may be compliant with requirements, however, the auditor has determined that the issue poses the potential risk of becoming a finding in the future if recommended changes are not put in place to prevent occurrence.

Report Prepared by:

_____
Jim Ottman, Sr. Compliance Auditor (Lead Auditor)

Reviewed (QA/QC) by:

_____
Heather Wright, Deputy Director, Audit Division

Approved for release by:

_____
Patrick Johnson, Director, Audit Division

Appendices

Appendix A: Sound Transit's Title VI notice of rights

Sound Transit conducts Title VI equity analyses for service and fare decisions to ensure they are made as equitably as possible.

More information on Sound Transit's Title VI notice of rights and the procedures to file a complaint may be obtained by:

- Phone: 888-889-6368; TTY Relay 711;

- Email: **stdiscriminationcomplaint@soundtransit.org**;

- Mailing to Sound Transit, Attn: Customer Service, 401 S. Jackson St. Seattle, Washington 98104-2826; or

- Visiting our offices located at 401 S. Jackson St. Seattle, Washington 98104.

A complaint may be filed directly with the Federal Transit Administration Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590 or call 888-446-4511.

Appendix B: Personnel Interviewed – By Position Title

Sound Transit Staff
Chief Procurement & Contracts Officer
Deputy Director, Commuter Rail Operations
Manager, Transportation Safety & Security
Program Manager, Transit Safety (Communications)
Contract Agencies
Manager, BNSF

Appendix C: Documents Reviewed

Sounder System Safety Plan (SSP): Rev 1.0, Aug 2021
JRSC Charter: Jan 2022
JRSC Meeting Agendas/Minutes: Nov 2022 – Jul 2023
JRSC Hazard management Sub-Committee Charter: Jan 2022
Sounder Safety 2021-2023 Goals: Revised Mar 2022
SCR Safety Action Item Registry (SAIR) Log: Current as of Jul 2023
SCR Incident Reports Jan – Jun 2023

FRA Monthly Reports: Feb – Jun 2023
Sounder Notification Guidelines: Jan 2020
Sounder Notification Guidelines Matrix: May 2020
JRSC Charter: Jan 2022
Sounder Commuter Rail Internal Control Plan (ICP): Version 11, Mar 2023
JRSC Meeting Agendas/Minutes: Nov 2022 – Jul 2023
JRSC Hazard management Sub-Committee Charter: Jan 2022
Sounder Safety 2021-2023 Goals: Revised Mar 2022
Agency Incident Notification Procedure: Revised Oct 2021
TSS-SOP-TSS02-FRA-RPTG, Rev 1.0 Jul 2022
SCR.SOP-10003, Sounder Safety Incident Notification Procedure: Sep 2019
EXD-SOP-10005 Operations Incident/Event Notifications: Rev 1.2 Feb 2023
Sounder Duty Officer Training Course Handbook: Jul 2019
Sounder Duty Officer Checklist: Jun 2020
SCR Contract Oversight Tracker: Current as of Jul 2023
SCR-PLN-10005 Passenger Train Emergency Preparedness Plan; Version 1.6, Sep 2022
SCR-PLN-10006 Contract Oversight Plan: Rev 3.0, Jan 2023
SCR-PLN-10014 Technology Analysis and Implementation Plan: Rev 1.0, Jan 2022
Procurement & Contracts Administration Manual (PCAM): Jan 2023
Procurement Integrity Curriculum: Rev 5, Jun 2023
Agency Policy 604, Procurement, Agreements & Spend Control: Revised Sep 2019
Public Safety Outreach Presentation: Apr 2022