

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2391 Session of 2024

INTRODUCED BY NEILSON, JUNE 7, 2024

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 10, 2024

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in sustainable mobility options,
3 providing for State Safety Oversight Office.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 74 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1510.1. State Safety Oversight Office.

9 (a) Establishment.--The State Safety Oversight Office is
10 established in the department and shall be under the
11 jurisdiction of the secretary. The secretary, in consultation
12 with the Federal Transit Administration, shall determine an
13 appropriate staffing level for the office that is commensurate
14 with the number, size and complexity of fixed guideway public
15 transportation systems in this Commonwealth. The office shall
16 adhere to and have the authority and capability to perform and
17 enforce the provisions and functions specified under this
18 section, 49 U.S.C. § 5329 (relating to public transportation

1 safety program) and the associated Federal regulations specified
2 and adopted for oversight for each fixed guideway public
3 transportation system.

4 (b) Program standard.--The office shall establish, adopt,
5 administer and enforce a program standard. The office shall
6 annually review and consult with each fixed guideway public
7 transportation system that the office oversees in the
8 development of the program standard.

9 (c) Risk-based inspections, investigations, audits, testing
10 and other oversight activities.--

11 (1) The office shall conduct risk-based inspections,
12 investigations, audits and other oversight activities at each
13 fixed guideway public transportation system.

14 (2) In carrying out the duty imposed under paragraph
15 (1), the office shall enter the facilities of each fixed
16 guideway public transportation system, either physically or
17 virtually, to inspect infrastructure, equipment, records,
18 personnel and data, including the data that the fixed
19 guideway public transportation system collects when
20 identifying and evaluating safety risks and safety events,
21 with or without advanced notice to the fixed guideway public
22 transportation system.

23 (d) Failure to comply.--If a fixed guideway public
24 transportation system fails to comply with relevant safety-
25 related Federal and State laws and the program standard, the
26 office may:

27 (1) Issue a safety directive requiring the fixed
28 guideway public transportation system to correct the safety
29 deficiency.

30 (2) Require the prioritization and utilization of State

1 funding to correct the safety deficiency.

2 (3) Issue temporary orders to reduce or stop service of
3 the fixed guideway public transportation system.

4 (e) Enforcement action.--In response to an imminent threat
5 to the safety of fixed guideway public transportation system
6 employees or the general public by an unacceptable hazardous
7 condition, the office shall issue and enforce temporary actions
8 or directives to the fixed guideway public transportation
9 system.

10 (f) Oversight.--The office shall oversee a fixed guideway
11 public transportation system's execution of security assessments
12 and mitigations as described in the fixed guideway public
13 transportation system's security and emergency preparedness plan
14 and in safety and security certification processes for new
15 capital projects being developed and constructed by the fixed
16 guideway public transportation system, provided that the
17 oversight does not conflict with requirements developed by the
18 Transportation Security Administration under the United States
19 Department of Homeland Security.

20 (g) Confidentiality.--Data and reports gathered GENERATED by <--
21 or submitted to the office and not made publicly available under
22 this section and pertaining to security of a rail-fixed FIXED <--
23 guideway public transportation system or its passenger
24 operations are not:

25 (1) Subject to access under the act of February 14, 2008
26 (P.L.6, No.3), known as the Right-to-Know Law.

27 (2) Discoverable or admissible as evidence in a legal
28 action or other proceeding for damages.

29 (h) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Fixed guideway nonrail public transportation system." As
3 follows:

4 (1) Any of the following:

5 (i) Route 103 Busway operated by the transportation
6 authority of a metropolitan area as defined in section
7 1701 (relating to definitions).

8 (ii) Martin Luther King, Jr., (East) Busway operated
9 by the local transportation organization organized and
10 existing under the act of April 6, 1956 (1955 P.L.1414,
11 No.465), known as the Second Class County Port Authority
12 Act.

13 (iii) South Busway operated by the local
14 transportation organization organized and existing under
15 the Second Class County Port Authority Act.

16 (iv) West Busway operated by the local
17 transportation organization organized and existing under
18 the Second Class County Port Authority Act.

19 (v) Any other busway designed and constructed by the
20 transportation authority of a metropolitan area as
21 defined under section 1701 or the local transportation
22 organization organized and existing under the Second
23 Class County Port Authority Act that meets the definition
24 of a "bus rapid transit system" as defined by the
25 National Transit Database and that operates on a fixed
26 guideway.

27 (2) Any other busway project that has entered a
28 preliminary engineering phase.

29 "Fixed guideway public transportation system." A fixed
30 guideway nonrail public transportation system or a rail-fixed

1 guideway public transportation system.

2 "Office." The State Safety Oversight Office established
3 under this section.

4 "Program standard." A document established and enforced by
5 the office that identifies the processes and procedures that
6 govern the activities of the office and includes minimum safety
7 standards, policies and procedures that meet Federal
8 requirements for fixed guideway public transportation systems
9 within the office's oversight jurisdiction.

10 "Rail-fixed guideway public transportation system." As
11 follows:

12 (1) A fixed guideway system that:

13 (i) uses rail;

14 (ii) operates for public transportation within this
15 Commonwealth; and

16 (iii) is not subject to the jurisdiction of the
17 Federal Railroad Administration.

18 (2) The term includes a fixed guideway system that is in
19 an engineering or construction phase and designed to:

20 (i) use rail;

21 (ii) operate for public transportation within this
22 Commonwealth; and

23 (iii) not be subject to the jurisdiction of the
24 Federal Railroad Administration.

25 "Safety and security certification." A series of processes
26 that collectively verify the safety and security readiness
27 associated with a capital project.

28 "Security and emergency preparedness plan." A document
29 developed and adopted by a rail-fixed guideway public
30 transportation system describing security and emergency

1 preparedness policies, objectives, responsibilities and
2 procedures.

3 Section 2. This act shall take effect immediately.