

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1246 Session of  
2024

INTRODUCED BY KEARNEY, BREWSTER, COSTA, FONTANA, KANE,  
CAPPELLETTI AND SAVAL, JUNE 7, 2024

REFERRED TO TRANSPORTATION, JUNE 7, 2024

AN ACT

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

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

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

9 § 1510.1. State Safety Oversight Office.

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

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

4 (b) Program standard.--The SSO Office shall establish,  
5 adopt, administer and enforce the SSO program standard. The SSO  
6 Office shall annually review and consult with each fixed  
7 guideway public transportation system that the SSO Office  
8 oversees in the development of the SSO program standard. The  
9 consultation under this subsection must demonstrate that the SSO  
10 Office has taken each fixed guideway public transportation  
11 system's comments, concerns and feedback under good faith  
12 consideration in further adopting, implementing and maintaining  
13 the SSO program standard.

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

16 (1) The SSO Office shall conduct risk-based inspections,  
17 investigations, audits and other oversight activities at each  
18 fixed guideway public transportation system.

19 (2) In carrying out the requirements under this  
20 subsection, the SSO Office shall enter the facilities of each  
21 fixed guideway public transportation system, either  
22 physically or virtually, to inspect infrastructure,  
23 equipment, records, personnel and data, including the data  
24 that the fixed guideway public transportation system collects  
25 when identifying and evaluating safety risks and safety  
26 events, with or without advanced notice to the fixed guideway  
27 public transportation system.

28 (3) The SSO Office shall establish in the SSO program  
29 standard policies specifying the qualifications of  
30 inspectors, protocol for inspecting public and nonpublic

1 portions of fixed guideway public transportation systems and  
2 the secure transfer and administration of public  
3 transportation system data.

4 (d) Failure to comply.--If a fixed guideway public  
5 transportation system fails to comply with relevant safety-  
6 related Federal and State laws and the SSO program standard, the  
7 SSO Office may:

8 (1) Issue a safety directive requiring the fixed  
9 guideway public transportation system to correct the safety  
10 deficiency.

11 (2) Require the prioritization and utilization of State  
12 funding to correct the safety deficiency.

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

15 (e) Enforcement action.--In response to an imminent threat  
16 to the safety of fixed guideway public transportation system  
17 employees or the general public by an unacceptable hazardous  
18 condition, the SSO Office shall issue and enforce temporary  
19 actions or directives to the fixed guideway public  
20 transportation system.

21 (f) Oversight.--The SSO Office shall oversee a fixed  
22 guideway public transportation system's execution of security  
23 assessments and mitigations as described in the fixed guideway  
24 public transportation system's security and emergency  
25 preparedness plan and in safety and security certification  
26 processes for new capital projects being developed and  
27 constructed by the fixed guideway public transportation system  
28 to the extent that the oversight activities do not conflict with  
29 requirements developed by the Transportation Security  
30 Administration under the United States Department of Homeland

1 Security.

2 (g) Confidentiality.--Data and reports generated by or  
3 submitted to the SSO Office and not made publicly available  
4 under this section and pertaining to security of a rail-fixed  
5 guideway public transportation system or its passenger  
6 operations, are not:

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

9 (2) Discoverable or admissible as evidence in any legal  
10 action or other proceeding for damages.

11 (h) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection unless the context clearly indicates otherwise:

14 "Fixed guideway nonrail public transportation system." As  
15 follows:

16 (1) Any of the following:

17 (i) Route 103 Busway operated by the transportation  
18 authority of the metropolitan area as defined in section  
19 1701 (relating to definitions).

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

25 (iii) South Busway operated by the local  
26 transportation organization organized and existing under  
27 the Second Class County Port Authority Act.

28 (iv) West Busway operated by the local  
29 transportation organization organized and existing under  
30 the Second Class County Port Authority Act.

1           (v) Other busways designed and constructed by the  
2           transportation authority of the metropolitan area as  
3           defined under section 1701 or the local transportation  
4           organization organized and existing under the Second  
5           Class County Port Authority Act that meet the definition  
6           of a "bus rapid transit" system as defined by the  
7           National Transit Database and which operates on a fixed  
8           guideway.

9           (2) Any other busway project that has entered the  
10          preliminary engineering phase.

11          "Fixed guideway public transportation system." Fixed  
12          guideway nonrail public transportation systems and rail-fixed  
13          guideway public transportation systems.

14          "Rail-fixed guideway public transportation system." As  
15          follows:

16           (1) A fixed guideway system that:

17           (i) Uses rail.

18           (ii) Is operated for public transportation.

19           (iii) Is operated within this Commonwealth.

20           (iv) Is not subject to the jurisdiction of the  
21          Federal Railroad Administration.

22          (2) Any system described under paragraph (1) that is in  
23          the engineering or construction phase.

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

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

1 procedures.

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

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

10 Section 2. This act shall take effect immediately.