

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 2, 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

1 under this section, 49 U.S.C. § 5329 (relating to public
2 transportation safety program) and the associated Federal
3 regulations set forth and adopted for oversight for each fixed
4 guideway public transportation system.

5 (b) Program standard.--The SSO Office shall establish,
6 adopt, administer and enforce the SSO program standard in a
7 manner consistent with, but which does not exceed, the <--
8 requirements set by the Federal Transit Administration and all
9 applicable Federal and State law. AND COMPLIANT WITH THE <--

10 REQUIREMENTS SPECIFIED UNDER THIS SECTION, 49 U.S.C. § 5329 AND
11 THE ASSOCIATED FEDERAL REGULATIONS SET FORTH AND ADOPTED FOR
12 OVERSIGHT FOR EACH FIXED GUIDEWAY PUBLIC TRANSPORTATION
13 SYSTEM. The SSO Office shall annually review and consult with
14 each fixed guideway public transportation system that the SSO
15 Office oversees in the development of the SSO program
16 standard. The consultation under this subsection must
17 demonstrate, in writing, that the SSO Office has taken each
18 fixed guideway public transportation system's comments, concerns
19 and feedback under good faith consideration in further adopting,
20 implementing and maintaining the SSO program standard.

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

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

26 (2) In carrying out the requirements under this
27 subsection, the SSO Office shall enter the facilities of each
28 fixed guideway public transportation system, at reasonable
29 times and in a reasonable manner, either physically or
30 virtually, to inspect infrastructure, equipment, records,

1 personnel and data, including the data that the fixed
2 guideway public transportation system collects when
3 identifying and evaluating safety risks and safety events,
4 with or without advanced notice to the fixed guideway public
5 transportation system. The SSO Office shall be accompanied by
6 trained and certified employees of the fixed guideway public
7 transportation system, as deemed appropriate by the fixed
8 guideway public transportation system, upon arrival at the
9 location where the inspection will be conducted.

10 (3) The following shall apply:

11 (i) The SSO Office shall ensure that all official
12 personnel, including representatives or contractors,
13 engaged to enter onto the property of a fixed guideway
14 public transportation system wear appropriate safety
15 attire as determined in the SSO program standards.

16 (ii) Official personnel of the SSO Office may not
17 have direct access to the networks and computer systems
18 of the fixed guideway public transportation system unless
19 authorized by and in a format deemed appropriate by the
20 fixed guideway public transportation system. Data
21 requested by the SSO Office and provided by the fixed
22 guideway public transportation system shall be
23 accompanied by a written certification of the data's
24 completeness and accuracy.

25 (iii) If department personnel engage in any acts
26 provided for under 42 Pa.C.S. § 8522 (relating to
27 exceptions to sovereign immunity), the department shall
28 be liable for damages as provided for under 42 Pa.C.S.
29 Ch. 85 (relating to matters affecting government units).
30 The fixed guideway public transportation system shall

1 retain all common law and statutory rights and remedies
2 to pursue causes of action for recovery of damages that
3 may be caused by department contractors.

4 (4) The SSO Office shall establish in the SSO program
5 standard policies specifying the qualifications of
6 inspectors, protocol for inspecting public and nonpublic
7 portions of fixed guideway public transportation systems and
8 the secure transfer and administration of public
9 transportation system data.

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

14 (1) Issue a safety directive requiring the fixed
15 guideway public transportation system to correct the safety
16 deficiency.

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

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

21 (e) Enforcement action.--In response to an imminent threat
22 to the safety of fixed guideway public transportation system
23 employees or the general public by an unacceptable hazardous
24 condition, the SSO Office shall issue and enforce temporary
25 actions or directives to the fixed guideway public
26 transportation system.

27 (f) Security and emergency preparedness plan oversight.--The
28 SSO Office shall oversee the fixed guideway public
29 transportation system's implementation of and compliance with
30 the fixed guideway public transportation system's security and

1 emergency preparedness plan as it relates to the fixed guideway
2 public transportation system and does not conflict with or
3 exceed security and emergency preparedness plan requirements
4 developed and administered by the Transportation Security
5 Administration under the United States Department of Homeland
6 Security.

7 (g) Safety and security certification.--The SSO Office shall
8 oversee a fixed guideway public transportation system's
9 execution of safety and security certification processes for new
10 capital projects being developed and constructed for the fixed
11 guideway public transportation system and do not conflict with
12 or exceed the security certification developed and administered
13 by the Transportation Security Administration under the United
14 States Department of Homeland Security.

15 (h) SSO Office's security oversight limitations.--The SSO
16 Office's security oversight may not exceed what is provided for
17 under subsections (f) and (g) except to the extent additional
18 State security oversight is required by Federal law, regulation
19 or directive.

20 (i) Confidentiality.--Data and reports generated by or
21 submitted to the SSO Office and not made publicly available
22 under this section and pertaining to security of a 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 any third-
28 party legal action or other proceeding for damages.

29 (j) Appeal process.--Each fixed guideway public
30 transportation system shall have the right and ability to

1 directly petition to the department when the fixed guideway
2 public transportation system disagrees with any SSO program
3 standard update adopted by the SSO Office or compliance or
4 enforcement action taken by the SSO Office. The following apply:

5 (1) Upon petition, the fixed guideway public
6 transportation system shall be afforded a hearing in
7 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to
8 practice and procedure of Commonwealth agencies).

9 (2) After the hearing, the department shall respond in a
10 timely manner with a written decision in accordance with 2
11 Pa.C.S. § 507 (relating to contents and service of
12 adjudications).

13 (3) The decision of the department shall be subject to
14 appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating
15 to judicial review of Commonwealth agency action).

16 (k) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Fixed guideway nonrail public transportation system." As
20 follows:

21 (1) Any of the following:

22 (i) Route 103 Busway operated by the transportation
23 authority of the metropolitan area as defined in section
24 1701 (relating to definitions).

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

30 (iii) South Busway operated by the local

1 transportation organization organized and existing under
2 the Second Class County Port Authority Act.

3 (iv) West Busway operated by the local
4 transportation organization organized and existing under
5 the Second Class County Port Authority Act.

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

14 (2) Any other busway project that has entered the
15 preliminary engineering phase.

16 "Fixed guideway public transportation system." Fixed
17 guideway nonrail public transportation systems and rail-fixed
18 guideway public transportation systems.

19 "Rail-fixed guideway public transportation system." As
20 follows:

21 (1) A fixed guideway system that:

22 (i) Uses rail.

23 (ii) Is operated for public transportation.

24 (iii) Is operated within this Commonwealth.

25 (iv) Is not subject to the jurisdiction of the
26 Federal Railroad Administration.

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

29 "Safety and security certification." A series of processes
30 that collectively verify the safety and security readiness

1 associated with a capital project.

2 "Security and emergency preparedness plan." A document
3 developed and adopted by a rail-fixed guideway public
4 transportation system describing security and emergency
5 preparedness policies, objectives, responsibilities and
6 procedures.

7 "SSO Office." The State Safety Oversight Office established
8 under this section.

9 "SSO program standard." A document established and enforced
10 by the SSO Office that identifies the processes and procedures
11 that govern the activities of the SSO Office and includes
12 minimum safety standards, policies and procedures that are <--
13 consistent with, but which do not exceed, the requirements set
14 by the Federal Transit Administration for fixed guideway public
15 transportation systems within the SSO Office's oversight
16 jurisdiction and all applicable Federal and State law. ARE <--
17 CONSISTENT WITH AND COMPLIANT WITH THE REQUIREMENTS SPECIFIED
18 UNDER THIS SECTION, 49 U.S.C. § 5329 AND THE ASSOCIATED FEDERAL
19 REGULATIONS SET FORTH AND ADOPTED FOR OVERSIGHT FOR EACH FIXED
20 GUIDEWAY PUBLIC TRANSPORTATION SYSTEM.

21 Section 2. This act shall take effect immediately.