



DELAWARE RIVER PORT AUTHORITY
**OFFICE OF THE
INSPECTOR GENERAL**

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**Review of PATCO Internal Safety
Audit Process - NJDOT Compliance
(2022 Safety Audit Activity)**

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**Review of PATCO Internal Safety Audit Process - NJDOT Compliance
(2022 Safety Audits – Cycle Year 2 of 3)**

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(2022 Safety Audits – Cycle Year 2 of 3)

A. Objective / Scope

The Office of the Inspector General was requested by John Rink, General Manager, PATCO and Dave Fullerton, Director, Safety Services, to assist with assuring New Jersey Department of Transportation (NJDOT) regulatory safety compliance as it relates to the performance of PATCO's internal safety audits (referenced in section 6.1, Safety Performance Monitoring and Measurement as Element 12, Internal Safety Audits, within PATCO's Public Transportation Agency Safety Plan or PTASP).

OIG's review and this report of our observations will serve as a tool to assist both PATCO and Safety Services in fulfilling NJDOT regulatory compliance and associated reporting responsibilities. Safety Services is currently operating within year 2 of their current three-year internal safety audit cycle, with the final reporting for the current audit cycle due to NJDOT during February 2023.

The audit objectives this review focused on included:

- 1) obtaining and confirming a current, approved PTASP is in place;
- 2) obtaining and reviewing Safety Services' safety audit schedule to assure compliance with the current cycle year expectations, as well assuring a path to complete all required safety audits during the prescribed 3-year audit cycle has been documented;
- 3) obtaining and evaluating the supporting audit documentation associated with safety audits completed as part of the current safety audit schedule (cycle year 2), including assuring NJDOT was notified and included as required; and,
- 4) reviewing the corrective action plans for reported safety issues, implementation status, and follow-up process to assure safety issues are effectively addressed and communicated to appropriate PATCO and DRPA management and staff.

The scope of our review focused on Safety Services' safety audit activity scheduled and completed for year 2022 (cycle year 2 of a 3-year audit cycle) and subject to reporting to the NJDOT during year 2022, with an annual report due to the NJDOT from PATCO management during February 2023.

B. Background

Safety Services' Internal Safety Audit Process, as it relates to PATCO, represents a proactive approach to safety that verifies PATCO's safety programs have been effectively developed and successfully implemented. Safety Services is required to complete their internal safety audit responsibilities within a 3-year cycle, with annual reporting requirements. As required by NJDOT, and noted within PATCO's PTASP, the requirements of the internal safety audits and benefits to PATCO management include:

- assessing the effectiveness of safety programs;
- identifying process deficiencies, potential hazards in the operational system, and weaknesses in system safety programs;
- recommending system safety improvements;
- assuring recommended corrective actions are monitored and effectively implemented; and,
- providing continuing evaluation of safety-related programs, issues, awareness, and reporting.

The current safety requirements are based on the new Public Transportation Agency Safety Plan (PTASP) Standard (49 CFR Part 673) and NJDOT Program Standard. The PATCO PTASP was approved by the Authority's Board of Commissioners on March 18, 2020 (DRPA-20-027, PATCO-20-006) and by NJDOT on June 2, 2020.

OIG will assist PATCO and the Safety Services' function as requested by providing an independent and objective evaluation of their safety program's self-assessment (internal safety audit) and reporting associated with and required by the new PATCO PTASP in compliance with NJDOT regulations.

C. Conclusion / Summary of Results

Based on OIG's review of the documentation supplied by Safety Services pertaining to the performance of their internal safety audit process (which is grounded by NJDOT communicated requirements), compliance was observed and documented, and regular communication with NJDOT safety representatives was evident. The following specific areas were reviewed:

PATCO's Public Transportation Agency Safety Plan (PTASP)

The current PTASP was provided to OIG as requested. Based on OIG's prior year's review, NJDOT State Safety Oversight Office (SSO) had reviewed the safety program and opined that it met both the federal and state safety program requirements based on SSO Program standards.

The PATCO PTASP was approved by the Authority's Board of Commissioners on March 18, 2020 (DRPA-20-027, PATCO-20-006) and by NJDOT on June 2, 2020.

Safety Audits (Cycle Year 2)

OIG was provided and reviewed all safety audits completed by Safety Services as scheduled for Cycle Year 2 of their PTASP based safety audit plan. OIG examined the following supporting documentation for all audit elements scheduled and completed during 2022 and reportable by PATCO and Safety Services during February 2023:

- safety audit notification letters;
- safety audit checklists (proposed audit steps for element subject to review), including the confirmed approval of safety audit checklists by NJDOT; and,
- individual Safety Element Audit Reports communicating Safety Services’ audit results for all safety audit elements scheduled to be completed during 2022 and reportable by PATCO during February 2023; and,
- the annual report supplied to NJDOT by Safety Services (and signed by PATCO General Manager John Rink) certifying compliance with PATCO’s PTASP and summarizing Year 2022 internal safety audit activities and results, including identified issues and corrective actions.

The schedule below represents the internal safety audits performed by Safety Services during the year 2022 and reviewed by OIG:

| Safety Service's Internal Safety Audit Schedule Year 2022 Activity (Cycle Year 2 of 3) | | | |
|---|-------------------|----------------------|----------------------|
| Safety Audit | Audit Date | Report Status | Report Issued |
| Safety Assurance: Incident and Accident Investigation | April 2022 | Completed | April 2020 |
| Safety Assurance: Operations Rules and Procedures | June 2022 | Completed | June 2022 |
| Safety Assurance: Configuration Management and Control | September 2022 | Completed | November 2022 |
| Safety Promotion: Training and Competency | November 2022 | Completed | January 2023 |
| Safety Promotion: Safety Communication | January 2023 | Completed | In Progress |

Note: The Year 2022 scheduled safety audit of Safety Promotion: Safety Commination has been shifted to the Year 2023 Cycle 3 safety audit plan (and is currently in progress).

Safety Service's documentation supporting their Year 2022 safety audits was independently reviewed by OIG. Safety Service's formally reported the results of their review to NJDOT throughout the year 2022, and summarized their results in their annual report to the NJDOT dated January 30, 2023.

- There were no identified and reported issues of non-compliance noted or remaining outstanding associated with safety audits focused on *Safety Management Policy*, *Safety Assurance – Notifications and Investigations of Safety Events*, and *Safety Promotion – Training and Competency*.
- Areas or non-compliance and / or areas of concern were noted as a result of internal safety audits focused on *Safety Assurance – Compliance with Operations Rules/Procedures* and *Safety Assurance – Management of Change*. These areas of non-compliance and areas of concerns have been reported to NJDOT along with remediation plans / corrective actions and ongoing continuous improvement activities.

Corrective Action Plan (CAP) Status Reporting

OIG requested and was provided a current Corrective Action Plan (CAP) Status Report for review (report dated January 13, 2023 was supplied). The CAP report includes safety related findings from NJDOT triennial audits, Safety Services' internal safety audits, and any PATCO related accident investigations. The CAP Status Report is created and maintained by NJDOT, with Safety Services' input, and supplied to Safety Services and PATCO management for their reference and follow-up. OIG inquired as to the level of communication of safety related issues and the effective implementation of associated corrective actions with PATCO management and staff, as well as the Authority's CEO and Board of Commissioners; the Director, Safety Services provided the following in response to OIG's inquiries:

- Safety Services has made significant progress in closing out corrective actions in the past year. As of the last CAP reporting (January 13, 2023) there were 15 open corrective actions. Since that date an additional 7 CAPs were closed by the State Safety Oversight Agency (SSOA); 8 CAPs remain open.
- PATCO continues to increase the use of PowerDMS for training and document management. A consultant is developing a hazard tracking log that will support the safety risk management and safety assurance processes tracking completion of the inspections, maintenance and repairs that are essential to running a safe and efficient transit system.
- Safety Services continues to communicate their findings at PATCO staff and safety meetings. A representative from NJDOT State Safety Oversight (SSO) attends

the monthly PATCO safety meeting. The Director, Safety Services (Safety Management System Executive) and General Manager (Accountable Executive) meet with the New Jersey State Oversight Agency (NJSOA) each month to discuss select open corrective actions, accident and incident investigations, and document reviews and revisions.

- The CAP status report, including identified safety findings and outstanding corrective actions, continues to be discussed at monthly safety meetings. CAP status is also reported to the NJSOA in a monthly Safety Management System (SMS) Executive report.
- The dwindling number of open corrective actions is manageable, and follow-up is occurring more regularly.
- The Director, Safety Services, communicated that he had not encountered any resistance or refusal to implement a corrective action and is satisfied with the level of cooperation and progress demonstrated by PATCO management.
- Protection for on-track workers and employee / passenger safety onboard our rail line continues to be an area of focus by Safety Services and PATCO management. Safety Services continues to meet with PATCO management and workers to discuss the safety issues / risks. The Director, Safety Services, indicated that NJDOT supports raising the awareness about protecting on-track worker, and assuring compliance with associated safety requirements, and are monitoring PATCO's progress closely. The Power & Signals and Track & Facilities departments are more focused on safety related program and procedure development, and training. A system of warning lights to notify Train Operators that workers are ahead has proven effective at raising awareness. Regarding safety onboard PATCO rail lines, operational changes have been implemented to improve the security presence for PATCO's overnight "owl service" and Safety Services has also been providing Assault Awareness and Prevention training for employees. Onboard safety is a national problem, and the Federal Transit Administration (FTA) has made training materials and train-the-trainer sessions available at no cost. Physical and operational changes have been made to further protect Train Operators from assaults. These include installing deadbolts on train cab doors and blocking access to the cab areas of middle cars.

The new safety management system requirements should give the Authority's safety management parity with other aspects of Authority management. The PATCO Agency Safety Plan designates the Director, Safety Services as SMS Executive and the General Manager as the Accountable Executive for purposes of safety management. The new revision to the PTASP will be (was) approved at the February 2023 Board meeting. The revision implements new requirements that were included in the *Infrastructure Investment and Jobs Act* signed into law in January 2022. In addition, Safety Services has resumed working on a safety performance indicator report for inclusion in a new monthly safety report to the Authority's Board of Commissioners.

The CAP Status Report is a living document subject to change based on additions and updates from NJDOT, as well as the result of updates provided to NJDOT by Safety Services and PATCO management. There is a clear and open channel of communication between NJDOT and Safety Services / PATCO management. The safety issues and pursuit of associated corrective actions is clearly communicated at the PATCO level, but this communication can be enhanced and elevated to a higher level of Authority management on a routine basis to assure awareness at the CEO and Board levels.

D. Recommendations / Opportunities for Improvement

Safety Service's performance and documentation of their scheduled and required safety audit responsibilities were in compliance with PTASP expectations and demonstrated continued improvement in safety audit documentation (and organization of same) was noted based on comparison to Safety Services' documentation provided for OIG's review of prior years' safety audit activity. No new recommendations or opportunities for improvement were noted during the current audit; however, OIG did request the status of open recommendations associated with prior audits from the Director, Safety Services which are summarized below (including the Director, Safety Services' updated responses / corrective actions and targeted timeline for implementation):

Recommendation 1:

The OIG continues to recommend and reinforce that the Authority, PATCO management, and Safety Services:

- a) implement a formal and regular process for the communication of safety issues and the status of implementation of the associated corrective actions to appropriate Authority management (CEO, General Manager - PATCO, etc.), as well as Board of Commissioners.
- b) implement and document the formal assignment of management accountable to address the safety issues reported on the CAP report, document an appropriate plan of corrective action, and rigorously follow-up with accountable management to ensure the safety related corrective actions are promptly and efficiently implemented; and,
- c) continue to address outstanding recommendations reported at part of OIG's prior report (*Review of PATCO Internal Safety Audit Process -NJDOT Compliance February 5, 2019*), specifically Recommendations 2, 4, and 6 (*also noted in section below*).

Management Response 1 (Update – January 2023): Safety Services has a new Board report under development. The effort stalled on Safety Services end while we worked with Strategic Initiatives on a similar effort. It does not look like Strategic Initiatives' project is moving forward so Safety Services' management will continue where we left off. Safety Services' management anticipates that the report will be a combination of their monthly report to NJSOA and a graph showing the status of our safety performance measures from the National Public Transportation Safety Plan. The associated safety goals are set in

coordination with SEPTA and New Jersey Transit through coordination with the Delaware valley Regional Planning Commission (DVRPC).

Recommendation 2: Improve the level of documentation supporting the performance of the audit steps undertaken for each audit element (audit checklist documentation).

Management Response 2 (Update – January 2023): Safety Services still has not established automated workflows in SharePoint. Safety Services' management feels they should be able to establish the standard workflows for the next 3-year audit cycle which will begin in the 4th quarter of year 2023 following NJSOA's 3-year review. In general, supporting safety audit documentation has improved as Safety Services' staff has been working closely with the various PATCO departments in preparing for and conducting the scheduled safety audits.

Recommendation 3: Formalize and document a quality assurance review of safety audit documentation and associated reporting to be performed by the Director, Safety Services.

Management Response 3 (Update – January 2023): Review and quality control of internal safety audits remains informal.

Recommendation 4: The Director, Safety Services should be copied / included on any and all correspondence with NJDOT.

Management Response 4 (Update – January 2023): The Director, Safety Services continues to be included and copied on all correspondence with NJDOT.

Recommendation 5: Improve the organization / structure around scheduling safety audit assignments within each cycle year.

Management Response 5 (Update – January 2023): Scheduling of safety audits is reliable and shared with all participants by inclusion on the monthly Safety Assurance Coordinating Committee (SACC) agenda. Changes to the schedule, when needed, are announced well in advance when possible.

Recommendation 6: Improve the use of SharePoint (or alternative system-based tool) and organize the required safety audit documentation for each audit element to allow for easier access and quick reference.

Management Response 6 (Update – January 2023): Safety Services continues to advance the use of SharePoint and PowerDMS for document management. Departments are adopting PowerDMS with a goal of having all documents needed for the 2023 NJSOA uploaded in advance. Department's adoption of PowerDMS as a standard is still uneven, consistent with each department's experience with document management in general. The departments that were doing a good job before PowerDMS are doing a great job using the platform.