

**APTA-RT-OP-RP-026-20**

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Operating Practices Working Group

Roadway Worker Near Miss Reporting Requirements

Abstract: This recommended practice provides guidance for the development of rules and requirements for near miss reporting for roadway workers and other rail operations personnel whose duties bring them in proximity to roadway workers.

Keywords: Train operations, roadway workers, work zone, near miss reporting, close call reporting.

Summary: This recommended practice provides guidance for Rail Transit Agency (RTA) near miss reporting requirements for roadway workers. It is critical that these events be reported so RTA action can be taken to prevent future accidents or incidents that could result in fatalities or injuries to RTA employees, contractors, passengers, and/or the general public.

Scope and purpose: This recommended practice establishes a baseline structure for an RTA near miss reporting program. It is intended to help RTAs in ensuring that their near miss reporting processes provide guidance for employees on how to report near misses and for designated RTA personnel to use reported information in an organized and structured manner to understand the risks and to take action to mitigate these risks.

This document represents a common viewpoint of those parties concerned with its provisions, namely transit operating/planning agencies, manufacturers, consultants, engineers and general interest groups. The application of any recommended practices or guidelines contained herein is voluntary. APTA standards are mandatory to the extent incorporated by an applicable statute or regulation. In some cases, federal and/or state regulations govern portions of a transit system's operations. In cases where this is a conflict or contradiction between an applicable law or regulation and this document, consult with a legal advisor to determine which document takes precedence."

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Introduction

This introduction is not part of APTA RT-OP-RP-026-20 *Recommended Practice for Roadway Worker Near Miss Reporting Requirements*.

This Recommended Practice for Roadway Worker Near Miss Reporting Requirements represents a common viewpoint of those parties concerned with its provisions, namely, transit operating/planning agencies, manufacturers, consultants, engineers and general interest groups. The application of any recommended practices, recommended practices or guidelines contained herein is voluntary. In some cases, Federal and/or State regulations govern portions of a Rail Transit Agency's (RTA) operations. In those cases, the government regulations take precedence over this recommended practice. APTA recognizes that for certain applications, the recommended practices, as implemented by individual rail transit agencies, may be either more or less restrictive than those given in this document.

This Recommended Practice for Roadway Worker Near Miss Reporting addresses the critical need for RTAs to gather more information about near misses in order to develop strategies and implement actions that mitigate risk and improve the safety of rail transit operations and the roadway workers who maintain RTA infrastructure. This recommended practice is structured in a manner that provides guidance to RTAs on what elements comprise comprehensive reporting so that useful information is gathered and analyzed.

Note on alternate practices

Individual RTAs may modify the practices in this recommended practice to accommodate their specific equipment and mode of operation. APTA recognizes that some RTAs may have unique operating environments that make strict compliance with every provision of this recommended practice impossible. As a result, certain Rail Transit Agency may need to implement the recommended practices and practices herein in ways that are more or less restrictive than this document prescribes. A rail transit system may develop alternates to APTA recommended practices so long as the alternates are based on a safe operating history and are described and documented in the public transportation agency safety plan (PTASP) (or another document that is referenced in the PTASP).

Documentation of alternate practices shall:

- Identify the specific APTA rail transit safety recommended practice requirements that cannot be met.
- State why each of these requirements cannot be met.
- Describe the alternate methods used.
- Describe and substantiate how the alternate methods do not compromise safety and provide a level of safety equivalent to the practices in the APTA safety recommended practice (operating histories or hazard analysis findings may be used to substantiate this claim).

Recommended Practice for Roadway Worker Near Miss Reporting Requirements

1. Near miss reporting

1.1 Purpose

This recommended practice applies to all Rail Transit Agencies (RTA) as an element to maintaining a robust, positive safety culture through the establishment of a formal process for reporting of near-miss incidents related to the safety of roadway workers (including employees and contractors) located in (or adjacent to) the right-of-way, specifically those involving:

- The movement of all rail vehicles on mainline, yard, and local control areas, including shop tracks.
- Traction power system associated with propulsion of vehicles.

This should apply to any RTA employees or contractors who observe a near miss event and those responsible for acting on information reported about near miss events.

The purpose of the formal process for near miss reporting is to capture data so that the RTA can analyze near misses and take corrective action to minimize the potential for additional near misses or actual incidents or accidents that result in fatalities, injuries, and/or property damage.

1.2 Incident prevention

Every RTA experiences non-reported events, which, if reported, would require investigation into the causes and contributing factors, coupled with the capture of accurate data for trend analysis. Therefore, the establishment of a formal near miss reporting process creates a framework for capturing important safety information that may otherwise go unreported. The analysis of this data will allow the RTA to become knowledgeable of unsafe acts that would otherwise go undetected or unreported so that proactive corrective action can be taken.

2. Near miss reporting policy

The RTA should develop a policy that identifies the requirements of a roadway worker near miss reporting process.

Near miss reporting allows employees a means by which to report near miss incidents involving rail vehicles and employees or contractors working along the ROW. This program is intended for all roadway workers (including employees and contractor personnel). Reports of near miss incidents and other safety concerns allow management to identify, evaluate, correct, and avoid hazardous conditions, actions, procedures, or equipment that may adversely affect the safety of all employees.

All employees should be required to report hazards or near misses to their supervisors or qualified protection employees (QPE), whether they were involved in or observed the event or condition. Employees should report these on the hazard or near miss form. The supervisor or QPE will attempt to immediately correct any hazards that are within their ability to affect or correct. The RTA should establish and document its expectations and/or requirements for performing investigations of reported near miss events. All incidents should be tracked for trends, and where applicable, reported or made available to external authorities.

3. Operation

3.1 Near Miss Reporting

The near-miss program should include:

- A policy statement supporting the near-miss program, signed by the RTA's Chief Executive Officer
- A process to encourage and allow any RTA employee and contractor to report near misses,
- A process for analysis of reported near miss information
- A process for responding to near miss information reports and summarized data

The RTA should establish near miss reporting program ownership and management. Typically, the safety department or an independent party should administer this program.

3.2 Non-Punitive Reporting

RTA employees should be encouraged to provide their names with near miss reports so that the RTA's personnel responsible for investigating and acting on near miss reports will have the ability to contact the reporting individual for more information and to follow up on corrective actions taken. However, in cases where an event is covered by this program and where individual(s) would prefer to submit a report anonymously or confidentially, the employee should be permitted to do so, since the information may still be helpful to understanding the scope of near miss events. Any employee who reports a near miss, unsafe act or condition should not experience any reprisal or discipline. Anonymous reports are not the preferred method, since this option does not allow follow-up questions or clarification.

Limits to Protection from discipline under this program are as follows:

- Actions not covered: criminal activity, gross negligence, substance abuse, and intentional falsification of information.
- If the RTA can demonstrate that they can independently become aware of the incident prior to the employee, then this protection may not apply.
- Strictly limited to Roadway Worker Near-Misses as described in purpose of program.

3.3 Confidentiality

The RTA should identify the process to provide for employee confidentiality when reporting near miss occurrences.

3.4 Near-Miss Form

The RTA roadway worker near-miss reporting form should include, but not be limited to the following information:

- Purpose and definition, confidentiality and protection from discipline, reporting procedure
- Options for reporting: unrestricted, confidential or anonymous
- Contact details (unless anonymous)
- Day, date, time and location of near-miss
- Description of unsafe condition or near-miss event
- Suggestions for corrective action
- Location for the RTA safety department (or other designated group) to acknowledge when received, who it is assigned to, and a tracking process
- Instructions on the methods of submission of the reported information

The RTA should identify the ways in which the information may be submitted, for example by phone, electronically, or paper.

The RTA should determine how to make the form or other means of reporting (e.g. electronic report or phone service) readily available to all employees and applicable contractors.

4. Administrative and program requirements

4.1 Policy and processes

The RTA should have a policy for the submission of near miss information. The RTA should determine how it processes unrestricted, confidential, and anonymous reports.

An individual wishing to file a report may enter the information on the roadway worker near-miss reporting form. In cases where the individual would like to remain anonymous or would like to have their identity remain confidential, they can check the appropriate box – otherwise they can check the unrestricted box.

The RTA is required to conduct an investigation and if the employee has not reported anonymously should receive the results of the investigation and any corrective actions taken or corrective action plans enacted.

If an employee reports and request anonymity, the RTA should provide anonymity for all valid concerns.

The RTA should identify any time limits or requirements related to the time after which an event has taken place that it expects a near miss to be reported. In order to ensure that corrective action of unsafe conditions is addressed in a timely manner, the RTA should encourage employees and contractors to report near misses as soon as is practicable.

4.2 Training & communication

The RTA near-miss reporting requirements should be included in the RTA's roadway worker protection program and training.

The RTA should determine how to communicate near miss reporting program requirements/program actions to employees who are not required to participate in the RWP certification program.

4.3 Data collection/analysis

The RTA should compile near-miss reporting data for analysis and report trends to mitigate future incidents.

The RTA should identify the department or departments (individual/s) that are responsible for compiling, analyzing, and reporting near-miss data.

The RTA should identify the types of analysis that the program requires.

Other Related Documents

- APTA RT-OP-S-011-04 Rev 1 Recommended practice for Rule Compliance
- APTA RT-OP-S-016-11 Rev 1 Standard for Roadway Worker Protection Program Requirements
- APTA RT-OP-S-013-03 Rev 2 Standard for Training of Rail Operating Employees
- 49 CFR Part 670 National Transportation Safety Plan
- 49 CFR Part 673 Public Transportation Agency Safety Plan

Definitions

For the purposes of this recommended practice, the following terms and definitions apply. The job titles listed used in this recommended practice are for informational purposes only. It is up to the individual RTA to determine and utilize titles as it finds appropriate. Each person, or his/her designee, shall perform the tasks described below.

near miss: An incident infringing on safety of a roadway worker on or near the tracks but without contact or injury.

on-track equipment: A rail mounted vehicle or equipment, including hi-rail vehicles and equipment, that is not used in revenue service but is used to inspect, maintain, and repair the rail system

qualified protection employee (QPE): An individual trained and qualified on on-track safety and operating rules and assigned the responsibility of providing on-track protection. An RTA may use another term for the person in this position

rail transit agency (RTA): The organization that operates rail transit services and related activities. It is also known as the transit system, transit agency, operating agency, operating authority, transit authority or other similar term.

rail vehicle: a vehicle equipped with flanged wheels that is designed to operate on rails or a self-propelled vehicle that is equipped with flanged wheels

Abbreviations and acronyms

APTA	American Public Transportation Association
ATO	automatic train operation
NATSA	North American Transit Services Association
OCC	operations control center
RTA	rail transit agency
QPE	qualified protection employee

Summary of changes

This is a new document, hence there are no changes.

Document history

Document Version	Working Group Approved	Public Comment/ Technical Oversight	Rail CEO Approval	Rail Standards Policy & Planning Approval	Publish Date
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