**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

**COMMUTER RAIL PROCUREMENT**

**REQUEST FOR PROPOSALS**

INSTRUCTIONS TO PROPOSERS

APPENDIX A -

DETAILED SCOPE AND CONTRACTING STRUCTURE

**RFP No. 159-12**

**June 12, 2013**

 

**Summary of Operator Scope of Services in New Commuter Rail Agreement**

**I. Overview of Operator Responsibilities and Commuter Rail Network**

**Summary of Operator Responsibilities**

The MBTA's commuter rail operations, including the provision of commuter rail train service and the maintenance of commuter rail assets (collectively, the “Commuter Rail Services”) are currently operated and provided for under contract with a third-party operator (the “Operator”). That contract is expiring and the MBTA is conducting a procurement to select an Operator to provide the Commuter Rail Services subsequent to the expiration of the current contract and under a new contract.  As described more fully below, the scope of the Operator's responsibilities will be extensive.  Commuter Rail Services run 365 days a year and the Operator will be responsible for maintaining and operating the entire system so as to provide safe, reliable, on-time and high quality service.  A fuller description of the Operator's scope under the new Contract is provided in Section II, below.

**Summary of The Commuter Rail Network Service**

The MBTA's commuter rail system is the fifth busiest in the country. The Commuter Rail Service area includes 175 Massachusetts communities as well as parts of Rhode Island. Commuter Rail Services are provided to 134 stations over 671 track miles. Commuter rail trains operate over a network of 14 lines, emanating from the 2 terminals in downtown Boston. Over 140,000 passengers are transported each day.

**Summary of Facilities and Assets**

***North Station*** *-*This 10-track station services 198 MBTA revenue trains each weekday to areas north of Boston. The five commuter rail lines that originate/terminate at North Station are Fitchburg, Lowell, Haverhill, Newburyport and Rockport.

***South Station*** *-*With 13 tracks operating on a typical weekday, this station handles over 296 MBTA revenue trains, serving the western and southern suburbs of Boston plus Amtrak intercity passenger service. The nine commuter rail lines that originate/terminate at South Station are Greenbush, Plymouth, Middleborough, Stoughton, Providence, Needham, Forge Park, Worcester and Fairmount.

***Commuter Rail Fleet*** *-*The current commuter rail schedule requires 494 trains each weekday, with Saturday and Sunday service on most lines. To maintain this service delivery commitment, the MBTA has designed its schedules around a fleet of 82 locomotives and 410 passenger coaches to maximize equipment utilization.

***Commuter Rail Dispatching*** *-*Two control centers dispatch the majority of these trips from two central locations: the North Side control center for trains from North Station and the South Side control center for trains from South Station. The South Side facility also houses Amtrak’s Northeast Corridor (NEC) operation. The Worcester line dispatching is currently handled by CSX out of Selkirk, NY. The acquisition of the Worcester line by MBTA in October of 2012 includes the transfer of the dispatching operation to the MBTA at the CTEC location at South Station in August of 2013. This added operation will be the responsibility of the Operator.

***Commuter Rail Maintenance Facility*** *-*This state of the art facility located in Somerville covers more than 8 acres under one roof. It was designed for the maintenance of locomotives and coaches and is the only location in the MBTA’s network capable of locomotive repairs. Each night coaches and locomotives are exchanged from the South Side across the only rail connection to the north - the “Grand Junction.”

**II. Scope of Operator Responsibility**

The Operator’s Scope of Service will be delineated by work area. In particular, the following work areas comprise the core scope of the Operator’s responsibilities: Transportation; Engineering Services; Mechanical Services; Materials Management Services; Environmental Services; Customer Service; Training of Personnel; Quality Assurance, and Safety and Security.

The responsibilities and work required for each area of service are described below and in more detail in specific schedules in the Contract Documents. The descriptions below are only representative descriptions of the various work areas; the Proposer is advised to review the corresponding schedule in the Contract Documents for the complete description of the responsibilities and work for each work area.

In addition to those services below, the Operator will have Reporting and Record Keeping Obligations, Construction Support Obligations (coordinating with the MBTA’s Design and Construction Program) and some opportunities to do Supplemental Construction Work. Furthermore, it is contemplated that some of this scope, and the Operator will be able to bid on construction work.

***Transportation***

Generally, the Operator will operate, manage and staff MBTA Commuter Rail Services on all MBTA rail lines contained within the system including from the Massachusetts state line to North Kingston, Rhode Island, so as to provide on time service in accordance with the current timetables and schedules established by the MBTA. Specifically:

* The Operator will develop a Transportation Service Plan that includes details of all train service, staffing, revenue collection, including a Train Staffing Plan, operational test plans, a Drug & Alcohol Test policy, an attendance control policy and a Code of Conduct. This plan will comply with all Federal Railroad (FRA) Regulations, APTA Recommended Practices and other applicable federal, state and local regulations and guidelines including consent decrees and restrictions on locomotive idling.
* The Operator will determine, record, calculate and report to the MBTA the On-Time Performance of all Revenue Trains for each route on which the Operator is providing Commuter Rail Services. The Operator will maintain a historical record of On-Time Performance for each trip for which the Operator is providing Commuter Rail Services. The Operator will produce daily, monthly and annual reports including On-Time Performance and the number of customer delays, penalty delays and cancelled trains.
* The Operator will cooperate with Amtrak, Pan Am, CSX and all other necessary Third Parties to assure the coordinated provision of commuter rail, intercity passenger and freight services over the rail lines.
* The Operator will sell one-way, round-trip, Ten Trip and MBTA Commuter Rail transit and bus system Monthly Passes and such other tickets as the MBTA shall provide including mobile ticketing options. The Operator will develop and provide written Fare collection procedures for ticket selling, Fare collection, Fare verification, and reconciliation to sales, and ensure their effective adherence and compliance with procedures.
* The Operator will charge and collect Fares from all customers in accordance with Fare schedules established by the MBTA, and will be responsible for the security of all Fares and revenues received.
* The Operator will report to the MBTA, on a daily basis, the daily Commuter Rail Services Revenue collected and deposited by the Operator, and tickets sold by the Operator.
* Train and engine crews will monitor all signage, PTIS, HVAC systems, carbody exterior doors and public address systems while conducting their daily duties to ensure proper operation of those systems.
* Train and engine crews will record and report any mechanical and safety-related defects discovered en route or while conducting their daily duties to the Train Dispatcher and Mechanical Help Desk.
* From MBTA Dispatch Centers, the Operator will provide train dispatching services for all lines on MBTA property that are under the dispatch control of the MBTA.
* The Operator will manage, operate and provide qualified personnel for the MBTA's Dispatch Centers, tower operators and drawbridge operator positions.
* The Operator will be responsible for direction, supervision and control over the safe and efficient movement of all trains or on-track vehicles; protection of all other on-track activity on the Property under the dispatch control of the MBTA, including but not limited to, movement of MBTA passenger rail trains, freight trains and Amtrak's intercity passenger trains; and notification of all operating rule violations.
* The Operator will dispatch Amtrak intercity trains over lines under MBTA dispatch control. The Operator shall be responsible for coordination of schedules and operations to ensure that Amtrak operations are compatible with the Commuter Rail Services and in accordance with the various trackage rights and terminal service agreements between Amtrak and the MBTA.
* The Operator dispatchers will maintain all FRA-required logs and records including but not limited to: logs of train movements, Form D movement permits, grade-crossing failures and notes of extraordinary and unusual occurrences.
* The Operator will record all communications to and from the Dispatch Centers. The Operator shall operate, maintain and replace if inoperable, recording devices provided by the MBTA for such purpose.
* In the event of Service Delays, Service Disruptions, Rule Violations or other incidents that impact Commuter Rail Services, the Operator will notify the MBTA On-Duty Officer, notify the public at stations and on-board trains, investigate such delays and disruptions, and prepare reports, as required by the MBTA.
* The Operator will establish and maintain an emergency telephone number that is staffed 24 hours a day, seven days a week, to assist in this notification process.
* The Operator will promptly notify Customers of delays, both at stations and on-board trains and provide updates every five minutes until the delay has been resolved. The Operator will also notify Customers of potential delays immediately upon becoming aware of such potential delays.
* The Operator will issue and maintain an Employee Timetable, Operating Rule Book and Train Dispatcher's Manual, which will contain all the information, rules and special instructions Operator Personnel need to perform their duties.
* The Operator will directly coordinate with Amtrak intercity staff as necessary to operate and protect MBTA and Amtrak services.
* The Operator will comply and cooperate with all agreements between the MBTA and other rail carriers, including CSX Transportation and Pan Am Railways, operating on the Service Property.

*See* Schedule 3.1 of the Commuter Rail Operating Agreement for a complete description of Transportation Services.

***Engineering Services***

The Operator will inspect, manage, service, repair, replace and maintain all of the MBTA’s linear commuter rail assets, including, for example, facilities, stations, buildings, track and bridges. In general, the Operator will maintain all assets in accordance with manufacturers’ standard recommended practices and applicable State and Federal codes, laws and regulations. Specifically:

* The Operator will establish an Engineering Services Plan that includes a number of component plans, cost estimates and programs relating to functional areas of the engineering services provided. The Engineering Services Plan will identify the inspection and maintenance activities to be undertaken by the Operator; major maintenance operations; maintenance performance standards; frequencies of tasks; staffing plans; specific work schedules; schedule of values for various maintenance operations and proposed work windows, track outages or service diversions; and flagging requirements.
* The annual Engineering Services Plan will include, but not be limited to, the following scope of work:
  + Rail Grinding Program
  + Rail Replacement Plan
  + Tie Replacement Plan
  + Switch Replacement Plan
  + Grade Crossing Improvement Plan
  + Drainage Pumping Plan
  + Drainage Ditch Reshaping Plan
  + Fencing Installation Plan
  + Support Property and Facilities Maintenance Plan
  + Rolling Stock Support Equipment Condition Assessment, Repair Program and Normal Replacement Program
  + Escalator & Elevator Inspection and Maintenance Program
  + Station, Building and Facility Maintenance Program
  + Bridge Maintenance Plan
  + Drawbridge Maintenance Plan
  + Drawbridge Operation and Maintenance Manual
  + Timber Bridge Deck Replacement Plan
  + Tunnel Operation and Maintenance Manual
  + Culvert Replacement Plan
  + Signal Failure Reduction Program
  + Grade Crossing Event Recorder Program
  + Interlocking Event Recorder Program
  + Pole Replacement Program
  + Pole Line Retirement and Replacement Program
  + Switch Machine Replacement Plan
  + Energy Consumption Minimization Plan
* The Operator will assure the readiness of, and maintain standby power and back-up telephone systems for, emergency use at MBTA locations. This will include back-up power supply apparatus for all drawbridges and testing requirements.
* The Operator will provide all flagging for its own workforce as well as the contractors engaged by the Operator for work associated with the Contract. The Operator will also provide compensated flagging services for work performed by other Contractors engaged by the MBTA at the request of the MBTA or such other Contractors.
* The Operator will establish computerized work orders for maintenance tasks and will establish the method of responding to them in terms of a prioritized ranking system. The Operator will perform a Facility Condition Assessment of all assets to determine their current state of repair.
* The Operator will operate and maintain all communications and control systems located in the Radio Room, including radio, security monitoring, video recording, data transmitting and other devices and systems that may be added at any time.

*See* Schedule 3.2 of the Commuter Rail Operating Agreement for a complete description of Engineering Services.

***Mechanical Services***

The Operator will maintain the MBTA’s Rolling Stock fleet (essentially the locomotives and coaches) so as to ensure trains of sufficient capacity that are safe, fully functional and reliable and that will deliver all transportation service on time. Specifically:

* The Operator will maintain the MBTA’s fleet of Commuter Rail Coaches and Locomotives as Tier I-compliant passenger vehicles and will inspect and maintain them in accordance with all applicable FRA requirements for Tier I equipment as outlined in the Code of Federal Regulations – Part 49, including:
  + Exterior Calendar Day Mechanical Inspection;
  + Interior Calendar Day Mechanical Inspection;
  + Periodic Mechanical Inspections;
  + Periodic Brake Equipment Maintenance;
  + Single Car Test;
  + Class 1, Class 1A and Class 2 Brake Tests as applicable;
  + Testing of Emergency Window Exits, Emergency Lighting, Manual Door Releases Passenger Emergency Intercoms and Public Address Systems; and
  + The MBTA Locomotive 45-day Inspection.
* Using a Life Cycle Maintenance concept, the Operator will maximize the availability and functionality of rolling stock through a regular-interval program of planned maintenance events occurring over the useful life of each vehicle. The Operator will perform the appropriate maintenance activity (e.g., overhaul, repair, replace, renew, etc.) on a cycle that minimizes the chances of component failure.
* The Operator will prepare a Comprehensive Preventive Maintenance, Inspection and Cleaning Program that will be the product of integrating a component-level Life Cycle Maintenance Concept, FRA inspection requirements, the MBTA and OEM inspection and maintenance requirements, and the MBTA cleaning standards. Each interval will have unique maintenance requirements.
* The Operator will manage delivery of fuel from the MBTA’s fuel vendor to the MBTA’s fuel storage facilities and fuel the locomotives from the fuel delivery systems at these locations.
* The Operator will inspect and maintain the MBTA fleet to the applicable FRA and OEM standards (in some cases, however, the MBTA standards will supersede the FRA minimum requirements).
* The Operator will be responsible for developing a method of coordinating all scheduled maintenance activities.
* The Operator will be responsible for performing all corrective maintenance and any maintenance required as a result of a failure or defect of a component or system in advance of replacement of the component or system at the end of its useful life.
* The Operator will prepare a Maintenance Standards Manual (MSM) for issuance to all maintenance employees to provide guidelines for performing maintenance work.
* The Operator will identify all tools and test equipment that require calibration, the frequency of calibration and the calibration standards and procedures. The Operator will be required to maintain a system for tracking the calibration status of the equipment and to be able to recall items for recalibration, as well as items discovered to have been processed with “out of calibration” equipment.
* The Operator will also include maintenance of all Non Revenue vehicles, i.e. vehicles not used for carrying paying customers.
* The Operator will purchase, install, utilize and maintain a computer-based Maintenance Management System (MMS) that, at a minimum, will be capable of tracking resources applied to maintenance (labor, materials, shop space, warranty, etc.).
* The Operator will be responsible for performing all inspections and tests required by the Code of Federal Regulations, Title 49, Transportation Parts 200 to 299.

*See* Schedule 3.3 of the Commuter Rail Operating Agreement for a complete description of Mechanical Services.

***Materials Management And Procurement***

The Operator will manage the purchase, storage, security, disbursement, control and disposal of all MBTA Property, Inventory and Materials necessary to provide Commuter Rail Services. Specifically:

* The Operator will develop and implement a materials management process that will forecast the replenishment requirements as well as control of all phases of the materials handling function. A preliminary Materials Management Plan will be developed and maintained by the Operator to ensure that adequate levels of critical inventory (particularly long lead-time items) are maintained without any interruption in availability.
* The Operator will develop a processes for kitting common use materials for complex tasks such as locomotive and coach periodic inspection and maintenance. Kitting may be done on site by Operator Personnel or off site by a primary vendor or consolidator. The Operator will also identify opportunities to develop kitting for common processes used in tasks other than vehicle maintenance.
* The Operator will arrange long-term (no less than annual) commitments from OEMs for parts and material for New Fleet Vehicles. The Operator may consider OEM material consignment agreements, guaranteed delivery schedules with on-site and off-site warehousing and other means of preventing accumulation of excess inventory while ensuring timely availability of parts.
* The Operator will develop a list of components (especially high value parts and assemblies) for New Fleet Vehicles to be restored for use via repair-and-return and arrange repair-and-return contracts with New Fleet Vehicle OEMs or OEM-approved alternates.
* The Operator will ensure that all Property Equipment and Inventory is properly handled and protected to prevent damage. Support Property and Support Inventory must be protected from the effects of precipitation, heat, sun, cold, damp and other effects of time and weather.
* The Operator will conduct an initial physical inventory and annual physical inventory of all MBTA Property, Inventory and Materials necessary to provide Commuter Rail Services.
* The Operator will develop and implement a plan for handling all obsolete and scrap material including ferrous and non-ferrous metals, trash, hazardous solid and liquid waste, and recyclables.
* The Operator will develop, implement and administer a Materials MIS Plan to use the Materials MIS to monitor materials management activities.
* The Operator will monitor the composition and quality of the fuel in the storage tanks by performing frequent periodic chemical analysis. Winter and summer blends will be maintained within specified allowable variation.

*See* Schedule 3.4 of the Commuter Rail Operating Agreement for a complete description of Materials Management and Procurement.

***Environmental Services***

The Operator, with the assistance of subcontractors, will furnish all labor, materials, tools and equipment to operate, test, service, maintain and repair all of the MBTA’s environmental systems. The Operator will maintain all environmental permits, certificates and licenses necessary to perform Agreement Services and maintain Service Property. Also, the Operator will properly dispose of any waste or hazardous material in accordance with all applicable federal, state and local laws and regulations. Specifically:

* The Operator will retain the services of a properly certified and licensed Hazardous Materials Disposal Subcontractor; a properly qualified, grade 3 industrial Wastewater Operator; Level A, B and/or C Certified Tank Operator(s); and a licensed Pest Control Subcontractor to perform the specialized services included in this section.
* The Operator shall be responsible for all testing, monitoring, permitting and reporting related to air emission controls.
* The Operator must prepare all required annual and periodic reports for the MBTA to submit to the EPA.
* The Operator will dispose of any regulated waste or hazardous materials located on the Service Property produced or generated while delivering the Agreement Services.
* The Operator will review current policies, procedures and guidelines for the handling and managing of hazardous waste and materials required for the Contract. These policies will include, but not be limited to, spill prevention and control, hazardous materials, medical waste handling, hazardous materials or waste generators (not limited in size) and wetlands protection. The policies will be in compliance with all applicable local, state and federal environmental laws and regulations and applicable permits.
* The Operator will retain the services of an Environmental Subcontractor to test, operate, maintain and service various environmental systems located throughout MBTA Property. The work will include:
  + Stormwater Inspections
  + Oil/Water Separator System Service
  + Onsite Subsurface Disposal System Services
  + Tank System Services
  + Wastewater Pretreatment Facility Operations

*See* Schedule 3.8 of the Commuter Rail Operating Agreement for a complete description of Environmental Services.

***Customer Service***

The Operator will perform a range of Customer Service functions so as to ensure that customers are provided with timely and courteous service and so that customers are kept fully informed about service disruptions (and that such disruptions are minimized). In particular:

* The Operator will provide staff for the information booths located in South Station, Back Bay Station and North Station.
* The Operator will provide schedule information and customer assistance relating to all Commuter Rail Services and other MBTA services.
* The Operator will provide ticketing services onboard all Revenue Trains.
* The Operator will provide lost and found services at North Station, South Station and Back Bay Station.
* The Operator will post schedules in effect and updated schedules prior to their effective date of change. The Operator will maintain and stock MBTA promotional materials and current train schedules at North Station, South Station and Back Bay Station information booths, bulletin boards and kiosks.
* The Operator will also create, reproduce and distribute customer informational flyers, seat drops or bulletins as directed and approved by the MBTA for scheduled track outages.
* The Operator will investigate all comments and complaints arising from the provision of Commuter Rail Operations or the actions of Operator Personnel.
* The Operator will maintain communications with any third party concerning third party schedules, delays, construction scheduling and similar matters that may impact service.
* The Operator will develop, distribute and implement protocols for the handling of alternate transportation for Customers during emergencies, service disruptions, planned maintenance work and track outages, and as otherwise necessary to minimize service disruptions.
* The Operator's customer service responsibilities will include accommodating persons with disabilities. At a minimum, the Operator will be responsible for providing all services in compliance with the ADA and all state laws with respect to persons with disabilities.
* The Operator will support the MBTA in its efforts to inform the public about the Commuter Rail Services.

*See* Schedule 3.7 of the Commuter Rail Operating Agreement for a complete description of Customer Service.

***Training of Personnel***

The Operator will establish an annual training program plan to provide comprehensive ongoing training programs for all Operator Personnel involved in providing Services, including without limitation, any training required by the FRA. The program will include specific training related to:

* Engineering, including welding; Railroad Workplace Safety; Bridge Worker Safety; Roadway Worker Protection; Track Car Driver; NORAC Book of Rules (ops and non-ops classes); track inspection; Signalman qualification; system safety plan; safety-related; system security plan; emergency response and incident management; accident investigation; OSHA training; management training; and derailment investigation training.
* Maintenance, including Qualified Maintenance Person (“QMP”) qualification; QMP refresher; welding; Refrigerant handling certification; craft competency; Carman skills and qualification; Machinist skills and qualification; Electrician skills and qualification; Pipefitter/Sheet Metal Worker skills and qualification; Laborer/Fueler skills and qualification; Supervisor skills and qualification; Locomotive Technician skills and qualification; Coach Technician skills and qualification; system safety plan; safety-related; system security plan; emergency response and incident management; accident investigation; NORAC Book of Rules (ops and non-ops classes); OSHA training; management training and derailment investigation training.
* Transportation, including NORAC Book of Rules; Locomotive Engineer Certification and Re-certification; Conductor Certification and Re-certification; Assistant Conductor qualification; Chief Dispatcher and Dispatcher qualification; Designated Supervisor of Locomotive Engineers qualification; communication; Emergency Preparedness; incident management; accident investigation; system safety plan; safety-related; system security plan; OSHA training; ADA training; management training and derailment investigation training.
* The Operator must provide two or more full-time Operation Lifesaver-qualified instructors who shall annually offer Operation Lifesaver training to the public, including “train the trainer” programs to public safety officials, teachers, community groups and others.
* The Operator will provide emergency response training to police, fire, emergency services and other municipal first responding entities whose jurisdiction may bring them in contact with Commuter Rail Services when emergencies occur.
* The Operator will arrange for on-site EPA-approved refrigerant handling certification training suitable to address the skills and recordkeeping required for the use, re-use, recovery, replenishment, storage and disposal of R-407C and R-22 refrigerants on transit vehicles.
* The Operator will develop and implement a Carman training and qualification course. The purpose of this course is to afford Carman candidates sufficient training to safely and effectively discharge their duties. This class will include basic skills training as appropriate based on pre-qualification testing of Carman candidates.
* The Operator will provide a specific railroad signal system training course not less than every two years. This training will include periodic examinations to measure the proficiency of students and course materials.

*See* Schedule 3.10 of the Commuter Rail Operating Agreement for a complete description of Training of Personnel.

***Quality Assurance***

The Operator will establish and maintain a Quality Assurance Program ("QAP"), and provide sufficient quality assurance (“QA”) and quality control (“QC”) staffing to support the QAP. In particular:

* The QAP will comply with ANSI/ISO/ASQ Q9001-2000 or an MBTA approved equivalent. Subcontractors, manufacturers and suppliers selected by the Operator will also comply with this requirement.
* The Operator will establish a Quality Control Process Manual that includes guidelines for conducting quality control inspections; documenting performance failures and incidents of non-compliance with the Contract requirements, reporting all performance failures and instances of non-compliance.
* In order to assure that all work is carried out within the terms of the Contract, the Operator will be required to follow industry and national standards where applicable, or develop standards for approval by the MBTA.
* The Operator will provide a Configuration Management Plan (“CMP”), either separately or as part of the QAP, that governs the configuration of all MBTA property and equipment. It will encompass all processes, documents and equipment used to provide service. This CMP shall be submitted for MBTA review and approval no later than 120 days after NTP.
* The Operator will prepare an Audit Plan that encompasses all areas of provided quality assurance Services.

*See* Schedule 3.6 of the Commuter Rail Operating Agreement for a complete description of Quality Assurance.

***Safety and Security***

In providing Commuter Rail Services, the Operator will be obligated to conduct its operations in a safe manner, so as to focus on the safety of MBTA customers, Operator employees, MBTA staff and communities within and adjacent to MBTA service territory and MBTA facilities. The Operator will be required to take all precautions that are reasonable or necessary to safeguard against risks, and will make regular safety and security inspections, audits, tests and reviews of MBTA property and equipment. Specifically:

* The Operator will develop a joint safety incident notification, tracking, investigation, reporting and review plan. This Plan will include reporting of near misses, close calls, incidents and accidents on MBTA property that are related to facilities, structures, systems elements and/or rolling stock to the Safety Officer as well as agencies or authorities in accordance with State and Federal regulations.
* The Operator will establish an Operator Safety Compliance Plan (OSCP) that delineates compliance with all provisions of the MBTA’s System Safety Program Plan (SSPP), which is based on the requirements of CFR 49, Part 270(System Safety Program Requirements for Passenger Railroads).
* The Operator will create an Operator Security Compliance Plan that describes the processes to perform security functions in accordance with the MBTA System Security Plan.
* The Operator will establish, train and maintain an Emergency Preparedness Plan (EPP), which shall be consistent with FRA requirements for such plan and detail the Operator’s emergency preparedness policies, procedures and programs.
* The Operator will prepare, train and maintain an Emergency Response Plan (ERP) to effectively address conditions resulting from major storms and other natural occurrences that could disrupt Commuter Rail services. The ERP will also address any other incidents or events that require services of emergency response agencies.
* The Operator will develop a written drug-free workplace policy, per 49 CFR Part 32 and 41 USC Section 701, that notifies employees of the substance abuse policy, maintains an ongoing drug-free workplace and establishes an employee education program (ODRL 10-022).
* The Operator will establish appropriate drug and alcohol testing programs for all of its employees involved. These programs will be compliant with applicable regulations set forth by the FRA in 49 CFR 219 (Control of Alcohol and Drug Use) and by the FTA in 49 CFR Part 655 and 49 CFR Part 40 governing the control of drug use and alcohol abuse in railroad and/or transit operations.
* All necessary Operator employees and Subcontractor employees who will be servicing this Contract will be trained on the National Incident Management System fundamentals.

The MBTA intends that the Commuter Rail Services provided under the new Contract shall be first rate and on par with the best of such services offered in other cities. The MBTA will rely on excellent performance by the Operator supported by the first class subcontracting work arising from the foregoing.

*See* Schedule 3.5 of the Commuter Rail Operating Agreement for a complete description of Safety and Security.

***Information Technology and Information Security***

Generally, Operator will be responsible for developing, implementing, operating, maintaining and otherwise upgrading and supporting the Commuter Rail IT Environment, as well as ensuring that the Commuter Rail IT Environment – and all systems with which it interacts – are stable and secure. Specifically:

* The Operator shall develop the Commuter Rail IT Environment – consistent with applicable specifications and related SLAs – by the Agreement Services Commencement Date. The Commuter Rail IT Environment shall consist of the Relevant Baseline IT Assets for which the MBTA has secured the Baseline IT Asset Usage Rights, the New IT Component Environment (including, but not limited to, Compliance-Assurance Devices), and the Operator-Provisioned IT Environment and Operator IT Interfaces.
* By the Agreement Services Commencement Date, the Operator shall have also developed various Operator-Provisioned IT Assets and implemented them into the Commuter Rail IT Environment to help modernize the MBTA's current IT infrastructure. Such Operator-Provisioned IT Assets include, but are not limited to, the Digital Repository and the Issue Tracking Portal.
* The Operator shall develop, install, support and maintain all Operator Feeds between the Commuter Rail IT Environment and the MBTA Internal IT Environment, as well as Operator APIs and Operator Hardware Interfaces. The Operator shall also ensure that the Commuter Rail IT Environment is fully accessible by the MBTA to ensure complete transparency so as to maximize MBTA oversight and monitoring of the Operator's performance with respect to the Services.
* The Operator shall prepare all technical documentation to ensure that the MBTA and/or subsequent operators are able to fully utilize the Commuter Rail IT Environment without dependency on the Operator.
* The Operator shall engage multiple fulltime staff dedicated to supporting the Commuter Rail IT Environment including, but not limited to, an Operator CIO. The Operator shall actively participate in IPRs as well as the IT Change Control Board to ensure that the Commuter Rail IT Environment is operating at its maximal potential and that all changes to the Commuter Rail IT Environment are introduced in a way that minimize and/or eliminate any disruption to the performance of the Commuter Rail IT Environment.
* The Operator shall be responsible for digitizing all documentation and storing the same in the Digital Repository so as to preserve all records and allow the MBTA and its representatives to easily locate and obtain copies of all Data and other records. The Operator shall also be responsible for providing all requisite training as it relates to the Commuter Rail IT Environment.
* The Operator shall establish, operate and maintain the Operator Service Center so as to support the Commuter Rail IT Environment and the Operator's provision of Services including, but not limited to, responding to MBTA Customer issues as further detailed in Schedule 3.7 (Operator Customer Service Responsibilities) and Schedule 3.16 (Information Technology Requirements) of the Contract. The Operator Service Center shall be fully integrated into the Issue Tracking Portal.
* Throughout the Term of the Agreement, the Operator shall adhere to all Quality Assurance procedures to ensure that each component of the Commuter Rail IT Environment is thoroughly tested for conformity to applicable specifications before being integrated into the Commuter Rail IT Environment and otherwise meet industry-best standards. The Operator shall develop, implement and follow a detailed Quality Control Plan so as to ensure its compliance with its quality assurance procedures and to meet the MBTA's objective of developing an innovative, exemplary Commuter Rail IT Environment.
* The Operator shall assist the MBTA with the IT Close-of-Contract Transition Services so that the MBTA can smoothly and efficiently transition from the Operator to the New Operator (if any), without loss or interruption to the Operator's provision of the Commuter Rail IT Environment during the transition period (if any).
* The Operator shall comply with all IT security and disaster recovery obligations set out in the Contract including, but not limited to, those obligations articulated in Schedule 3.17 (IT Security) of the Contract. Such obligations include, but are not limited to, implementing required physical, administrative and technical security measures to ensure the security, integrity and confidentiality of MBTA Data and MBTA Confidential Information, complying with all industry-best practices relating to IT security as well as the MBTA's policies and procedures related to IT security, preparing Incident Response Plans, causing SSAE 16 audits to be conducted, complying with all PCI-DSS requirements and establishing a disaster recovery site.

*See* Schedule 3.16 (Information Technology Requirements), Schedule 3.17 (IT Security) and Schedule 3.18 (Service Level Agreement and Service Credits) of the Commuter Rail Operating Agreement for a complete description of the Commuter Rail IT Environment and the Operator's obligations relating to the same.