

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIASafety and Enforcement Division
Rail Transit Safety BranchResolution ST-216
October 11, 2018**REDACTED****RESOLUTION****RESOLUTION ST-216 GRANTING APPROVAL OF THE
FINAL REPORT ON THE 2017 TRIENNIAL ON-SITE
SECURITY REVIEW OF BAY AREA RAPID TRANSIT
DISTRICT.****Summary**

This resolution approves the California Public Utilities Commission Safety and Enforcement Division final report titled, "2017 Triennial On-Site Security Review of Bay Area Rapid Transit District" dated November 12, 2017. The report compiles the results of Commission Staff review of the Bay Area Rapid Transit District's security program. Only background information and review procedures are included in the redacted report; findings and recommendations are not.

Background

Commission General Order No. 164-E, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" requires Commission Staff (Staff) to conduct an on-site safety¹ and on-site security review of the transit agencies operating rail fixed guideway systems triennially.

From 1996 to 2008, the Commission's Rail Transit Safety Staff partnered with the Transportation Security Administration (TSA) in performing rail transit security reviews. However, in the latter half of 2008, Commission Staff took over the responsibility of security reviews from the TSA. Staff

¹ Safety and Enforcement Division Staff will bring its report of final 2017 Triennial On-Site Safety Review of BART before the Commission for approval in a separate Resolution.

conducted an on-site security review of the Bay Area Rapid Transit District (BART) security program in October 2017. BART provides rail transit services 365 days of the year throughout the counties of San Francisco, Alameda, San Mateo, and Contra Costa.

A full description of the security review, including the scope, results, and recommendations, is contained in the final security review report identified in this resolution as Attachment A.

The security review results show that BART is in compliance with its System Security Plan. Staff did not find any areas of non-compliance during the review. Activities of each checklist can be found in Section D of the security report.

Scope of Security Review

The security review was conducted in accordance both with guidance and training from the Federal Transit Administration (FTA), and with Title 49 Code of Federal Regulations, Part 659. 49 CFR 659.23 defines the requirements for a System Security Plan (SSP) for rail transit agencies.

§ 659.23 System security plan: contents.

The system security plan must, at a minimum address the following:

- (a) Identify the policies, goals, and objectives for the security program endorsed by the agency's chief executive.
- (b) Document the rail transit agency's process for managing threats and vulnerabilities during operations, and for major projects, extensions, new vehicles and equipment, including integration with the safety certification process;
- (c) Identify controls in place that address the personal security of passengers and employees;
- (d) Document the rail transit agency's process for conducting internal security reviews to evaluate compliance and measure the effectiveness of the system security plan; and
- (e) Document the rail transit agency's process for making its system security plan and accompanying procedures available to the oversight agency for review and approval.

These form the basis for the five security checklists that guided Staff's review of the BART security program. Staff evaluated the BART security plans and procedures to determine whether they have appropriate processes and procedures in place to implement the requirements of 49 CFR 659.23. The purpose of the triennial security review is to evaluate whether BART has defined necessary security activities, established responsibilities and accountability, set priorities, provided employee training, developed information distribution and controls, and developed monitoring and feedback loops to determine effectiveness of the security plans and procedures.

Each Staff member involved in the security review has received training from FTA and has taken and successfully passed the Transit System Security training course, which lays out the requirements for security plans and instructs participants in the typical methods of compliance and industry best practices.

Moreover, all Staff in the Rail Transit Safety Branch take the Rail System Security course as part of their overall training. This allows for Staff members to identify security concerns whenever they are out in the field conducting oversight activities inspecting transit agency facilities and operations, not just during the triennial security review period. Security issues are evaluated each time our Staff members are in the field, and as any concerns are identified, they are discussed with the transit agency to initiate the process for addressing the concern.

Discussion

The final report, "2017 Triennial On-Site Security Review Of Bay Area Rapid Transit District", dated November 12, 2017, included as Attachment A, identifies Staff's activities for each of the five FTA security elements evaluated during the security review. Staff identified no instances of non-compliance during the review.

For the purpose of the security reviews, security means the general areas identified in the FTA requirements of 49 CFR 659.23. Staff inquiries during the review examine whether the processes and procedures BART adopted are in accordance with 49 CFR 659.23, and implemented in accordance with the BART SSP. Staff does not evaluate BART's response to specific crimes or events, except during evaluations to assure processes and

procedures in place are implemented as intended. Specific crimes and criminal behavior that may occur on trains and stations is considered outside of scope of the review and are handled by the BART Police Department.

Although no instances of non-compliance were noted during the review, CPUC Staff is concerned about recent violent crimes occurring within the BART system. Staff continues to monitor how BART responds to those events as well as to any identified vulnerabilities the investigations into them may yield, and any impacts to areas under the Commission's purview.

Staff recommends the Commission approve the final security review report titled, "2017 Triennial On-Site Security Review of Bay Area Rapid Transit District", dated November 12, 2017.

Notice

On July 3, 2018, this Resolution was published on the Commission's Daily Calendar.

Confidential Information

Public Utilities Code Section 583 states: "No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor."

The confidential appendices, marked "[CONFIDENTIAL]" in the public copy of this resolution should remain confidential at this time.

Comments

The draft resolution of the Safety Enforcement Division in this matter was mailed to the Parties of Interest on June 29, 2018 in accordance with Section

311 of the Public Utilities Code and Rule 14.2(d)(1) of the Commission's Rules of Practice and Procedure. No comments were received.

Therefore, IT IS ORDERED that:

1. The Safety and Enforcement Division's request for approval of the final security review report titled, "2017 Triennial On-Site Security Review of Bay Area Rapid Transit District", dated November 12, 2017, is granted.
2. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on October 11, 2018. The following Commissioners approved it:

ALICE STEBBINS
Executive Director