

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety and Carriers Division
Rail Engineering Safety Branch
Rail Transit Safety Section

RESOLUTION ST-50
Date: December 21, 2000

RESOLUTION

RESOLUTION GRANTING THE SAN FRANCISCO MUNICIPAL RAILWAY AUTHORITY TO DEVIATE, UNDER CERTAIN CONDITIONS, FROM REQUIREMENTS OF GENERAL ORDER 143-B, SECTION 12.02 REQUIRING EVERY OPERATOR OF A LIGHT RAIL VEHICLE OR STREETCAR TO POSSESS A VALID CLASS B COMMERCIAL DRIVER'S LICENSE WITH A PASSENGER TRANSPORTATION ENDORSEMENT.

SUMMARY

This resolution grants the San Francisco Municipal Railway (MUNI) authority to deviate, under certain conditions, from General Order 143-B, Section 12.02 requirements for operators of light rail vehicles and streetcars to possess a valid class B commercial driver's license and a passenger transportation endorsement. Authority is granted to permit appropriately trained and certified maintenance and supervisory employees to operate light rail vehicles, streetcars and other on-rail equipment, without revenue passengers onboard.

BACKGROUND

By letter of September 27, 2000 to the California Public Utilities Commission (Commission), MUNI requests an exemption from certain provisions of General Order 143-B, Section 12.02. The letter explains that MUNI periodically needs to have specifically qualified MUNI maintenance and supervisory personnel operate light rail vehicles, streetcars and other on-rail equipment on the property's mainlines and in its yards. Those operations would only be performed without revenue passengers onboard the vehicles. The requested authority would serve to remove the requirement for these MUNI maintenance and supervisory employees

to possess a valid class B commercial driver's license with a passenger endorsement. The letter goes on to propose that each of the specified operators would maintain a valid class C driver's license and be required to pass physical examinations that would be the same as those required by the class B commercial driver's license. In addition, MUNI proposed that California Department of Motor Vehicles reporting requirements, similar to those of the Class B license, would be incorporated for these specified operators.

Staff of the Commission's Rail Transit Safety Section examined MUNI's request for authority to deviate from the requirements of General Order 143-B. It was found that vehicle maintenance employees, as part of their normal duties, are required to operate light rail vehicles and streetcars in repair shop areas and the yards. Those operations are not revenue service and no revenue passengers are permitted on board the vehicles.

It was also determined that there are situations where light rail vehicles and streetcars experience systems failures or are involved in accidents or incidents, while being operated in revenue service. Vehicle maintenance employees may be required to respond to the scene of those failed or damaged vehicles. A significant part of their responsibility at the scene is to determine if the vehicles would be able to safely continue operation in revenue service. If those vehicles cannot be safely operated in revenue service, the vehicle maintenance employees would then become responsible for moving the light rail vehicles or streetcars to a vehicle maintenance shop or other location where the necessary repairs can be performed. The most appropriate and safe means of moving the on-rail vehicles would usually be for the vehicle maintenance employees to operate them, out of service and without revenue passengers, to the repair facility.

MUNI's operations supervisors, it was found, would be involved in situations where a regular train operator, for various reasons, is unable to continue to operate an assigned train in revenue service. In many instances, a regularly qualified train operator may not be immediately available to take over the operation of the train. In order to expeditiously remove the train from the system and restore system service, a specifically qualified supervisor would operate the train, out of service and without revenue passengers on board, to a yard or other appropriate location.

Personnel from Track, Signal, Overhead Lines and other maintenance departments would also need to operate on-rail equipment over the light rail and streetcar tracks in order to carry out their maintenance responsibilities. The equipment operated would not ordinarily include light rail vehicles or streetcars but would

involve the operation of non-revenue passenger carrying on-rail equipment on main and yard tracks.

MUNI does not wish to deviate from the requirements General Order 143-B, Section 12.02 for the regular operation of passenger carrying revenue service light rail vehicles and streetcars.

DISCUSSION

Federal Transit Administration Final Rule 49 CFR, Part 659 requires the Commission, as the State of California's designated agency, to establish and carry out a Rail Fixed Guideway Safety Oversight program.

Section 99152 of the Public Utilities Code authorizes and requires the Commission to regulate the safety appliances and procedures of public transit guideways.

Commission General Order 143-B Section 12.02 requires that:

Every operator of a light rail vehicle or streetcar shall possess a valid class B commercial driver's license with a passenger transportation endorsement, except employees of those systems that do not operate combined bus/rail modes.

Transit systems whose operations include light rail or streetcars, but do not include buses, are addressed in the same section of the General Order as follows:

At systems operating rail only, operators shall be required to possess a valid California class C driver's license, provided that a physical examination for persons meeting the class B licensing requirements established by the DMV is administered to such employees biannually (sic).

MUNI operates revenue service light rail vehicles, streetcars, trolley buses, diesel buses and cable cars as part of its transit system. As a result, MUNI, like most other light rail transit systems in California, is required to have its light rail and streetcar operators maintain a valid class B commercial driver's license with a passenger transportation endorsement. Ordinarily, that requirement is easily satisfied since the light rail train and streetcar operators are also qualified to operate revenue service diesel and trolley buses. Bus operators must have a valid class B commercial driver's license with the passenger transportation endorsement.

MUNI supervisors and maintenance employees are not ordinarily required to possess a valid class B commercial driver's license with a passenger transportation endorsement since they do not operate revenue service buses, light rail vehicles or streetcars. They do maintain a valid class C driver's license.

FINDINGS

1. By letter of September 27, 2000, MUNI requested authority to deviate from certain requirements in General Order 143-B, Section 12.02. That section of the general order establishes that every operator of a light rail vehicle or streetcar shall possess a valid class B commercial driver's license and a passenger transportation endorsement, except employees of those systems that do not operate combined bus/rail modes.
2. General Order 143-B, Section 12.02 also states that at systems operating rail only, operators shall be required to possess a valid California class C driver's license, provided that a physical examination for persons meeting the class B licensing requirements established by the DMV is administered to such employees biennially.
3. MUNI operates transit bus services. The rail transit maintenance employees and supervisors, however, are not required to operate revenue service transit buses. As a result, they do not ordinarily possess a class B commercial driver's license and a passenger transportation endorsement.
4. MUNI seeks to deviate from this requirement in order to allow those maintenance employees and supervisors to perform necessary tasks, which include operation of light rail vehicles and streetcars under circumstances where those vehicles are not in revenue service and are not carrying revenue passengers.
5. MUNI would ensure that each of the affected maintenance employees and supervisors possess a valid California class C driver's license and successfully complete a biennial physical examination for persons meeting the class B licensing requirements established by the California Department of Motor Vehicles.

6. MUNI proposed and is agreeable to ensuring that California Department of Motor Vehicles license status reporting requirements, similar to those of the Class B license, would be incorporated for these specified operators.
7. MUNI would ensure that each of the affected maintenance employees and supervisors only operate light rail vehicles, streetcars and other on rail equipment for which they have been properly and periodically trained and certified.

PROTESTS

MUNI has been advised of the contents of this resolution and no protests or objections have been received. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

THEREFORE, IT IS ORDERED THAT:

1. San Francisco Municipal Railway is granted authority to deviate from requirements of General Order 143-B, Section 12.02, for the sole purpose of allowing appropriately trained and certified maintenance and supervisory employees to operate, as necessary, light rail vehicles, streetcars and other on-rail equipment, without revenue passengers onboard.
2. Each of the affected San Francisco Municipal Railway maintenance employees and supervisors shall possess a valid California class C driver's license and successfully complete a biennial physical examination for persons meeting the class B licensing requirements established by the California Department of Motor Vehicles.
3. San Francisco Municipal Railway shall incorporate Department of Motor Vehicles license status reporting requirements, similar to those of the Class B license, for each of the affected maintenance employees and supervisors. The Department of Motor Vehicles license status records for each of the affected maintenance employees and supervisors shall be maintained and available for inspection by the Commission's staff for at least four years.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on December 21, 2000. The following Commissioners voted favorably thereon:

WESLEY M. FRANKLIN
Executive Director

LORETTA M. LYNCH
President
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
CARL W. WOOD
Commissioners