

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit Safety Section

Resolution ST-59
August 21, 2003

R E S O L U T I O N

RESOLUTION ST-59 GRANTING APPROVAL OF A FINAL REPORT CONCERNING THE 2002 ON-SITE SAFETY AUDIT OF THE SAN FRANCISCO MUNICIPAL RAILWAY RAIL TRANSIT SAFETY PROGRAM PERFORMED BY THE COMMISSION'S RAIL TRANSIT SAFETY SECTION

Summary

This resolution approves the Consumer Protection and Safety Division's Rail Transit Safety Section final audit report titled, "2002 SAFETY AUDIT OF THE SAN FRANCISCO MUNICIPAL RAILWAY RAIL TRANSIT SAFETY PROGRAM," dated July 22, 2003. San Francisco Municipal Railway (MUNI) is ordered to implement the recommendations contained in the report and to provide monthly progress reports to the Rail Transit Safety Section.

Background

Commission General Order No. 164-C, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" and Federal Transit Administration (FTA) Final Rule 49 CFR, Part 659, "State Safety Oversight of Rail Fixed Guideway Systems" require the Commission, as the designated state safety oversight agency for California, to conduct on-site safety reviews of transit agencies operating rail fixed guideway systems at least once every three years. Following the completion of each

review, the Commission is required to issue a report containing its findings and recommendations. This report must also contain a determination of whether or not the transit agency's system safety program plan should be updated.

Staff of the Rail Transit Safety Section of the Commission's Consumer Protection and Safety Division conducted an on-site safety audit of MUNI's rail transit systems and safety program beginning September 18 and concluding September 27, 2002. Staff conducted a post-audit exit conference with MUNI on Wednesday October 2, 2002.

The methods used to conduct the audit included:

- a. Interviews with MUNI and MTA employees at all levels from rank and file through senior executives;
- b. Reviews of design, construction, procurement, testing, training, operation and maintenance programs;
- c. Reviews of records and procedures;
- d. Observation of operations and maintenance activities and;
- e. Inspections of equipment and facilities.

A full description of the audit, including the scope, results and recommendations, is contained in the final audit report, which is attached to this resolution as Attachment A.

The results of the audit show that MUNI is in substantial compliance with and effectively implementing its System Safety Program. However, some program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described, where applicable, in the Activities/Findings/Comments section of each checklist and in the FINDINGS AND RECOMMENDATIONS section contained in the body of the final report. A complete listing of recommendations for the correction of each identified deficiency is contained in the report's Appendix C. Twenty of the forty-nine checklists are associated with fifteen recommendations for corrective action.

Protests

Staff provided a preliminary draft of the audit report to MUNI for review on February 11, 2003. Subsequent comments from MUNI were sent to staff on March 7, 2003.

MUNI's response described a number of areas in the draft report where it disagreed with both the factual content and the general tone. MUNI stated that in many instances, it was in general agreement with staff's findings and recommendations. However, MUNI expressed concern that the language in the report implied, incorrectly, that MUNI's safety programs were all but nonexistent or severely lacking. The response stated that the report should make it clear that only details of those safety programs needed to be added or modified. MUNI also expressed concern that the report failed to recognize the considerable effort it had expended and the significant progress it had made in developing the elements of its system safety program since staff's 1999 safety audit.

Discussion

Staff carefully reviewed all of the concerns contained in MUNI's March 7, 2003 letter. Staff also met with a number of different MUNI executives and program managers to examine the issues and attempt to resolve the differences. Those meetings and the examination of issues continued through the end of June 2003. After reviewing and discussing the issues with MUNI as well as considering additional information that MUNI provided, staff was better able to recognize MUNI's concerns. Staff was able to verify additional facts and agreed to make appropriate changes to the report that would more accurately represent the condition of MUNI's system safety program.

Attachment A, the final report concerning the "2002 SAFETY AUDIT OF THE SAN FRANCISCO MUNICIPAL RAILWAY RAIL TRANSIT SAFETY PROGRAM," represents the condition of MUNI's system safety program, based on staff's findings and includes staff's recommendations for appropriate corrective actions.

MUNI initiated actions to correct identified safety program deficiencies while staff was still conducting the audit. MUNI reported that several deficiencies were corrected before the on site audit activities were completed and that most of the remaining safety program deficiencies have been corrected or at least corrective actions have been initiated. MUNI has continued to provide staff with written and verbal monthly reports on the status of its efforts to address the audit findings, beginning in October 2002.

MUNI has indicated to staff that it will continue its efforts to complete the corrective actions and to provide regular monthly reports concerning the status of its corrective actions until they are completed.

The Consumer Protection and Safety Division recommends that the Commission approve the Rail Transit Safety Section's final audit report titled, "2002 SAFETY AUDIT OF THE SAN FRANCISCO MUNICIPAL RAILWAY RAIL TRANSIT SAFETY PROGRAM," dated April 18, 2003. It is also recommends that the Commission order MUNI to:

- Submit a report to the Rail Transit Safety Section, which includes the status of corrective actions for safety program deficiencies identified during the audit.
- Submit plans and schedules for implementing or completing the remaining recommended corrective actions contained in the report;
- Implement the remaining recommendations in accordance with the plans and schedules submitted and;
- Continue to provide the Rail Transit Safety Section with monthly reports on the status of the corrective actions until they are complete and implemented.

Comments

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. This resolution was mailed to MUNI on July 22, 2003. No party filed comments by the August 5, 2003 final filing date.

Therefore, IT IS ORDERED that:

1. The Consumer Protection and Safety Division's request for approval of the Rail Transit Safety Section's final audit report titled, "2002 SAFETY AUDIT OF THE SAN FRANCISCO MUNICIPAL RAILWAY RAIL TRANSIT SAFETY PROGRAM," dated July 22, 2003, is granted.
2. San Francisco Municipal Railway shall submit to the staff of the Rail Transit Safety Section, plans and schedules for implementing all recommended corrective actions contained in the final audit report. Those plans and schedules shall be submitted no later than 60 days from the effective date of this resolution.
3. San Francisco Municipal Railway shall complete and implement all recommended corrective actions contained in the report, in accordance with plans and schedules submitted to the Rail Transit Safety Section staff.
4. San Francisco Municipal Railway shall continue to prepare and provide monthly status reports to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. The monthly status reports shall continue to be provided until all recommended corrective actions are completed and implemented.

5. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission of the State at its regular meeting in California held on August 21, 2003. The following Commissioners voting favorably thereon:

WILLIAM AHERN
Executive Director