

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit Safety Section

Resolution ST-84
January 11, 2007

R E S O L U T I O N

RESOLUTION ST-84 APPROVING THE FINAL REPORT OF
THE 2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO
TROLLEY, INC.

Summary

This resolution approves the Consumer Protection and Safety Division's Rail Transit Safety Section final audit report titled, "2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.," dated September 20, 2006. San Diego Trolley, Inc. (SDTI) is ordered to implement the recommendations contained in the report and provide bi-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 SDTI's System Safety Program beginning March 7 and concluding April 21, 2006. Staff conducted a post-audit exit conference with SDTI on May 3, 2006.

The methods used to conduct the audit included:

- a. Discussions with San Diego Association of Government (SANDAG) and SDTI management
- b. Reviews of rules, procedures, policies and records
- c. Observations of operations and maintenance activities
- d. Interviews with rank and file employees
- e. Inspections and measurements of equipment and infrastructure

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 SDTI is in substantial compliance with and effectively implementing its System Safety Program. However, staff identified some program deficiencies 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 each identified deficiency is contained in the report's Appendix C. Staff identified fourteen of the twenty-five checklists as deficient in one or more aspects of the System Safety Program.

Protests

On September 20, 2006, staff provided a preliminary draft audit report to SDTI for review and allowed a 30-day comment period. Staff received SDTI's letter dated October 6, 2006, which accepted staff's thirty recommendations identified in the draft audit report.

Discussion

The final report, "2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC." in Attachment A, represents the condition of SDTI's System Safety Program, based on staff's findings and includes recommendations for appropriate corrective actions.

SDTI initiated actions to correct identified System Safety Program deficiencies while staff was still conducting the audit. In letter dated October 6, 2006 to staff, SDTI reports correcting several deficiencies prior to the issuance of staff's preliminary draft audit report and initiated corrective actions for the remaining System Safety Program deficiencies.

Staff was concerned that SDTI did not complete several recommendations from the 2003 Triennial Audit within the 3-year period prior to the 2006 Triennial Audit. As a result, staff met with SANDAG on December 18, 2006 and SDTI on December 29, 2006 to discuss these matters. SANDAG and SDTI have both agreed to the identified implementation deadline dates as follows:

- Light Rail Vehicle Department Recommendation Nos. 28-30 by June 2007
- Security Department Recommendation Nos. 21, 22, and 26 by June 2007, and Recommendation Nos. 24 and 25 by June 2008
- Wayside Department Recommendation Nos. 10 and 11 by March 2007 and Recommendation No. 7 by February 2009
- SANDAG Recommendation No. 18 by January 2008

Staff further confirmed on December 29, 2006 SDTI had corrected Security Recommendation No. 23 implemented September 2006 and Wayside Recommendation No. 15 implemented on October 2006. These two recommendations were previously identified as Recommendation Nos. 10 and 14 from the 2003 Triennial Audit.

SDTI has indicated to staff they will continue their efforts to complete the corrective actions and provide regular monthly reports concerning the status of its corrective actions until they are completed. Four recommendations are scheduled for implementation in Year 2009.

The Consumer Protection and Safety Division recommends that the Commission approve the Rail Transit Safety Section's final audit report titled, "2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.," dated September 20, 2006. It also recommends that the Commission order SDTI 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 bi-monthly reports on the status of the corrective actions until they are complete and implemented.

Comments

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

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, "2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.," dated September 20, 2006, is granted.
2. San Diego Trolley, Inc. shall submit to Rail Transit Safety Section staff, corrective action plans and schedules for implementing all the incomplete recommendations that are contained in the final audit

report. SDTI shall submit those plans and schedules no later than 45 days from the effective date of this resolution.

3. San Diego Trolley, Inc. shall implement these specific recommendations by identified deadline dates:
 - Light Rail Vehicle Department Recommendation Nos. 28-30 by June 2007
 - Security Department Recommendation Nos. 21, 22, and 26 by June 2007, and Recommendation Nos. 24 and 25 by June 2008
 - Wayside Department Recommendation Nos. 10 and 11 by March 2007 and Recommendation No. 7 by February 2009;
 - SANDAG Recommendation No. 18 by January 2008
4. San Diego Trolley, Inc. 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.
5. San Diego Trolley, Inc. shall prepare and provide bi-monthly status reports to the Rail Transit Safety Section beginning February 1, 2007. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. SDTI shall continue to provide bi-monthly status reports

until all recommended corrective actions are completed and implemented.

6. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on January 11, 2007. The following Commissioners voting favorably thereon:

STEVE LARSON
Executive Director

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

ATTACHMENT A