CPSD/RTSS/WND/NLI/vdl **Mailed 6/22/07**

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division
Rail Transit Safety Section

Resolution ST-87
June 21, 2007

# RESOLUTION

RESOLUTION ST-87 GRANTING APPROVAL OF THE FINAL REPORT ON THE 2006 SAFETY AUDIT OF THE BAY AREA RAPID TRANSIT (BART)

## Summary

This resolution approves the Consumer Protection and Safety Division (CPSD) final audit report titled "2006 Triennial On-Site Safety Audit of the Bay Area Rapid Transit," dated May 29, 2007. BART is ordered to implement the recommendations contained in the report and to provide quarterly progress reports.

## Background

Commission General Order No. 164-C, *Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems* requires staff to conduct on-site safety reviews of transit agencies operating Rail Fixed Guideway Systems at least once every three years.

Staff of the Rail Transit Safety Section (RTSS) conducted an on-site safety audit of BART and its safety program. Staff also conducted a post-audit exit conference with BART management on September 6, 2006.

The methods used to conduct the audit included:

a. Interviews with BART employees at all levels from rank and file through management;
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. The report is attached to this resolution as Attachment A.

The results of the audit show that BART is in substantial compliance with its System Safety Program. However, program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described in the Findings/ Comments/ Recommendations section of each checklist and in the body of the final report. A complete listing of recommendations for the correction of each identified deficiency is contained in Appendix C of the report.

**Protests**

Staff provided a preliminary report of the audit to BART for a 30-day review and comment period on February 8, 2007. BART provided a comment letter of the audit report to Staff on March 8, 2007. Staff then provided a response letter to BART on May 4, 2007. On May 16, 2007, Staff received an e-mail from BART's Safety Department informing Staff that BART does not plan to protest the Resolution adopting Staff's Triennial Audit Report.

**Discussion**

The final "2006 Triennial On-Site Safety Audit of the Bay Area Rapid Transit," dated May 29, 2007 is included as Attachment A. The report is based on Staff findings and includes Staff recommendations.

BART has stated to Staff that it is working to develop corrective action plans for the deficiencies identified in the report and has initiated actions on some of them. BART will provide regular quarterly updates concerning the status of its corrective actions until they are completed.

CPSD recommends that the Commission approve the final audit report titled "2006 Triennial On-Site Safety Audit of the Bay Area Rapid Transit,"

dated May 29, 2007. CPSD also recommends that the Commission order BART to:

- Submit a report to RTSS that includes the status of the corrective actions for safety program deficiencies identified during the audit;
- Submit plans and schedules for implementing or completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plans and schedules submitted; and
- Provide RTSS with quarterly reports on the status of the corrective actions until they are completed.

**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 final "2006 Triennial On-Site Safety Audit of the Bay Area Rapid Transit," dated May 29, 2007, is granted.

2. The Bay Area Rapid Transit District (BART) shall submit to the Rail Transit Safety Section (RTSS) plans and schedules for implementing all recommended corrective actions contained in the final audit report. These plans and schedules shall be submitted no later than 45 days from the effective date of this resolution.

3. BART shall complete and implement all recommended corrective actions contained in the report in accordance with the plans and schedules submitted to the RTSS.

4. BART shall prepare and provide quarterly status reports to the RTSS beginning August 15, 2007. The reports shall contain detailed

information on the implementation of all remaining recommended corrective actions contained in the final audit report. Quarterly status reports shall continue to be provided until all recommended corrective actions are completed.

5. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on June 21, 2007. The following Commissioners voting favorably thereon:

/s/ PAUL CLANON
PAUL CLANON
Executive Director

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

# ATTACHMENT A