

DRAFT RESOLUTION

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAFETY AND ENFORCEMENT DIVISION
RAIL TRANSIT SAFETY BRANCH

Resolution ST-209
May 30, 2019

PUBLIC REDACTED

RESOLUTION

RESOLUTION ST-209 GRANTING APPROVAL OF THE
FINAL REPORT ON THE 2017 TRIENNIAL ON-SITE
SECURITY REVIEW OF SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY.

SUMMARY

This resolution approves the California Public Utilities Commission Safety and Enforcement Division final report titled, "2017 Triennial On-Site Security Review of Santa Clara Valley Transportation Authority," dated September 27, 2018. The report compiles the results of Commission Staff review of the Santa Clara Valley Transportation Authority security program. As the report contains confidential, sensitive information protected by Public Utilities Code Section 583, only background information and review procedures are included in the redacted report, findings and recommendations are not.

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BACKGROUND

Commission General Order No. 164-E,¹ "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" requires Commission Staff (Staff) to conduct on-site safety² 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 Branch (RTSB) partnered with the Transportation Security Administration (TSA) in performing rail transit security reviews. However, in the latter half of 2008, RTSB took over the responsibility of security reviews from the TSA. Staff conducted an on-site security review of the Santa Clara Valley Transportation Authority (VTA) security program in November 2017. VTA is Santa Clara County's Transportation Authority, which provides bus and transit rail services 365 days of the year throughout the county of Santa Clara.

The final report provides a full description of the Commission's VTA security review, including the scope, results, and recommendations, and is identified in this resolution as Attachment A.

The security review results show that the VTA 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.

Staff sent VTA's Security Department (Protective Services) a copy of the draft security review report for a 30-day comment period on September 27, 2018. VTA filed their comments on the draft security review report electronically on October 11, 2018.

¹ GO 164-D was in effect at the time Staff initiated the review. It has since been updated by GO 164-E. There is no significant difference between GO 164-D and GO 164-E with respect to the requirements regarding Triennial Safety and Triennial Security Reviews for Rail Transit Agencies.

² Staff's safety review and report, "2017 Triennial Safety Review of Santa Clara Valley Transportation Authority," is being brought before the Commission concurrently in Resolution ST-210.

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Scope of Security Review

Commission Staff conducted its security review 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.

According to 49 CFR 659.23, 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.

The requirements of 49 CFR 659.23 serve as the basis for the five security checklists that guided Staff's review of the VTA security program. Staff evaluated the VTA security plans and procedures to determine whether they have appropriate processes and procedures in place to meet the requirements of 49 CFR 659.23. The triennial security review evaluates whether VTA has defined necessary security activities, established responsibilities and accountability, set priorities, provided employee training, developed information distribution and controls, and developed

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monitoring and feedback loops to determine effectiveness of the security plans and procedures.

Each Staff member involved in the security review received training from the FTA. Staff all successfully passed the Transit System Security training course, which provided in-depth instruction on the federal security plan requirements, 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 out in the field to identify security concerns at all times when conducting general oversight activities or inspecting transit agency facilities and operations, not just during the triennial security review period. Staff evaluates and identifies security issues in the field, which are immediately discussed with the appropriate transit agency personnel to initiate the process for addressing the concern.

DISCUSSION

The final report, "2017 Triennial On-Site Security Review of Santa Clara Valley Transportation Authority," dated September 27, 2018, included as Attachment A, identifies Staff's activities for each of the five Federal Transit Administration 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 VTA adopted are in accordance with 49 CFR 659.23, and implemented in accordance with the VTA SSP. Staff does not evaluate VTA'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 local jurisdiction's police department.

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Staff recommends the Commission approve the final security review report titled, "2017 Triennial On-Site Security Review of Santa Clara Valley Transportation Authority," dated September 27, 2018.

NOTICE

On May 01, 2019, 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 VTA triennial security report references confidential information provided to Staff as part of their review. The redacted information contained in the report is designated as Sensitive Security Information (SSI), which is controlled by 49 CFR parts 15 and 1520. Therefore, 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 and Enforcement Division in this matter was mailed 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. _____ comments were received.

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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 Santa Clara Valley Transportation Authority," dated September 27, 2018, is granted.
2. The confidential version of the final report, "2017 Triennial On-Site Security Review of Santa Clara Valley Transportation Authority," shall remain under seal.
3. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on May 30, 2019. The following Commissioners voting favorably thereon:

/s/ Alice Stebbins

ALICE STEBBINS
Executive Director

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ATTACHMENT A

**2017 TRIENNIAL ON-SITE SECURITY REVIEW OF SANTA
CLARA VALLEY TRANSPORTATION AUTHORITY**

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