

**PROPOSED RESOLUTION**

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

RAIL SAFETY DIVISION  
RAIL TRANSIT SAFETY BRANCH

Resolution ST-224  
August 15, 2019

**RESOLUTION**

RESOLUTION ST-224 GRANTING APPROVAL OF THE  
FINAL REPORT ON THE 2018 TRIENNIAL ON-SITE  
SAFETY REVIEW OF SAN DIEGO TROLLEY, INC.

**SUMMARY**

This Resolution approves the Rail Safety Division final report, titled "2018 Triennial On-Site Safety Review of San Diego Trolley, Inc.," dated August 17, 2018. The report includes the results of the Commission staff review of the San Diego Trolley, Inc.'s System Safety Program and its compliance with its System Safety Program Plan, the Commission's General Order 164-E and applicable state and federal rules and regulations. The review identified 22 findings of non-compliance and Staff makes 17 recommendations for corrective actions. The Commission directs San Diego Trolley, Inc. to submit corrective action plans to address the findings and Staff's recommendations within 45 days of the date this Resolution is approved. Staff will review and approve proposed corrective actions and monitor their implementation to closure. Staff is not recommending that any fines or penalties be assessed by the Commission associated with the results of this triennial safety review.

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### **BACKGROUND**

General Order (GO) No. 164-E<sup>1</sup>, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" requires Commission staff (Staff) to conduct on-site system safety and on-site system security reviews of the transit agencies operating rail fixed guideway systems at least once every three years. These are commonly referred to as triennial safety and triennial security reviews.<sup>2</sup> Triennial safety and security reviews are conducted by Staff to evaluate compliance with an agency's own plans and procedures as well as safety and security laws and regulations applicable to the agency.

### **Triennial Safety and Security Reviews**

Staff conducts its triennial safety and triennial security reviews in accordance with procedures found in the CPUC State Safety Oversight Program Standard Procedures Manual, which is approved by the Federal Transit Administration (FTA) as part of our FTA Certification. The foundation of the triennial safety and triennial security reviews are the structured approach. The reviews are guided by checklists covering the required 21 essential elements of an SSPP, as listed in 49 Code of Federal Regulations (CFR) Part 659 and GO 164-E, Section 3.2, as well as checklists covering GO 172 (personal electronic device prohibitions) and GO 175-A (roadway worker protections). A number of the checklists include field reviews and inspections of system infrastructure and observations of operations and maintenance activities conducted by the transit agency. All checklists guide Staff's inquiries to determine whether an agency is following its established SSPP and its policies and procedures and to determine whether any gaps exist in the SSPP or procedures that an agency must address. Each checklist identifies safety-related elements and

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<sup>1</sup> GO 164-D was updated by GO 164-E effective May 1, 2018, approximately one month before the Triennial Safety Review of San Diego Trolley began. 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.

<sup>2</sup> Staff's security review and report, "2018 Triennial Security Review of Metropolitan Transit System" is being brought before the Commission concurrently in Resolution ST-225.

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characteristics for that review area that Staff either inspects directly, or evaluates by reviewing reports, documents, and other records.

Staff reviewers are the engineers, inspectors, and analysts in the Rail Transit Safety Branch (RTSB) of the Commission's Rail Safety Division (RSD). Reviewers are assigned checklists by RTSB management based on expertise, skill sets, interest and knowledge of the area covered by the checklist. Most checklists are conducted by at least two Staff members. The checklist questions provide guidance during the review however, the agency is informed in the 30-day review notification and draft checklist transmittal letter, Staff is not limited by these questions and may make additional inquiries related to the subject matter based on any agency responses or any documents examined during the review.

RTSB Staff conducted an on-site system safety review of the San Diego Trolley, Inc. (SDTI) on June 4-9, 2018. For scheduling and resource allocation purposes, some field inspection activities that were part of the review took place in the two weeks before that, May 14-31, 2018. For the SDTI triennial review, Staff developed 39 checklists covering the 21 essential elements (plus GO 172 and GO 175 checklists) to guide the review, which were shared with SDTI in advance for review and comment. Staff made several minor edits pursuant to SDTI comments and finalized the checklists. Staff conducted the triennial safety review and has compiled its final report, as attached to this Resolution.

The methods used to conduct the safety review included:

- a. Interviews with SDTI employees at all levels from rank and file through SDTI 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

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- e. Inspections of equipment and facilities.

A full description of the safety review, including the scope, results, and recommendations, is contained in the final safety review report identified in this resolution as Attachment A.

### **San Diego Trolley, Inc.'s System Safety Program Plan**

SDTI's System Safety Program Plan (SSPP) has been in place since 1997. The requirements for SSPPs are found in General Order 164-E, section 3. GO 164-E requires specific elements to be included in the SSPP and requires SDTI to evaluate it annually to determine whether any changes or updates are necessary to maintain compliance or address new or changed system risks. Updates must be submitted to Staff for review and approval.

The SSPP is the guiding document that incorporates safety into SDTI's daily operations and requires the Safety Department and the managers and supervisors in other departments to conduct operations and maintenance activities in accordance with the procedures SDTI has established. Those procedures are specified in various procedural manuals, plans and policies that supplement the SSPP. The SSPP and associated policies and procedures are intended to provide SDTI personnel the guidance to properly perform tasks and to identify and eliminate, mitigate or control safety hazards and risks. Additionally, the SSPP and associated procedures are intended to assure compliance with safety, health and environmental laws and regulations, as well as to establish requirements, lines of authority, and levels of responsibility and accountability within the organization for their implementation.

### **Monitoring Compliance**

As a routine element of the triennial review process, RSD requests Commission approval of the final report and requests the Commission order the agency to supply responses to each finding and recommendation and develop a corrective action plan to address them. Staff reviews the responses and corrective action plans to assure the identified issue(s) are

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being addressed and, if so, approves the corrective action plan. Staff then monitors implementation of the corrective action plans and field verifies their completion. Corrective actions may be simple and already implemented prior to issuance of the Final Report, and for some the agency may propose longer term activities to correct.

### DISCUSSION

The final report, "2018 Triennial On-Site Safety Review of San Diego Trolley, Inc.," dated August 17, 2018, included as Attachment A, identifies staff activities for each of the 39 checklists covering the 21 items that Title 49 of Code of Federal Regulations, Chapter 659 (49 CFR 659) and the Commission's GO 164-E require for inclusion in each Rail Transit Agency's System Safety Program Plan (SSPP).

A total of 22 findings of non-compliance were identified during the review, which resulted in 17 Staff recommendations for corrective action. The findings and recommendations are organized by source checklist number in the attached report.

The findings and recommendations arising from the 2018 triennial safety review indicate that SDTI experienced some examples of "practical drift," which describes when field procedures over time begin to vary from the established written procedures. Practical drift occurs due to a number of factors, including resource deficiencies, personnel turn-over, inadequate review by supervisors and managers, perception of process improvement by employees through minor deviations from established process, among others. This was particularly applicable to SDTI Wayside Department, who were issued 13 recommendations. The Wayside Department is being directed to ensure their equipment is being maintained in accordance with General Order, Code of Federal Regulation requirements, and that maintenance and inspection documentation is properly completed and reviewed by Wayside Department management. Implementation of these recommendations will allow SDTI to identify process concerns and to take action, such as retraining if necessary.

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Staff is not recommending enforcement action arising from the triennial safety review findings. SDTI has consistently been proactive on safety issues, very responsive to inspections and other identified safety concerns and quick to act to correct any issues. There are fewer findings identified for this triennial review than other triennial reviews for agencies of comparable size and SDTI has responded appropriately in development of corrective actions. Follow up meetings with SDTI management indicates corrective actions have already been developed which should be effective correcting the identified deficiencies going forward. Staff believes the implementation of Staff's recommendations will address the identified issues, and an enforcement action is not necessary at this time.

SDTI developed and began implementing corrective action plans for the areas of non-compliance identified in the report after the July 31, 2018 exit meeting. SDTI should be ordered to provide a written summary of the corrective actions already taken and address any corrective action plans on the remaining open items identified in the final report and submit them to Staff for review and approval.

RSD Staff recommends that the Commission approve the final safety review report titled, "2018 Triennial On-Site Safety Review of San Diego Trolley, Inc.". RSD also recommends the Commission order SDTI to:

- Submit a report to the RTSB within 45 days of the date of this Resolution, which identifies the corrective action status for safety program areas of non-compliance identified by Staff, for Staff's review and approval;
- Submit plans and schedules for implementing and completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plans and schedules submitted; and
- Provide the RTSB with monthly progress reports on the status of the corrective actions until they are completed and implemented.

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### **NOTICE**

On July 9, 2019, this Resolution was published on the Commission's Daily Calendar.

### **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.

### **FINDINGS**

1. The RSD RTSB staff conducted an on-site safety review of SDTI beginning May 15, 2018 and concluding June 5, 2018. Staff conducted a post-review exit conference with SDTI management on July 31, 2018.
2. The safety report results show 22 findings of non-compliance were identified during the review. These non-compliant items along with 17 recommendations for corrective actions are described, where applicable, in the Findings/Comments/Recommendations section of each checklist and in the body of the final report.
3. SDTI indicated to staff they have developed and implemented corrective action plans for most of the areas of non-compliance identified in the report.

### **THEREFORE, IT IS ORDERED THAT:**

1. The Rail Safety Division's request for approval of the final safety review report titled, "2018 Triennial On-Site Safety Review of San Diego Trolley, Inc." dated August 17, 2018, is granted.

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2. The San Diego Trolley, Inc. shall submit information and data regarding corrective actions already taken, as well as plans and schedules for implementing all recommended corrective actions for items that remain open, to the Rail Transit Safety Branch no later than 45 days from the effective date of this resolution.
3. The San Diego Trolley, Inc. shall complete and implement all recommended corrective actions contained in the report, in accordance with the plans and schedules submitted to the Rail Transit Safety Branch.
4. The San Diego Trolley, Inc. shall prepare and provide monthly status reports to the Rail Transit Safety Branch. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final safety review report. Monthly status reports shall be provided until all recommended corrective actions are implemented and 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 August 15, 2019. The following Commissioners voting favorably thereon:

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ALICE STEBBINS  
Executive Director

# ATTACHMENT A

## TRIENNIAL ON-SITE SYSTEM SAFETY REVIEW OF SAN DIEGO TROLLEY, INC.

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