PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety Division **Resolution ST-249**
Rail Transit Safety Branch **December 17, 2026**

R E S O L U T I O N

Resolution ST-249. Granting Approval of the Final Report on the 2021 Triennial Security Review of the Bay Area Rapid Transit District.

PROPOSED OUTCOME:

- Approval of the Final Report of the 2021 Triennial On-site Security Review of Bay Area Rapid Transit District.

SAFETY CONSIDERATIONS:

- This resolution considers the safety and security of the public and employees who might be affected by the Bay Area Rapid Transit District's rail transit passenger service. The resolution approves a review report required every three years to comprehensively assess, evaluate, and improve safety and security of a rail transit system.

ESTIMATED COST:

- There are no costs associated with this resolution.

SUMMARY

This Resolution approves the California Public Utilities Commission Rail Safety Division final report, titled "*2021 Triennial Security Review of San Francisco Bay Area Rapid Transit District*," dated January 10, 2024. The report compiles the results of the Commission Staff review of the Bay Area Rapid Transit District (BART) System Security Program and its compliance with its System Security Plan, the Commission's General Order 164-E and applicable state and federal rules and regulations. The review identified two findings of non-compliance resulting in one recommendation for corrective action, and the report includes one comment.

As the report contains confidential, sensitive information protected by Public Utilities Code Section 583, only background information is included in the redacted report, review items and audit activities, findings and recommendations are not.

BACKGROUND

General Order (GO) No. 164-E, "*Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems*" requires Commission Staff (Staff) to conduct on-site system safety[1] 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. Staff conducts triennial safety and security reviews to evaluate compliance with an agency's own plans and procedures as well as safety and security laws and regulations applicable to the agency.

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 Bay Area Rapid Transit District (BART) security program in October 2021. An exit meeting was held with BART personnel on January 13, 2022, wherein Staff provided a verbal summary of the security audit findings, comments and recommendations, if any.

The final report provides a full description of the system, along with the security review, including the scope, results, and recommendations, and is identified in this resolution as Attachment A.

Staff found no areas of non-compliance during the review. Activities of each checklist can be found in Section D of the security report.

Staff sent the BART a copy of the draft security review report for a 30-day comment period on April 11, 2024. BART responded electronically with no comments on the draft security review report, on May 31, 2024.

Scope of Security Review

Commission Staff conducted its security review in accordance with guidance and training from the Federal Transit Administration (FTA). Section 4 of GO 164-E defined

[1] Staff's safety review and report, "*2021 Triennial Safety Review of San Francisco Bay Area Rapid Transit District*" is being brought before the Commission concurrently in Resolution ST-248.

the requirements for a System Security Plan (SSP) for rail transit agencies at the time of the review.

According to section 4 of GO 164-E, the SSP must, at a minimum address the following:

a) Identify the policies, goals, and objectives for the security program endorsed by the agency's accountable executive.

b) The process for managing threats and vulnerabilities during operations, and for projects, extensions, new vehicles and equipment, including integration with the safety certification process.

c) The controls in place that address the personal security of passengers and employees.

d) The process for conducting internal security reviews to evaluate compliance and measure the effectiveness of the security plan.

e) The process for making the security plan and accompanying procedures available to the Commission for review and approval.

f) The process for notifying investigating and reporting security breaches.

GO 164-E Section 4 provides the basis for the five security checklists that guided Staff's review of the BART security program. Staff evaluated the BART security plans and procedures to determine whether they comply with the requirements of section GO 164-E Section 4. The triennial security review evaluates whether BART has defined necessary security activities, established responsibilities and accountability, set priorities, provided employee training, developed information distribution and controls, and developed 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. All Staff successfully passed the Transit System Security Course (TSSC), which provides in-depth instruction on the federal security plan requirements, typical methods of compliance, and industry best practices.

Moreover, all Staff in the RTSB attend the FTA TSSC as part of their overall training. This allows Staff members out in the field to promptly identify security concerns while conducting general oversight activities or inspecting transit agency facilities and operations, not just during the triennial security review period. Staff evaluate and

identify 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, "*2021 Triennial Security Review of San Francisco Bay Area Rapid Transit District*," dated January 10, 2024, included as Attachment A, identifies Staff activities for each of the five checklists covering the six items that the Commission's GO 164-E require for inclusion in each Rail Transit Agency's SSP. Staff concluded that BART demonstrated compliance with both statutory and regulatory obligations and its SSP.

For the purpose of the security reviews, "security" means the general areas identified in the FTA requirements of GO 164-E Section 4. Staff inquiries during the review examine whether the processes and procedures BART adopted are implemented in accordance with statute and the BART SSP. Staff does not evaluate BART's response to specific crimes or events, except during evaluations to ensure 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.

Rail Safety Division (RSD) Staff recommend that the Commission approve the final security review report titled, *"2021 Triennial Security Review of San Francisco Bay Area Rapid Transit District*," dated January 10, 2024.

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. Any comments are due within 20 days of the date of its mailing and publication on the Commission's website and in accordance with any instructions accompanying the notice. Section 311(g)(2) provides that this 30-day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments and will be placed on the Commission's agenda no earlier than 30 days from today. ___comments were received.

FINDINGS AND CONCLUSIONS

1. The RSD RTSB Staff conducted an on-site security review of BART on December 2-3, 2021. Staff conducted a post-review exit conference with BART Management on June 4, 2022.

2. The inquiries and activities conducted for each security area covered during the review are described on the individual review checklists in the final report included as Attachment A to this Resolution

3. The security report results show two Findings of non-compliance were identified during the review, resulting in one Recommendation. These items are described, where applicable, in the Findings/Comments/Recommendations section of each checklist and in the body of the final report.

THEREFORE, IT IS ORDERED THAT:

1. The Rail Safety Division's request for approval of the final security review report titled, "*2021 Triennial Security Review of Bay Area Rapid Transit District*," dated January 10, 2024, is granted.

2. Bay Area Rapid Transit District 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. Bay Area Rapid Transit District 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. Bay Area Rapid Transit District 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.

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5. This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on December 17, 2026; the following Commissioners voting favorably thereon:

Commissioner Signature blocks to be added upon adoption of the resolution

Dated _____///_____, at San Francisco, California

ATTACHMENT A

2021 Triennial Security Review of
San Francisco Bay Area Rapid Transit District

CS# 630113913