PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety Division **Resolution ST-248**
Rail Transit Safety Branch **December 17, 2026**

R E S O L U T I O N

Resolution ST-248. Granting Approval of the Final Report on the 2021 Triennial Safety Review of the Bay Area Rapid Transit District.

PROPOSED OUTCOME:

- Approval of the Final Report of the 2021 Triennial On-site Safety Review of San Francisco 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 Rail Safety Division final report, titled "*2021 Triennial Safety Review of San Francisco Bay Area Rapid Transit District*" dated January 10, 2024. The report includes the results of the Commission Staff review of the Bay Area Rapid Transit District Safety Program and compliance with its Public Transportation Agency Safety Plan, the Commission's General Order 164-E, and applicable state and federal rules and regulations. The review identified 56 findings of non-compliance and Staff makes 48 recommendations for corrective actions.

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 and on-site system security reviews of the transit agency's operating rail fixed guideway systems at least once every three years. These are commonly referred to as triennial safety and triennial security reviews.[1] 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 conduct triennial safety and triennial security reviews in accordance with 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 security reviews is the structured approach, guided by checklists covering the required 21 essential elements of a Public Transportation Agency Safety Plan (PTASP). Several 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 the policies and procedures supplementing the PTASP and whether any gaps exist in the PTASP or there are procedures that an agency must address. Each checklist identifies safety-related elements and 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). RTSB management assigns the reviewers checklists 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. While checklist questions provide initial Staff guidance, the agency is informed in the 30-day review notification letter that Staff may make additional inquiries related to the subject matter based on agency responses or documents examined during the review.

Staff conducted an on-site safety review of the Bay Area Rapid Transit District (BART) from November 29 through December 14, 2021. For the BART triennial review, Staff

[1] Staff's security review and report, "*2021 Triennial Security Review of Bay Area Rapid Transit District*" is being brought before the Commission concurrently in Resolution ST-249.

developed 38 checklists covering the 21 essential elements (plus GO 172 and GO 175 checklists) to guide the review, which were shared with BART in advance for review and comment. Staff made several minor edits pursuant to BART comments and finalized the checklists. Staff conducted the triennial safety review and compiled its final report, as attached to this Resolution.

The methods used to conduct the safety review included:

a) Interviews with BART employees at all levels from rank and file through BART 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 safety review, including the scope, results, and recommendations, is contained in the final safety review report identified in this resolution as Attachment A.

BART's Public Transportation Agency Safety Plan

BART's PTASP has been in place since 2020, with the System Safety Program Plan (SSPP) in place prior to 2020. The requirements for PTASPs are found in GO 164-E, section 3.2. GO 164-E requires specific elements to be included in the PTASP and requires BART 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 PTASP is the guiding document that incorporates safety into BART'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 established by BART. Those procedures are specified in various procedural manuals, plans and policies that supplement the PTASP. The PTASP and associated policies and procedures are intended to provide BART personnel with the guidance to properly perform tasks and to identify and eliminate, mitigate or control safety hazards and risks. Additionally, the PTASP and associated procedures are intended to ensure 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 review the responses and corrective action plans to ensure the identified issue(s) are being addressed and, if so, approves the corrective action plan. Staff then monitor 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, while for some the agency may propose longer-term activities to correct findings.

DISCUSSION

The final report, "*2021 Triennial Safety Review of Bay Area Rapid Transit District*," dated January 10, 2024, included as Attachment A, identifies Staff activities for each of the 38 checklists covering the 21 items that Title 49 of Code of Federal Regulations, Chapter 659 (49 CFR 659),[2] all elements of Chapter 673 (49 CFR 673), and the Commission's GO 164-E require for inclusion in each Rail Transit Agency's PTASP.

Staff identified a total of 56 findings of non-compliance, which resulted in 48 recommendations for corrective action. The findings and recommendations are organized by source checklist number in the attached report. BART has closed many findings and recommendations, but not all of them.

RSD Staff recommend the Commission approve the final safety review report titled "*2021 Triennial Safety Review of Bay Area Rapid Transit District.*" RSD also recommend the Commission order BART to:

- Submit a report to the RTSB within 45 days of the date of this Resolution identifying the corrective action status for safety program areas of identified non-compliance for Staff's review and approval;
- If corrective actions are incomplete, submit plans and schedules for implementing and completing the recommended corrective actions contained in the report, for Staff's review and approval;

[2] **49 CFR Part 659** was effective at the time of the Audit, but officially sunset on **February 7, 2022**, when the Federal Transit Administration (FTA) published its final rescission in the Federal Register. The regulation was replaced by the updated State Safety Oversight rule codified at 49 CFR Part 674, which was required by the Moving Ahead for Progress in the 21st Century Act (MAP-21). [1, 2]

- Implement the recommendations in accordance with the plans and schedules submitted; and
- Provide the RTSB with progress reports on the status of the corrective actions at routine monthly meetings until all items are completed and implemented.

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 safety review of BART beginning November 29, 2021, and concluding on December 14, 2021. Staff conducted a post-review exit conference with BART management on June 3, 2022.

2. The safety report review identified 56 findings of non-compliance. These non-compliant items and recommendations for corrective actions are described in the Findings/Comments/Recommendations section of each checklist and in the body of the final report.

3. BART indicated to Staff they have developed and implemented corrective action plans for many of the areas of non-compliance identified in the report, however some findings are not yet closed.

THEREFORE, IT IS ORDERED THAT:

1. The Rail Safety Division's request for approval of the final safety review report titled "*2021 Triennial Safety Review of San Francisco 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.

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 November 12, 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 Safety Review Report of
San Francisco Bay Area Rapid Transit District

CS# 629982018