

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division Rail Transit and Crossing Branch Rail Transit Safety Section	Resolution ST-115 October 14, 2010
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R E S O L U T I O N**RESOLUTION ST-115. GRANTING APPROVAL ON FINAL
REPORT ON THE 2010 TRIENNIAL ON-SITE SAFETY REVIEW OF
BAY AREA RAPID TRANSIT DISTRICT**

SUMMARY

This Resolution grants the Consumer Protection and Safety Division final report titled, "2010 Triennial On-Site Safety Review of Bay Area Rapid Transit District," dated August 19, 2010. The Bay Area Rapid Transit District is ordered to implement the recommendations contained in the report and to provide quarterly progress reports.

BACKGROUND

Commission General Order No. 164-D, "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.

The Rail Transit Safety Section (RTSS) staff conducted an on-site safety review of the Bay Area Rapid Transit District (BART) beginning May 10, 2010 and concluding May 21, 2010. Staff conducted a post-review exit conference with BART management on June 1, 2010.

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.

The safety review results show BART is generally in compliance with its System Safety Program Plan; however, some program areas of non-compliance were identified during the review. These non-compliant items along with 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. A summary of recommendations requiring corrective action is contained in Appendix B of the report.

PROTESTS

Staff sent BART a draft safety review report for a 30-day review and comment period on July 22, 2010. BART's Safety Manager's concurrence letter dated August 19, 2010 confirmed the safety report's factual accuracy and accepted the recommendations.

DISCUSSION

The final report, "2010 Triennial On-Site Safety Review of Bay Area Rapid Transit District," dated August 19, 2010, includes Attachment A which identifies staff findings and recommendations.

BART has stated to staff that they have developed and implemented corrective action plans for the areas of non-compliance identified in the report. BART will provide regular quarterly status updates of their corrective actions until completion.

The Commission Consumer Protection and Safety Division (CPSD) recommends that the Commission approve the final safety review report titled, "2010

Triennial On-Site Safety Review of Bay Area Rapid Transit District," dated August 19, 2010. CPSD also recommends the Commission order BART to:

- Submit a report to the RTSS, which identifies the corrective action status for safety program areas of non-compliance identified by staff;
- 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 RTSS with quarterly progress reports on the status of the corrective actions until they are completed and implemented.

NOTICE

On **September 15, 2010**, staff's request for approval of the final safety review report titled, "2010 Triennial On-Site Safety Review of Bay Area Rapid Transit District," dated August 19, 2010, was published on the Commission's Daily Calendar.

COMMENTS

The draft resolution of the CPSD in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

FINDINGS

1. The RTSS staff conducted an on-site safety review of BART beginning May 10, 2010 and concluding May 21, 2010. Staff conducted a post-review exit conference with BART management on June 1, 2010.
2. The safety review results show BART is generally in compliance with its System Safety Program Plan; however, some program areas of non-compliance were identified during the review. These non-compliant items along with 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.

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3. BART has stated to staff they have developed and implemented corrective action plans for the areas of non-compliance identified in the report.

THEREFORE, IT IS ORDERED THAT:

1. The Consumer Protection and Safety Division's request for approval of the final safety review report titled, "2010 Triennial On-Site Safety Review of Bay Area Rapid Transit District," dated August 19, 2010, is granted.
2. The Bay Area Rapid Transit District shall submit to the Rail Transit Safety Section plans and schedules for implementing all recommended corrective actions contained in the final safety review report. Those plans and schedules shall be submitted no later than 45 days from the effective date of this resolution.
3. The 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 Section.
4. The Bay Area Rapid Transit District shall prepare and provide quarterly status reports, beginning on November 29, 2010, to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final safety review report. Quarterly 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 October 14, 2010; the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

ATTACHMENT A