

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit Safety Section

Resolution ST-123
May 26, 2011

REDACTED**RESOLUTION**

RESOLUTION ST-123 GRANTING APPROVAL OF THE FINAL REPORT OF THE 2010 TRIENNIAL ON-SITE SECURITY REVIEW OF BAY AREA RAPID TRANSIT DISTRICT.

Summary

This resolution approves the California Public Utilities Commission Consumer Protection and Safety Division final report titled, "2010 Triennial On-Site Security Review of Bay Area Rapid Transit District" dated July 29, 2010. The report compiles the results of Commission Staff review of the Bay Area Rapid Transit District security program. Background information and review procedures only are included in the redacted report.

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 security reviews of transit agencies operating rail fixed guideway systems at least once every three years.

From 1996 to 2008, the Commission's Rail Transit Safety Section (RTSS) partnered with the Transportation Security Administration (TSA) in performing rail transit security reviews. However, in the later half of 2008, RTSS 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 July 2010.

RTSS had the responsibility of standardizing the format of the Rail Transit Agency's Triennial Security Reviews and looked towards the Federal Transit Administration (FTA) for guidance. The undertaking of the FTA was to define and guide Commission's RTSS to what they considered Security Sensitive Information and what was allowed for the public to view. The RTSS management worked with Commission's legal department and the FTA over the next two years to acceptable standard.

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

The security review results show that BART is generally in compliance with its System Security Plan. However, Staff identified some program areas of non-compliance during the review. These non-compliant items along with recommendations for corrective actions are described in the Findings/Comments/Recommendations sections of each checklist and in the body of the final report. A summary of recommendations requiring corrective action is contained in Appendix C of the report.

Staff sent BART a copy of the draft security review report for a 30-day comment period on February 4, 2011. The BART Chief of Police accepted the report's recommendations in a letter dated on February 27, 2011.

Discussion

The final report, "2010 Triennial On-Site Security Review of Bay Area Rapid Transit District," dated July 29, 2010 included as Attachment A, identifies Staff findings and recommendations.

Staff recommends the Commission approve the final security review report titled, "2010 Triennial On-Site Security Review of Bay Area Rapid Transit District," dated July 29, 2010. Staff also recommends the Commission order Bay Area Rapid Transit District to:

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- Submit plan and schedule to Staff for implementing and completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plan and schedule; and
- Provide Staff with monthly reports on the status of the corrective actions until they are implemented and completed.

Notice

On April 22, 2011, 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 confidential appendices, marked "[CONFIDENTIAL]" in the public copy of this resolution should remain confidential at this time.

Comments

The draft resolution of the Consumer Protection and Safety Division in this matter was mailed to Parties of Interest on April 22, 2011 in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. Parties' comments will be due on May 16, 2011.

Therefore, IT IS ORDERED that:

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1. The Consumer Protection and Safety Division's request for approval of the final safety review report titled, "2010 Triennial On-Site Security Review of Bay Area Rapid Transit District," dated July 29, 2010, is granted.
2. Bay Area Rapid Transit District shall submit to Staff a plan and schedule for implementing all recommended corrective actions contained in the final security review report. Bay Area Rapid Transit District shall submit the plan and schedule no later than 45 days from the effective date of this resolution.
3. Bay Area Rapid Transit District shall implement and complete all recommended corrective actions contained in the report, in accordance with the plan and schedule submitted to Staff.
4. Bay Area Rapid Transit District shall provide monthly status reports, following the effective date of this resolution, to Staff. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final security review report. Bay Area Rapid Transit District shall provide monthly status reports 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 _____. The following Commissioners voting favorably thereon:

/s/ Paul Clanon

PAUL CLANON
Executive Director

ATTACHMENT A