

California Public Utilities Commission
Safety and Enforcement Division



**PUBLICLY AVAILABLE REPORT FOR
CALENDAR YEAR 2018
OF
STATE SAFETY OVERSIGHT ACTIVITIES
FOR
RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION
SYSTEMS IN CALIFORNIA**

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EXECUTIVE SUMMARY

Under California Public Utilities Code section 99152, the Commission regulates the safety and security of 16 rail transit agencies (RTAs), of which nine are funded by and under Federal Transit Administration (FTA) regulation. The Commission regulates those agencies plus an additional 7 that are rail and other fixed guideway public transportation systems.

Commission's Rail Transit Safety Branch (RTSB) had 32 Staff members in Calendar Year (CY) 2018, an increase of one from CY 2017. RTSB performed approximately 61,350 hours of safety and security oversight activities in CY 2018 compared to 54,099 hours in CY 2017, for both Non-FTA Funded and FTA Funded RTA's. In addition, RTSB inspectors have increased their inspections by a combined average of 25% from 2017 to 2018 with 267 inspections in performed in 2017 and 333 inspections in performed in 2018. RTSB investigates accidents and determines the causal factors through investigations. These causal factors are documented and summarized as shown in Table 3. In addition, with each accident investigation a corrective action can be created, if necessary, and tracked from open to close. Corrective actions can also be created from the CPUC Triennial Reviews of the rail transit agency, rail transit agency internal safety audits, CPUC inspections, and transit agency hazards identified through the agency's hazard management program.

INTRODUCTION

The Federal Transit Administration (FTA) adopted Part 674 of the Code of Federal Regulations Title 49 (49 CFR Part 674) on March 16, 2016. This final rule promulgated by the FTA replaced the State Safety Oversight rules under 49 CFR Part 659, which was rescinded three years following April 15, 2016, the effective date of 49 CFR Part 674. In order to comply with the new regulations in 49 CFR Part 674 Section 674.39, all State Safety Oversight Agencies that oversee Rail Fixed Guideway Public Transportation Systems (RFGPS, as defined in 49 CFR Part 674) must submit certain documents to the FTA by March 15 of each year. The Rail Transit Safety Branch of the Commission's Safety and Enforcement Division is responsible for the Commission's RFGPTS oversight program, thus is responsible for submitting the required report. Since the federal government was shut down earlier this year, the deadline to submit the report has been extended by the FTA to April 30, 2019. This report summarizes all the items required under 49 CFR Part 674.39 (a)(3) by the FTA to be submitted by the required deadline of April 30, 2019, which covers the State Safety Oversight Activities for CY 2018.

DISCUSSION

The California Public Utilities Commission (CPUC or Commission) has a long-standing rail transit safety oversight program which pre-dates the Federal program, which began in the early 1990's. California Public

Utilities Code (PU Code) § 99152¹ makes all public transit guideways in California planned, acquired, or constructed, on or after 1979 subject to the regulations of the Commission. PU Code §§ 778, 29047, 30646, and 100168 provide additional authority for the CPUC to regulate rail transit agencies (RTAs). The Commission has developed a rigorous and comprehensive program over the years to assure the safety of systems under its jurisdiction. The Rail Transit Safety Branch (RTSB) of the Commission’s Safety and Enforcement Division is responsible for the Commission’s fixed guideway public transportation safety oversight program.

On October 13, 1992, pursuant to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991, Governor Pete Wilson designated the Commission as the state agency charged with developing and implementing safety plans for all fixed guideway transit systems in California, referred to as the State Safety Oversight Agency (SSOA) by the FTA. Subsequently, FTA adopted 49 CFR Part 659, which was the federal regulation for SSOAs, such as the Commission, to meet regarding their public transportation fixed guideway safety oversight

The Moving Ahead for Progress in the 21st Century Act (MAP-21) signed into law on July 6, 2012, among a number of other things, required the Federal Transit Administration (FTA) to adopt a comprehensive Public Transportation Safety Program, one element of which was to strengthen the rail transit State Safety Oversight (SSO) program of the FTA required by the Part 659 of the Code of Federal Regulations, Title 49 (49 CFR Part 659).

In order to strengthen the SSOA program requirements of 49 CFR Part 659 as required by MAP-21, FTA adopted new requirements in 49 CFR Part 674, which became effective on April 15, 2016, and 49 CFR 674 now provides federal rules for the SSOA program.

FTA required that states with Rail Fixed Guideway Public Transportation Systems establish an updated SSO program approved by the FTA no later than April 15, 2019. On April 30, 2018, the CPUC submitted its Certification Application to the FTA and obtained certification on October 23, 2018.

The Commission currently oversees 16 RTAs, of which nine receive FTA funding and are thus subject to FTA regulations:

- Sacramento Regional Transit District (SRTD);

¹ Public Utilities Code §99152 states “Any public transit guideway planned, acquired, or constructed, on or after January 1, 1979, is subject to regulations of the Public Utilities Commission relating to safety appliances and procedures. The commission shall inspect all work done on those guideways and may make further additions or changes necessary for the purpose of safety to employees and the general public. The commission shall develop an oversight program employing safety planning criteria, guidelines, safety standards, and safety procedures to be met by operators in the design, construction, and operation of those guideways. Existing industry standards shall be used where applicable. The commission shall enforce the provisions of this section.”

- Bay Area Rapid Transit District (BART);
- BART Oakland Airport Connector (OAC)
- North [San Diego] County Transit District (NCTD or Sprinter);
- San Francisco Municipal Transportation Agency (SFMTA);
- San Diego Trolley, Inc. (SDTI);
- Santa Clara Valley Transportation Authority (SCVTA);
- Los Angeles County Metropolitan Transportation Authority (LACMTA); and
- Orange County Transportation Authority (OCTA or OC Streetcar or OCSC).

The remaining seven, that are not under FTA regulation are:

- Sacramento Airport Automated People Mover (SCAS);
- San Francisco International Airport Automated People Mover (AirTrain);
- Americana on Brand Trolley;
- The Grove Trolley;
- Angel's Flight Railway Company;
- Getty Center Museum Automated People Mover;
- Los Angeles World Airports Automated People Mover (LAWA); and

System in Development or Funding Stages:

- Los Angeles Streetcar.

In order to comply with the new regulations in 49 CFR Part 674.39, all SSOAs must provide a number of required documents to the FTA each calendar year.

Per 49 CFR Part 674.39 (a)(3), the Commission must submit a "Publicly Available Report" by April 30, 2019 that includes the following information:

- Summary of its oversight activities for the preceding twelve months;
- Description of the causal factors of accidents identified through investigation and identifies the status of corrective actions;
- Changes to Public Transportation Agency Safety Plans; and
- The level of effort by the SSOA in carrying out its oversight activities.

SUMMARY OF ITS OVERSIGHT ACTIVITIES FOR THE PRECEDING TWELVE MONTHS

RTSB conducts comprehensive Triennial Safety and Triennial Security Audits of RTAs; develops new or modified Commission General Orders (GOs) related to RTA safety; monitors RTA operational and safety activities; evaluates new project safety certification plans; facilitates communication between FTA and RTAs by notifying RTAs of all FTA Safety Directives and Safety Advisories; and collects data requested by FTA from RTAs. RTSB also evaluates and recommends certain RTA safety plans for Commission approval, including safety certification plans covering new major projects. RTSB also performs ongoing inspections of RTA facilities, operations, and construction projects to assess compliance with federal and state regulations, including GOs; with industry standards; and with the RTAs' own operating procedures. RTSB

also reviews accident investigation reports prepared by RTAs, and where appropriate, participates in RTA-led accident investigations. If deemed necessary, RTSB conducts its own investigations of accidents.

Below is a table summarizing RTSB oversight activities for CY 2017 and 2018. This table summarizes the activities conducted, total hours spent for each activity for both Non-FTA funded and FTA funded, and the percentage difference of hours spent from CY 2017 and 2018 for each activity.

Table 1: Summary of Program Activities for Calendar Year 2017 and 2018

Program Activity	Total Hours				Year-over-Year Growth Rate**
	2017		2018		
	Non-FTA Funded	FTA Funded	Non-FTA Funded	FTA Funded	
Developing Policy/Standards, Supporting Management, Special Projects	0	6,903.8	0	8,072.3	16.9%
Inspections	744.0	5,419.5	1110.5	7,538.5	40.3%
Triennial Audits	351.0	4,541.3	22.0	6,528.0	33.9%
Other Transit Safety Oversight/Investigations	825.0	11,612.3	1195.5	10,343.0	-7.2%
Managing/Supervising	118.0	5,660.0	69.0	6,660.5	16.5%
Accident Investigations	0	3,419.5	3.0	5,716.5	67.3%
Certifying Capital Projects	547.0	3,518.0	266.5	4,131.5	8.2%
Miscellaneous *	25.0	2,597.5	0	3,449.3	31.5%
Training (receiving and giving)	0	3,665.5	0	2,752.0	-24.9%
Rail Transit Crossings	0	2,652.0	0	2,462.5	-7.1%
Administrative Law Judges Division/Legal Division	31.0	1,469.0	5.0	1,025.0	-31.1%
Total	2,710.0	513,89.3	2,671.5	58,679.1	13.4%

*Miscellaneous includes – Administrative Submittals, Responses to Public Records Act Requests, Responses to FTA inquiries, Responses to general inquiries, and Staff Meetings.

**The year-over-year Growth rate=((Total Hours in 2018 – Total Hours in 2017)/Total Hours in 2017)*100

In addition, RTSB Inspectors have increased their inspections by a combined average of 25% from 2017 to 2018, with a total of 267 inspections performed in 2017 and 333 inspections performed in 2018. RTSB’s inspection program is divided into the Northern California inspection team and Southern California inspection team. Each team has a supervisor, a senior inspector, and inspectors in the four rail transit disciplines (areas of expertise): (1) track, (2) signal and train control, (3) equipment/mechanical (rail vehicles), and (4) operating practices.²

Inspections are generally scheduled in advance (i.e., announced). Occasionally, RTSB inspectors conduct unscheduled (unannounced) inspections. Findings of inspections are discussed with RTA representatives before RTSB Inspectors leave the RTA properties. Often, RTSB conducts joint inspections in shared rail corridors with inspectors from the CPUC’s Railroad Operations and Safety Branch and/or the Federal Railroad Administration. After each inspection, an inspection report is generated and sent to a RTSB supervisor who reviews and then sends it to the RTA within 10 business days. If the inspection identifies safety concerns that require corrective action, the RTA must respond within 30 days with either completed corrective actions or a corrective action plan (CAP), a timeline for its implementation, and the RTA staff responsible for its completion. Inspectors monitor responses and field-verify the corrective actions and CAPs. The inspection is considered closed when RTSB sends a follow-up report to the RTA accepting the corrective action or CAP. RTSB inspectors have more than doubled the amount of inspections from just 3 years ago and conducted over 333 inspections in 2018.

The table below summarizes the CY 2018 inspection activities conducted by the Commission’s RTSB Inspectors. These inspection activities include the four rail transit disciplines described above.

Table 2: Commission’s RTSB Inspections for Calendar Year 2018

		Total in 2017	Total in 2018	Year over Year Growth Rate
FTA FUNDED	Sacramento Regional Transit District	32	56	75%
	Bay Area Rapid Transit District (BART)	30	34	13%
	San Francisco Municipal Transportation Agency	31	43	39%
	Santa Clara Valley Transportation Authority	46	47	2%
	Los Angeles Metropolitan Transportation Authority	65	56	-14%
	North [San Diego] County Transit District (Sprinter)	18	31	72%
	San Diego Trolley Inc.	25	26	4%
	FTA Funded Sub Total	247	293	19%
	Angels Flight Railway Company	2	16	700%
	BART Oakland Airport Connector (OAC)	1	2	100%

² These differ from the five Federal Railroad Administration and the Commission’s Railroad Operations and Safety Branch’s railroad disciplines in that they do not include hazardous materials.

NON-FTA FUNDED	Sacramento International Airport Automated People Mover (APM)	3	4	33%
	Getty Center Museum APM	2	4	100%
	San Francisco International Airport (AirTrain) APM	4	4	0%
	Americana on Brand/The Grove Trolley	8	10	25%
	Non-FTA Funded Sub Total	20	40	100%
	Grand Total	267	333	25%

RTSB performs comprehensive safety and security audits of RTAs on a triennial basis. These audits involve reviews of RTA operational processes and procedures pertaining to compliance with GOs and federal rules/regulations. RTSB reviews RTA records and performs site inspections and other activities to evaluate the RTAs’ implementation of their system safety program plans, standard operating procedures, accident investigations, and maintenance practices. For each RTA, RTSB conducts one triennial audit review focused on RTA safety³, and another on RTA security⁴. The triennial safety audits typically last one to two weeks and involves a dozen or more RTSB inspectors and engineers. The audit activities and findings are then presented in a report which, depending on workload, typically takes 10 to 15 weeks to compile. A Triennial Security Audit is typically conducted concurrently with a Triennial Safety Audit but is documented in a separate report. Each of the two reports requires a Commission Resolution offering the report and findings for the Commission’s review and approval.

In 2018, RTSB Staff performed three triennial audits. Five triennial audits are scheduled for 2019, of which four are smaller Automated People Mover (APM) systems. Below is the schedule for the triennial audits and corresponding reports:

Table 3: Schedule of Triennial Safety and Security Audits in 2018 and 2019

Transit System	Audit Dates	Target CPUC Voting Meeting
North (San Diego) County Transit District	8/11-22/2018	June 2019
San Diego Trolley, Inc.	6/9-20/2018	June 2019

³ As defined in GO 164-E, Section 2.26: safety means freedom from harm resulting from unintentional acts or circumstances.

⁴ As defined in GO 164-E, Section 2.32: security means freedom from harm resulting from intentional acts or circumstances.

San Francisco Municipal Transportation Agency	10/6-17/2018	July 2019
Los Angeles County Metropolitan Transportation Authority	9/16 – 10/4/2019	
BART Oakland Airport Connector APM	10/21-25/2019	
San Francisco International Airport (AirTrain) APM	6/10-21/2019	
Sacramento International Airport APM	5/13-17/2019	
Getty Center Museum APM	12/2-6/2019	

DESCRIPTION OF THE CAUSAL FACTORS OF ACCIDENTS IDENTIFIED THROUGH INVESTIGATION AND IDENTIFIES THE STATUS OF CORRECTIVE ACTIONS

As prescribed in the RTSB’s Program Standard, titled "*Program Standard - Procedures Manual State Safety and Security Oversight of Rail Fixed Guideway Systems*", causal factors are identified through accident investigations and documented in the Commission’s Rail Safety and Security Information Management System (RSSIMS) database.

RTAs are required to report accidents⁵ and incidents⁶ to the CPUC. Typically, RTSB receives more than 250 rail transit accident notifications a year. Commission GO 164-E requires RTAs to investigate and CPUC staff to review and approve the RTA’s accident investigation reports. In some cases, CPUC staff will conduct a separate investigation. RTSB tracks accident investigation closeouts by RTAs and any CAPs associated with them. In some cases, RTSB may conduct additional on-site accident follow up investigations to obtain more detailed information. Workload associated with this element is highly variable due the number and complexity of the investigations, as well as other factors. During 2018, RTAs reported 340 accidents under the requirements of GO 164 series⁷.

⁵ Commission GO 164-E, 2.1: *Accident* means an event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

⁶ Commission GO 164-E, 2.13: *Incident* means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock or infrastructure that disrupts the operations of a rail transit agency.

⁷ As described elsewhere in this section, GO 164-D was updated to GO 164-E in 2018. The accidents RTAs reported in 2018 were in conformance with requirements of GO 164-D before the revision and GO 164-E after the revision.

During 2018 RTSB staff worked with the CPUC Information Technology Services Division (IT) to implement an on-line web form for RTAs to report accidents to the CPUC. The process ensures a wider distribution of initial accident notifications to RTSB staff and management, allowing for more timely or, if necessary, immediate responses by RTSB.

National Transportation Safety Board Accident Investigations

The National Transportation Safety Board (NTSB) is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation – rail, highway, marine and pipeline. The NTSB determines the probable cause of the accidents and issues safety recommendations aimed at preventing future accidents.

When a rail transit accident occurs, NTSB may participate in the accident investigation, depending upon the severity of the accident. RTSB staff works in concert with the NTSB and the involved RTAs to complete accident investigations and address any accident findings. No new NTSB rail transit investigations have occurred in California since a 2013 investigation of two Bay Area Rapid Transit (BART) roadway worker fatalities.

Corrective Action Plans

As described previously, CAPs are developed by RTAs to address findings (e.g., non-compliance with regulations or adopted procedures) per the RTSB’s Program Standard and 49 CFR 674.37, CAPs resulting and developed specifically for the reported RTAs occurrence and accident investigations; Hazard Management; Internal Safety/Security Reviews, as conducted by the RTAs; Three-year reviews, as conducted by the SSOA; and Other, as deemed necessary by RTSB staff are tracked. CAPs establish the proposed corrective actions and the responsible agency personnel that will implement and track the CAP to closure. RTSB reviews the proposed CAPs to determine their adequacy in addressing the inspection, audit and investigation findings and either approves or requires CAP modification. Routine meetings are held with RTAs to assess CAP status and update RTSB records regarding them. Typically, RTSB reviews between 150 and 200 CAPs every year. RTSB tracks CAPs and closures in the RSSIMS database, and inspections on spreadsheets. CAP entry and tracking involves significant data entry and time to review and update CAP records.

In the second half of 2018, RTSB began investigating with the Commission’s IT Division the development of an on-line CAPs submittal, updating and tracking tool so that submission of CAPs and tracking their status can become less labor intensive for both RTAs and RTSB. Ideally, such a process would allow timelier updating and a more accurate snapshot at any given time. Staff will continue to pursue this during 2019.

The table below summarizes the probable causes of accidents as documented for CY 2017 and 2018.

Table 4: Causal Factors Identified through Accident Investigation

Probable Cause (§659.35(d)) of Accidents	2017 Data		2018 Data		Year over Year Growth Rate
	Total Accidents	Share of Accidents	Total Accidents	Share of Accidents	
01) Equipment Failure, System component failure	8	3.0%	6	1.9%	-25.0%
02) Poor Maintenance, System not properly maintained	3	1.1%	3	0.9%	0%
03) Operating Rule Violation/ Human Factor, Employee error or organizational issue	26	9.8%	60	18.8%	130.8%
04) Slips and Falls, Slips and Falls in station or vehicle	2	0.8%	1	0.3%	-50.0%
05) Imprudent Customer Actions, Inappropriate patron or passenger behavior on vehicles or in stations	4	1.5%	8	2.5%	100%
06) Medically Related, Illness, Heart-attacks	0	0.0%	0	0.00%	0%
07) Action of Motorist, Non-transit auto driver at fault	142	53.4%	135	42.2%	-4.9%
08) Pedestrian Actions, Pedestrian at fault	25	9.4%	14	4.4%	-44.0%
09) Trespasser, Trespasser action	12	4.5%	12	3.8%	0%
10) Suicide, Suicides and Suicide attempts	28	10.5%	10	3.1%	-64.3%
11) Other, Acts of Nature/ Unknown	10	3.8%	14	4.4%	40.0%
Pending Determination	6	2.3%	57	17.8%	850.0%
Total	266	100	320	100%	20.3%

Table 4: Status of Corrective Actions By FTA Source Category

FTA Category	CAPS Opened in CY 2017			CAPS Opened in CY 2018		
	Number	CAP Status		Number	CAP Status	
		Open	Closed		Open	Closed
Bay Area Rapid Transit District (BART)						
Accident Investigation	5	1	4	17	4	13
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	24	0	24	0	0	0
Three-Year Review	0	0	0	0	0	0
Other	0	0	0	0	0	0
Sub Total	29	1	28	17	4	13
San Francisco Municipal Transportation Agency						
Accident Investigation	26	8	18	10	5	5
Hazard Management	0	0	0	2	2	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	44	1	43	0	0	0
Other	0	0	0	1	1	0
Sub Total	70	9	61	13	8	5
Santa Clara Valley Transportation Authority						
Accident Investigation	1	0	1	7	1	6
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	15	0	15	15	7	8
Three-Year Review	0	0	0	26	19	7
Other	0	0	0	0	0	0
Sub Total	16	0	16	48	27	21
Los Angeles County Metropolitan Transportation Authority						
Accident Investigation	2	1	1	2	2	0
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	11	0	11	0	0	0
Other	0	0	0	0	0	0
Sub Total	13	1	12	2	2	0
North [San Diego] County Transit District						
Accident Investigation	0	0	0	3	0	3
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	27	0	27	0	0	0
Other	0	0	0	0	0	0
Sub Total	27	0	27	3	0	3

San Diego Trolley, Inc						
Accident Investigation	1	0	1	0	0	0
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	0	0	0	0	0	0
Other	0	0	0	0	0	0
Sub Total	1	0	1	0	0	0
Sacramento Regional Transit District						
Accident Investigation	1	0	1	9	7	2
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	0	0	0	0	0	0
Other	0	0	0	0	0	0
Sub Total	1	0	1	9	7	2
San Francisco International Airport Automatic People Mover (AirTrain)						
Accident Investigation	5	0	5	0	0	0
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	7	3	4
Three-Year Review	0	0	0	0	0	0
Other	0	0	0	0	0	0
Sub Total	5	0	5	7	3	4
BART Oakland Airport Connector						
Accident Investigation	0	0	0	0	0	0
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	3	0	3	0	0	0
Other	0	0	0	0	0	0
Sub Total	3	0	3	0	0	0
Getty Center Museum Automatic People Mover						
Accident Investigation	0	0	0	0	0	0
Hazard Management	0	0	0	0	0	0
Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	1	1	0
Three-Year Review	4	0	4	0	0	0
Other	0	0	0	1	1	0
Sub Total	4	0	4	2	2	0
Angels Flight Railway Company						
Accident Investigation	0	0	0	0	0	0
Hazard Management	3	2	1	0	0	0

Inspection	0	0	0	0	0	0
Internal Safety Audit Program	0	0	0	0	0	0
Three-Year Review	0	0	0	0	0	0
Other	0	0	0	0	0	0
Sub Total	3	2	1	0	0	0
Total	172	13	159	101	53	48

CHANGES TO PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

RTAs are currently guided by their System Safety Program Plan, as was required by 49 CFR Part 659 regulations. Under the direction of the US Congress, FTA developed 49 CFR Part 673, which requires RTAs to develop Public Transportation Agency Safety Plans (PTASPs), based on the principles of Safety Management Systems. RTAs have until July 19, 2020 to have their PTASP submitted and approved by the Commission, Staff will work closely with the RTAs to have a completed and approved PTASP. Currently, no PTASP has been formally submitted to Commission Staff.

FTA proposed specific requirements for the PTASP, in accordance with United States Code, Title 49, Section 5329(d) (49 U.S.C. 5329(d)), including the following minimum requirements:

- An approval by the transit agency’s board of directors, or an equivalent entity, and a signature from the transit agency’s Accountable Executive;
- Documented processes and procedures for a Safety Management System (SMS), which would include a Safety Management Policy, a process for Safety Risk Management, a process for Safety Assurance, and Safety Promotion;
- Performance targets based on the safety performance measures set out in the National Public Transportation Safety Plan;
- Compliance with FTA’s Public Transportation Agency Safety Plan and FTA’s Public Transportation Safety Program; and
- A process and timeline for conducting an annual review and update of the plan. In addition, rail transit agencies would be required to include an emergency preparedness and response plan in their Public Transportation Agency Safety Plans.

The submitted PTASP must be signed by the Accountable Executive and approved by the agency’s Board of Directors. RTSB will be working with the RTA’s on finalizing their PTASP before the deadline of July 20, 2020. In order for RTSB to review and approve the Public Transportation Agency Safety Plan by the required FTA deadline of July 19, 2020, , RTSB Staff is in the process of developing a Resolution for Commission consideration to require RTAs under the jurisdiction of the Commission to submit their PTASP by January 20, 2020.

THE LEVEL OF EFFORT BY THE SSOA IN CARRYING OUT ITS OVERSIGHT ACTIVITIES

Level of effort by the SSOA in carrying out its oversight activities:

During CY 2018, Commission Staff (including RTSB, Rail Crossings and Engineering Branch, Legal Division, and Administrative Law Judges Division) spent 61,350 hours in carrying out its safety and security oversight activities for both non-FTA and FTA funded transit agencies. In comparison, in CY 2017, Commission Staff spent 54,099 hours on its oversight activities. That's an increase of approximately 13.4% from CY 2017 to CY 2018. One of the contributing factors was the increase number of Commission Staff overseeing the RTA's in California.

ENFORCEMENT ACTIONS

BART Order Instituting Investigation (I) 16-06-010

On June 28, 2016, the Commission instituted a formal Investigation in response to a two fatality San Francisco Bay Area Rapid Transit District (BART) accident on October 19, 2013. A final Decision was issued on October 22, 2018 regarding alleged violations by BART relating to the fatal accident (Decision 18-10-020). In part, the Decision imposed a total fine of \$1,348,000 against BART. The Commission stayed half of the fine under that condition that BART "... remains in compliance with the directives in this Decision during the probationary period." In accordance with the Decision, BART will be on probation for three years from the date of issuance. Additional compliances regarding training of supervisors and managers and other items are intended to improve BART's safety culture.

SFMTA Citation RTSB-18-07-001 for Personal Electronic Device Violations by Employees

The Commission issued Citation # 1807001 to San Francisco Municipal Transportation Agency (SFMTA) on December 11, 2018. The citation levied a fine of one hundred twenty thousand dollars (\$120,000). The citation was the result of a series of violations of General Order 172, (Personal Electronic Devices) Sections 3.1(a), 3.1(c), 5.1., and 5.2(a) and for violations of the SFMTA Rail Rule Book's Personal Electronic Devices Rules 2.15.3 and 2.15.4. The violations were observed over several RTSB safety inspections of SFMTA property and personnel observations from late 2017 through July 18, 2018. The agency was notified of its right to appeal the citation but chose not to do so, and subsequently paid the fine. Additional corrective actions were implemented by SFMTA to reduce the potential for recurrence.