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Decision No. 89902 JAN 19 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the safety)
appliances and procedures of the)
SAN FRANCISCO BAY AREA RAPID)
TRANSIT DISTRICT.)

Case No. 9867
(Filed February 4, 1975)

Malcolm Barrett and Sherwood G. Wakeman, Attorneys
at Law, for Bay Area Rapid Transit District,
respondent.

Charles R. Woodhouse, for Parsons Brinckerhoff-
Tudor-Bechtel; Pettit, Evers & Martin, by
Joseph Martin, Jr., Attorney at Law, for Rohr
Corporation; Charles M. Carver and Willard
Wattenberg, for themselves; T. Richard Brown,
Attorney at Law, for TRW, Incorporated; Don W.
Miller, for Greyhound Lines, Inc.; John Sutter,
for the City of Oakland; George P. Agnost,
City Attorney, by Leonard Snaider, Attorney at
Law, for the City and County of San Francisco;
and William L. Moore, for the Oakland Fire
Department; interested parties.

Richard D. Rosenberg, Attorney at Law, for the
Commission staff.

TENTH INTERIM ORDER

After telephone notice on January 18, 1979, hearing in this proceeding was held before Commissioner Richard D. Gravelle and Commissioner Claire T. Dedrick on January 19, 1979 for the purpose of receiving further evidence regarding the safety of operation of BART and, in particular, the accident which occurred in the BART San Francisco Bay Tunnel on Wednesday, January 17, 1979.

After hearing the testimony, statements, and recommendations of the general manager of BART, the fire chiefs of the cities of San Francisco and Oakland, the vice-mayor of Oakland, the deputy chief of the California Occupational Health and Safety Administration, Dr. Willard Wattenberg, transit representatives, and a number of

individuals, it is found that it presently is not safe for BART to operate revenue service through the San Francisco Bay Tunnel. It is concluded that the San Francisco Bay Tunnel should be closed to revenue service as hereafter ordered and that the verbal order issued by Commissioner Gravelle and Commissioner Dedrick on January 19, 1979 should be ratified.

IT IS ORDERED that the following verbal order issued by Commissioner Richard D. Gravelle and Commissioner Claire T. Dedrick on January 19, 1979 during the hearing in this proceeding is hereby ratified:

"The Transbay tube will remain closed until further order of the Commission; no service to be provided therein.

"It will be reopened on further order of the Commission, and we will provide BART an opportunity on 24-hour notice to convene another hearing, which could result in the opening of that service, the 24-hour notice to be provided to the Commission's Executive Director, when you are ready to proceed.

"That hearing, and as conditions precedent to the Commission's granting authority to reinstitute service, will depend upon BART's supplying sworn testimony to this Commission, which will justify the structural integrity of both tunnels, both structurally and operationally.

"With regard to the M-2 tunnel, the fire tunnel, we expect independent verification from either the Division of Industrial Safety or Caltrans, that that tunnel is structurally sound.

"And we expect that that will be done before any guniting is commenced on the surface of the roof of the tunnel.

"The second condition is that we will have a determination presented to us, again by sworn testimony, of the cause of the smoke in the gallery, and BART's plan to eliminate that situation.

"Number Three, Condition 2 must be concurred in by the Fire Chiefs of both Oakland and San Francisco.

"And we will expect that BART will arrange for their testimony in support of that plan.

"Number Four, again to the satisfaction of both the San Francisco and Oakland Fire Departments, that BART has provided for the availability of emergency vehicles, golf carts, and communication facilities, to the satisfaction of those Fire Chiefs.

"And also, the availability of breathing equipment, the oxygen.

"Number Five, BART is to supply us, in conjunction with the Fire Chiefs of both Oakland and San Francisco, a plan which will recognize that in any fire incident within the Transbay tube, that the incident Commander will be the Fire Chief of the jurisdiction in which the incident occurs.

"And Number Six, and last, that BART has provided a means and a plan by which the gallery door problem, both to the gallery and from the gallery, has been solved.

"And when those materials can be presented to the Commission, by way of sworn testimony, the Commission will act forthwith, and as quickly as possible, thereafter.

"It could be done by another oral order entered as this one is, or it could be done by written order, within a day or two, after the testimony is received by the Commission."

The effective date of this order due to emergency circumstances, public need, and public safety is the date hereof.

Dated at San Francisco, California, this 19th
day of JANUARY, 1979.

Richard D. Howell
President
Walter T. DeWilde

Commissioners