

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety and Carriers Division
Rail Engineering Safety Branch
Rail Transit Safety Section

RESOLUTION ST-26
Date December 20, 1996

R E S O L U T I O N

RESOLUTION ST-26. GRANTING APPROVAL OF AN INITIAL
REPORT AND CERTIFICATION TO THE FEDERAL TRANSIT
ADMINISTRATION

SUMMARY

The Commission is required to submit an initial report and a separate certification to the Office of Safety and Security of the Federal Transit Administration prior to January 1, 1997. The required initial report and certification have both been prepared by the staff of the Rail Safety and Carriers Division. This resolution authorizes the Director of the Rail Safety and Carriers Division to sign the initial report and certification on behalf of the Commission, and to submit them both to the Office of Safety and Security of the Federal Transit Administration.

BACKGROUND

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 required the Federal Transit Administration (FTA) to issue a rule requiring the States to oversee the safety of rail fixed guideway systems not regulated by the Federal Railroad Administration. The FTA responded to ISTEA by preparing 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight; Final Rule (FTA Rule) which became effective on January 26, 1996.

Section 659.45 of the FTA rule requires the Commission, as the designated State oversight agency for California, to submit an initial report to the FTA containing the following information:

- (1) The name and address of the Commission;

- (2) The names and addresses of the transit agencies subject to the Commission's oversight jurisdiction under the FTA rule;
- (3) A written description of the Commission's oversight program including:
 - (a) A copy of the Commission's system safety program standard;
 - (b) A copy of the Commission's procedure for reviewing and approving transit agency prepared system safety program plans;
 - (c) A copy of the Commission's procedures for investigating accidents and unacceptable hazardous conditions;
 - (d) A copy of the Commission's procedures for ensuring that appropriate corrective actions are taken by the transit agencies to correct, eliminate or control investigated hazardous conditions.

In addition, Section 659.49 of the FTA rule requires the Commission to certify to the FTA that the Commission has implemented a State safety oversight program that meets the requirements of 49 CFR Part 659. The certification must be signed by an official authorized by the Commission, and it must comply with a sample certification included as a part of the FTA rule. Both the initial report required by Section 659.45 and the certification required by Section 659.49 must be sent to the Office of Safety and Security of the FTA prior to January 1, 1997.

DISCUSSION

Sections 659.45 and 659.49 of the FTA rule require the Commission to submit both an initial report and a certification to the Office of Safety and Security of the FTA prior to January 1, 1997. An initial report and certification have been prepared by the staff of the Rail Safety and Carriers Division to comply with the FTA rule requirements. Staff recommends that the Commission approve the initial report and certification for submittal to the Office of Safety and Security of the FTA. Staff further recommends that the Commission authorize the Director of the Rail Safety and Carriers Division to sign both the initial report and the certification on behalf of the Commission.

PROTESTS

No protest or objection has been received.

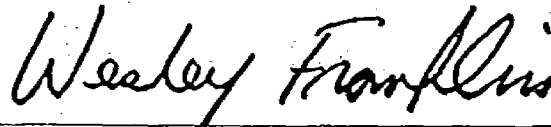
FINDINGS

1. Section 659.45 of the FTA rule requires the Commission to submit an initial report describing its safety oversight program for rail transit to the Office of Safety and Security of the FTA prior to January 1, 1997.
2. Section 659.49 of the FTA rule requires the Commission to certify to the Office of Safety and Security of the FTA prior to January 1, 1997 that the Commission is in compliance with the FTA rule. The certification must be signed by an official authorized by the Commission.
3. Staff of the Rail Safety and Carriers Division have prepared the initial report and certification as required by Sections 659.45 and 659.49 of the FTA rule.
4. Staff recommends that the Commission approve the initial report and certification (presented in Appendices A and B respectively) for submittal to the Office of Safety and Security of the FTA.
5. Staff recommends that the Commission authorize the Director of the Rail Safety and Carriers Division to sign both the initial report and the certification on behalf of the Commission.

IT IS ORDERED that:

Staff's request for approval of the initial report and certification (presented in Appendices A and B respectively) for submittal to the Office of Safety and Security of the Federal Transit Administration is granted. In addition, the Director of the Rail Safety and Carriers Division is authorized to sign both the initial report and the certification on behalf of the Commission.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on December 20, 1996.



WESLEY M. FRANKLIN
Executive Director

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

PUBLIC UTILITIES COMMISSION

505 VANNESS AVENUE
SAN FRANCISCO, CA 94102-3293

APPENDIX A

Resolution ST-26

December 20, 1996

United States Department of Transportation
Federal Transit Administration
Office of Safety and Security
400 Seventh Street, S.W.
Washington, D.C. 20580

SUBJECT: Initial Report As Required By 49 CFR Part 659 (a) (3)
(i to v)

I, Kenneth L. Koss, Director of the Rail Safety and Carriers Division, submit the following information describing the California Public Utilities Commission's program for safety oversight of rail fixed guideway systems.

* Rail Transit Agencies

The following listed rail transit agencies are subject to the Commission's oversight jurisdiction under the rules of 49 CFR Part 659:

1. San Francisco Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604
2. Los Angeles County Metropolitan Transportation Authority
P. O. Box 194
Los Angeles, CA 90053
3. Sacramento Regional Transit District
P. O. Box 2110
Sacramento, CA 95812
4. San Diego Trolley Inc.
1255 Imperial Avenue, Suite 900
San Diego, CA 92101-7492
5. San Francisco Municipal Railway
949 Presidio
San Francisco, CA 94115

6. Santa Clara Valley Transportation Authority
3331 North First Street, Bldg. B
San Jose, CA 95134-1906

* General Order No. 164, Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems

General Order No. 164, which became effective on September 20, 1996, serves as the Commission's system safety program standard. The rules and regulations contained in General Order No. 164 require each of the rail transit agencies named above to develop a system safety program plan in full compliance with the APTA Guidelines and an additional provision to cover passenger security. A copy of General Order No. 164 is included in the enclosed Procedures Manual for State Safety Oversight of Rail Fixed Guideways.

* RTSS-2, Procedure for Reviewing, Approving, and Filing Transit Agency Prepared System Safety Program Plans

Procedure RTSS-2, which is also included in the enclosed Procedures Manual For State Safety Oversight of Rail Fixed Guideways, describes the Commission's program for reviewing and approving system safety program plans. All six of the above listed rail transit agencies have submitted plans for review and approval in accordance with RTSS-2. All six plans were approved by the Commission on December 20, 1996. This approval did not include the security portion of each plan. Approval of the security portion has been deferred until January 1, 1998 as permitted by 49 CFR Part 659.33 (b) (2).

* RTSS-3, Procedure For Overseeing Investigations of Accidents and Unacceptable Hazardous Conditions

Procedure RTSS-3, which describes the Commission's program for the investigation of accidents and unacceptable hazardous conditions, is also included in the enclosed procedures manual. Full implementation of this procedure has just begun, and a description of the most probable causal factors of accidents and unacceptable hazardous conditions, as required by 49 CFR Part 659.45 (b), will be contained in the Commission's first annual report to be submitted by January 1, 1998. Procedure RTSS-3 also contains a description of the Commission's procedures for ensuring that appropriate corrective action is taken to correct, eliminate, minimize or control investigated hazardous conditions.

* RTSS-4, Procedure For Performing Triennial Safety Audits of Rail Transit Systems

The Commission's procedure for conducting safety reviews at least once every three years as required by 49 CFR Part 659.37 is described in RTSS-4. This procedure is also contained in the enclosed manual.

* Other Procedures

In addition to General Order No. 164 and the three RTSS procedures referred to above, the enclosed manual also contains RTSS-1, Procedures for Safety Oversight of Design, Construction, Operation and Maintenance of Rail Fixed Guideway Systems. This procedure describes the Commission's overall safety oversight program. It contains specific instructions for staff to follow on a day to day basis for handling document submittals, performing sampling inspections, witnessing operations activities, reviewing records and preparing reports.

The information presented above and included in the enclosed manual accurately documents the safety oversight program administered by the California Public Utilities Commission.

Respectfully submitted,

Kenneth L. Koss
Director
Rail Safety and Carriers Division

enclosure

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3278**APPENDIX B****Resolution ST-26**

December 20, 1996

United States Department of Transportation
Federal Transit Administration
Office of Safety and Security
400 Seventh Street, S.W.
Washington, D.C. 20580

SUBJECT: Certification of Compliance With 49 CFR Part 659.49

I, Kenneth L. Koss, Director of the Rail Safety and Carriers Division, certify that the California Public Utilities Commission has implemented a State safety oversight program that meets the requirements of 49 CFR Part 659, and further certify that I have no conflict of interest with any rail fixed guideway system overseen as a result of 49 CFR Part 659, nor does the California Public Utilities Commission and its contractors.

Kenneth L. Koss
Director
Rail Safety and Carriers Division