

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

RESOLUTION ST-27  
Date September 3, 1997

**R E S O L U T I O N**

RESOLUTION ST-27. REVISES GENERAL ORDER No. 164 BY ADDINGS SECURITY REQUIREMENTS IN ACCORDANCE WITH THE FEDERAL TRANSIT ADMINISTRATION'S FINAL RULE (49 CFR Part 659). THE REVISED GENERAL ORDER SHALL BE DESIGNATED AS GENERAL ORDER No. 164-A.

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SUMMARY

On January 26, 1996 the Federal Transit Administration (FTA) issued Final Rule (49 CFR Part 659) requiring the Commission to develop a standard for the safety oversight of transit agencies' rail fixed guideway systems. On September 20, 1996, the Commission issued General Order No. 164 as its standard. Additionally, the FTA's Final Rule requires the Commission to add security requirements to its standard, and approve the transit agencies' security portion of their system safety program plans (SSPP) before January 1, 1998. This resolution adds the security requirements to General Order No. 164, and designates the revised order as General Order No. 164-A.

BACKGROUND

The Intermodal Surface Transportation Efficiency Act of 1991 requires the FTA to issue a rule requiring the states to oversee the safety of rail fixed guideway systems not regulated by the Federal Railroad Administration. In response, the FTA issued 49 CFR Part 659 (FTA's rule) which became effective on January 26, 1996. The rule requires each state to designate an agency to oversee the safety of rail transit systems. Governor Wilson, by letter dated October 13, 1992, designated the Public Utilities Commission as the oversight agency for California.

A specific element of the FTA's rule required the Commission to develop a standard that addresses, in part, requirements for transit agency SSPPs. This standard was developed as General Order No. 164. The transit agencies' SSPPs were approved by the Commission before January 1, 1997. An additional requirement of the FTA's rule is for the Commission to include security as part of the transit agencies' SSPPs and for the Commission to approve the security portion of each transit agency's SSPP before January 1, 1998. This resolution adds the security requirements to General Order No. 164.

### DISCUSSION

To implement the security requirement of the FTA's rule, General Order No. 164, Section 3. REQUIREMENTS FOR SYSTEM SAFETY PROGRAM PLANS, paragraph 3.2 needs to be revised to read as follows:

- 3.2 The system safety program plan shall address the personal security of the rail transit agency's passengers and employees. The Federal Transit Administration's final report FTA-MA-90-7001-94-1, TRANSIT SYSTEM SECURITY PROGRAM PLANNING GUIDE, dated January 1994, shall serve as a set of guidelines for preparation of the security portion of each rail transit agency's system safety program plan. Procedural details that the rail transit agency classifies as confidential information to prevent or mitigate breaches of security shall not be revealed in the system safety program plans. Each rail transit agency shall submit the security portion of its system safety program plan to the Commission for approval prior to January 1, 1998, or the date it begins operations, whichever is later.

### PROTESTS

No protests have been received by the Commission to this amendment to General Order No. 164.

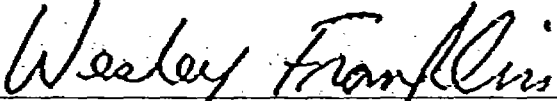
### FINDINGS

The FTA's rule requires the Commission to update its standard, General Order No. 164 with the FTA's requirement for security, and to approve each transit agency's security portion of its system safety program plan before January 1, 1998. The general order will need to be renumbered to General Order No. 164-A.

THEREFORE, IT IS ORDERED that General Order No. 164 be modified by the change as stated in the "Discussion" section of this resolution, and be renumbered General Order No. 164-A.

This order becomes effective on the first day of the first month following the adoption date of this resolution.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 3, 1997. The following Commissioners approved it:

  
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Wesley M. Franklin  
Executive Director

President P. Gregory Conlon  
Jessie J. Knight Jr.  
Henry M. Duque  
Josiah L. Neeper  
Richard A. Bilas  
Commissioners