

**REPORT ON SFMTA
COMPLIANCE WITH SAFETY REGULATIONS AND
MATERIAL CONDITIONS AFFECTING SAFETY**

Summary and Background

The Rail Transit Safety Section of the California Public Utilities Commission (Commission) is the designated State Safety Oversight Agency by the federal Rail Transit Agency which is part of the federal Department of Transportation. This authority is given in 49 Code of Federal Regulations 659. Specific Commission requirements are set forth in General Order 164-D, Rules and Regulations governing State Safety Oversight of Rail Fixed Guideway Systems, and General Order 143-B, Safety Rules and Regulations Governing Light Rail Transit.

Over the past several years, Rail Transit Safety Section staff (Staff) has become increasingly concerned about the safety of the San Francisco Municipal Transportation Agency's (SFMTA) light-rail system. Specifically, is concerned about the safety consequences of SFMTA's lack of attention to closing out Corrective Action Plans (CAPs), late reporting or non-reporting of incidents, and non-responsiveness to address inspection findings.

Summary of Violations

1. Track at Church and Duboce streets is deteriorated and has numerous defects. Track was inspected on August 12, 2009, re-inspected on October 20, 2009. reports. The problem is still current; we have yet to receive any plan for correction. Violations are: CFR 213.53, 213.113, 213.121, 213.137.
2. Sunset Tunnel has numerous violations including that the Automatic Train Control System (ATCS) is apparently abandoned in the tunnel, which is a violation of General Order 127. The SFMTA is not following its own regulations regarding speed restrictions in a non-functioning ATCS area (Rule 4.32.2) (see inspection of January 6, 2011). Richard Clark sent a letter to Nathaniel Ford on January 14, 2011, directing the SFMTA to start following its own regulations and to inform the CPUC of its plan for restoration of the ATCS in the Sunset Tunnel. The SFMTA responded with a letter dated January 18, 2011, stating that the ATCS never functioned in the tunnel; however, the SFMTA did not provide any documentation to verify the claim. The SFMTA has yet to provide a plan for restoration of the ATCS.
3. The Church Portal inspection noted numerous deficiencies including induction damaged loop cable supports, cable not properly supported, cables rubbing switch rods, junction box problems, etc. These and other deficiencies were noted in an inspection report dated June 3-4, 2010. A follow-up inspection on January 7, 2011, noted the same deficiencies.

4. The ATCS functions poorly in the Market Street Tunnel and appears not to operate at the Embarcadero Station. The SFMTA continues to delay replacing the induction loop cable (see inspection dated October 11, 2010). This situation may have contributed to the incident of October 1, 2010, in which one LRV hit another LRV at the Embarcadero Station. This accident caused major damage to both LRVs. Both train operators had minor injuries and were transported to the local hospital.

Operational Procedures

1. The SFMTA did not have a blue flag procedure in place until January 2011. This procedure is required to prevent injury to personnel working underneath or around LRVs. This procedure is common in Rail Transit Agencies (RTAs).

Corrective Action Plans

The last Triennial Audit of the SFMTA occurred in October 2008. Of the 49 Corrective Action Plans created by the SFMTA, 17 remain open. Several of these are significant and relate to the SFMTA's track inspection program and the documentation of that program. In several recent meetings with Staff, the SFMTA has not been able to provide a status of the open Corrective Action Plans. (See Appendix A).

Inspection Reports

The RTSS established a new inspector position approximately two years ago. Inspections of the SFMTA started on July 17, 2009, and have been conducted through January, 2011. These inspections document various material problems with the SFMTA. Of the 29 inspections, 26 required responses and Corrective Action Plans which have not yet been received. The inspection reports required a response within 30 days. (See Appendix B).

Incident Reports

GO 164 D requires the SFMTA to submit final accident investigation reports within 60 calendar days of the occurrence of the accident. The SFMTA has eight accident investigation reports still outstanding for 2009 (some 13 months late) and 25 accident reports from 2010. Each of these late reports is a violation of GO 164-D. (See Appendix C).

The SFMTA has not been submitting Form Vs since 2008 as required by GO 164-D, Section 7.5.

Responsiveness

In general, the SFMTA has been unresponsive to the CPUC's requirements.

Recommendation

RTSS Staff recommends the Commission initiate an Order Instituting Investigation against SFMTA to ensure that SFMTA takes the actions needed to ensure safety on its light-rail system.

APPENDIX A