

# Safety and Enforcement Division



## Monthly Performance Report

March 2019

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## **Disclaimer**

This Report was prepared by California Public Utilities Commission (CPUC) staff. It does not necessarily represent the views of the CPUC, its Commissioners, or the State of California.

The CPUC, the State of California, its employees, contractors, and subcontractors make no warrants, express or imply, and assume no legal liability for the information in this Report.

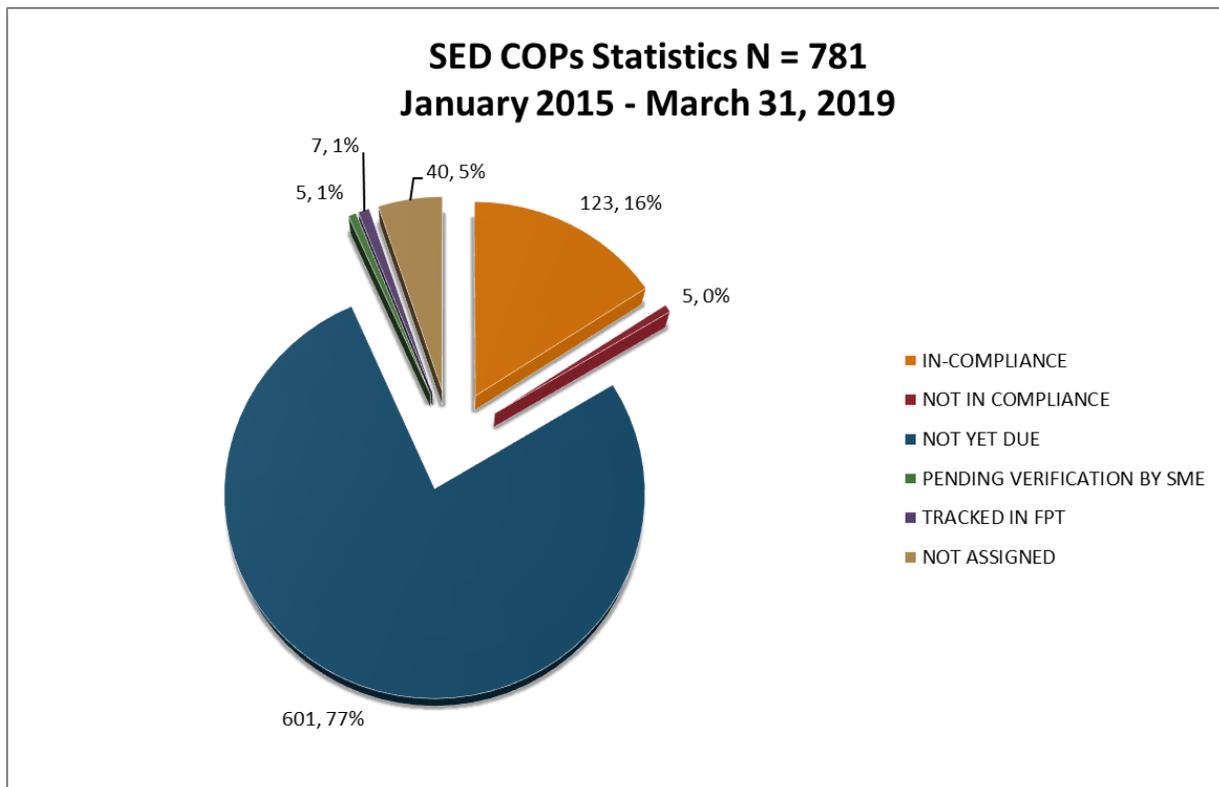
This Report has not been approved or disapproved by the CPUC.

## COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

Through March 31, 2019, SED shows 781 total entries in the COPS system; with 123 reaching compliance (16%), 601 (77%) not yet due for compliance, and 5 (1%) currently remaining out of compliance. 5 (1%) are pending verification. 740 (95%) of all Ordering Paragraphs are assigned to members of staff.

During March 2019, there was 11 new OPs recorded to the COPS database for the Safety & Enforcement Division.

Note the category of “tracked in financial payment tracker” (FPT) has been verified and has been deemed “in compliance” but is listed separately in the COPS tracker.



## NATURAL GAS SAFETY PROGRAM

### STAFF CITATION PROGRAM

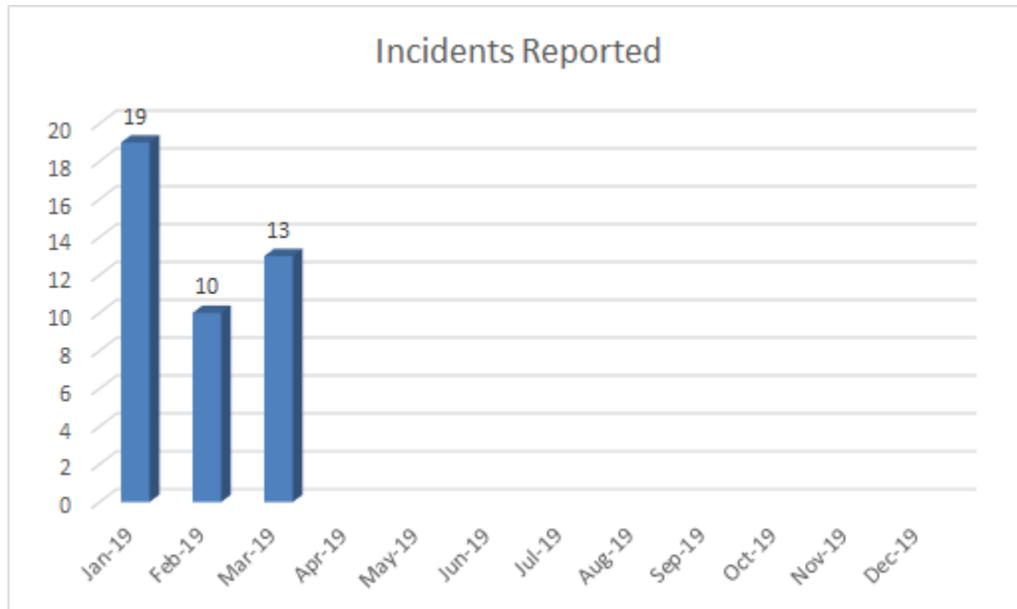
Citation Number	Utility	Amount	Violations	Date Cited	Appealed	Status
D.16-09-055 G.19-02-001	SoCalGas	\$ 3,300,000	192.13 (c), PU Code 451 & 702	2/1/2019		Active
<b>Total Cited 2019</b>		<b>\$ 3,300,000</b>				

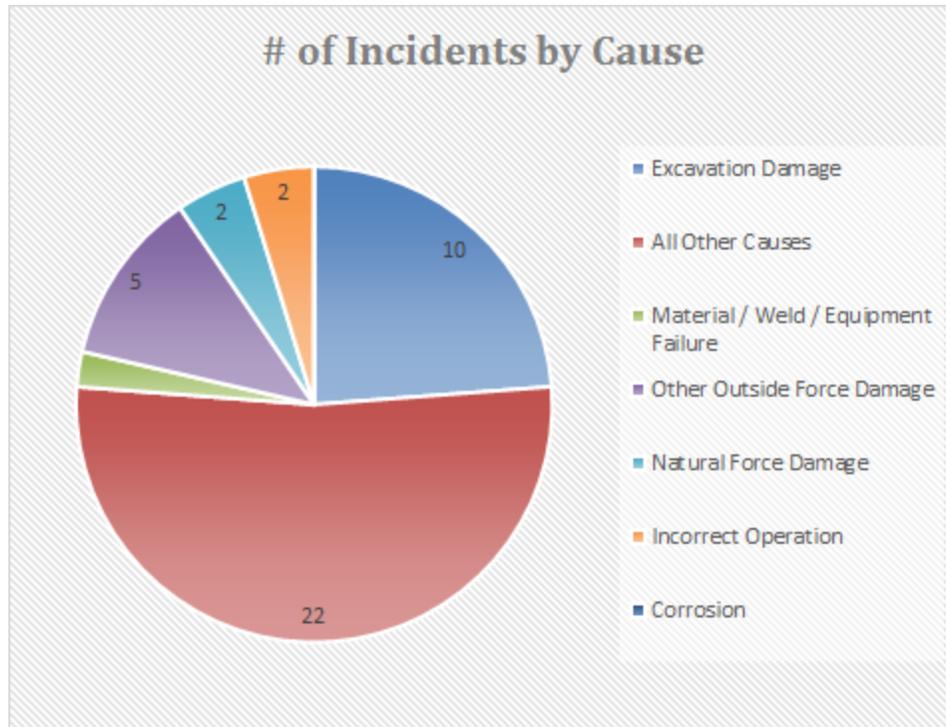
### INSPECTIONS

	2018	2019
Conducted	41	12
Final Report Completed	33	5

#### Incident Investigations

As of March 31, 2019, GSRB Staff received 42 incidents year to date.





The CY 2019 incidents<sup>1</sup> are categorized as follows:

	Level 1	Level 2	Level 3	Level 4	TOTAL
<b>Open</b>	15	21	3	2	41
<b>Closed</b>	1	0	0	0	1
<b>TOTAL</b>	16	21	3	2	42

<sup>1</sup> Level 1: The incident did not result in injury, fatality, fire or explosion. Level 2: The incident did not result in injury, fatality, fire or explosion. The incident may have been reported due to Operator judgment. Level 3: The incident resulted in a release of gas, but the incident did not result in injury, fatality, fire or explosion. Level 4: The incident resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator’s facilities.

### UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS

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At the end of each year, the SIV process owner will conduct an annual review, which includes a trend analysis of systemic issues, determination of investigation effectiveness, and possible revision of investigation criteria. There was one self-identified violation reported in March.

### NATURAL GAS RELATED PROCEEDINGS

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- **Gas Safety OIR (R.11-02-019) (Commissioner Guzman Aceves/ALJ Kersten) (Advisory):** The proceeding amended General Order GO 112-F, made fully effective no later than January 1, 2017. R.11-02-019 was closed in June 2015, however, it was re-opened after various applications for rehearing were filed by intervenors including the Utility Workers Union of America, the Office of ratepayer Advocates and the City of San Carlos. In February 2017, D. 17-02-015 disposed of a joint rehearing request from the San Carlos and ORA. In addition, Pacific Gas and Electric Company filed a petition to modify Decision 15-06-044 on January 31, 2017, on issues related to cost recovery. Disposition of PG&E's petition and UWUA's application is pending. On August 11, 2017, SED filed a subsequent petition to modify D. 15-06-44, seeking to conform GO 112F to more stringent federal regulations. The matter is pending.
- **Mobile Home Parks Pilot Program (Implementing D.14-03-021) (ALJ Semcer/ Commissioner Rechtschaffen):** This decision established a three-year pilot program authorizing each California investor-owned utility to convert 10 percent of master-metered gas and/or electric Mobile Home Park spaces within its operating territory to direct utility service. San Diego Gas & Electric Company (U902M) filed A.17-05-008/ A.17-05-007 for Approval to Extend the Mobile Home Park Utility Upgrade Program. The Commission on September 29, 2017, extended the program through the end of 2019 via Resolution E-4878. Rulemaking 18-04-018 (ALJ Kersten / Commissioner Rechtschaffen) was filed on April 26, 2018, Order Instituting Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications. PHC for Rulemaking 18-04-018 occurred on July 30, 2018. Scoping memo issued on 8/31/2018. SED/ED convene utility technical working group to refine annual report template and data gathering 30 days from Scoping Memo.

Workshop #1 was held on 10/17/2018. A ruling on 2/15/2019, is seeking comments by March 1, 2019, and reply comments by March 8, 2019, regarding Annual Report template and 2019 Utility Annual Reports by March 1, 2019. Workshop #2 was held on March 20-21, 2019.

- **PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (SED Advocacy):** The Order Instituting Investigation and Order to Show Cause on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Locate and Mark Practices and Related Matters was issued on December 13, 2018. CPUC institutes this formal investigation to determine whether PG&E has violated legal requirements for the utility to timely locate and mark natural gas pipelines to ensure that third party construction excavation does not damage pipes and other components and thus diminish safety. This OII also directs PG&E to show cause as to why the Commission should not find violations in this matter, and why the Commission should not impose penalties, and/or any other forms of relief, if any violations are found. PG&E is directed in this order to provide a report on these matters, provide answers to certain questions, and to provide other specified information to the Commission. On 2/5/2019, a Law and Motion Hearing was held. A Prehearing Conference is scheduled for 4/4/2019.
- **Citation Program OIR (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** Decision 16-09-055 was issued on September 29, 2016. Some key points are listed below:
  - An administrative limit of no more than \$8 million for each citation.
  - Utility reporting of self-identified potential violations is voluntary.
  - Utilities need not notify city and county officials of a self-identified potential violation unless staff requires it.
  - This proceeding was reopened on February 21, 2017, as Senator Jerry Hill issued a petition for modification requesting the Commission to modify the decision to keep in place, rather than weaken, the mandatory reporting requirements that were imposed under ALJ-274. In March, several parties filed comments to Senator Hill's request, and Hill filed reply comments in early April. The matter is pending.

## ELECTRIC SAFETY AND RELIABILITY PROGRAMS

In March 2019, Electric Safety and Reliability Branch:

- Received six electric facilities incident reports and closed one previously reported electric facilities incident investigation;
- Investigated 19 customer safety and reliability complaints;
- Issued one Notice of Violation letter/audit report.
- Performed one substation audit.
- Performed one electric distribution audit and one power generation audit.
- Monitored 20 planned outages and four forced outages reported by natural gas and renewable energy power plants.

### Electric Facilities and Generation Incident Investigations as of March 31, 2019

ESRB		Level 1	Level 2	Level 3	Level 4	Total <sup>2</sup>
<b>Total open incidents</b>	Electric Facilities	5	4	45	58	112
	Generation	0	0	1	2	3
<b>Total incidents reported in 2019</b>	Electric Facilities	2	2	11	6	21
	Generation	0	0	0	0	0
<b>Total incidents closed in 2019</b>	Electric Facilities	0	6	4	10	20
	Generation	0	0	0	0	0
<b>Total open 2019 incidents</b>	Electric Facilities	2	2	11	6	21
	Generation	0	0	0	1	1
<b>Incidents reported March 2019</b>	Electric Facilities	1	0	1	4	6
	Generation	0	0	0	0	0
<b>Incidents closed in March 2019</b>	Electric Facilities	0	1	0	0	1
	Generation	0	0	0	0	0

<sup>2</sup> Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident involved a power interruption not due solely to outside forces (Level 2 for Generation: Incident that occurred during an Electric Alert, Warning or Emergency. Level 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities (Level 3 for Generation: Incident resulted in a significant outage that was due, at least in part, to plant equipment and/or operations). Level 4: Incident resulted in a fatality or injury requiring hospitalization and that was caused, at least in part, by the utility or its facilities or by equipment and/or operations (for Power Plants).

ELECTRIC AND COMMUNICATIONS FACILITY SAFETY: PROCEEDINGS

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- **Rulemaking to Implement Electric Utility Wildfire Mitigation Plans pursuant to Senate Bill 901 (2018) (R.18-10-007) (Commissioner Picker/ALJ Allen/ALJ Thomas) (Advisory):** This rulemaking was opened to implement the provisions of Senate Bill 901 related to electric utility wildfire mitigation plans (WMPs) and will provide a venue for review of the initial plans, and will develop the process for review and implementation of wildfire mitigation plans to be filed in future years. In early February, Investor Owned Utilities (IOUs) filed their Wildfire Mitigation Plans (WMPs), starting a three-month statutory deadline for the Commission to review and approve the plans. The Commission held a series of informational and technical workshops where utilities presented their WMPs, parties asked questions about the plans, and several technical panels were arranged to discuss a variety of issues ranging from interpretation of the SB 901 statutes to the function, use, and implementation of covered conductors. In March, intervenors filed comments on the WMPs, and IOUs filed reply comments shortly thereafter. Two motions for evidentiary hearings were filed, but both motions were rejected by the assigned ALJs. Pending.
- **Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions (R.18-12-005) (Commissioner Picker/ALJ Semcer) (Advisory):** On December 13, 2018, the Commission opened an Order Instituting Rulemaking (R.)18-12-005 to examine its rules allowing electric utilities under the Commission’s jurisdiction to de-energize power lines in case of dangerous conditions that threaten life or property in California. Among other things, this proceeding will focus on developing best practices and evaluation criteria, ensuring coordination with first responders, mitigating impact on vulnerable populations, ensuring consistency in noticing and reporting of events, and examining ways to reduce the need for de-energization. On March 25, 2019, parties filed opening comments. Pending.
- **Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications (R.18-04-018) (Commissioner Rechtschaffen /ALJ Semcer) (Advisory):** D.14-03-021 established a three-year pilot program authorizing each California investor-owned utility (IOU) to convert 10 percent of master-metered gas and/or electric Mobile

Home Park (MHP) spaces within its operating territory to direct utility service. On February 1, 2019, the utilities filed Annual Report Response. Parties have been invited to file comments on those responses and on the annual reporting process. A workshop was held on March 20-21, 2019 that covered various topics included cost containment, electrification and coordination with Municipalities and communication providers. Pending.

- **Creation of a Shared Database or Statewide Census of Utility Poles and Conduit (R.17-06-028); Communications Provider Access to Poles (I.17-06-027) (Commissioner Picker/ALJ Mason) (Advocacy):** On January 22 and 23, 2018, industry group of pole-owners and pole-tenants hosted an informal workshop to discuss a phased approach and path forward regarding access to pole data, attachment data, and conduit data, ESRB attended and participated in the workshop. The industry group will issue a workshop report on February 28, 2019. On February 25, 2019, parties filed reply comments to ALJ Mason's January 31, 2019 ruling. The joint parties have issued a workshop report on February 28, 2019. On March 11, 2019, parties met via teleconference to discuss the event calendar for development of Track 1 objectives. Comments on the workshop report filed on March 29, 2019. Pending.
- **Proceeding to Consider Amendments to GO 95 (R.17-10-010) (Commissioner Picker/ALJ Mason/ALJ Goldberg) (Advocacy):** As directed in D.16-01-046, SED filed P.17-03-004 to adopt, amend, or repeal rules in GO 95. In response to SED's petition, the Commission opened R.17-10-010 in October 2017, to consider the amendments discussed in SED's petition. On July 31, 2018, the ALJ issued a scoping memo and ruling setting the schedule for this proceeding and directing SED to convene a workshop to discuss the scoped issues. SED and parties held three workshops in August 2018 and September 2018 and addressed amendments to GO 95 rules regarding climbing space, fall protection, pole strength, and pole steps. Parties reached consensus on all of the rule change proposals and on October 31, 2018, SED filed a Joint Parties' Workshop Report to the Commission. In November 2018, Parties filed comments on the Workshop Report and in December 2018 parties filed reply comments. The comments and reply comments focused on implementation dates and cost considerations. Pending issuance of a Proposed Decision.

- **PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (Advocacy):** On December 6, 2018, the Commission's SED issued an Investigative Report, which found that PG&E falsified safety records related to locating and marking its underground natural gas facilities and violated federal and state regulations. On December 13, 2018, the Commission initiated this formal proceeding to investigate PG&E's Damage Prevention and Locate and Mark programs and practices. On March 6, 2019, SED conducted deposition of a PG&E employee to determine whether the PG&E Locate and Mark involved PG&E's electric distribution safety as well as PG&E's gas safety. On March 22, SED filed a motion to include electric distribution in the scope of this proceeding. SED staff is reviewing PG&E's show cause report. The Prehearing Conference is scheduled for April 4, 2019. Pending.
- **Physical Security of the Electric System and Disaster and Emergency Preparedness (R.15-06-009) (Commissioner Rechtschaffen/ALJ Kelly) (Advocacy):** Phase I addressed physical security for electric supply systems and was resolved by D.19-01-018. Phase II addresses disaster and emergency preparedness plans for electrical corporations and regulated water companies. On March 15, 2019 parties filed comments on the Phase II workshop report that was issued on February 21, 2019. Pending.
- **Distributed Energy Resources (R.14-08-013) (President Picker/ALJ Mason/ALJ Allen) (Advisory):** On September 28, 2017, the Commission adopted a Decision that addressed Track 1 Demonstration Projects A (Integration Capacity Analysis) and B (Locational Net Benefits Analysis). ESRB will continue to review the issues and provide advisory support when needed.
- **SCE Appeal of Twentynine Palms Citation (K.18-03-008) (ALJ Kim) (Advocacy):** ESRB investigated an incident that occurred on August 1, 2015 in Twentynine Palms, involving the failure of a crossarm and a resulting overhead conductor clearance problem that caused injury to 3 individuals. On February 12, 2018, SED issued a \$300,000 citation to SCE for violations related to the incident. SCE appealed the citation on March 14, 2018. On October 3, 2018, SED issued an \$8,000,000 amended citation that replaced the \$300,000 citation that was issued to SCE on February 12, 2018. The amended citation was the result

of new violations of GO 95 that SED had discovered. A hearing was held in December 2018, in February 2019, and March 2019. Briefs and reply briefs will be filed in April 2019.

Pending.

### OTHER ACTIVITIES

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- **2017 and 2018 Wildfires:** In 2017 and 2018, California has experienced devastating wildfires. In Northern California, the Camp Fire burned about 153,000 acres in November 2018, destroyed an estimated 18,000 structures, injured three firefighters, and unfortunately resulted in 86 civilian fatalities. In Southern California, the Woolsey Fire burned about 100,000 acres in November 2018, destroyed an estimated 1,800 structures, injured three firefighters, and unfortunately resulted in three civilian fatalities. SED investigatory teams have been assigned and have visited the sites of areas affected by the 2017 and 2018 wildfires to examine evidence related to utilities' facilities. SED is currently working closely with CAL FIRE and other agencies to investigate PG&E, SCE, and communications companies' compliance with the Commission's safety rules.
- **Compliance with D.17-09-024 regarding Long Beach Incident:** D.17-09-024 adopted a Settlement Agreement between Southern California Edison and SED. Under the settlement, SCE paid a \$4 million penalty and will spend \$11 million on various system enhancement projects in Long Beach intended to reduce the chance of public injury, reduce the risk of future system failures, and improve the utility's operational awareness and network maintenance. ESRB is monitoring SCE's work to ensure compliance with the settlement agreement.
- **Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the CAISO develop, review, and revise Transmission Maintenance Standards. TMCC holds quarterly meetings to discuss recent improvements in construction and maintenance processes and techniques, and industry best practices. ESRB is a member of TMCC and attends quarterly meetings.

## UTILITY RISK ASSESSMENT AND SAFETY ADVISORY

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### PROCEEDINGS

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- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Allen) (Advisory):** On November 29, the Commission approved D. 18-11-050, accepting the NorthStar Consulting report and ordering PG&E to implement its 61 recommendations by July 1, 2019, as well as requiring quarterly reports on progress beginning in 4th quarter 2018. While some “bright spots in safety culture” were identified – particularly at the Diablo Canyon nuclear plant – Picker said a major finding was that PG&E did not have a clear vision of its safety programs. It pursues many programs without a clear sense of how they work together. He also noted that the investigation to date did not involve issues related to the wildfires from 2017. The Phase II Scoping Memo was issued December 21, 2018, with the focus on corporate governance and how to determine the best path forward to ensuring safety, and what the Commission’s role should be. The Key focus is on 1) Corporate Governance – Board of Directors, 2) Corporate Management – Officers and Sr. Leadership, 3) Corporate Structure, 4) Publicly Owned Utility, Cooperative, Community Choice Aggregation or other Models, 5) Return on Equity, and 6) Other Proposals. The ruling solicited comments due January 30, 2019 with reply comments extended to February 28, 2019. The comments provide the basis for the workshops scheduled April 15<sup>th</sup> and 26<sup>th</sup>, 2019 where the issues of safety impacts from various governance models will be explored. The agenda has been issued by ruling. The consultants hired to investigate PG&E’s safety culture will present at the workshop and a contract extension is in the works.
- **Gas Leak Abatement OIR (R.15-01-008) (Commissioner Rechtschaffen/ALJ Kersten) (Advisory):** SED and CARB conducted workshops on January 17, 2019 to discuss the refinements proposed for the annual reporting templates. SED in collaboration with CARB staff adopted several of the proposed changes to the Annual reporting templates, and the updated templates were issued March 29, 2019. SED staff issued the annual data request to

respondent gas companies for the 2019 Annual Data Reports that are due June 17, 2019. Draft Joint Report for 2019 leak survey due Nov. 15, 2019 with final due by Dec. 31, 2019.

- **Safety Model Assessment Proceeding (A.15-05-002, et al) (Commissioner Rechtschaffen/ALJs Kersten & Fogel) (Advisory):** A proposed decision adopting the Joint Settlement Agreement with minor modifications was approved at the December 13, 2018, business meeting. The first utilities to use the methodology derived from the Settlement Agreement will be San Diego Gas & Electric and Southern California Gas (Sempra Utilities), for their 2019 RAMP filings. A new element of the RAMP process will include a preliminary workshop by the utilities in 1 Quarter 2019 to review their risk registers and expected results of risk ranking. In accordance with this requirement Sempra Utilities held its Pre-RAMP workshop on March 5, 2019. The decision also clarified that utilities would not file new S-MAP applications in May 2019, but instead the Commission should launch a rulemaking to address continuing refinements in the S-MAP process. Another proposed decision adopting risk spending accountability report requirement, safety performance metrics for the four large energy utilities, and safety model approach for small and multi-jurisdictional utilities will be considered at the April 25, 2019 Commission meeting. These two decisions will close the first S-MAP proceeding.
- **Sempra Utilities 2019 General Rate Case (A.17-10-007/008 consolidated) (President Picker/ALJ Lirag):** Hearings were completed in August. The proceeding has been submitted for decision.
- **Pacific Gas & Electric RAMP (I.17-11-003) (Commissioner Rechtschaffen/ALJ Roscow):** Pacific Gas & Electric's TY2020 General Rate Case was filed in December. RASA staff reviewed the utility documentation that mapped the RAMP report to the GRC as well as how the SED evaluation Report recommendations were incorporated into GRC. PG&E complied with the Staff data request for spreadsheets and a compilation of RAMP-related GRC testimony. In January PG&E conducted a workshop that walked through how they incorporation the RAMP in the GRC. The ALJ over the GRC proceeding determined that PG&E should file a motion to close the RAMP, with RASA making a final review for any outstanding issues. Staff issued its comments and findings to PG&E on March 19, 2019,

signifying that a motion to close the RAMP proceeding is appropriate at this time. The motion to close the RAMP is pending PG&E's filing of such.

- **Pacific Gas & Electric Gas Transmission & Storage (GT&S) rate case (A.17-11-009) (Commissioner Rechtschaffen/ALJ Roscow):** PG&E included GT&S related risks in its 2017 RAMP filing, which were reviewed and analyzed by RASA staff. A separate report containing the six RAMP chapters was circulated to parties in April, and staff conducted a workshop on April 16. Hearings on the rate case were completed in early October; and opening briefs were served November 14.
- **SCE 2018 General Rate Case (A.16-09-001) (President Picker/ALJs Roscow & Wildgrube):** Oral arguments on select issues, including SCE's Grid Modernization proposals, were held June 20. An Order Extending Statutory Deadline was issued to June 3, 2019. A Proposed Decision is currently being drafted.
- **Southern California Edison RAMP (I.18-11-006) (Commissioner Picker/ALJ Wildgrube):** RASA staff is reviewing the RAMP report with the goal of producing an evaluation in May and associated workshop in Los Angeles. With the recent submittal of their Wildfire Mitigation Plan (WMP), SCE has submitted a RAMP amendment to update it and make consistent with WMP.
- **Physical Security of Electric Infrastructure (R.15-06-009 Phase 1) (Commissioner Rechtschaffen/ALJ Kelly):** Decision 19-01-018 in Phase 1 was passed at the January 10, 2019 Commission Meeting.
- **Utility Disaster Planning & Emergency Preparedness (R.15-06-009 Phase 2) (Commissioner Rechtschaffen/ALJ Kelly):** A draft workshop report (based on the September 28 workshop in San Diego) for Phase 2 of the proceeding has been sent out for comment February 21, 2019. Parties filed and served comments/corrections on March 15, 2019. ALJ Kelly issued an e-mail ruling on April 3, 2019 seeing responses to two questions related to General Order 166, and the extent of standardization across electrical and water utilities. Responses are due May 1, 2019.
- **Utility Poles and Conduit (I.17-06-027/R.17-06-028) (Commissioner Picker/ALJs Mason and Kenney):** The Investigation and Rulemaking into possible creation of a shared database

or statewide census of utility poles and conduit was initiated on June 29, 2017. This proceeding is consolidated with R.17-03-009 that considers whether and how our existing Rights-of-Way Rules should be applied to wireless support facilities (lines and antennas). Two days of workshops were set for Nov. 15-16, to review “use cases” for the pole census information, but the second day was cancelled because of the poor air quality caused by ongoing wildfires in Northern California. An informal industry group of pole-owners and pole-tenants held a 2-day public workshop on Jan. 22-23rd, 2019, in lieu of the original Day 2 (11/16/2018) planned workshop agenda. Per ALJ Ruling of 1/28/2019: SCE filed a Workshop Report on 2/28/2019 for the Nov 15th & Jan 22-23rd workshops & Parties filed comments on the report on 3/29. Reply Comments are due on 4/19. SED URAB staff participated on an advisory basis in the workshops and in preparation of the workshop report.

- **Undergrounding Rule 20A (R.17-05-010) (Commissioner Picker/ALJs Hecht & Wildgrube):** This rulemaking was launched May 11 to review policies and funding mechanisms for the overhead to underground conversion program administered by electric utilities for cities and other jurisdictions. A PHC was held September 11, 2017, and a scoping memo is pending. SED will monitor the proceeding with an interest in adding safety as one of the program eligibility criteria. Energy Division has scheduled two Phase I workshops for April 22 and 23 in the CPUC Auditorium. Phase I of the Rule 20 Proceeding is focused on identifying and evaluating various potential near-term improvements to the Program and associated tariffs.
- **Mobile Home Park Pilot Expansion (R.18-04-018) (Commissioner Rechtschaffen/ALJ Kersten):** This proceeding will determine policies for increasing participation in a mobile home metering conversion program currently conducted as a pilot. The programmatic goal is to convert master meter arrangements to direct service by utilities (for both gas and electricity) to improve safety and service. SED URAB led Workshops in November 2018 and March 2019 to facilitate discussion of Scoping Memo topics, including the new topic of Electrification. URAB coordinated a Technical Working Group effort to develop a new

## California Public Utilities Commission | Safety and Enforcement Division

Annual Report template, which was used in the February 1<sup>st</sup> report filings by the utilities. The Final Decision is scheduled for Q2 2019.

- **SCE Grid Safety & Resiliency Program (A.18-09-002) (Commissioner Picker/ALJ Haga):**

This application includes SCE’s request for approval to record and recover the costs of many RAMP proposed mitigations for the 2018-2020 time period. Specifically, SCE asserts that the GS&RP incorporates mitigation measures that will help enhance the safety of the electrical system and make it more resilient during wildfires. D.19-01-019 approved an effective date for an interim memo account. ALJ Haga’s Ruling of 3/27/2019 reset intervenor testimony to be due by 4/23/2019 and rebuttal testimony to be due 5/31/2019. The Ruling also scheduled evidentiary hearings for July 1-3, 2019 and July 8-10, 2019.

### MONITORING THE WHISTLEBLOWER WEBSITE

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The Risk Section has been overseeing intake for complaints that arrive via a “whistleblower” application on the Commission’s web site. Whistleblower protections are afforded to utility employees and contractors who report potentially unsafe or illegal practices.

#### STATISTICS - 1/01/19 – 3/31/2019

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Note: This is for complaints filed using the on-line Whistleblower Application ONLY.

Confirmed or Possible Whistleblower Complaints						
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail
<b>January</b>	0	1	1	0	0	0
<b>February</b>	0	1	1	0	0	1
<b>March</b>	0	1	1	2	0	0
<b>Total 2018</b>	0	3	3	2	0	1

## California Public Utilities Commission | Safety and Enforcement Division

Invalid Whistleblower Complaints Converted to Standard Complaints							
	CAB	Transportation	Electric Safety	Gas Safety	Telco/Utility Fraud	Rail	Referred to Outside Agency
<b>January</b>	0	0	0	0	0	0	0
<b>February</b>	0	0	0	0	0	0	0
<b>March</b>	0	0	0	0	0	0	0
<b>YTD</b>	0	0	0	0	0	0	0

Test, Incomplete or Duplicate Whistleblower Complaints	
<b>January</b>	1
<b>February</b>	3
<b>March</b>	2
<b>YTD</b>	4

OFFICE OF RAIL SAFETY

RAILROAD SAFETY –ROSB

In the month of March 2019, SED Staff’s Railroad Operations group completed the following:

Railroad Operations Safety Branch	Mar-19	YTD 2019
New Incidents Investigated	8	21
Informal Complaints Investigated	2	10
Safety Assessments/Reviews	12	40
Compliance Actions	807	2971
Major Inspections Completed	3	10
Operation Lifesaver Presentations	6	8

ROSB INSPECTION, INVESTIGATION & FIELD ACTIVITIES

**March 2, 2019:** CPUC railroad safety inspectors, accompanied by the FRA and San Marin Area Rail Transit (SMART) conducted a Moveable Bridge Inspection of SMART’s Haystack Bridge located in Petaluma. The Haystack Bridge spans the Napa River which is a navigable waterway with minimal boat traffic. Passenger trains operate over this bridge daily with an average count of approximately 34 trains per day. The bridge is known as a Bascule type bridge. The bridge lifts on the compass south side of the bridge and on the north side is counter weights to help lift the bridge. The bridge is required to be tested annually to ensure all safety components are functioning as designed.

SMART personnel performed tests required as per Title 49 CFR 236. These tests include testing proximity switches, bridge locking wedges, time locking, route locking, power switches and other vital circuitry interconnected to the operation of the bridge. Proximity switches, (proxy switches) are located at the point where the rail is lifted. The proxy switches are designed to let the bridge operator know if one of the rails is not properly seated. If they are picked up 3/8 of

an inch or more than there will be a track indication and trains will not be allowed to traverse the bridge.

During the inspection, one Federal defect was taken. This defect was 236.312.... "SIGNAL GOVERNING MOVEMENTS OVER MOVABLE BRIDGE PROTECTED BY INTERLOCKING CAN DISPLAY ASPECT TO PROCEED WITH THE TRACK RAIL ON THE MOVABLE SPAN MORE THAN THREE-EIGHTHS INCH FROM CORRECT SURFACE WITH THE RAIL SEATING DEVICE ON THE BRIDGE ABUTMENT OR FIXED SPAN". This defect was promptly remediated by railroad personnel.

**March 2, 2019:** On February 20, 2019, a CPUC railroad safety inspector performed a follow up inspection of general order report GOIN 2017080016 dated August 3, 2017 on Union Pacific's (UP) San Pedro Subdivision in Long Beach, CA.

In the CPUC inspector's report he took exception to a retired turnout that had been partially removed. UP failed to remove the entire turnout and completely restore the walkway to comply with CPUC General Order 118A. In doing this they created an unsafe work environment for railroad employees by creating a tripping hazard on the right of way.

After receiving word from the UP-track manager, the CPUC inspector performed a follow up inspection. During the inspection he verified that the entire turnout had been removed and the walkway had been restored to comply with GO 118A, thus eliminating the safety hazard.

In the past, UP regularly left retired turnouts in a defective condition. Through reporting, and education, they are now removing all turnout components and restoring the walkways to comply with GO 118A on a regular basis.

**March 5, 2019:** A CPUC Inspector conducted multiple inspections of tank cars containing Ethanol (Alcohols) UN1987 at the Union Pacific Railroad yard in Bloomington, CA.

Compliance Inspections of these tank cars focused on cars from a specific car manway and tank car manufacturer. Field examinations have identified nine tank cars with defective manway eyebolt lugs and safety eye bolt lugs on a series of tank cars containing flammable materials. These defects have been brought to the attention of the individual tank car shippers and tank

car owners for corrective repair or replacement of the manway cover due to abnormal deterioration of the manway from metal fatigue and design errors.

The risks posed in these deficiencies could lead to a release of hazardous material to the environment; railroad employees or harm the general public. CPUC will file an additional report to the Federal Railroad Administration, Tank Car Quality Insurance Team for further investigation into the companies that manufactured these critical rail car components for the defects our agency has identified. From this point, CPUC Investigators will continue to perform proactive inspections on these tank cars throughout the state of California for regulatory compliance.

**March 5, 2019:** A CPUC Railroad Safety Investigator accompanied the FRA in conducting an equipment modification approval inspection on the Amtrak railroad in the City of Oakland.

The modification was done to the front plow on one of the new Siemens Charger locomotives. The reason for the modification was due to a vehicle vs. train incident that occurred. During the incident the original plow, which was considerably smaller, did not push the vehicle out of the path of travel for the locomotive. It was reported that it somewhat trapped the vehicle in front of it. Amtrak contacted Siemens with their concerns and requested a new plow be designed to better prevent the same result in vehicle vs. train incidents. Siemens engineering designed the new plow and Amtrak installed it on the locomotive. FRA was contacted to approve the new design to assure that it met all federal regulation.

The CPUC and FRA Investigators inspected the new plow and found two non-complying conditions. The front end, right side horizontal end handhold had less than two inches of clearance to the 480-volt receptacle and the front end, right and left side horizontal end handholds were fastened to the locomotive with bolts less than the required half inch diameter. Amtrak contacted Siemens for approval to make the necessary changes to bring the plow into compliance and the changes were subsequently made. Siemens also made changes to the assembly drawings to insure these issues won't reoccur on future installation of the plows on the remainder of the fleet of Charger Locomotives.

**March 7, 2019:** CPUC Operating Practices Investigators conducted a routine inspection in Victorville, California. During their investigation, they observed BNSF Maintenance of Way Welders repairing a frog portion of the main track that was damaged.

A Form B to protect men or equipment during work on or between tracks is a General Code of Operating Rule 5.4.3 and FRA Code of Federal Regulation 214.321 (Roadway Worker Protection). The Investigators verified that the Red Flags were displayed in both directions in the locations that were stated and listened to communications between train crews and the acting Employee in Charge.

In conclusion of the Form B and Roadway Worker Protection inspection, the foreman of the crew was asked about his form of protection and he provided documentation to support his Form B to protect men or equipment when asked to do so. The foreman also shared with the Investigators the form of all the trains that had been cleared through his limits while his Form B was active.

**March 7, 2019:** Two CPUC Railroad Safety Investigators conducted a multi-discipline inspection in the West Sacramento Rail Yard, which is jointly used by the Union Pacific and Sierra Northern Railroads. The Investigators conducted the inspection with reference to their respective disciplines of Operating Practices and Hazardous Materials.

Twenty tank cars containing Liquefied Petroleum Gas were inspected on the Sierra Northern Railway's storage track. Cars are stored here before placement at industry. Eleven defects were discovered and reported to the SERA for correction. The most common defect was missing placards, potentially making it difficult for first-responders to identify the contents and properly respond in the event of a leak. Cars with missing placards are often found in areas where there are homeless camps. Paper placards are used to start fires, so shippers and railroads have increased the use of plastic placards. The two-fold benefit is longer placard life and less pilferage, as the plastic placards cannot be used to start fires.

Examples of defects taken on multiple tank cars were:

## California Public Utilities Commission | Safety and Enforcement Division

- 49 CFR §172.332 (c) (1): Placard ID Number Location, Size and Appearance -- Defect Taken -- Tank car containing HM (UN1075) (Class 2) had hand-written numerals on the Right side of the car.
- 49 CFR §172.508 (B): Providing and Affixing Placards -- Defect Taken -- Tank car containing HM (UN1075) (Class 2) missing placard on A-end of the car.
- 49 CFR §172.330 (a) (1) (i): ID Numbers on Each Side and Each End -- Defect Taken -- Tank car containing HM (UN1075) (Class 2) missing ID numbers on A-end of the car.

One tank car had an issue with content identification due to illegible markings:

- 49 CFR §330 (a) (1) (ii): Proper Shipping Name -- Defect Taken -- Tank car placarded HM (UN 1075) (Class 2) with the PSN marking (LIQUEFIED PETROLEUM GAS) illegible on Left Side of car.
- 49 CFR §172.330 (c): Legibly Mark "NON-ODORIZED" or "NOT ODORIZED" near the marked Proper Shipping Name: -- Defect taken -- Tank car containing HM (UN 1075) (Class 2) with illegible "NON-ODORIZED" on the Left side of the car.

The Investigators observed a UPRR train crew for compliance with Federal and State regulations, and railroad operating and safety rules, as they brought rail cars into the yard. The crew was observed to be in compliance with protecting shoving moves, leaving unattended equipment secured and in the clear of adjacent tracks, operating hand-throw switches and derails, use of personal electronic equipment, use of locomotive horn at a rail crossing at grade, radio procedure, rolling job briefings and employee certification.

Following the West Sacramento inspection, the Investigators travelled to the UPRR on-duty station in Roseville and discovered an out-of-date safety posting. They discussed their observations and regulatory requirements with the Director of Road Operations, who committed to updating the posting immediately and talking to the manager responsible for maintaining the posting:

- 49 CFR §225.25: DEFECT NOTED: FAILURE TO POST A LISTING OF ALL INJURIES AND OCCUPATIONAL ILLNESSES TO EMPLOYEES AS REPORTED TO FRA, WITHIN 30 DAYS

AFTER THE EXPIRATION OF THE MONTH DURING WHICH THE INJURIES AND ILLNESSES OCCURRED AND / OR THE LISTING FAILED TO CONTAIN THE INFORMATION REQUIRED BY THIS PART. An inspection of the on-duty location at the Roseville Command Center revealed that the required injury and occupational illness posting was beyond the 30 days after the expiration of the month during which the injuries and illnesses occurred.

**March 8, 2019:** CPUC Railroad Safety Inspectors provided BNSF new construction signal employees a presentation for CPUC General Order regulations 118-A for walkway standards and 26-D overhead and side clearance standards, for them and their employees.

The signal construction team is made up of employees outside of the State of California and they are not familiar with CPUC regulations that are more restrictive than other states, and more restrictive than BNSF construction standards. The training presentations were provided to educate the employees so their new construction projects would comply with California regulations and avoid facing monetary penalties for non-compliance.

Three BNSF managers and seventeen signal employees were in attendance for the presentation. CPUC staff will follow up with field inspections to ensure the work completed by these crews is complying.

**March 11, 2019:** CPUC Hazardous Material Inspectors performed an inspection at the Union Pacific 4<sup>th</sup> Street Yard in Los Angeles. The inspection was conducted to determine the level of compliance for labeling, marking, stenciling, placarding, proper handling, and the securement of closures on tank cars containing hazardous materials.

On the day of inspection, the following non-compliant condition was noted. Tank car TILX 191288 was found in transportation with incorrect "I" bolt pins on the man-way. Use of improper bolt pins mean that the hazardous materials will not be securely enclosed and could potentially enter the atmosphere. The M100 tank car manual specifies the specifications for tank cars when initially built; if a tank car is repaired the original specifications must be maintained. This protocol was not followed in the case of the TILX 191288. The tank car owner was contacted to obtain the Certificate of Construction (COC) to determine which pins were to be used during repair.

The COC required a solid pin with a washer welded on the end to ensure no movement during transportation. The only way to change the COC is to obtain an R-1 Form, or an (Association of American Railroads) AAR 4-2. In this case the car owner had obtained neither authorization. The tank car owner was notified, and the remediation performed. The shipper of the car was also issued a federal defect.

**March 14, 2019:** CPUC Railroad Safety Inspectors performed a hazardous materials compliance inspection at the Burlington Northern Santa Fe yard in Barstow, California. During the inspection, 58 tank cars were inspected and six were found to be out of compliance.

One of the non-compliant tank cars had a closure that was not properly secured. The pin used to keep the handle of the bottom outlet valve closed during transportation was not in place. The vibration and shaking effects during transportation make this pin, important to ensure proper handling.

The BNSF managers on duty were notified immediately of this non-complaint condition, along with the other defects found during the inspection. All defects were corrected before the cars continued in the transportation system. All shippers were also notified that their shipments were not in compliance and were issued federal defects by the inspectors.

**March 18, 2019:** CPUC Railroad Safety Investigators were performing a routine compliance/enforcement operation at the Union Pacific Railroad, West Colton Classification yard in Bloomington, CA. Subsequent to entering the facility, Investigators observed what appeared to be three railcars that had derailed immediately east end of the Administration building. This location is referred to as the "Hump". Upon further investigation, it was determined that these three railcars were cut off in motion (accepted and legal practice) and had derailed while entering group three series, track 17. CPUC Investigators contacted UPRR personnel on the scene and were advised the cause of the derailment was a breakaway. This is an event where rail cars are unintentionally released from the hump, roll down the grade and impact other rail cars that are left standing in the track. The excess force of the impact or coupling is the cause of the derailment. No injuries were reported as a result of this, no HAZMAT release and this event was not PTC preventable.

Follow up investigation revealed that the cause of the breakaway was a broken knuckle which occurred while the group of cars was attached to a larger group of cars being moved by a locomotive. The knuckle is part of the coupler apparatus which connects the railcars to each other; when it broke it allowed the three cars to roll into track 17 as previously described. It is unknown why the knuckle broke when it did.

**March 19, 2019:** Several Safety Inspectors from ROSB, from the North, Central and South Regions, attended a Railroad Safety Conference hosted by the Federal Railroad Administration. The weeklong event took place in the city of New Orleans, Louisiana. The training occurs every other year, and is a valuable opportunity for Inspectors across the country, in both agencies FRA and State, to break-out into their respective Discipline and hear the latest news regarding existing Regulations, forthcoming changes, programs underway, etc. For the Motive Power and Equipment Discipline, approximately 250 Inspectors across the Nation met in the Hotel Conference Room to hear presentations covering many subjects.

One such presentation covered changes to Regulations regarding the Air Flow Meter on-board locomotives, which train crews use to determine the health of the brake system on an outbound train. The presentation also covered how and when to recommend Civil Penalty for non-complying conditions. However, discussion revealed an amount of different practices by different Regions across the Nation. As a result, the Training Dept of the FRA was tasked with preparing sample inspection reports demonstrating how the Civil Penalty must be submitted by FRA and State Inspectors. That sample report will be distributed to the Regions for subsequent transmittal to Inspectors.

Another presentation covered Reflectorizing which is regulation focused on prevention of collisions by road vehicles into the side of a train, at a grade crossing especially when visibility is poor such as at night, during foggy days, etc. In this regulation the Railroad is and has been placing reflectorized tape on rolling stock to make them more visible.

An excellent presentation was also given by a Representative of the MINER company which designs side bearings used on rolling stock. A side bearing can be described as a block positioned on each of the 4 corners of a freight car to control movement of the freight car, and

keep it steady, such as when traveling around a curve or if the wheel-axle assembly starts to “hunt” , or vacillating laterally back and forth, while moving on the track.

To the satisfaction and applause of the audience, the FRA Training Department also mentioned that after year 2019, future MP&E Recurrent Training which occurs every year, will not be done in Colorado Springs anymore. After year 2019, recurrent training will occur at a location within the Region.

**March 25, 2019:** CPUC and FRA Railroad Bridge Inspectors performed a routine follow up bridge inspection of the Restoration of UPRR Bridge No. 558.96 on the Yuma Subdivision. The bridge had washed out on February 14, 2019 following a heavy rain storm in the area. The Northwest Bank was restored with a Concrete Blanket and work was completed to help channel water away from the bridge to prevent similar damage in the future.

**March 28, 2019:** A CPUC Railroad Safety Inspector performed a routine inspection on Union Pacific property in the Fresno, CA area. During the inspection, an unsafe storage of a locomotive MU cable discovered. The cable was placed in an unauthorized storage location and caused a handhold obstruction.

This non-compliant condition was immediately brought to the attention of the Union Pacific mechanical crew, who placed the cable in a safe location. The railroad was cited for non-compliance under CFR 49 part 229.045.c1.

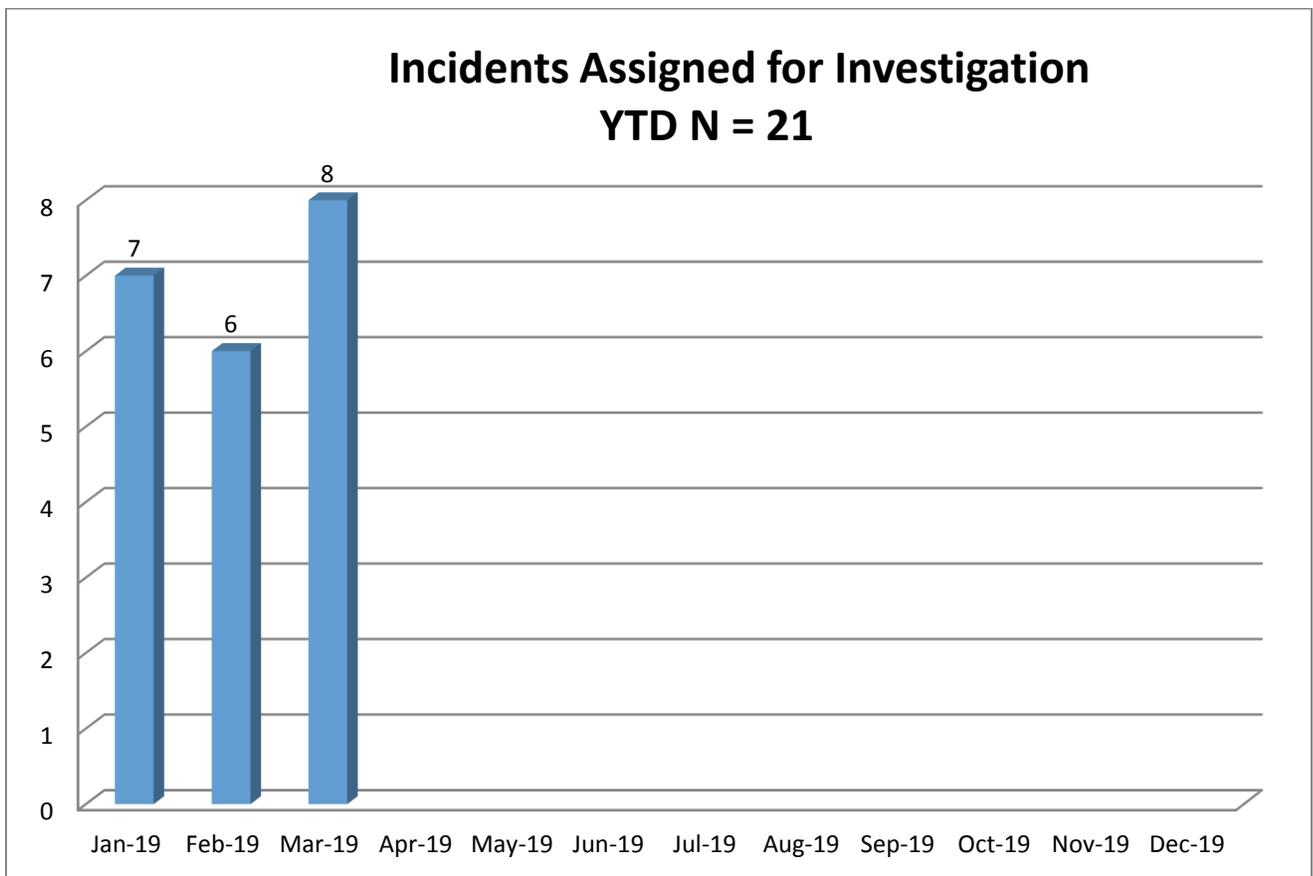
**March 28, 2019:** A CPUC and FRA railroad safety inspector performed a routine inspection on UPRR in Santa Barbara. The purpose of this inspection was to focus on High-way Rail Crossing safety and the FRA 234 regulations.

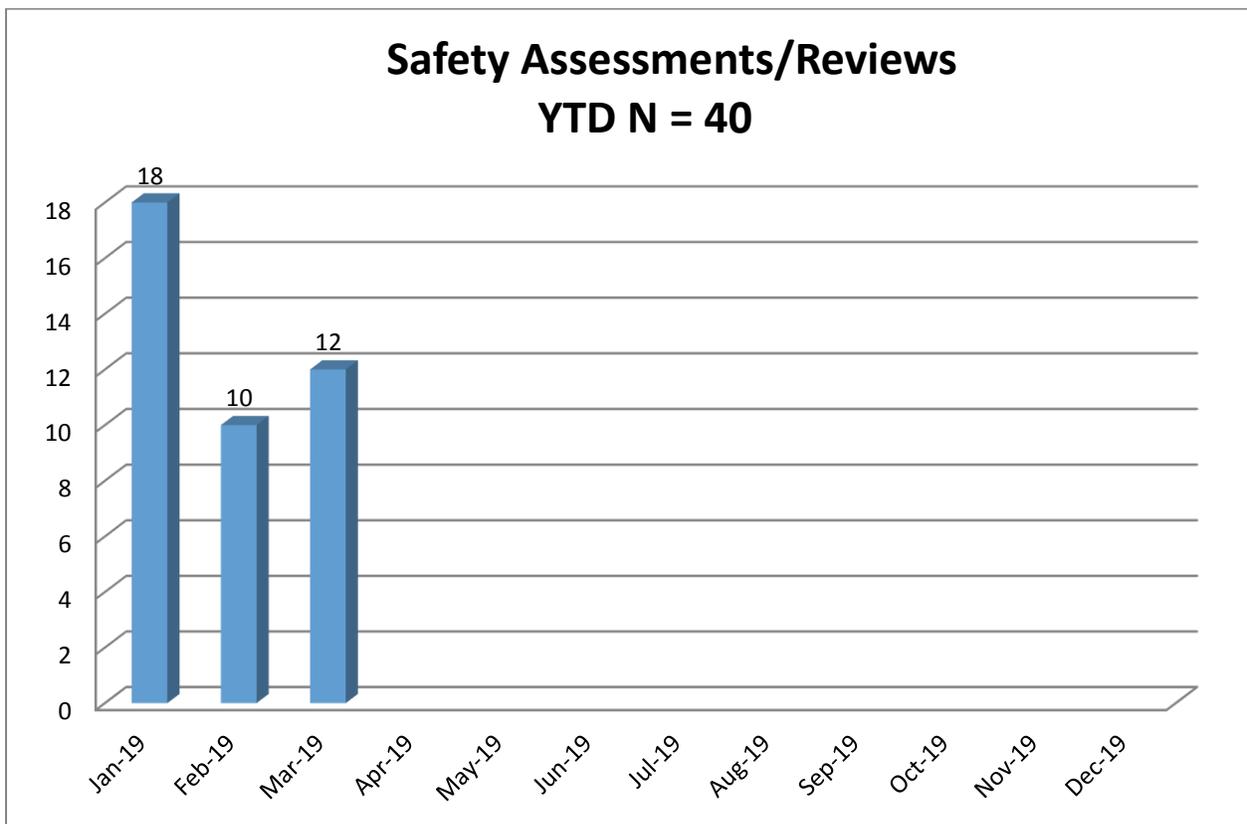
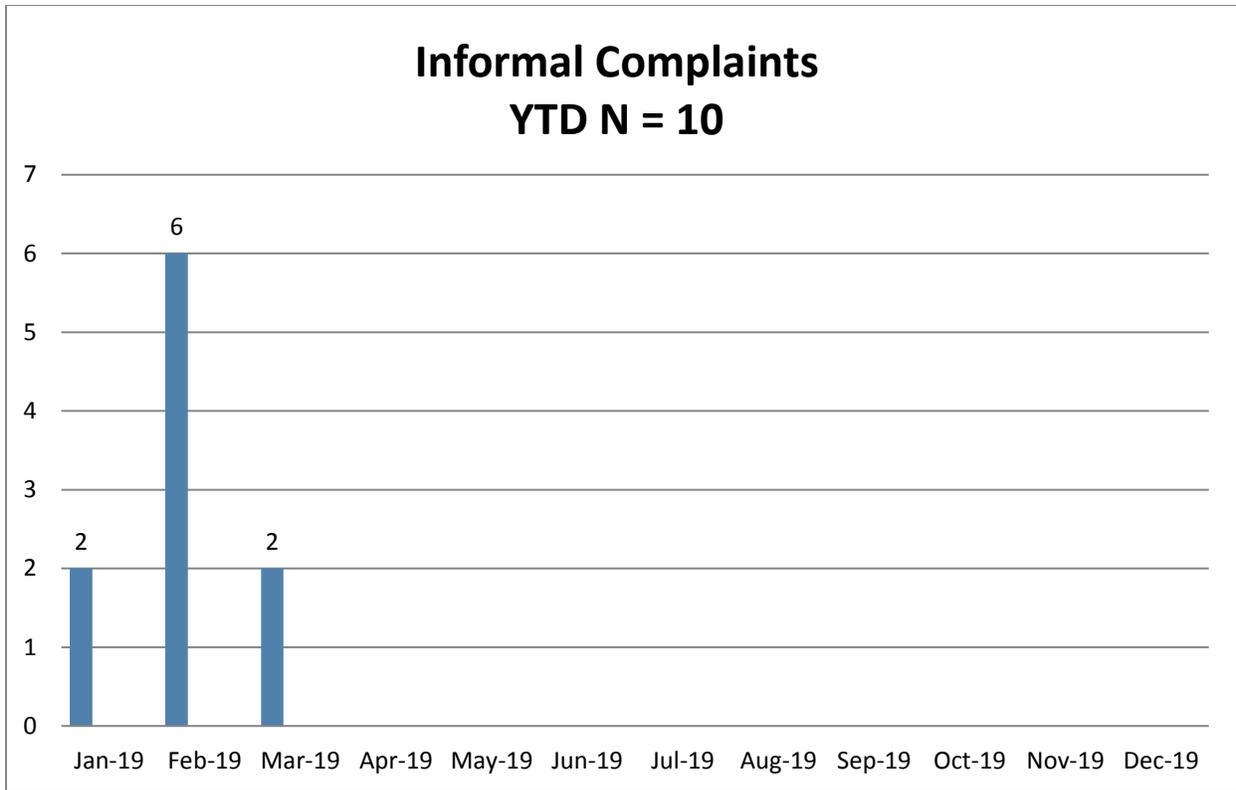
The purpose of the 234 regulations is to provide for safe movement of trains. It is the policy of the Federal Railroad Administration to promote voluntary compliance with these minimum safety standards. Civil penalty sanctions may be employed as necessary to secure compliance, if voluntary compliance is not forthcoming. In determining whether use of civil penalty sanctions is necessary, the inspector will take into consideration whether the railroad has installed and maintained the installation in a manner likely to provide for its proper functioning in the

interval between required inspections and tests. The inspector shall also consider the harsh environment in which the installation is required to function.

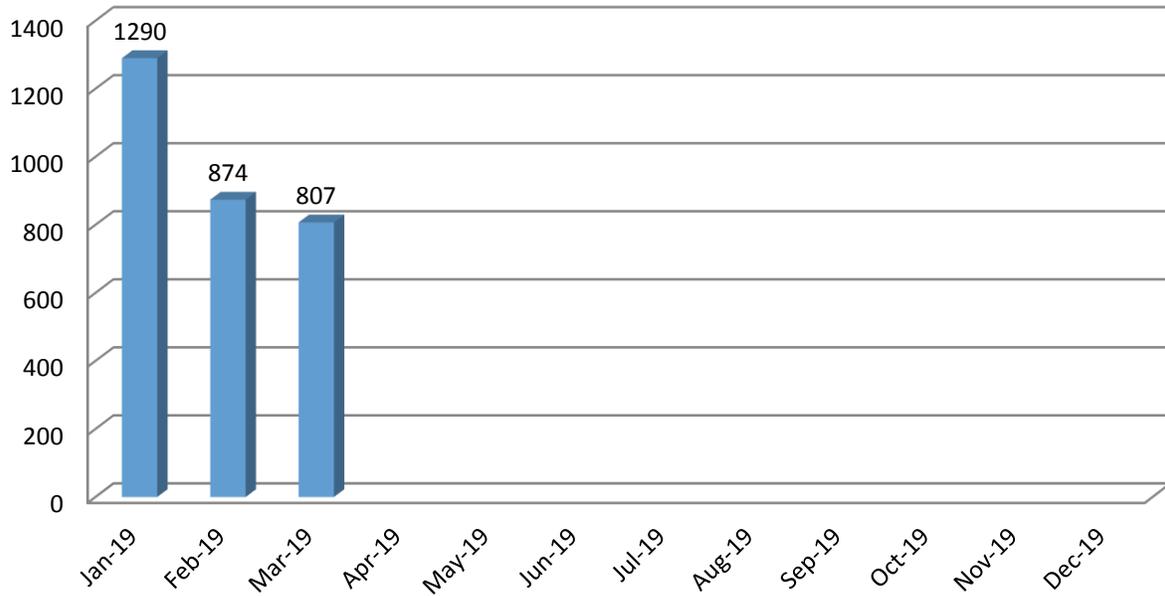
During this inspection the CPUC and FRA inspectors observed a defective condition with a pair of flashing lights at the high-way rail crossing. One of the lights was spun to the side and no longer visible to the highway user. This is a potentially dangerous condition because a single flashing red light has a different meaning than that of a side by side alternately flashing set of light that are used only at high-way rail crossings—in this situation it could cause a confused motorist to run into a train.

The Signal Maintainer made the necessary adjustments needed to the lights during the inspection. UPRR was given a defect for 49CFR 234.0217 C1, Flashing light not visible to the approaching highway user

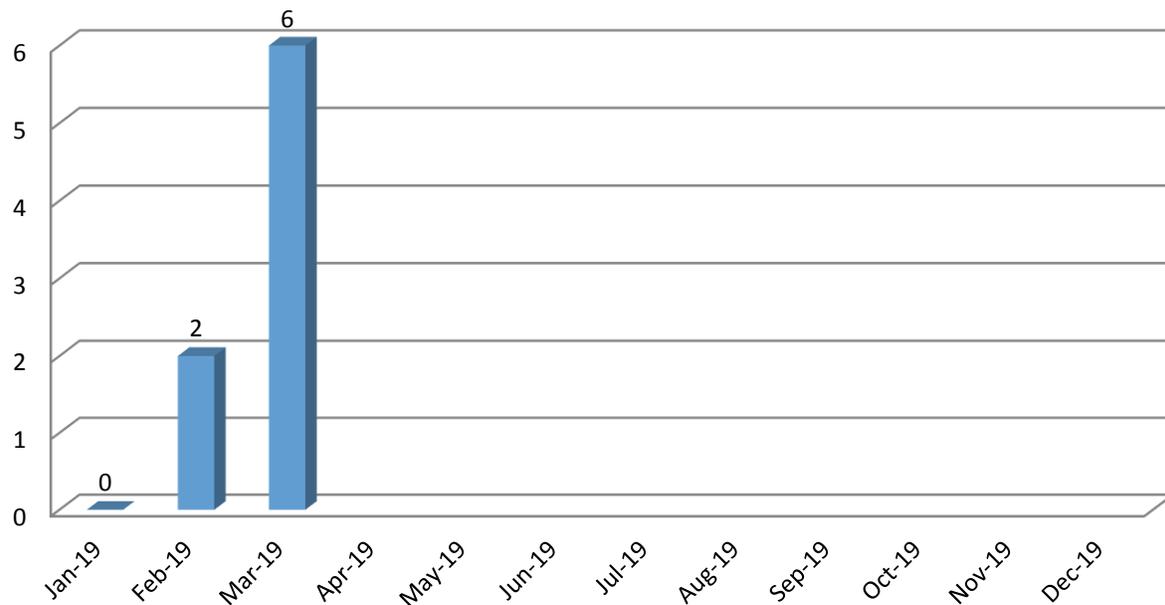




### Compliance Actions YTD N = 2971



### Operation Lifesaver YTD N = 8



OFFICE OF RAIL SAFETY

RAIL CROSSINGS AND ENGINEERING BRANCH - RCEB

In the month of March 2019, the RCEB team completed the following:

	March New	New YTD	March Closed	Closed YTD
Crossing Incident Reviews	14	61	9	41
Safety Assessments/Quiet Zones/Reviews	29	98	29	98
Proceedings, Resolutions and G.O. 88- B Reviews	8	33	7	56
Operation LifeSaver Presentations	1	7	1	7

RAIL CROSSING INCIDENT INVESTIGATIONS

In March 2019, the Rail Crossings and Engineering Branch (RCEB) assigned 12 new incidents at highway-rail crossings, and two incidents at highway-LRT crossings. These 14 collisions resulted in two fatalities and one injury. RCEB completed nine crossing incident reviews at six highway-rail crossings, and three incidents along the rail right of way. These 9 collisions resulted in three fatalities and three injuries.

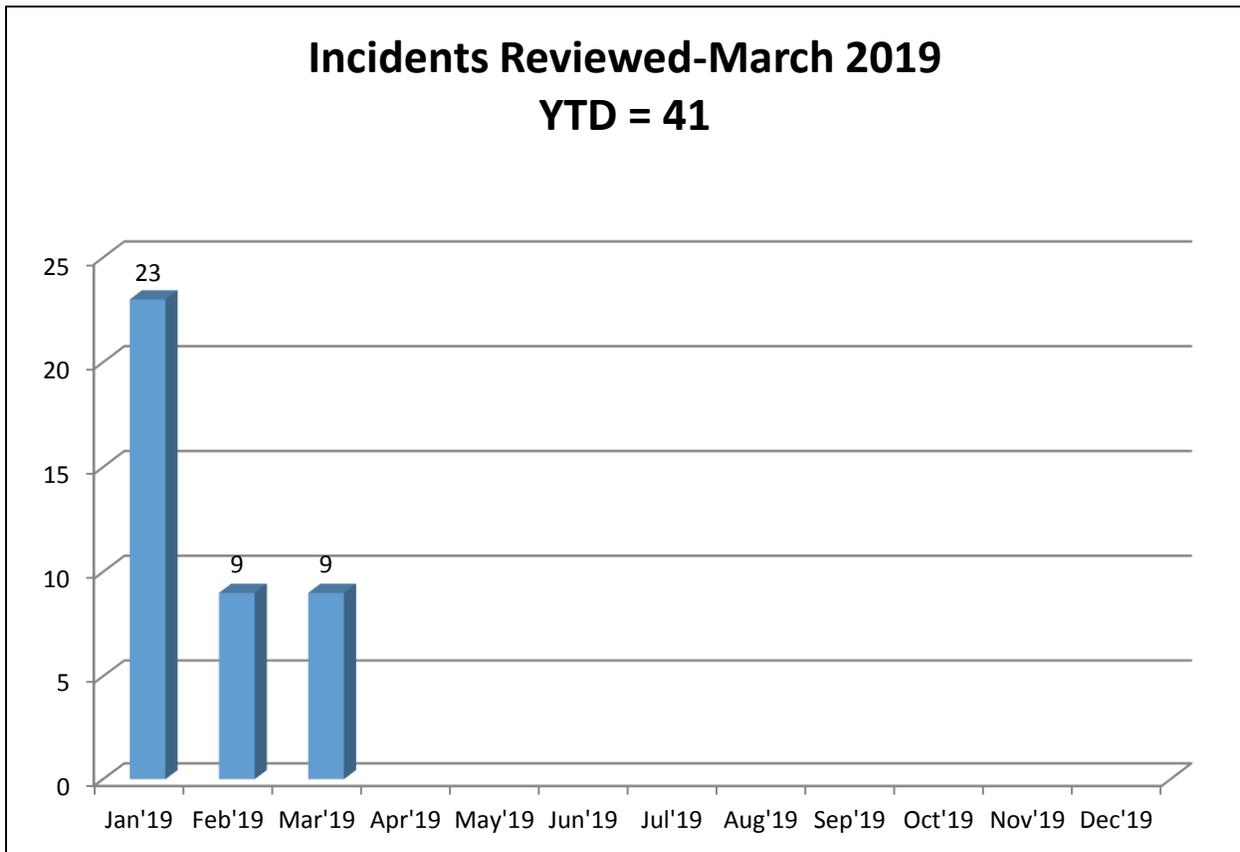
- INCR 2018010006-INCX2018010001** – On January 3, 2018 at 17:42 hours, a northbound Amtrak train traveling 90 MPH struck a vehicle (compact SUV) at the Carlsbad Village Drive highway-rail crossing, near milepost 229.30 of the North County Transit District - Coaster (NCTC) - San Diego subdivision in the City of Carlsbad, San Diego County. The review found that the motorist mistakenly turned right onto the tracks and became stuck at the north edge of the crossing. The driver and passengers exited the vehicle prior to the collision upon activation of the warning devices.
- INCR201800080077-INCX2018090013** - On August 24, 2018, at 07:35 hours, AMTRAK train traveling southbound, struck a vehicle at a private crossing, with injuries reported in Guadalupe, Santa Barbara County. The review found that the train struck an unoccupied westbound big rig tanker truck at the grade crossing that resulted in 2 passengers receiving

injuries. The tractor trailer attempted to utilize a private road crossing with a high center on the tracks and got stuck.

- **INCR2018100019-INCX201810006** - On October 3, 2018 at 16:50 hours, a westbound AMTRAK train struck a trespasser, resulting in fatality at Knightsen, Contra Costa County. The review found that the incident did not occur at the crossing.
- **INCR2018100081-INCX2018110001**- On October 29, 2018 at 00:33 hours, a westbound BNSF train struck a pedestrian at the O Street grade crossing, resulting in a fatality, in Sacramento, Sacramento County. The review found that according to the ROSB report, this incident did not happen at a highway-rail crossing and is a trespassing incident.
- **INCR2018100083-INCX2018110003**– On October 23, 2018, at approximately 14:00 hours, a Caltrain train struck a car resulting in injuries at the Ravenswood Ave highway-rail crossing in Palo Alto, Santa Clara County. The review found that according to the FRA report, the motorist queued on the tracks as the train activated the warning devices. The train operator sounded the horn and placed the train in emergency braking; however, the train could not stop within the remaining distance and struck the rear of the vehicle.
- **INCR2018110022-INCX2018110009** – On November 9, 2018, at 16:30 hours, a BNSF train struck a pedestrian in a wheelchair at the Brookside Drive highway-rail crossing, resulting in injuries, in Richmond, Contra Costa County. The review found that the wheelchair pedestrian went around the vehicular gate in the down/horizontal position and attempted to cross the tracks as the train approached the crossing. The pedestrian abandoned the wheelchair that got stuck in the flangeway prior to the train collision. After the collision, the wheelchair struck the pedestrian resulting in injuries.
- **INCR2018120011-INCX2018120011** – On December 5, 2018 at 15:56 hours, a Caltrain train struck a pedestrian at the Main Street highway-rail crossing, resulting in a fatality in Redwood City, San Mateo County. The review found that the pedestrian circumvented the warning devices and continued onto the path of the train. ROSB determined the incident as a suicide.
- **INCR2018120017-INCX2018120014** –On December 6, 2018 at 15:39 hours, a southbound UP train struck a vehicle at the Ash Street highway-rail crossing, with no injuries in French

Camp, San Joaquin County. The review found that according to the police report the driver chose to go around all stopped cars and railroad gates. The train then struck the vehicle.

- **INCR2019010023-INCX2019010018** – On December 15, 2018 at 18:55 hours, an AMTRAK train struck an unoccupied vehicle near the Foletta Road highway-rail crossing, in Unincorporated Monterey County. The review found that according to the California Highway Patrol Investigation Report, this incident occurred south of Foletta Road and not at the crossing.

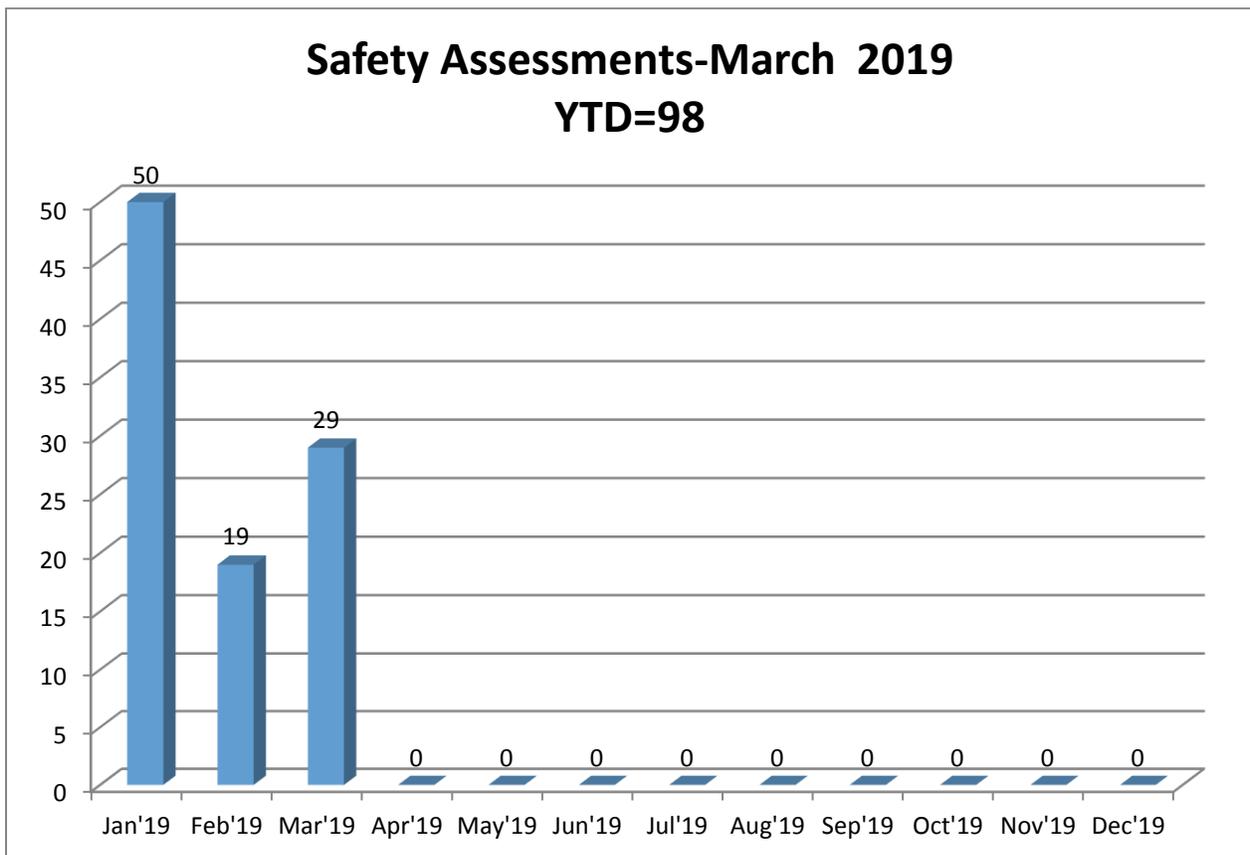


#### SAFETY ASSESSMENTS, QUIET ZONES AND REVIEWS

In March 2019, RCEB completed 26 rail-crossing safety assessments involving: communications, field inspections, and diagnostic reviews with railroads and local agencies. These activities review existing crossings and proposed changes to crossing warning devices. In addition to the 26 safety assessments, staff participated in two railroad preemption training sessions and one Quiet Zone Review. This brings a total of 29 activities that RCEB staff completed in March 2019.

Regarding the experimental project, Caltrans and CPUC are waiting for the Federal Highway Administration response for the dynamic envelope marking experimental proposal.

- **RCEB Training** - On March 28 and 29, 2019 a staff member provided training to Safety and Enforcement staff on railroad preemption timing and the new Caltrans interconnect standard.
- **QTZN201306002** – The City of Galt Public Works Department filed an affirmation letter that the Quiet Zone effective March 21, 2016 continues to conform to the Code of Federal Regulations Part 222. The crossings include Elm St, A St., C St., F St. and Kost Rd., all in the City of Galt.
- **Experimental Project Dynamic Envelope Marking** - ROSB and RCEB continue working with Caltrans, BNSF, City of Escalon and the Federal Highway Administration (FHWA) in the implementation of an experimental project. In March 2019, Caltrans followed up with FHWA for approval of the experiment.



### PROCEEDINGS, RESOLUTIONS AND G.O. 88B REVIEWS

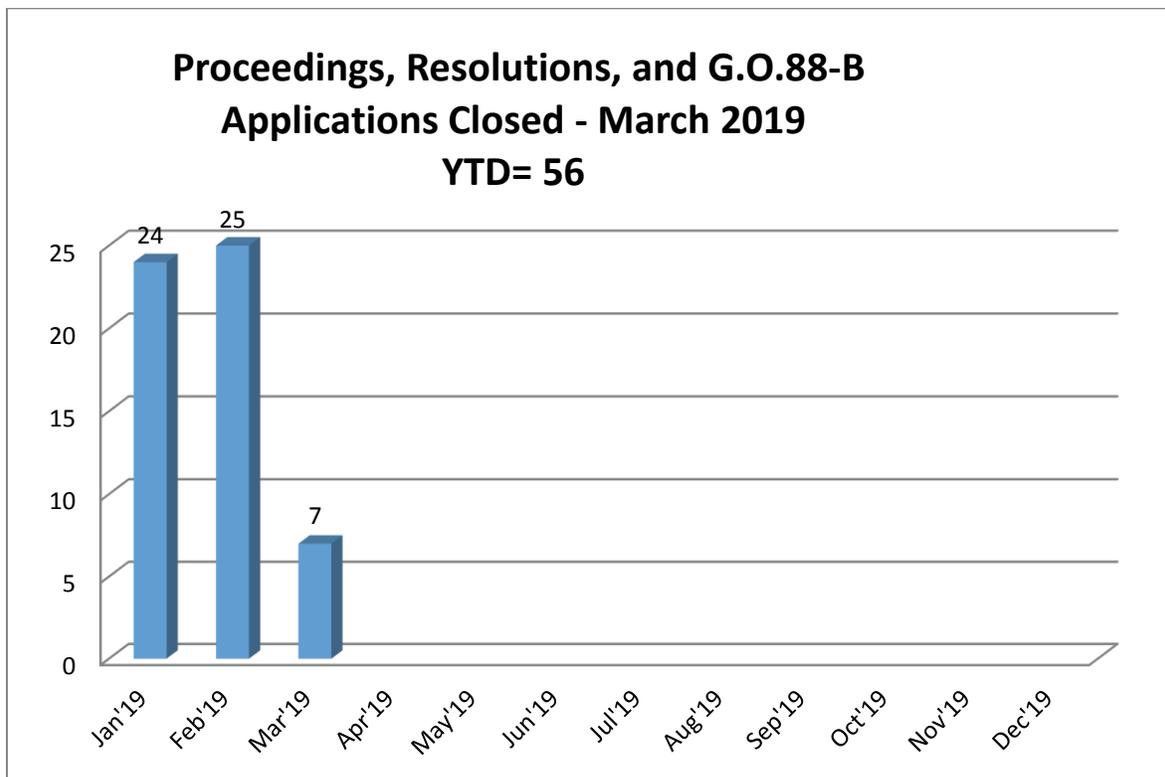
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In March 2019, RCEB staff assigned four new General Order 88-B applications for changes to existing crossings, one new Resolution, and three new proceedings with the Administrative Law Judge. This month, RCEB completed an ALJ proceeding, and closed six General Order 88-B applications.

- **PROCA1809014** – On March 28, 2019, the Commission granted authorization, with D.1913019, to Placer County to construct a grade separation of the Placer Parkway over Union Pacific Railroad tracks in unincorporated Placer County. The authorization expires on March 28, 2022.
- **GO 88B - XREQ 2019030003** - On March 5, 2019, staff authorized a request by the San Gabriel Council of Governments to alter the Fullerton Road At-Grade Highway-Rail Crossing Identified as CPUC Crossing No. 003-21.40 and DOT Crossing No. 810880 in the City of Industry, Los Angeles County. The project is a 93-foot wide grade-separated bridge structure above Fullerton Road. The project also constructs Fullerton Road with a seven-lane roadway. The authorization expires on March 5, 2022.
- **GO 88B – XREQ 2019030005**- On March 7, 2019, staff authorized a request by the Port of Long Beach to alter 9th Street At-Grade Highway-Rail Crossing, CPUC Crossing Number 120L-18.60 and DOT Number 767547T in the Port of Long Beach and County of Los Angeles. The improvements include removal of existing warning devices, installation of Commission Standard 1-R assemblies with STOP signs, fence gates and pedestrian barricades, and modifications to the traffic signal and preemption. The authorization expires on March 7, 2022.
- **GO 88B - XREQ 2019030001 and 2019030002**– On March 4, 2019, staff authorized a request by the San Diego Metropolitan Transit System to alter at-grade pedestrian crossings within Amaya Drive and Grossmont Transit Center Stations in the City of La Mesa, San Diego County. The improvements include installation concrete panels, Look Both Ways signs, detectable warning surfaces, Emergency Notification System signs, at four specific crossing

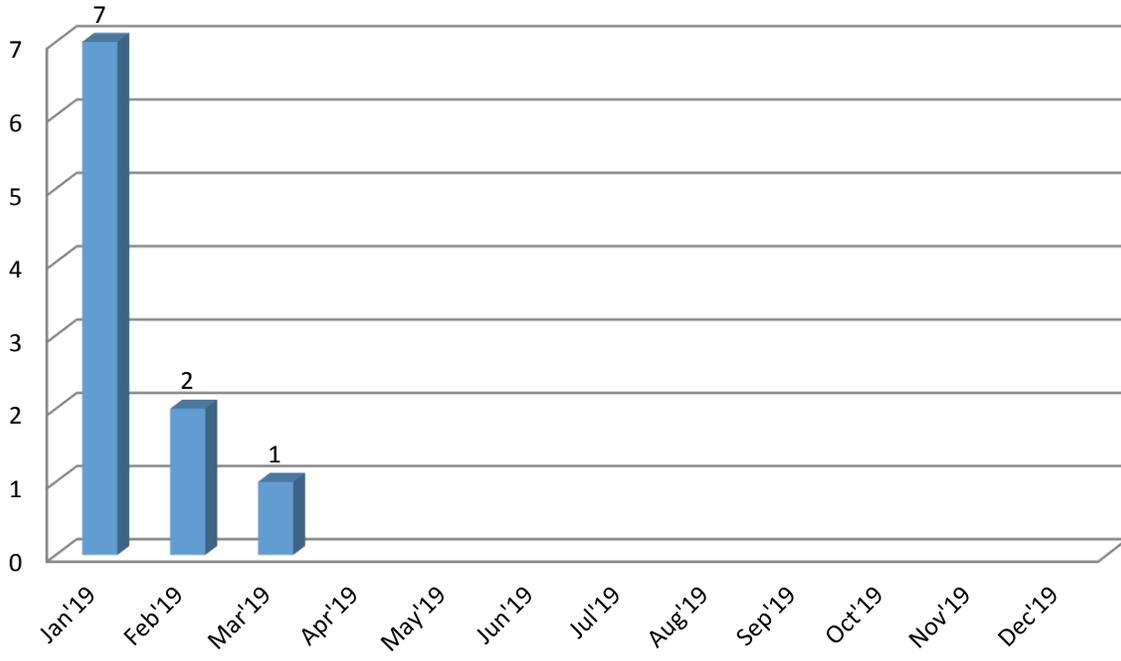
points at each station for the Amaya Drive and Grossmont Transit Center stations. The authorization expires on March 4, 2022.

- GO 88B – XREQ 2019030006** – On March 11, 2019, staff authorized a request by the California High Speed Rail Authority to alter Avenue 88 At-Grade Highway-Rail Crossing, CPUC Crossing Number 002-938.88 and DOT Number 028324J in unincorporated area of Tulare County. The improvements include elimination of the Avenue 88 and Avenue 112 at-grade crossings, construction of grade separation over Avenue 88, and an access restricted fence or barrier. The authorization expires on March 11, 2025.
- GO 88B – XREQ 2016030011** – On March 27, 2019, staff authorized a request by the Pacific Locomotives Association to alter the Pleasanton-Sunol Road at-grade highway-rail crossing, identified as CPUC Crossing No. 091-38.30 and DOT Crossing No. 749801R in unincorporated Alameda County. The current GO 88-B authorization expires on April 10, 2019. The railroad warning devices are in place and the request extends time to install the pavement markings and centerline delineators. Staff grants the extension of time to June 28, 2019.



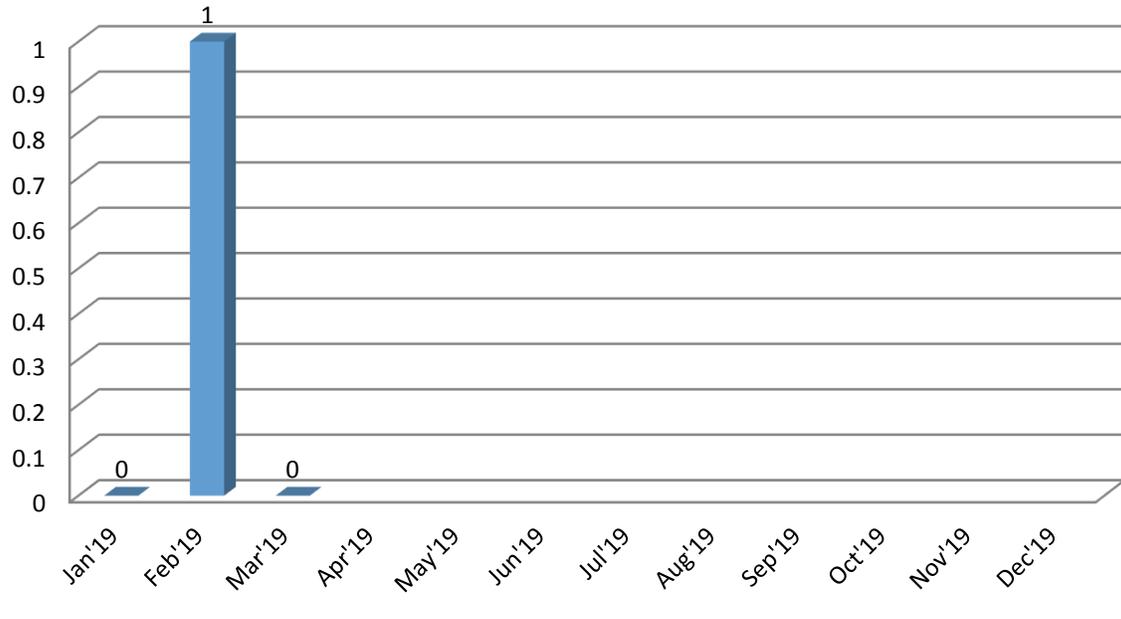
### Proceedings -ALJ Closed -March 2019

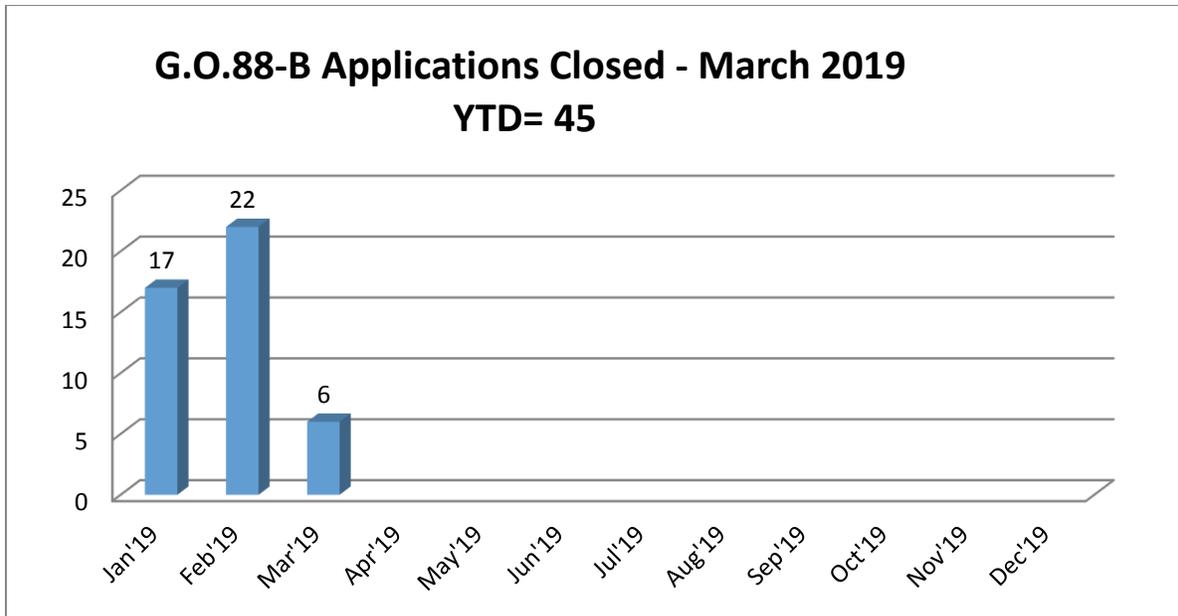
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### Resolutions Closed -March 2019

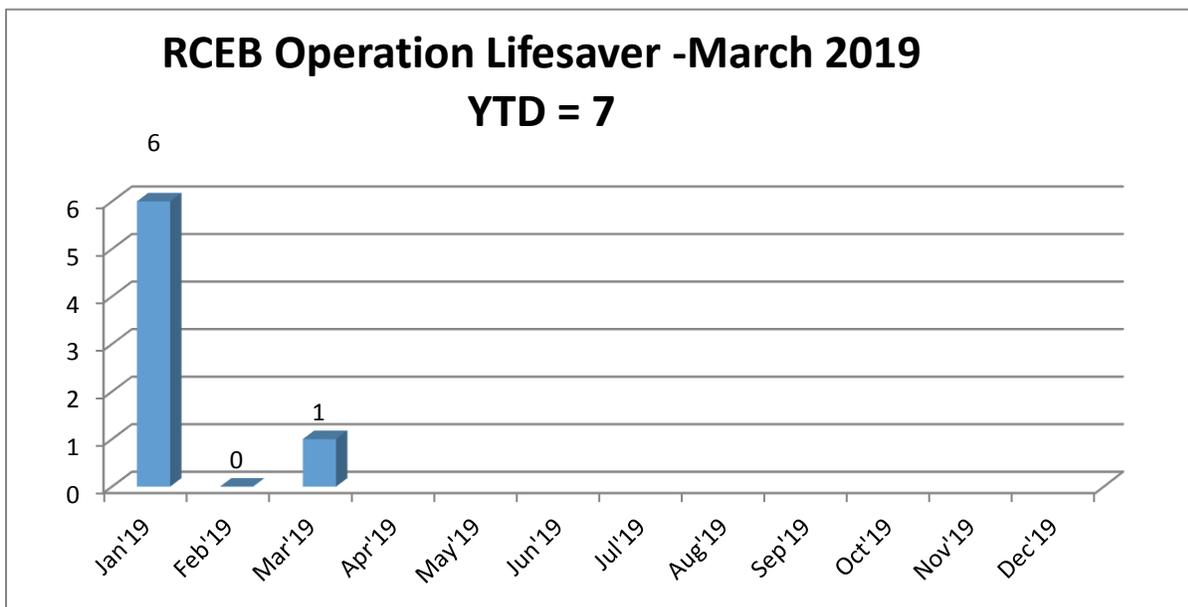
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**OPERATION LIFESAVER INC.**

In March 2019, RCEB Operation Lifesaver Inc. (OLI) volunteers shared the OLI rail safety message at the Zenith Ag Safety OL Conference in Turlock, CA. Staff manned a booth and shared the rail safety message with 130 professional drivers (truckers). As time permits, staff participates in presentations, fairs, and community events to share the OLI rail safety message to the public and professional drivers.



## OFFICE OF RAIL SAFETY

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### RAIL TRANSIT - RTSB

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In March 2019, the Rail Transit Safety Branch (RTSB) completed the following activities:

#### CORRECTIVE ACTIONS PLANS

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- Sixty-eight (68) Corrective Action Plans (CAP's) were opened.
- Eighteen (18) were closed.

#### INCIDENT INVESTIGATIONS

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- Forty (40) incidents were reported by Rail Transit Agencies (RTA).<sup>3</sup>
- Twenty-one (21) incident investigations were closed.

#### MAJOR AUDITS

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- A Triennial Safety and Security Review of North [San Diego] County Transit District (NCTD) was conducted in August. The review covered the twenty-one (21) System Safety Program Plan and five (5) System Security Plan elements required by General Order (GO) 164-E. In addition, Staff reviewed agency compliance with other GOs, such as GOs 172 and 175-A. RTSB met with NCTD on December 19 to present Staff's findings and recommendations. Staff is drafting a report. The draft report will be subject to a thirty-day comment period.
- The Bay Area Rapid Transit (BART) 2017 Safety Audit report (Resolution ST-215) has been held until the April 25, 2019 Commission meeting agenda.
- The proposed resolutions to adopt the 2017 Sacramento Regional Transit District (SRTD) Triennial Safety Audit Review Report (Resolution ST-220) and Security Audit Review Report

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<sup>3</sup> Per General Order 164-E, the Commission must be notified within 2 hours by rail transit agencies of incidents if they include one of the following: a fatality (occurring at the scene, or within 30 calendar days following the incident); one or more persons suffering "serious injury" (as defined in GO 164-E); a collision involving a rail transit vehicle and another rail transit vehicle, or individual; a derailment of any rail transit vehicle at any location, at any time, whatever the cause; an evacuation for life safety reasons; or a runaway train.

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(Resolution ST-221) have also been held until the April 25, 2019 Commission meeting agenda.

### ADMINISTRATIVE ACCOMPLISHMENTS

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- **RSSIMS Replacement Project:** The three rail branches (Rail Crossings and Engineering Branch, Railroad Operations Safety Branch, and RTSB) share a database called Rail Safety and Security Information Management System (RSSIMS). RTSB is participating in activities to identify upgrades for the next version of the database.
- **New Employee:**

On March 1, Eric Madero started working as a new Signal and Train Control Inspector based out of Southern California.
- **Proposed Revision to GO 143-B:**

On March 14, 15, 21, and 22, RTSB management met to review proposed changes to GO 143-B entitled “Safety Rules and Regulations Governing Light-Rail Transit.”
- **Training:**

On March 1, Madeline Ocampo, Michael Rose, Richard Fernandez, and Salvador Herrera completed the “*Transit Rail Incident Investigation*” course presented by U.S. Department of Transportation’s Transit Safety Institute. This is one of the FTA required courses for State Safety Oversight Agency personnel.

On March 18<sup>th</sup>, David Steward (Utilities Engineer with Rail Crossings and Engineering Branch) provided Northern California RTSB staff training titled “Xing’s 101”. This training provided basic information on reviewing safety designs of rail-crossings. RTSB participants included Jamie Lau, Jimmy Xia, Matthew Ames, Michael Borer, Michael Rose, David “Shane” Roberson, Steve Espinal, and Yan Solopov.

### PROCEEDINGS / RESOLUTIONS / OTHER FORMAL ACTIONS

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#### Ongoing:

- **I.16-06-010 Investigation into Fatal Accident on BART Tracks (Commissioner Randolph/ALJ Kim)** - On June 28, 2016, the Commission instituted a formal Investigation

in response to a two fatality BART accident on October 19, 2013. A final Decision was issued on October 22, 2018 in the form of Decision Regarding Alleged Violations by San Francisco Bay Area Rapid Transit District Relating to the October 19, 2013 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 “San Francisco (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. On November 16, BART filed an Application for Rehearing of the above referenced Decision. In its Application, among other arguments BART contends that the Decision exceeds the Commission’s jurisdictional authority and further that the Decision is unlawful, an abuse of discretion and a violation of BART’s right to due process. The filing also requests oral argument and that the Decision be suspended until the Application is decided. In a December 3<sup>rd</sup> Response, SED recommends denial of the Application in its response concluding the following: “The findings in D.18-010-020 are lawful and supported by substantial evidence in light of the whole record. Under Public Utilities Code Section 1757(a)(4) and for the reasons discussed...the Application for Rehearing in this proceeding should be denied in its entirety.”<sup>4</sup> A Commission Order issued on January 10 denied and disposed of the Request for Suspension of D.18-10-020. However, the Investigation continues to be held open to address the associated Application for Rehearing.

### SAFETY CERTIFICATION AND OVERSIGHT OF RAIL TRANSIT AGENCY PROJECTS

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- **AirTrain Extension Project:** On August 10, 2017, Resolution ST-205 approved the San Francisco International Airport’s AirTrain Automated People Mover (AirTrain) Extension Safety Certification Plan (SCP). The project expands the existing AirTrain system to include a new Long-term Parking (LTP) Garage Station and an additional in-line Hotel Station serving a future hotel. Additional planned changes include an upgrade to line-of-sight (LOS) train to

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<sup>4</sup>THE SAFETY AND ENFORCEMENT DIVISION’S RESPONSE TO THE APPLICATION FOR REHEARING OF THE BAY AREA REGIONAL TRANSIT DISTRICT: p. 11. Document filed on December 3, 2018 in the Investigation 16-06-010.

wayside signaling and communications, field retrofits of 39 vehicles to LOS technology, an upgrade to the Central Control, a 2000 ft. guideway extension, four additional guideway crossover switches, additional traction power system, and 3 new Innovia APM 100 vehicles. The project will have three Safety and Security Certification Verification Reports (SSCVR) as it has three phases. Project culmination and start of revenue service is anticipated to take place in 2020. On March 27, Staff observed an inspection of the automatic barrier door installed at the new interim station. The new interim station and the retrofitted LOS trains SSCVR will be submitted in June.

- **BART Forms Fire Life Safety Department:** BART is in the process of forming a new department that is to be known as its Fire Life Safety Department. This department was approved in the 2020 BART budget. BART has hired a consultant, Safety and Security Consulting Services, Inc. Their role is to provide guidance to BART in its implementation of this newly formed department. Interviews for the new department are underway.
- **BART New Vehicle Procurement:** BART is in the process of procuring 775 new rail vehicles. There are two types of new vehicles, D-Cars and E-Cars. D-Cars have an operator's cab while E-Cars do not. BART submitted its Interim SSCVR on October 30, 2017, and a Request Letter on January 12, 2018 to place 10 new cars into revenue service. RTSB approved this request with a letter dated January 17, 2018. Series vehicle production and inspection continues at the car body manufacturing facility. BART has received 10 pilot vehicles and 58 production vehicles. Sixty-five vehicles are CPUC certified. Sixty vehicles are in revenue service. Two vehicles are in transit to BART. Train Operator training continues daily with two shifts.
- **BART Hayward Maintenance Complex Project:** On November 16, 2018, RTSB approved the first phase of this project, the Component Repair Shop, to commence operations. Work at the North Yard and South Yard apron continues. The Vehicle Lift Area Construction began on March 1, 2019.
- **BART Oakland A's Transit Workshop on March 29** - RTSB staff participated in a transit workshop at the Oakland A's (Oakland Athletics, a Major League baseball team) headquarters on March 29 pertaining to the proposed new A's stadium and associated transit project options. BART is considering construction of a gondola. This gondola would

most likely start a short distance south of the 12th Street BART station near the Oakland Convention Center and provide transit service to the new stadium in the Jack London Square area. Another gondola with service to the new stadium is under consideration with a terminus in Alameda. It would traverse the Oakland Estuary on its way to the new stadium. Members of the public and interest groups expressed both interest in and concern about the proposed project. Participants were especially interested in seeing the project more fully integrated into the design of the convention center. Among concerns expressed were those from Oakland and East Bay community and historic preservation groups regarding quality of life for residents in Swans Market and preserving the rich history of Old Oakland. Next Steps: A's and its contractor, SCJ, will share designs of the gondola, both on the street and in the convention center. SCJ will study and design different station types (including a minimal, compact design) as well as research other cities with similar transportation options. A's management will set up a follow-up meeting once they have new studies, research, and design to share with the team (over the next 2 months).

- **Silicon Valley Berryessa Extension (SBVX):** BART and Santa Clara Valley Transportation Authority (VTA) are currently in the process of constructing a 10-mile BART system track extension and two new stations – the Milpitas and Berryessa stations. Phase 3 testing begins on approximately June 1, 2019. The Phase 3 starting date depends on the Phase 2 testing being concluded. Phase 3 testing is projected to last approximately three months. Pre-revenue operations testing is also projected to last approximately three months. If all goes as projected, all testing would be concluded by December 1. Revenue service is projected to begin sometime in December 2019. RTSB staff participated in an SBVX meeting with the Federal Transit Administration (FTA) on March 27 at BART headquarters. Some highlights from this meeting are as follows: Security issues continue to be a problem at BART. The two main issues are homelessness and the cost of living in the Bay Area. These both significantly affect BART and VTA. BART is addressing the issue of fare evaders by fortifying the turnstiles, working to get more police on the system from the BART Police Department, and hiring 48 personnel who check proof of payment. Currently, VTA is going through an organizational change. Chief of Safety and Security at VTA endeavored to

provide some clarification on the BART/VTA responsibilities. As questions remain, a follow-up joint presentation to RTSB Staff by VTA/BART is tentatively scheduled for a date before the next SVBX FTA Quarterly Meeting at the end of June.

- **Downtown Sacramento Streetcar Project:** FTA has provided funding for preliminary engineering and development for this project, but they have not received an FTA full-funding grant award. A Joint Powers Authority has been established as the system owner/operator involving the City of Sacramento and City of West Sacramento. The project has been put on hold until additional funding or a new scope is generated.
- **Central Subway Project (CSP):** The San Francisco Municipal Transportation Agency (SFMTA) is excavating 1.7 miles of tunnel to extend the Muni Metro Third St. Line to provide a direct transit link between the Bayshore and Mission Bay areas to SoMa, downtown San Francisco, and Chinatown. SFMTA estimates a start of revenue service on December 10, 2019. SFMTA recently hired personnel responsible for carrying out the testing and commissioning phase of the project once it is complete later this year. SFMTA will commence rail activation and system integration testing of the CSP near the end of 2019. The agency anticipates revenue service to begin in early 2020. Staff will schedule tests that they will observe around SFMTA's rail activation and system integration testing schedule.
- **LACMTA P3010 New Vehicle Procurement Project:** The Los Angeles County Metropolitan Transportation Authority (LACMTA) is in the process of procuring up to 235 new rail vehicles. These vehicles are intended to expand passenger capacity for the recently completed projects (Expo Phase 2 and Foothill Extension Phase 2) and the future LAX/Crenshaw line currently under construction. Staff continues to follow a recently revised approval process whereby Staff provide a conditional approval based on monthly review of the open item lists and the reports on vehicle test performance. Staff will recommend official approval to RTSB management after a successful review of the Car History Books (CHBs) in person.
- **LACMTA HR4000 Heavy Rail Vehicle Procurement:** LACMTA is in the process of procuring a base order of 64, with options for up to 282, new heavy rail vehicles (HRV) to provide for the future expansions of Regional Connector and Purple Line Extensions, and to replace the

aging HRV fleet operating on the Red Line subway. Resolution ST-185 approved the procurement option. To date, there have been no vehicles delivered.

- **LACMTA Regional Connector Project:** Staff regularly attends LACMTA's monthly Fire Life Safety and Security Meetings, as well as Safety and Security Certification Review Committee (SSCRC) meetings. Staff has approved a temporary shoofly track to allow tunnel boring to commence.
- **LACMTA Purple Line (Westside) Extension Project:** LACMTA is currently extending the Purple Line. The Westside Purple Line Extension, previously named the Westside Subway Extension, extends service from the terminus at Wilshire/Western Station to Westwood (UCLA and Veteran's Administration Hospital). This extension will consist of nearly nine miles of heavy rail subway and seven stations. Tunneling of the first segment commenced on October 11<sup>th</sup>, 2018.
- **LACMTA/MGLFECA Foothill Extension Phase 2B:** LACMTA and Metro Gold Line Foothill Extension Construction Authority (MGLFECA) have submitted the project's SCP. Resolution ST-194 provided approval for the document on January 19, 2017. Phase 2B alignment is from the current terminus of LACMTA Gold Line, Azusa Station, to the City of Montclair. It will traverse six cities with six new stations on 12.3 miles of light rail transit (LRT) at-grade track. Due to funding issues, the current terminus of the alignment will be changed to Pomona Station. The Foothill Authority is currently working on procuring more funding to complete the alignment, as originally scoped, to the City of Montclair.
- **LACMTA Crenshaw/LAX Corridor Project:** LACMTA is constructing a new LRT line through the Crenshaw/LAX Corridor. The Line will travel 8.5 miles from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards to the Green Line and will serve the cities of Los Angeles, Inglewood, El Segundo and portions of unincorporated Los Angeles County. The project is currently in the construction phase that Staff monitors via regular meetings. The review team has approved the Safety Certification Design Checklists. The next step is the SSCRC's verification of the Safety Certification Construction Checklists. The project is nearly 80% complete. However, the project has experienced significant delays and is an estimated 6 months behind schedule. The substantial completion date was

rescheduled from May 1, 2019 to December 2019. While the forecasted revenue service date has been pushed from October 31, 2019 to May 2020.

- **Los Angeles Streetcar:** The Los Angeles Streetcar is a project that is advancing under the Los Angeles County Measure M funding. The preliminary design is proceeding despite the lack of LACMTA's identification for near term funding.
- **LAWA Automatic People Mover Project:** Los Angeles World Airports (LAWA), the governing body of Los Angeles International (LAX) and Van Nuys airports, is developing a multi-billion-dollar upgrade to the ground transportation system at LAX. The Landside Access Modernization Program (LAMP) includes a landside Automated People Mover (APM), a Consolidated Rent-A-Car (CONRAC) facility, multiple Intermodal Transportation Facilities (ITFs), and a comprehensive network of roadway improvements. The APM system will feature the design and construction of an approximate 2.25-mile-long, elevated dual-lane guideway, consisting of six stations. Three stations will connect new rental car, airport parking, and Metro facilities to the airline terminals. Three stations in the Central Terminal Area will provide fast and easy connections to nine airline terminals with a pedestrian walkway system. The Commission approved Resolution ST-212 on October 11, 2018. This Resolution adopted LAWA's Safety and Security Certification Plan (SSCP).
- **Orange County Transportation Authority (OCTA) OC Streetcar Project:** The OC Streetcar (OCSC) project consists of 4.15 miles of track between the Santa Ana Regional Transportation Center in the City of Santa Ana and the Harbor Boulevard/Westminster Avenue intersection in the City of Garden Grove. Revenue service is scheduled to commence in 2021. Staff continues to attend the SSRCR and Fire Life Safety Committee (FLSC) meetings for this project. On November 30, 2018, FTA awarded a full-funding grant agreement for \$129 M to OCTA for the project.
- **SFMTA LRV4 Procurement to Expand and Replace the Rail Fleet:** This project is scheduled for completion in 2027. The safety and security certification-related aspects of this project are being monitored by Staff through regular meetings, review of records produced pursuant to the requirements of the project SSCP (e.g. Certificates of Conformance and associated supporting documentation for certifiable elements at pertinent project

milestones), and observations of vehicle testing. In March, RTSB staff authorized SFMTA to place two more LRV4 cars into revenue service.

- **San Diego Trolley, Inc. (SDTI) Mid-Coast Corridor Project:** The San Diego Metropolitan Transit System's (SDMTS) Mid-Coast Corridor Project is a 10.9-mile double-track light-rail transit line, which begins at the Old Town Transit Center in San Diego. The project provides future SDTI revenue service to the Linda Vista, Clairemont, University of California at San Diego (UC San Diego) and the University City areas. The additional stations will be Tecolote Road, Clairemont Drive, Balboa Avenue, Nobel Drive, potential Veterans Administration (VA) Medical Hospital, UC San Diego West (along Voigt Drive), UC San Diego East (along Voigt Drive), Executive Drive, and University Town Center (UTC) Transit Center. Construction started in 2016 and revenue service is planned to begin late 2021. Staff continues to attend the System Safety Review Committee Project Meetings and FLSC Project Meetings.
- **San Diego Light Rail Vehicle Procurement:** SDTI is procuring 45 light rail vehicles (LRV) for the Mid-Coast Corridor Project. The procurement process began January 2018 with an expected schedule completion and acceptance of all 45 LRV's by June 2021. Resolution ST-217 formally accepts the SDMTS LRV Procurement SCP and was approved on October 11, 2018. Car Nos. 5001-5003 are currently on-site at the SDTI Yard and are undergoing static tests. Staff will be participating in the acceptance testing throughout the procurement process.

## California Public Utilities Commission | Safety and Enforcement Division

### STATISTICS SUMMARY

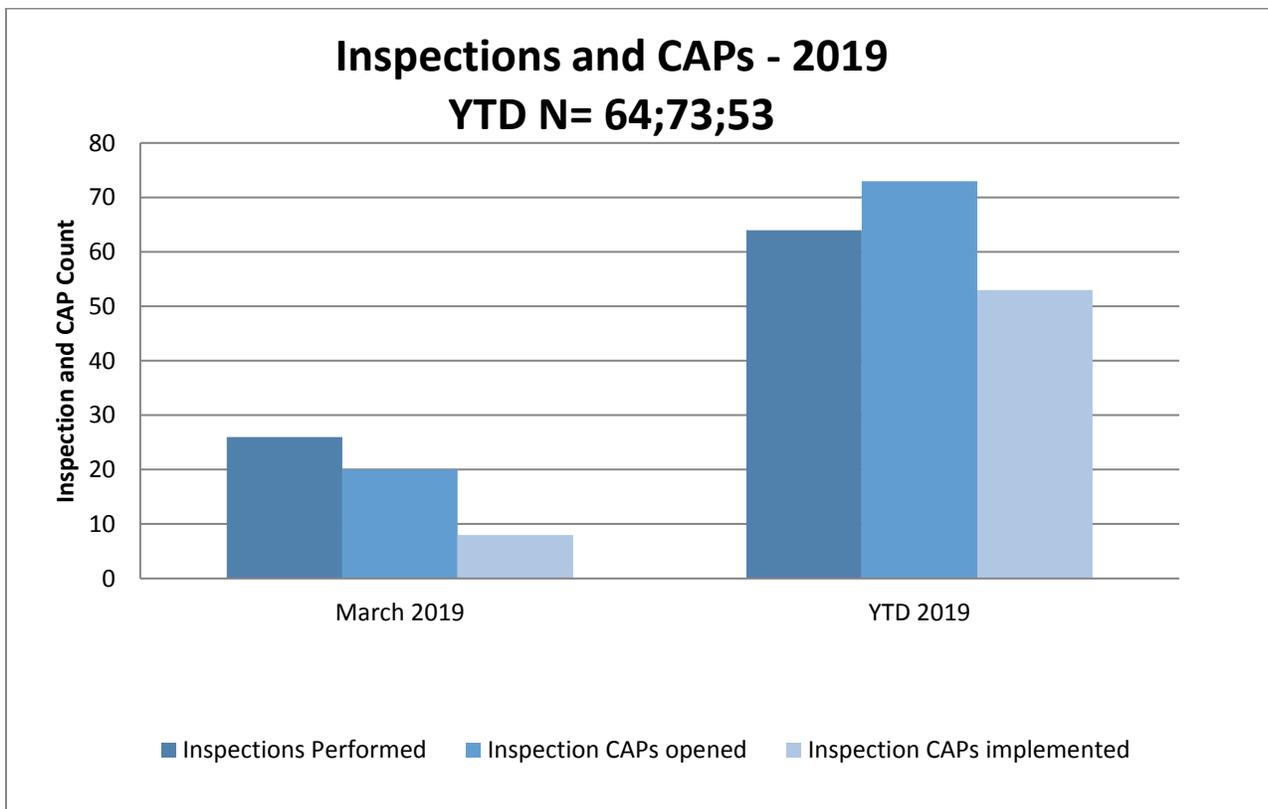
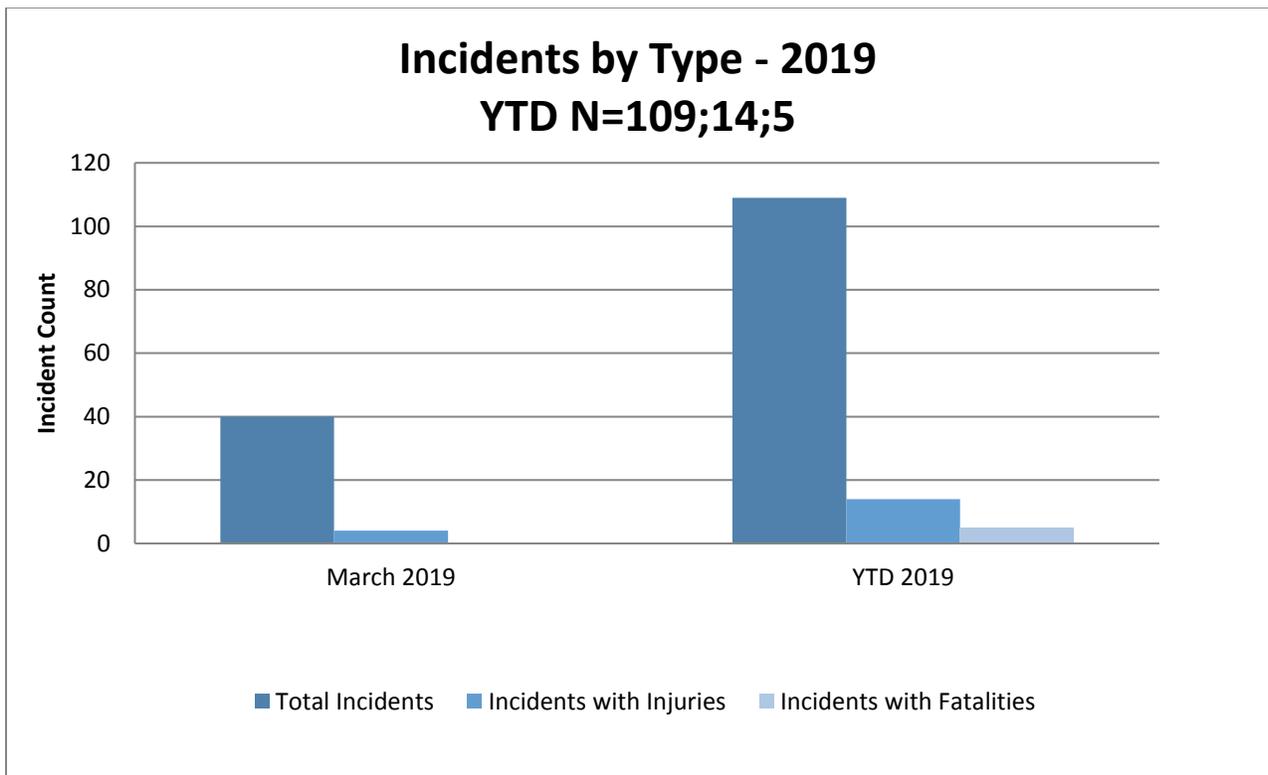
Investigations for Month		YTD 2019
Incidents Reported	40	109
Incident Investigations Closed	18	102
Complaints Investigated	1	2
Rail Transit Inspections	26	64
Triennial Review	0	0

		YTD 2019
New Corrective Action Plans	68	138
From Triennial Review	46	46
From Incidents	2	9
From Internal Safety/Security Audits	0	10
From Rail Transit Inspections	20	73
From Hazard Management	0	0
Closed Corrective Action Plans	18	69
From Triennial Review	0	0
From Incidents	4	7
From Internal Safety/Security Audits	6	9

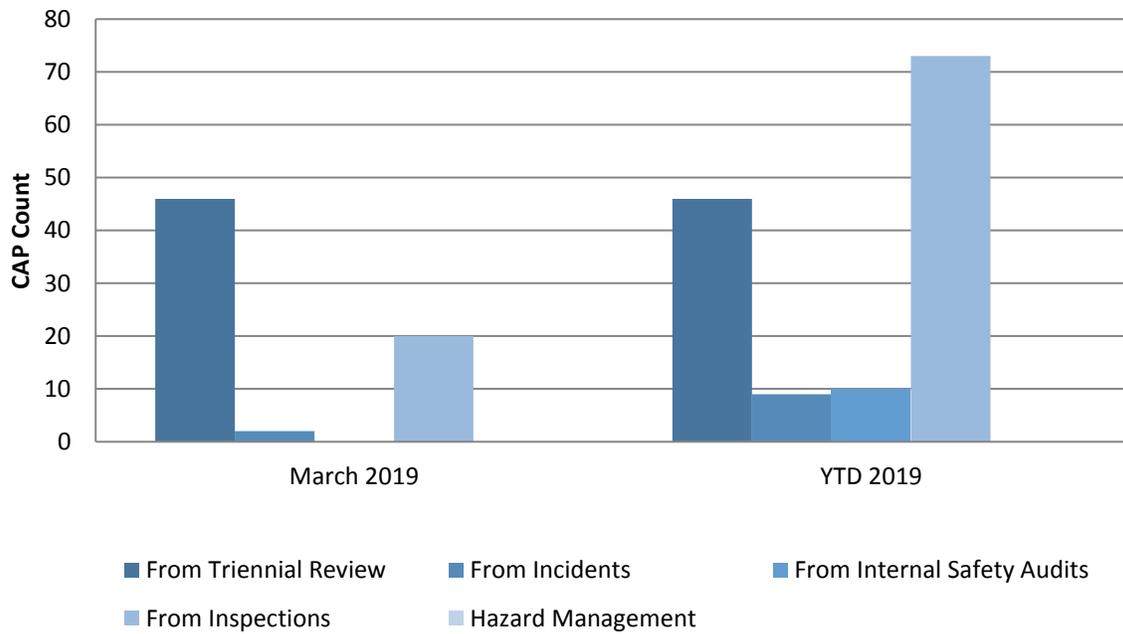
## California Public Utilities Commission | Safety and Enforcement Division

<b>From Rail Transit Inspections</b>	8	53
<b>From Hazard Management</b>	0	0

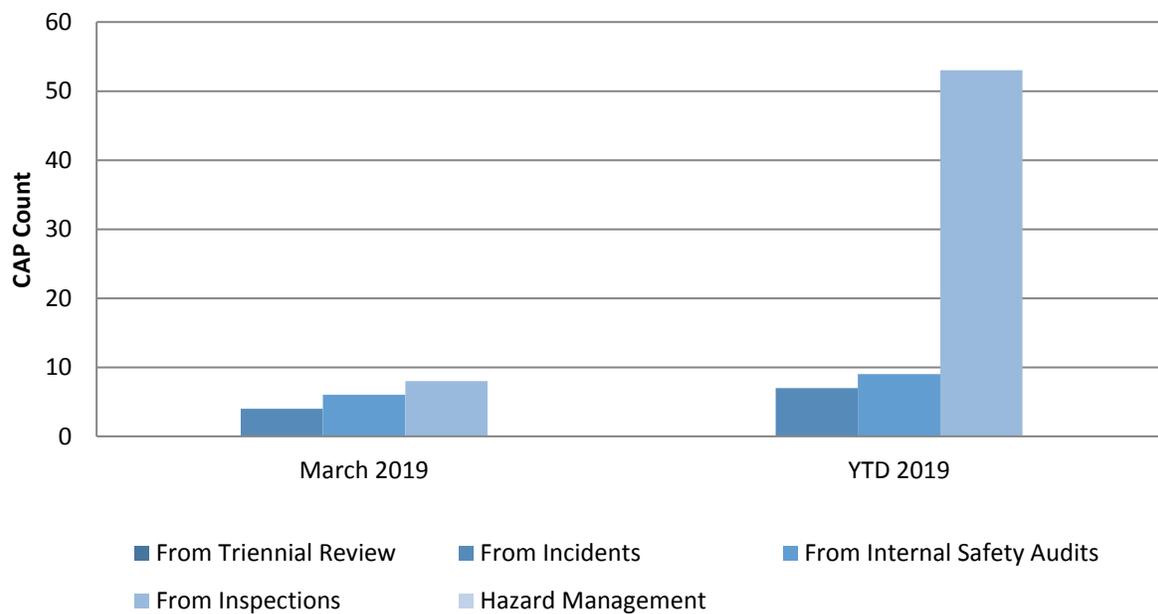
ONGOING DATA / TRENDS



### Corrective Action Plans Opened - 2019 YTD N= 138



### Corrective Action Plans Implemented 2019 YTD N = 69



## CORT MONTHLY REPORT

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### CORT March 2019 Monthly Report

In California during the month of March:

- The railroads moved 5 trains with 500 crude oil cars via unit train
- Via manifest train the railroads moved 0 crude oil cars
- The railroads moved 14 trains with 1,055 ethanol cars via unit train

**Plains All America** in Taft, California received five (5) crude oil trains. Each train consisted of 100 cars: three (3) were lite and two (2) were heavy crude coming from Edmonton, Canada. These trains were spotted by the San Joaquin Valley Railroad (SJVR) originating from their yard in Bakersfield.

For the month of April, (8) crude oil trains are expected; Plains did not receive their expected amount of trains due to a rockslide near Spokane, none of these trains will be Bakken crude.

The SJVR also spots unit trains for **Kern Oil** which is a refinery operating in Bakersfield. Kern received one train consisting of 102 cars and expects another on April 1st and one additional train originating in New Mexico.

**Delta Trading** is a trans-loading facility located in Bakersfield where California oil cars are moved by manifest train. Their cars are loaded in Natrona, Wyoming after the oil is piped across from Canada. The SJVR also spots cars at this facility; the crew picks up the cars in their Bakersfield Yard and moves them to two (2) holding tracks outside the facility until needed. In the month of March Delta processed Zero (0) crude oil cars. The Phillips 66 facility in Natrona, Wyoming is currently cleaning their tanks; Delta is expecting the refinery to open in the middle of March. We have a new contact Paulina Soto will now handle any inquiries.

### In Other News

Our team has been asked to report on the number of ethanol unit trains traversing through California, we have been contacting various sources to acquire this information. We contacted our State and Federal inspectors trying to obtain an accurate count, so if anyone has pertinent

information please contact a team member. During my FRA trip to New Orleans last week I spoke with hazardous materials Inspectors who cover the

Bakken oil fields. They stated that the Bakken is currently running 122 trains per month most of them heading to the Northeast. Currently 65 of the 193 wells are actively feeding both pipe and rail. The Bakken is presently producing 1.4 million barrels a day 70% moving via pipeline, 28% rail, and 2% refined locally. The consensus remains the pipeline will hit capacity in 2020.

### **Ethanol March 2019 Report**

**Kinder Morgan** is a pipeline and off-loading facility located in Wilmington, California adjacent to the Burlington Northern Santa Fe Yard Watson Yard which provides them spot service. The unit trains they receive are either ninety-six (96) or sixty-four (64) cars in length. The trains come from various suppliers and states but travel through California on BNSF lines only on their way to final destination. When the train is ahead of schedule and the facility is not ready the cars are held in the ACTA 1 siding which is two (2) miles away and not held more than forty-eight (48) hours.

During the month of March, they received thirteen (13) ethanol unit trains totaling 959 cars and have zero trains staging in California. For the month of April, they are expecting fifteen (15) trains.

**Nu Star Energy** is an energy provider in Selby, California that is currently receiving ethanol via unit-train delivered by the Union Pacific Railroad. Leticia Holbert is our new contact at Nu Star Energy and provided our team the following information. She confirmed that business had been dropping of over the winter but is expected to increase by summer. Nu Star received one (1) ninety-six (96) car unit train and expects to receive two (2) in April.