

**California Public Utilities Commission**

Safety and Enforcement Division  
Rail Transit Safety Branch



**INSPECTION/CITATION**

**Issued under the provisions of Resolution ST-163**

**To:** Mike Wiley  
Chief Executive Officer  
Sacramento Regional Transit District

**Date:** March 4, 2015

**Citation #:** RTSB 1503001

**Inspection Report #:** ME021915

**VIOLATIONS**

On December 22, 2014, the California Public Utilities Commission (Commission) issued Resolution ST-163, which approved a citation program authorizing the Director or Deputy Director of the Safety and Enforcement Division (SED) of the Commission to issue citations to rail fixed guideway system carriers for a violation of specified Public Utilities Code sections and Commission General Orders (GOs). A fixed guideway system that has been issued such a citation may accept the fine imposed or contest it through a process of appeal. This Resolution can be accessed at the following URL: <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K824/143824056.DOCX>

As per ST-163, SED hereby cites the Sacramento Regional Transit District (SRTD) with having violated the following provisions of General Order 143-B, as enforced by the Commission:

4.12 DEADMAN CONTROL. Every LRV<sup>1</sup> shall be equipped with a safety device that requires the operator's continuous pressure or activity to remain activated. The safety device shall be interconnected with the propulsion and service braking system in such a manner that should the device fail to detect an appropriate level of activity or pressure exerted by the operator, propulsion power will be interrupted, brakes will be automatically applied in a non-retrievable manner, and the train will be brought to a stop.

<sup>1</sup> "LRV" means Light Rail Vehicle.

4.10 DOOR INTERLOCK. The passenger side door shall be interlocked with the braking and propulsion control systems in such a manner that a stopped LRV cannot start and a LRV in motion will automatically brake if the doors are not closed.

## **STATEMENT OF FACTS**

On February 17, 2015, LRV # 134 traveled out of the SRTD Maintenance Shop, located at 2700 Academy Way in Sacramento, without any SRTD personnel onboard. Leaving the yard tracks, the two central axles (out of six total axles) of the LRV derailed at the switch at the entrance to the SRTD rail line. However, the LRV continued to travel on the rail line, passing through two crossings. The LRV then went over a crossover to the Swanson station, where central axles hit the end of the station platform and re-railed themselves. The LRV covered a distance of 1.5 miles before coming to a stop, due to a failure of the LRV's pantograph. There was minor property damage but no injuries as a result of this uncontrolled movement.

The Commission's Rail Transit Safety Branch (RTSB), a unit of SED, commenced an investigation on February 18, 2015. RTSB determined that the incident occurred because two safety features required under GO 143-B had been disabled:

1. While LRV #134 was under propulsion power without protections against uncontrolled movement, an SRTD maintenance technician trouble-shooting problems on the LRV disabled its deadman control by using a screwdriver to hold down the control, and exited the vehicle, leaving it unattended. These actions rendered the deadman control incapable of interrupting propulsion power and was a violation of section 4.12 of GO 143-B.
2. While LRV #134 was under propulsion power without protections against uncontrolled movement and before exiting the vehicle and leaving it unattended, the same maintenance technician also disconnected the passenger door on the LRV, disabling the door interlock and rendering it incapable of preventing the vehicle from starting movement. This was a violation of section 4.10 of GO 143-B.

The technician indicated that he had been trained to circumvent these protective controls in order to more easily troubleshoot problems, and that this was not the first time he had done so.

An Inspection/Citation form from an RTSB unit (the Rail Transit Operations Safety Section) dated February 18, 2015 documented these findings. This was sent to SRTD on March 1, 2015.

## **RESPONDENT OPTIONS**

The penalty set in Appendix A of Resolution ST-163 (Specified Violations and Scheduled Penalties) for violations of General Order 143-B is \$5,000 per incident and \$250/day.

The respondent, within 30 days after the date of service of the citation, shall either remit payment of the full amount of the fine to the Fiscal Office of the Commission, agree with SED on conditions for payment, or serve a Notice of Appeal following procedures set out in an attachment to this document (see 3. below). By way of such answer you may either:

1. *Pay a fine of \$10,000* (two incidents @ \$5,000 per incident). Submit a cashier check or money order payable to:

**California Public Utilities Commission  
Attn: Fiscal Office  
505 Van Ness Avenue  
San Francisco, CA 94102-3298**

using the attached *Citation Compliance Agreement* (Attachment 1). Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund. If the respondent pays the full amount of the fine to the Commission Fiscal Office within the time allowed hereunder (i.e., within 30 days after date of service of this citation), the citation shall become final.

**or**

2. *Agree with SED on conditions for payment.* Contact:

**Director or Deputy Director  
Safety and Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298**

**or**

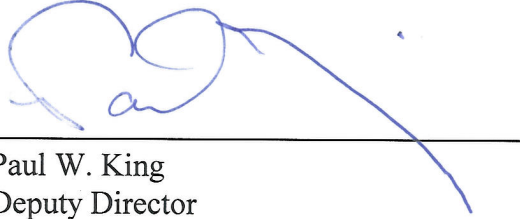
3. *Contest this citation by filing an appeal.* Commission Resolution ALJ-299, issued on June 26, 2014 and effective January 1, 2015, established citation appeals procedures. Resolution ALJ-299 and its two appendices, which include an explanation of the respondent's right to have a hearing, to have a representative at the hearing, to request a transcript, and to request an interpreter, can be accessed at the following URL:

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=97624430>

The respondent has 30 days after service of this citation to file a Notice of Appeal. Specific instructions for filing Notices of Appeal, including forms that can be modified for Notices of Appeal and for Certificates of Service, are attached (Attachment 2).

If the respondent, within the time allowed as specified above, fails to pay the full amount of the fine or to file a Notice of Appeal, or if the respondent, having entered into an agreement with SED, fails to comply with any provision of that agreement, the respondent shall be in default, and the citation shall become final. In this event, the respondent shall have forfeited its right to appeal

the citation. SED may take all necessary action provided by law to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.



Paul W. King  
Deputy Director  
Safety and Enforcement Division  
California Public Utilities Commission

Attachments:

1. Citation Compliance Agreement
2. California Public Utilities Commission (CPUC) Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal



## Public Utilities Commission

STATE OF CALIFORNIA

Date:

Citation #: RTSB 1503001

Inspection Report #: ME021915

### CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated \_\_\_\_\_, and herewith pay the fine of \$ \_\_\_\_\_.

Name:

Title:

Representing:

Address:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Payment (cashier check or money order) should be made payable to *California Public Utilities Commission* and sent to:

**California Public Utilities Commission**  
**Attn: Fiscal Office**  
**505 Van Ness Avenue**  
**San Francisco, CA 94102-3298**

**Administrative Law Judge Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102**



**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)  
INSTRUCTIONS FOR FILING A NOTICE OF APPEAL AND  
CERTIFICATE OF SERVICE FOR A CITATION APPEAL**

*Note: When filing a citation appeal, it is important to review both the specific Citation Program under which your citation has been issued and Resolution ALJ-299. Resolution ALJ-299 requires citation appeals after January 1, 2015 to be filed with the CPUC's Docket Office.<sup>1</sup> Appendix A of the resolution lists the Pilot Program Citation Appeal and General Order Appellate Rules ("Citation Appellate Rules"). Appendix B of the resolution describes the interaction between Resolution ALJ-299 and the individual Citation Programs in existence as of the adoption of Resolution ALJ-299. The cited entity initiating the appeal is referred to as an "appellant" under Resolution ALJ-299, Citation Appellate Rule 2.*

*Resolution ALJ-299 can be found at the following link and the citing authority should provide a copy of it when the citation is issued:*

*<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=97624430>. A copy of the Citation Program under which the citation is issued can be obtained from the CPUC Division issuing the citation.*

*It is useful to also refer to the CPUC's Rules of Practice and Procedure (P&P Rules), as they are referred to in Resolution ALJ-299. The P&P Rules can be found on the CPUC's website [www.cpuc.ca.gov](http://www.cpuc.ca.gov), first click on "online documents" and then "General Orders, Codes, Laws, Policies, Rules of Practice & Procedure."*

*The requirements for formatting your documents and how and where to file are generally set forth in P&P Rules 1.5, 1.6 and 1.13. There is no filing fee for filing the Notice of Appeal. If you are filing your Notice of Appeal in hard copy, then submit an original and six exact copies of the document (including any attachments but not including the*

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<sup>1</sup> Rule 2 of the Citation Appellate Rules refers to a "Citation Program" as the "individual applicable statute, General Order or Resolution authorizing the issuance of a citation or authorizing the revocation of a license."

*transmittal letter, if any.) (See P&P Rule 1.13(a)(2).) If you are filing electronically, please refer to the requirements in P&P Rule 1.13(b).*

*If you need general assistance with or have a question about filing the Notice of Appeal, contact the CPUC's Public Advisor's Office:*

The Public Advisor – CPUC  
505 Van Ness Avenue, Room 2103  
San Francisco, CA 94102  
(866) 849-8390 (toll free); (415) 703-2074  
[public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

**Specific Instructions for Using the Citation Appeal Forms:**

*Insert the following information into the blanks with the corresponding letters.*

**NOTICE OF APPEAL FORM**

- A. Insert the name of the person or entity filing the notice of appeal and include their assigned Case Information System (CIS) Identification Number in the caption (e.g. 'Application of Pacific Bell (U 1001 C)'). (Citation Appellate Rule 3 and P&P Rule 1.6(b).)
- B. Insert the number of the citation being appealed (e.g., Citation Number 12345 issued on January 1, 2015). (Citation Appellate Rule 3.)
- C. Insert the name of the Commission Division which issued the citation (e.g., the Commission's Safety and Enforcement Division). (Citation Appellate Rule 3.)
- D. Insert the name of the person or entity filing the notice of appeal. See item A above regarding the CIS Identification number requirement.
- E. Insert the date of the citation that is appealed. (Citation Appellate Rule 5.)

- F. Insert the rationale for the appeal as specifically instructed in the Citation Program. If a Citation Program is silent on instructions for setting forth the rationale for the appeal, the Notice of Appeal must state the grounds for the appeal. The Notice of Appeal must also set forth additional items, if any, as required by the Citation Program. (Citation Appellate Rule 5.) If the Citation Program authorizes appellant to request an extension of time from a Division Director to file a Notice of Appeal, any extension received must be in writing and attached to the Notice of Appeal. (Citation Appellate Rule 4 and 5.)
- G. Insert the date that the Notice of Appeal is signed.
- H. Insert the name of the city in which the Notice of Appeal is signed.
- I. Insert the signature, name, mailing address, telephone number and, if available, electronic mail address of the person authorized to receive service and other communications on behalf of the person tendering the document. (P&P Rules 1.6 and 1.8.) This information is very important because it will be used by the CPUC to develop the official service list to give you notice of further required actions, hearing dates, etc. in the citation appeal. **Note:** *P&P Rule 1.8 requires this document to be signed. Please read that rule carefully as to who may sign the document, how to handle a document tendered on behalf of more than one person, and what representations are made by the signature.*
- J. List here all attachments to the Notice of Appeal and make sure the documents are attached in the format and manner required by P&P Rules 1.5 and 1.13. **Note:** *Citation Appellate Rule 4 requires any authorization of an extension of time to file a Notice of Appeal to be in writing and attached to the Notice of Appeal. Rule 4 states: "Unless authorized by a Citation Program, there shall be no extension of time to file a Notice of Appeal from a citation issued pursuant to a Citation Program ... . Any authorization of an extension of time to file a Notice of Appeal must be made by the Director (or designee) of the Commission Division which issued the citation, in writing, subject to the provisions of the Citation Program, and must be attached to the Notice of Appeal."*



## **CERTIFICATE OF SERVICE FORM**

***Note 1:** If you are filing the Notice of Appeal in hard copy, the Certificate of Service MUST be attached to the Notice of Appeal. If you are filing the Notice of Appeal electronically, according to P&P Rule 1.13(b), the certificate of service must be transmitted with the document as a separate document when filing electronically, and this separate document must have its own caption. (See generally Citation Appellate Rule 6 and P&P Rule 1.9 (e).)*

***Note 2:** A Citation Appeal must be served at a minimum on the Chief Administrative Law Judge (with a copy to: [ALI Div Appeals Coordinator@cpuc.ca.gov](mailto:ALI.Div.Appeals.Coordinator@cpuc.ca.gov)), on the Director of the Safety and Enforcement Division, and on the Director of the Commission Division issuing the citation if the Safety and Enforcement Division does not issue the citation, on the same day that the Notice of Appeal is filed. The Notice of Appeal must also be served on other entities if required by the Citation Program. (See Citation Appellate Rule 6.)*

- K. Insert the date that the Notice of Appeal is served.
  
- L. Insert the names and addresses (and email addresses if served electronically) of the persons served with the Notice of Appeal. The generic position names and addresses for the Chief Administrative Law Judge and Director of the Safety and Enforcement Division are listed on the template. Because the persons in these positions may change, you will have to look up the individual names and email addresses to insert in the template. These names and email addresses can be found on the Commission website.
  
- M. Insert the date the Certificate of Service is signed.
  
- N. Insert the name of the city in which the Certificate of Service is signed.
  
- O. The person who serves the Notice of Appeal must sign the certificate of service and their name must be printed under the signature line.

## **PRIVACY NOTICE FORM**

**Note:** *The citation appeal is filed with the CPUC, becomes a public record, and will be posted on the Commission's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address, the facts of your rationale for the citation appeal and any other facts stated therein, will be available on-line for later public viewing. The privacy statement attached to the notice of appeal must be filled out.*

*In limited circumstances, the CPUC may file a document under seal. If you wish to seek to file the Notice of Appeal with some or all of the information under seal, you cannot file electronically and must file in hard copy. Furthermore, that document must be tendered with a motion setting forth the rationale and legal citations as to why portions of the document should be filed under seal and tendered as follows. The Notice of Appeal itself and requisite exact copies should be tendered in both a redacted form (e.g., the document with the alleged confidential information excised) and unredacted form (e.g., a complete copy of the document, with both the public and allegedly confidential information included, in a sealed envelope). It is anticipated that Notices of Appeal for citation appeals will be filed as public documents. In the unlikely event you believe that there are legal grounds for filing a portion of the Notice of Appeal under seal, it may be helpful to consult a private attorney or representative to assist in your representation. However, please note that the timeframes for filing a Notice of Appeal in many citation appeals are short, so you should commence this process as soon as possible.*

P. Sign and date the privacy notice and print your name under the signature.

**See Next Page for  
Notice of Appeal Form**

**\* (Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Appeal of

(A)\* \_\_\_\_\_  
\_\_\_\_\_ from (B) \_\_\_\_\_  
\_\_\_\_\_ issued by (C) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ^

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**NOTICE OF APPEAL**

(D) \_\_\_\_\_ files this Notice of Appeal from the citation issued on (E) \_\_\_\_\_.

The rationale for the appeal is as follows:

(F) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Dated (G) \_\_\_\_\_, at (H) \_\_\_\_\_, California.

(I)

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Attachments

(J) \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

**(Note: The certificate of service is attached to the Notice of Appeal only when filing by hard copy. If filing by electronic copy, you must file the certificate of service as a separate document. A template for the certificate of service as a separate document is also attached to this package.)**

I certify that on (K) \_\_\_\_\_, I have by mail this day served a true copy of the original attached Notice of Appeal on: (L) (Insert Name of Chief Administrative Law Judge \_\_\_\_\_), Chief Administrative Law Judge, California Public Utilities Commission, 505 Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94012, (Insert e-mail of Chief Judge) \_\_\_\_\_;

[ALJ\\_Div\\_Appeals\\_Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov) (electronically);

(Insert Name of Director of Safety and Enforcement Division) \_\_\_\_\_, Director, Safety and Enforcement Division, 505 Van Ness Avenue, San Francisco, CA 94012, (Insert e-mail of Director of SED) \_\_\_\_\_); and

(Insert the names, addresses and emails of anyone else required to be served by the Citation Program you are cited under):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Dated (M) \_\_\_\_\_, at (N) \_\_\_\_\_, California.

(O)  
\_\_\_\_\_  
\_\_\_\_\_

**Privacy Notice**

This message is to inform you that the Docket Office of the California Public Utilities Commission (CPUC) intends to file the above-referenced Notice of Appeal electronically instead of in paper form as it was submitted.

Please note: Whether or not your Notice of Appeal is filed in paper form or electronically, Notices of Appeal filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the rationale of your Notice of Appeal may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced Notice of Appeal.

(P.)

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Signature (same as person authorized to sign the Notice of Appeal)

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Date

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Print name

**See Next Page for  
Certificate of Service Form  
for Electronic Filings**



**\* (Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Appeal of

(A)\* \_\_\_\_\_  
\_\_\_\_\_ from (B) \_\_\_\_\_  
\_\_\_\_\_ issued by (C) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ^

(Leave Blank For PUC use)

**CERTIFICATE OF SERVICE**

I certify that on (K) \_\_\_\_\_, I have by mail this day served a true copy of the original attached Notice of Appeal on (L) (Insert Name of Chief Administrative Law Judge \_\_\_\_\_), Chief Administrative Law Judge, California Public Utilities Commission, 505 Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94012, (Insert e-mail of Chief Judge) \_\_\_\_\_;

[ALJ\\_Div\\_Appeals\\_Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov) (electronically); (Insert Name of Director of Safety and Enforcement Division) \_\_\_\_\_, Director, Safety and Enforcement Division, 505 Van Ness Avenue, San Francisco, CA 94012, (Insert e-mail of Director of SED) \_\_\_\_\_); and

(Insert the names, addresses and e-mails of anyone else required to be served by the Citation Program you are cited under):

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Dated (M) \_\_\_\_\_, at (N) \_\_\_\_\_, California.

(O)

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***(Note: This Certificate of Service as a separate document is to be used if you are filing the Notice of Appeal electronically. If you are filing the Notice of Appeal by hard copy, you must attach the certificate of service to the Notice of Appeal.)***