

**State Assembly Labor & Employment Committee
Informational Hearing - November 7, 2013
State Building, San Francisco**

Good morning Chairman Hernandez, Committee Members, and members from our Bay Area delegation.

My name is Jeff Lau and I am the Chief Safety Officer for the San Francisco Bay Area Rapid Transit District. Accompanying me this morning is Mr. Paul Oversier, BART Assistant General Manager for Operations, who will speak after my brief comments. We appreciate the opportunity to testify today on the safety environment and safety procedures at BART.

As you know, Assemblyman Ting first requested a hearing on worker safety this summer when BART was in the midst of contentious contract negotiations. BART and its two major unions have now reached agreement. We appreciate that the Chair was able to accommodate our collective bargaining by twice postponing this hearing until now.

Since it was first scheduled, the hearing has shifted its focus to the fatal accident which took two lives on BART tracks in Contra Costa County on October 19th, and will focus on our workplace safety conditions and safety procedures that we hope will never allow such a tragedy to happen again. We will provide a brief description of BART's safety goals, procedures and actions – and answer any questions Members may have.

I would like to first point out that BART and this Committee have been directed by the National Transportation Safety Board (NTSB) to not discuss specific facts about the accident which took the lives of Christopher Sheppard and Laurence Daniels -- beyond what has already been discussed publicly.

Safety is and has always been our top priority. The governing safety document for the District is our System Safety Program Plan or SSPP. This plan spells out in detail the safety accountability, safety organizational structure, and it outlines the numerous BART safety programs. Our SSPP is approved by the California Public Utilities Commission, which provides regulatory oversight for BART rail operations and safety programs.

The CPUC receives investigation reports, data, and information from BART and performs frequent on-site inspections and audits of BART's operations departments throughout the year. CPUC inspectors inspect our rail vehicles; trackway; signal, train control, and communication systems. They review our operations, maintenance, and training programs and records. In 2012, there were at least 20 CPUC inspections. So far in 2013, the CPUC has performed over 30 inspections.

BART is subject to comprehensive safety reviews. The CPUC Triennial Safety Audit in 2010 found that BART has a comprehensive SSPP and has been effectively implementing that plan. During its 2012 Triennial Review, the FTA (Federal Transit Administration) found no deficiencies with FTA requirements for safety and security. In 2013, the TSA gave BART its highest security rating of 'gold standard' - based on an evaluation of security plans, training, public outreach, safety drills and other factors.

Currently, BART has ten (10) safety professionals in the System Safety Department who are dedicated to and responsible for system safety including employee and patron safety, engineering and construction safety, and operations safety. We have Certified Industrial Hygienists, Certified Safety Professionals, Professional Engineers, a Fire Protection Engineer, and FTA-certified experts.

BART has many safety committees and programs. We also have easily accessible, simple communication and reporting mechanisms for two-way communication between front-line employees and management or safety department staff. Employees can fill out a Safety Notice form and turn it in to their supervisor, if there are any safety issues they want to talk about or report. All Safety Notices are investigated and responded to by our System Safety Department staff.

At the shop level, we have local safety committees involving both workers and management. Also at the shop or division level, we have supervisors conducting tailgate safety meetings to go over safety topics every week. At the department level, there are staff meetings where safety is always the top topic being discussed. On an inter-departmental level, there are various Safety Committees where unions, management, and System Safety staff meet to go over safety issues, exchange ideas, improve communications, and keep safety on the forefront of everyone's mind.

The largest BART safety committee is our Joint Union Management Safety Committee that meets monthly. A safety professional chairs the meeting and encourages both union and management to communicate and bring forward any safety issues that employees have observed or experienced. At this committee, all open Safety Notices are reviewed and tracked until they are completed and closed. From what I have reviewed, as of the last meeting, there were no open BART Safety Notices and less than 10 open safety issues being tracked by the committee.

We also have regular safety committee meetings with the CPUC, the local Fire Departments in our service area, and other external agencies.

Do we have a safety culture? Yes, we do - safety is every manager and every employee's responsibility. Can BART improve on the safety culture that we have? Absolutely – and as Chief Safety Officer, I want to assure you that BART takes safety very seriously and is committed to making sure our system is safe for employees and the riding public.

This concludes my testimony. Thank you very much.