

Statement from Paul Oversier
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Presented To State Assembly Labor and Employment Committee
Thursday, November 7, 2013

My name is Paul Oversier and I am BART's Assistant General Manager for Operations.

My understanding is that in light of the tragic accident that occurred on October 19, the Committee Chair has asked that a good portion of BART's testimony focus on BART's procedures and training related to wayside worker safety and, in particular, the "Simple Approval" authorization under which the two workers were granted authority to access the BART trackway on October 19.

So if you will bear with me for just a few minutes I will try to explain in layperson's terms what a BART Simple Approval is, how our track access procedures comport with what other rail transit agencies and commuter railroads do and how BART's wayside worker protection procedures have evolved over time and become increasingly restrictive as a result of two prior accidents.

What Is a Simple Approval?

It is an authorization for access to trackways (or other restricted areas) where no protective measures are provided by the Operating Jurisdiction to the parties receiving the authorization.

To simplify the discussion, the focus will be on Simple Approval authorization to access the BART mainline (where revenue trains operate) in which case the Operating Jurisdiction granting the Simple Approval is the Operations Control Center (OCC).

Simplifying somewhat, the primary alternative to Simple Approval for granting access to the mainline by the OCC is an authorization called "Work Orders".

Work Orders are defined as an authorization to work a designated section of track in which protection from high speed train movement is provided. This protection may consist of stopping, slowing down or rerouting trains.

The key distinction between a Simple Approval and a Work Order is that (to quote the BART Rule Book) under a Simple Approval "no protection is given or implied" and qualified personnel accessing the trackway through a Simple Approval "are individually responsible for providing their own protection" and "will not interfere with mainline operations." Employees on a Simple Approval are cautioned to "expect the movement of trains and on-rail vehicles at any time, on any track, in any direction."

It is incumbent on the requestor of access to the trackway to determine whether the activity to be performed can be safely accomplished under a Simple Approval or whether protective measures, through a Work Order, are required.

BART's Simple Approval in the Larger Context of Rail Transit Agency and Railroad Practices

The term "Simple Approval" is BART specific terminology that embodies a general practice used all across the rail transit and commuter rail industry. The notion that, under certain circumstances, a lone worker or group of workers can be allowed access to a railroad or transit trackway while being held responsible for providing their own protection is firmly imbedded in Federal Railway Administration (FRA) Roadway Worker Protection regulations and is, in fact, the practice in many US rail transit systems and commuter railroads.

One commonly used concept is called "Individual Train Detection." Both the FRA regulations and rail transit industry practices, including BART, have many similar requirements regarding the circumstances under which roadway workers are permitted access to the trackway while being responsible for providing their own protection.

Examples of typical industry requirements for Simple Approval-type access to the trackway include:

- The worker is trained, qualified and designated to provide his/her own protection;
- The activity taking place is limited to travel, routine inspection or minor repairs and does not in any way interfere with the ability to detect an approaching train moving at maximum speed. Some agencies specify that power tools may not be used;
- Where more than one worker is involved, a "lookout" must be designated whose sole responsibility is to detect and warn other workers of the approaching vehicles;
- The lone worker or group must be able to detect and clear the trackway to a pre-determined place of safety 15 seconds before the train, operating at maximum authorized speed, can reach their location.

Simple Approval Usage at BART

In the six month period from April of this year to September there were an average of 25 mainline Simple Approvals authorized each weekday and 20 per weekend day. That's an average of 165 per week or around 8500 per year. There are no obvious reasons to believe that this rate would have varied significantly over the past decade. Therefore, in the past five years alone, we can say with a high degree of confidence, that there have been in the neighborhood of 40,000 Simple Approvals issued by the OCC for access to the BART mainline while revenue trains were operating.

Simple Approvals at BART most likely date back to the Agency's first day of operation in September, 1972. In addition to the fundamental requirements of a Simple Approval that were previously mentioned, there are other long standing limitations on where Simple Approvals may be authorized:

- They are not allowed in subways, tunnels and tubes where automatic train speeds exceed 50 miles per hour;
- There are restrictions on their use on aerial structures;
- They are not permitted in the trackway at station platforms;
- They are not permitted in other areas where track curvature, structures or other conditions obscure vision or interfere with the ability to detect an approaching train.

BART has made changes to our wayside access procedures, training and equipment in response to lessons learned from past accidents.

Changes to BART's Simple Approval Procedures Resulting from Accidents in 2001 and 2008

In 2001, after more than 27 years without a fatality due to a BART worker being struck by a train, Robert Rhodes, a BART electrician was tragically struck and fatally injured by a train in an underground tunnel near 24th Street in San Francisco.

As a result, BART's entire Wayside Safety Program was revamped, including the following changes to the longstanding Simple Approval process:

- Additional areas designated as "No Simple Approval Zones";
- adoption of the "15 Second Rule" requiring that personnel on a Simple Approval be able to detect an approaching train with sufficient time to move to a pre-determined safe location 15 seconds before a train operating at maximum speed can reach their location;

- adoption of restrictions on the ratio of trained to untrained personnel that may be escorted in the trackway under a Simple Approval;
- the holder of Simple Approval authority must brief all members of the group regarding Simple Approval restrictions
- and the requirement that the holder of the Simple Approval authority provide a verbatim readback to the OCC of the Simple Approval instructions.

The BART rail car fleet was modified after the Rhodes accident to include a yellow marker light above the windshield on all lead cars to improve the visibility of the cars to wayside workers.

And perhaps, as important as any action we took, in order to make sure that everyone fully understood the many procedural changes we made after the Rhodes accident, we ramped up our Wayside Safety Training Program.

Allow me to take a minute to explain the extensive wayside safety training program that BART workers and contractors are required to go through.

All BART workers who access wayside areas under their own cognizance are required to take and pass a 32 hour Trackway Safety Certification course and be recertified every three years.

There are also training requirements for contractor personnel.

System Changes After the James Strickland Fatality

In October of 2008, another tragedy took place on the BART system when Structures Inspector James Strickland was fatally struck by a reverse running train on an at-grade part of the system north of Pleasant Hill Station. Reverse running, also called single tracking, means that trains operating in both directions share the same track. In this case the adjacent track was out of service for planned maintenance activities. As in the Rhodes fatality, Strickland was on a Simple Approval when he was struck.

As a result of this accident, more restrictions were added to the Simple Approval authorization and other significant changes were made to our wayside worker safety program.

For lone workers in the trackway, Simple Approvals were only permissible for the purpose of moving from one location to another. No work or inspections were allowed to be performed by a lone worker. This represented a major change to how we operated and did maintenance.

As a result, any work, including visual inspections, while in the trackway required the work to be done in pairs and the designation of a watchperson responsible for watching for approaching trains and warning the other person or crew.

Other wayside safety changes were made after the 2008 accident. Reverse running trains through simple approval and work areas required additional authorization in the OCC and were announced to wayside workers. Maintenance work locations, including Simple Approvals, were posted on the main display board in the OCC, broadcast to Train Operators over the radio and displayed at locations where Train Operators reported to work or took their breaks. Lastly, after the Strickland fatality a joint union/management committee looked at new technologies for enhancing wayside worker safety. Both parties concluded at that time that none were ready for use on BART. This effort to evaluate new technologies that advance wayside worker safety is recommencing.

As the Committee has been informed, because the National Transportation Safety Board has assumed control of the investigation of the October 19th accident, BART as a party to that investigation, has been required by the NTSB to defer to it for all public comment on the accident and the status of the investigation. Therefore I would very respectfully ask that members of this Committee direct those types of inquiries directly to the NTSB.

During the six days that the NTSB was here they conducted three press conferences. We have provided committee members with a narrative of the key pieces of factual information about the incident that were made public by the NTSB.

Thank you for your attention and we are prepared to take questions from the committee.