

Safety and Enforcement Division



Monthly Performance Report,

April 2016

Safety Action Plan Deliverable #1

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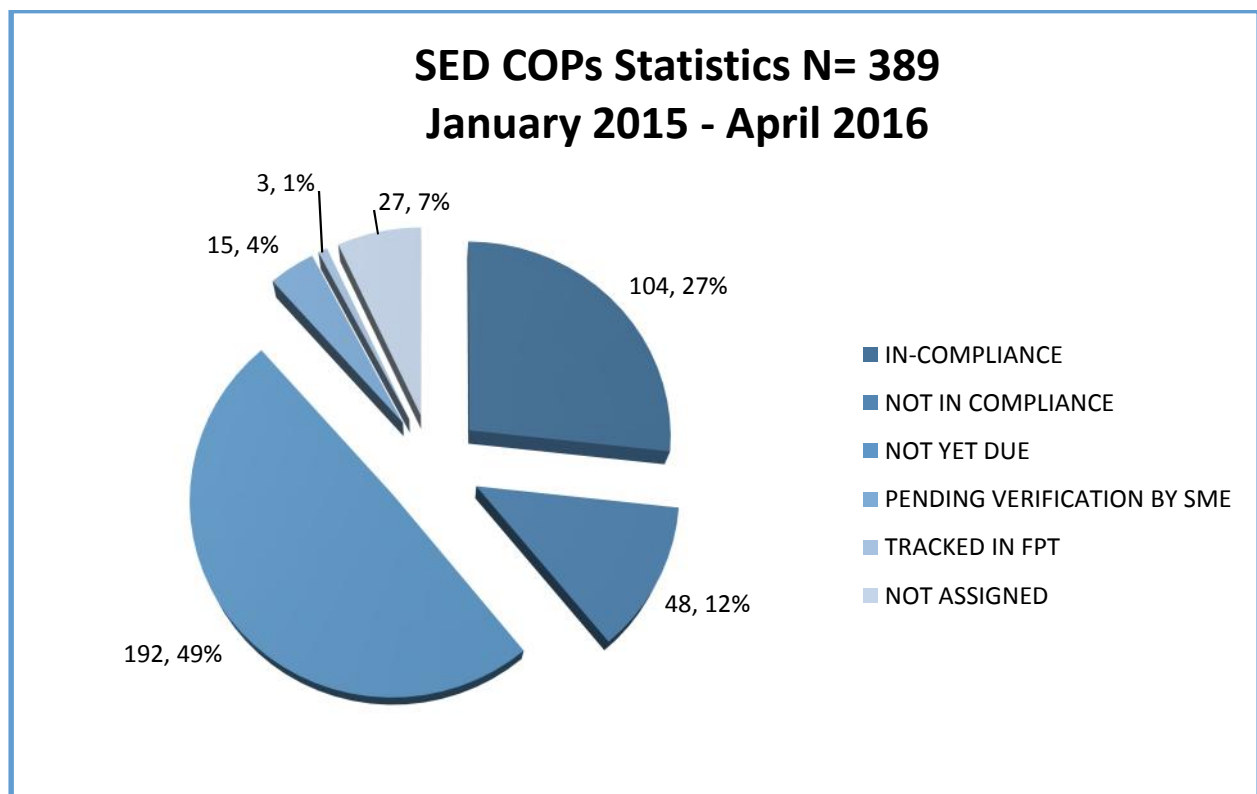
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This Report has not been approved or disapproved by the CPUC.

COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

With the launch of the Commission’s Compliance with Ordering Paragraphs (COPs) effort in January 2015, SED is including our program-to-date summary statistics. Through April 30, 2016, SED has 389 entries in the COPS system; slightly fewer than half are not yet due for compliance. During April 2016, there were 19 new entries, which are reflected in the totals below. These statistics cover all major program areas (Utility Safety and Enforcement, Rail, and Transportation) currently in SED. 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

As authorized by ALJ Resolution-274, SED Staff has citation authority for the enforcement of safety regulations for violations by Gas Corporations of General Order 112 and Title 49, Parts 191, 192, 193 and 199 of the Code of Federal Regulations.¹ SED has issued one citation in 2016 in the amount of \$200,000 to Pacific Gas & Electric, the citation was not challenged and is now closed.

INSPECTIONS

- **2016 Inspections:** We have conducted 41 scheduled inspections in Q1, and have completed the final inspection report for 0 of these 41 inspections during 2016.
- **Pre-2015 inspection backlog remaining:**
 - 3 open inspections from 2013
 - 3 open inspections from 2014

INCIDENT INVESTIGATIONS

As of April 30, 2016, GSRB Staff received 55 incidents year to date. All pre-2015 incident investigations have been completed.

Metrics on 2015 Incident Investigations:

TOTAL reported in 2015	191	Percent
Open	42	22 %
Closed	149	78 %

The CY 2015 incidents² are categorized as follows:

- 32 – Level 1 incidents
- 6 – Level 2 Incidents
- 2 – Level 3 Incidents
- 2 – Level 4 Incidents

¹ General Order 112-F was adopted by the Commission on June 25, 2015, via D.15-06-044.

² 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

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 April 2016.

NATURAL GAS RELATED PROCEEDINGS

- **Distribution Record Keeping (I.14-11-008) (Commissioner Peterman / ALJ Bushey) (Advocacy):** Hearings were conducted on January 19-21, 2016. Briefs were due on February 26, 2016, with Reply Briefs due on March 31, 2016.
- **Gas Safety OIR (R.11-02-019) (Commissioner Florio / ALJ Bushey) (Advisory):** Decision 15-06-044 Adopting Revised General Order (GO) 112-F signed by the Commission at its June 25, 2015, Commission Meeting. GO 112-F in Attachment A of D.15-06-044 is effective June 25, 2015; except that as to Sections 105, 122, 123, 125, 142, 143, 144, 145, and 162, the gas operators shall comply with these sections as soon as feasible but no later than January 1, 2017, unless compliance is extended for a particular provision pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure or its successor. R.11-02-019 was closed in June, however, it was re-opened in July on an application for rehearing of the June 2015 decision.
- **Citation Program OIR (R.14-05-013) (President Picker / ALJ Burcham) (Advisory):** On October 1, 2015, the Commission issued the scoping memo for Phase II for parties to respond to before November 2, 2015. GSRB, in an advisory role, worked with the Electric Safety and Reliability Branch (ESRB) to provide a report of recommendations. GSRB will continue advising the commission and preparing for workshops and/or evidentiary hearings, as necessary.
- **Sempre Pipeline Safety Enhancement Program (A.14-12-016) (Commissioner Peterman/ALJs Long and Mason) (Advisory):** This proceeding deals with disposition of expenses in the balancing account for pipeline safety work. No significant updates for April.
- **Mobile Home Parks Pilot Program (Implementing D.14-03-021):** This decision established a three-year pilot program authorizing each California investor-owned utility to convert 10% of master-metered gas and/or electric Mobile Home Park spaces within its operating territory to direct utility service. The Pilot Program began on January 1, 2015, and will continue through 2017. No significant updates for April.

ELECTRIC SAFETY AND RELIABILITY PROGRAMS

ELECTRIC AND COMMUNICATION FACILITY PROGRAM: AUDITS AND INCIDENT INVESTIGATIONS

In April 2016, Electric and Communication Facility Safety Section Staff:

- Received 9 electric incidents and closed 1 previously reported electric incident;
- Investigated 20 customer safety complaints;
- Performed two electric distribution audits;
- Performed one electric transmission audit;
- Performed one Communication Infrastructure Provider (CIP) audit; and
- Performed one Substation audit.

Metrics for Facility Incident Investigations as of April 30, 2016

Electric and Communication Facilities	Level 1	Level 2	Level 3	Level 4	Total ³
Total open incidents	2	19	17	28	66
Total incidents reported in 2016	5	13	6	10	34
Total incidents closed in 2016	8	3	8	10	29
Total open 2016 incidents	1	13	6	10	30
Incidents reported in April 2016	1	5	1	2	9
Incidents closed in April 2016	1	0	0	0	1
Average closure time of incidents in 2016	217 days	239 days	175 days	275 days	218 days

ELECTRIC AND COMMUNICATION FACILITY SAFETY: PROCEEDINGS

- **Investigation into Incident (I.15-11-006) (Commissioner Randolph/ALJ Kimberly) (Advocacy):** A subcontractor was fatally injured in a Southern California Edison Company underground vault in Huntington Beach. ESRB has undertaken discovery and is discussing possible settlement in this proceeding.
- **Fire Safety Rulemaking (R.15-05-006) (Commissioner Florio/ALJ Kenney) (Advocacy):** The Fire Threat Mapping Independent Expert Team (IET) and parties have achieved a consensus Fire Map 1 proposal, which has been forwarded to the Commission for

³ 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 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities. 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.

consideration. On April 26, 2016, ALJ Kenney issued a PD that would adopt Fire Map 1 that was developed by the California Department of Forestry and Fire Protection in collaboration with SED and the many parties in this proceeding. Fire Map 1 depicts areas of California where there is an elevated hazard for the ignition and rapid spread of power-line fires due to strong winds, dry vegetation, and other environmental conditions. The PD may be considered by the Commission at the May 26 business meeting.

- **Applicability of Right-of-Way Rules to CMRS Carriers (R.14-05-001) (Commissioner Randolph/ALJ Kenney) (Advocacy):** D.16-01-046 adopted GO 95 amendments to provide Commercial Mobile Radio Service (CMRS) carriers with nondiscriminatory access to public utility infrastructure, including poles. The decision closed the proceeding. ESRB has updated GO 95 to incorporate the adopted changes and will undertake other follow-up work directed by the decision.
- **Citation Rulemaking (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** ESRB continues to provide advisory support regarding Phase II issues.
- **Physical Security of the Electric System (R.15-06-009) (President Picker/ALJ Kelly) (Advocacy):** Phase I will address physical security for electric supply systems, and additional phases will address disaster and emergency preparedness plans for electrical corporations and regulated water companies. ESRB is waiting for a scoping memo or further guidance in the proceeding.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** A WebEx meeting was held on April 5, 2015, during which the three major IOUs provided an overview of their 2016 Energy Storage Plans. ESRB continues to provide advisory support to help determine best practices related to energy storage, and the proper way to inspect such facilities.
- **Distributed Energy Resources (R.14-08-013) (President Picker/ALJ Mason) (Advisory):** ESRB continues to review the issues and provide advisory support.
- **Distribution Level Interconnection (R.11-09-011) (President Picker/ALJ Bushey) (Advisory):** The proceeding addresses improvements to distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources. On February 16, 2016, the Assigned ALJ filed a proposed decision (PD). This PD has been held until the May 26, 2016, Commission Business Meeting Agenda. ESRB will continue to review documents and attend scheduled workshops to evaluate any potential safety issues.
- **SB 1028 (Hill) “Electrical corporations: wildfire mitigation plans”:** On February 12, 2016, Senator Hill introduced SB 2018, which would require each electrical corporation and each publicly owned electrical utility or electrical cooperative to annually prepare a wildfire mitigation plan. Additionally, this bill would require the Commission (for electrical corporations) or the governing board (for publicly owned electrical utilities or electrical cooperatives) to review and to accept, accept provisionally, or reject the submitted plans. ESRB has analyzed the bill and its effect on the Commission safety program.

ELECTRIC AND COMMUNICATION FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES

- **Caltrain Modernization Project:** ESRB, Rail Safety, Energy Division, and staff from Legal continue to meet with Caltrain and review documents related to the design and construction of Caltrain's proposed 25 kV electrification project between San Jose and San Francisco. ESRB is reviewing Caltrain's proposed electrification operating procedures and proposed rules.
- **Long Beach Outages Investigation:** On July 15 and July 30, 2015, fires and explosions in underground electric vaults caused power outages that affected thousands of Long Beach customers for several days. On August 15, 2015, another fire occurred in an underground vault with additional outages. ESRB is conducting a full investigation of the outages and is drafting an investigation report.
- **General Order 174 Substation Program:** D.12-10-029, which adopted substation inspection programs, requires the electric utilities to hold annual best practice workshops in 2014, 2015 and 2016, and for ESRB staff to attend the workshops and to report on them in 2016. ESRB attended the final meeting on January 29, 2016, and is currently drafting a report, as required by D.12-10-029.
- **Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the CAISO develop, review and revise Transmission Maintenance Standards. ESRB is a member and attends quarterly meetings, most recently on January 21, 2016.
- **Smart Inverter Working Group (SIWG):** ESRB continues to attend the weekly meetings of the SIWG when available.
- **Utility Diagnostic Testing:** ESRB surveyed the three largest investor owned utilities regarding the types of diagnostic testing and inspections they perform on distribution system switches, transformers and capacitors. ESRB's report will compare the utilities' practices to national best practices and industry standards. The draft report is in internal review.

Database Update Project: ESRB is working with a consultant to update the Facilities Section database. The database was migrated in January, with faster and more efficient access. ESRB is currently working with the consultant to add more features and analysis

UTILITY RISK ASSESSMENT AND SAFETY ADVISORY

Note: Name change for section, starting April 1, 2016, to better reflect responsibilities.

REVIEWING SAFETY & RISK IN GENERAL RATE CASES

In the current Pacific Gas & Electric GRC (A.15-09-001) intervenors began filing testimony and workpapers to support their positions. The Office of Ratepayer Advocates filed on April 8, with a particular emphasis on Safety, Risk and Integrated Planning. The primary ORA recommendations for this aspect of the case are:

“The Commission should not base its decisions on cost recovery based solely on PG&E’s safety and risk management proposals. Instead the adequacy and linkage of PG&E’s models should be left to the Safety Mitigation and Assessment Proceeding and not resolved in this application.”⁴

“At this time, ORA recommends that the Commission not establish funding priorities based on PG&E’s risk models. The models, as described above, are not sufficiently grounded in factual data about PG&E’s electric transmission & distribution, electric generation, and gas distribution systems.”⁵

In this regard, ORA echoes the conclusion expressed by SED’s Risk Assessment section in its March 7 report on risk and safety aspects of the PG&E filing that it would be premature for the Commission to base its findings in the GRC on a transitional risk-based budget allocation methodology (see the March Monthly report for details). Otherwise, ORA recommended caution in the use of ratepayer dollars for PG&E to pursue ISO 51001 certification for its electric operations, something that SED suggested might be appropriate.

Other intervenors filed and served their testimony on April 29. SED’s Risk section is currently reviewing those filings for any specific proposals or issues related to risk assessment methodologies or proposed spending to improve safety in PG&E’s gas and electric operations.

⁴ ORA-3, page 1.

⁵ Ibid. pg. 9

PROCEEDING UPDATES

WORK PRODUCT IN SUPPORT OF PROCEEDINGS AND POLICIES

Workshops and Workshop Reports

- Joint CPUC/CARB workshop on targets, enforcement and compliance issues in the Natural Gas Leak Abatement rulemaking R.15-01-008 – April 12

Commissioner Briefings

- Briefing for President Picker with NorthStar Consulting to commence expert witness contract in the PG&E Safety Culture investigation I.15-08-019 – April 6
- S-MAP and PG&E GRC staff evaluation reports briefing for President Picker – April 19

Summaries of Comments on Reports/Rulings for Internal Deliberations

- Summary of parties' responses to SED evaluation report on utility risk-assessment models in the S-MAP proceeding (A.15-05-002, et al.) – April 29

Other Reports

- Report to Executive Director on status and issues related to the CPUC's online whistleblower site and management process for anonymous complaints from utility workers and contractors – April 14

CPUC Inter-Divisional Coordination

- Friday Forum presentations on S-MAP and Utility Safety and Maintenance Standards (with Energy Division, ORA and others) – April 29
- Vendor presentation on gas leak detection and analysis software (with Policy & Planning Division) – April 27

PROCEEDINGS

- **Safety Model Assessment Proceeding (A.15-05-002, et al) (President Picker/ALJ Kersten) (Advisory):** During April, parties filed comments and replies on SED Risk Staff's analysis of the four major utilities' risk models, as presented in their May 2015 applications and refined via a series of workshops and working groups. While there was a large degree of agreement with Staff's findings and recommendations, utilities and some intervenors had issues with several descriptions or characterizations used in the report. Staff is working with the ALJ on refining these issues for a proposed decision later this year.

- **Gas Leak Abatement OIR (R.15-01-008) (President Picker/ALJ Kersten) (Advisory):** SED Staff, working collaboratively with the California Air Resources Board recently completed a series of reports and documents to advance this rulemaking. On April 11, 2016, the ALJ issued a ruling formally adopting a set of revised reporting templates and definitions for the 2016 annual leak reports. Because of delays in finalizing these reporting templates, parties will have until June 17, 2016, to submit their leak data for 2015. On April 12, CARB hosted a joint agency workshop in Sacramento on the issues of targets, compliance and enforcement.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** In compliance with D. 16-01-032 (Track 1 decision in this rulemaking), Staff has convened a technical group to consider appropriate Safety-related issues for facility inspections of grid-connected storage operated by utilities. Utilities and industry representatives have proposed elements of such inspection protocols, which are being reviewed by the Risk Assessment and Electric Generation sections for further action.
- **Storage Procurement Solicitations 2016 (PG&E A.16-03-001; SCE A.16-03-002; SDG&E A.16-03-003) (Commissioner Peterman/ALJ Cooke) (Advisory):** On March 1, the three electric IOUs filed new applications to establish the 2016 energy storage procurement solicitations, to meet 2020 targets as directed by D.13-10-040. The utilities held a webinar on April 5 to review their applications for the 2016 solicitation process. SED Risk staff has issued data requests to the utilities to gather information on how the utilities will include Safety considerations in their applications. Staff continues to work with appropriate decisionmakers to have the IOUs better address safety in solicitations and contracting.
- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Bushey) (Advisory):** SED Risk section will be the program manager for this contract, which will result in a thorough evaluation of PG&E's efforts to advance a Safety Culture in its organization and operations. SED staff and the Assigned Commissioner on April 6, 2016, held introductory meetings with expert witness NorthStar Consulting. NorthStar and SED staff attended several orientation meetings and interviews with PG&E senior management beginning April 11.
- **SDG&E/SoCal Gas General Rate Case (A.14-11-003/004) (President Picker/ALJs Wong and Lirag) (Advisory):** A proposed decision is pending.
- **PG&E 2017 General Rate Case (A.15-09-001) (President Picker/ALJ Roscow) (Advisory):** Intervenors began filing testimony and workpapers to support their positions. The Office of Ratepayer Advocates filed on April 8, 2016, and other intervenors filed testimony on April 29. SED's Risk section is currently reviewing those filings for any specific proposals or issues related to risk assessment methodologies or proposed spending to improve safety.
- **Electric Vehicle Charging Pilots; PG&E (A.15-02-009) (Commissioner Peterman/ALJ Farrar)(Monitoring):** The Commission held evidentiary hearings April 26-28, 2016, on a proposed a settlement agreement in this proceeding, which included SED's recommendations for safety requirements in equipment certification, installation, and training of charging station operators. These proposals are similar to those adopted for the other utilities in recent CPUC decisions, bringing consistency to regulation of this new area.

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- Public Records Act Revisions Rulemaking (R. 14-11-001) (President Picker/ALJ Lirag) (Advisory):** Working with the Assigned Commissioner’s Office and Legal Division, SED Staff moderated a workshop on February 2, 2016, to devise a matrix of how to treat various documents subject to Public Records Act requests. Utilities and other parties in early March provided their proposed categories of documents that they believe should be protected from public release, citing statutory authorities or other justifications, as well as identifying types of information or documents that may be made public without protections. No new activity during April.
- Physical Security of the Electric Supply System (R.15-06-009) (President Picker/ALJ Kelly) (Advisory):** Risk Assessment staff has an advisory role for this proceeding, which has been deferred as a result of budget cuts. No new activity noted in April.

MONITORING THE WHISTLEBLOWER WEBSITE

The Risk Section has been overseeing intake for complaints that arrive via a “whistleblower” application on the Commission’s web site.

STATISTICS - 1/01/16 TO 4/30/16

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
January	0	0	1	0	0	0
February	0	5	1	0	2	0
March	0	0	0	0	0	0
April	0	2	0	0	0	0
Total 2016	0	7	2	0	2	0

Invalid Whistleblower Complaints Converted to Standard Complaints							
	<u>CAB</u>	<u>Transportation</u>	<u>Electric Safety</u>	<u>Gas Safety</u>	<u>Telco/Utility Fraud</u>	<u>Rail</u>	<u>Consumer Referred to Outside Agency</u>
January	0	0	0	0	0	0	0
February	0	0	0	0	0	0	1

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March	0	0	0	0	0	0	0
April	0	0	0	1	0	0	0
YTD	0	0	0	1	0	0	1

Test, Incomplete or Duplicate Whistleblower Complaints	
January	0
February	4
March	0
April	3
YTD	7

OFFICE OF RAIL SAFETY

RAILROAD SAFETY - ROSB

In the month of April 2016, SED Staff's Railroad Operations group completed the following:

New Incidents Investigated	8
Informal Complaints Investigated	1
Safety Assessments/Reviews	17
Compliance Actions	443
Major Inspections Completed - Such as Focused Inspections	3
Operation LifeSaver Presentations	6

ROSB INSPECTION, INVESTIGATION & FIELD ACTIVITIES

April 5, 2016: ROSB Rail Safety Inspectors and FRA Inspectors conducted a routine Inspection of Burlington Northern Santa Fe (BNSF) yard in Bakersfield, California. The inspection was to check compliance with all Operating Practices that would apply to various CFR regulations. Upon completion of the inspection, all activities documented were reported to the Terminal Manager and Superintendent of Operations of that yard. Although several regulations were found to be in compliance, one defect was found on several occasions. 49 CFR Part 219.103(8) states that switches will be latched or hooked when not in use. Four defects were found in the yard and discussed with the Terminal Manager and Superintended prior to conclusion of the inspection and all defects were corrected.

April 7, 2016: ROSB Rail Safety Inspector in northern California performed on-the-job training with FRA inspectors at hazmat facilities in Sacramento, Martinez, and Benita, CA. During that training, the team was alerted of a possible hazardous materials 'roll out' of tank cars from a refinery in Martinez. For unknown reasons, six tank cars of liquefied petroleum gas (butane) had rolled downhill inside the facility and damaged a switch and a derail device. We spent the day investigating the incident for probable cause, and any mitigating factors that may provide clues to preventing the same circumstances from transpiring in the future. No one was hurt and the all cars remained on the rails. The incident is still under investigation by the CPUC.

April 8, 2016: ROSB Rail Safety Inspector performed a walking and driving inspection of Union Pacific Railroad's (UPRR) Roseville Inbound and Crest Hump Switching Yard area focusing on remote control operations. A Federal regulation securement violation was identified and conveyed to the UPRR Director of Road Operations and other local railroad officials for immediate correction. The violation was due to leaving remote control locomotives (RCL) unsecured with hand brakes while unattended. This is a violation of a federal regulation and the railroad's operating rules including both the General Code of Operating Rules (GCOR) and Air Brake and Train Handling Rules (ABTH) which requires equipment and locomotives left unattended must be secured by tightening the hand brakes on each RCL locomotive to prevent movement. In addition to citing the railroad with a violation, a defect was issued because these

RCLs were not safely parked sufficiently in the clear, another Federal defect. The railroad took action to correct all defects and bring them into compliance with safety regulations.

April 18, 2016: ROSB Rail Safety Inspectors performed a joint inspection at the Port of Los Angeles with multiple agencies from the state and federal government over a two day span that included inspections on outbound and inbound shipments going by rail, highway and ship. The inspectors conducted container inspections with the FRA (Federal Railroad Administration), CBP (Customs), Department of Agriculture, Highway Patrol, TSA, opening, and inspecting various containers with hazardous materials. Investigators were split into multiple teams canvassing different shipping facilities in the San Pedro and Long Beach ports, after two days, our teams inspected 212 freight containers and 87 intermodal tanks for federal compliance, 53 of the inspected containers and tanks were noted for defects, or violations and the freight was placed on hold until corrections were completed by the shipping companies to bring them into compliance with safety regulations.

April 19, 2016: Three ROSB Rail Safety Inspectors met at the Port of Oakland (POAK) in order to conduct a walk through inspection of the new railyard that has recently been constructed. The walk through was necessary in order to make sure that the new yard is in compliance with State General Orders before the contractors leave the property, and the tracks are released for rail service. The inspection also included members from the Oakland Global Rail Enterprise Railroad (OGRE), and Project Design Engineer's from the POAK and Industrial Rail Company (IRC). OGRE is the railroad operating within the new yard. IRC is one of the contractors building the rail yard. This work is part one of the two phase project at the POAK with an estimated cost of 1.2 billion dollars. No defects or violations were noted.

April 19, 2015: Two ROSB Rail Safety Inspectors performed a walking inspection of the Union Pacific Railroad (UPRR), Valley Subdivision, siding and switching yard in Redding, California. One of the CPUC General Order (GO) defects identified was conveyed to the Manager of Train Operations who took corrective action. The cut pieces of rail were left fouling the walkway where workman must perform inspection and switching duties. This is a tripping hazard and not compliant with CPUC GO 118-A.

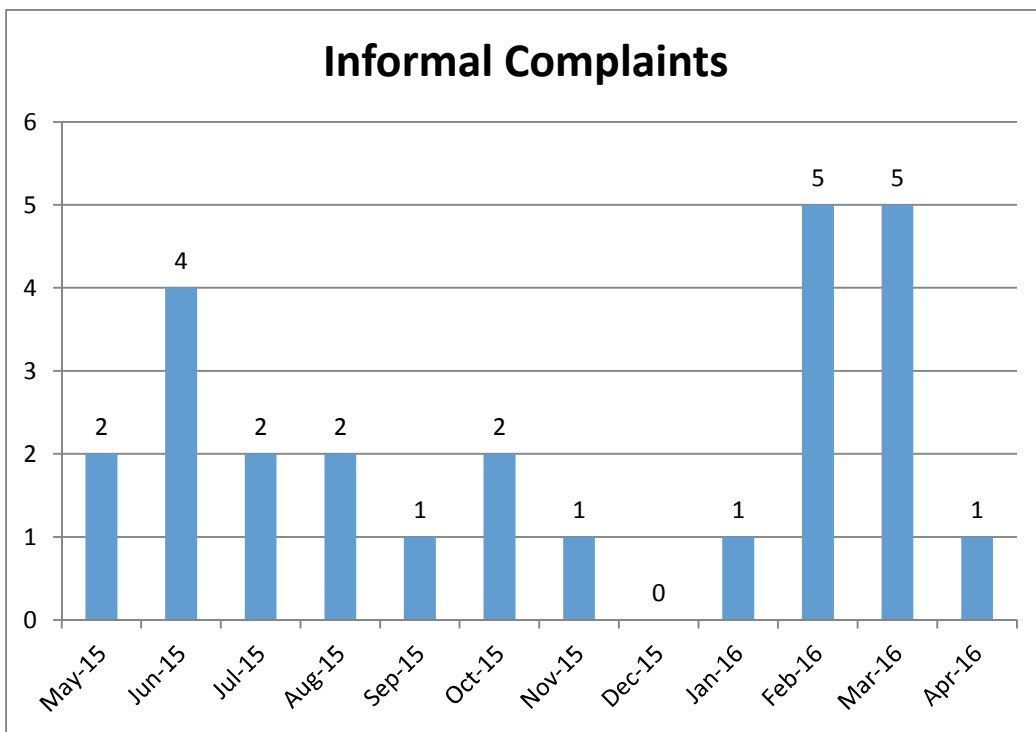
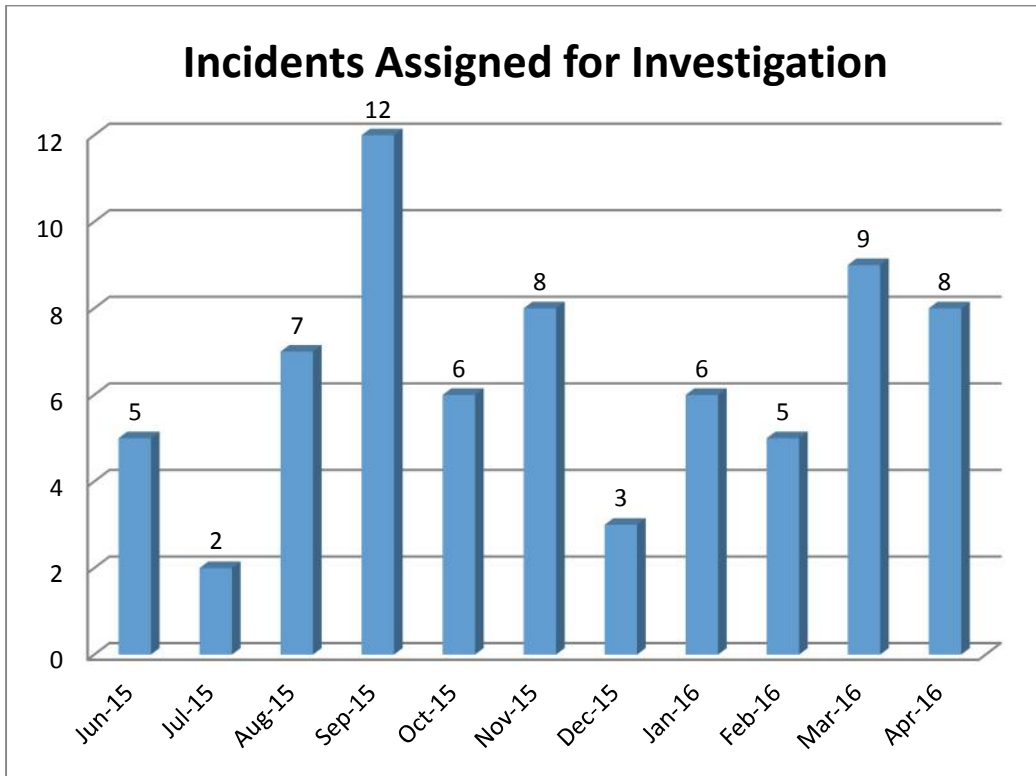
April 20, 2016: Two ROSB Rail Safety Inspectors performed a Cross-Functional Operating Practices / Hazardous Materials Inspection on two railroads in remote areas of northern California. ROSB Inspectors occasionally perform these group exercises to share their knowledge of those areas. Because of the remote areas visited, it is also a safety feature to travel together. These visits are an excellent way for the Inspectors to meet with train crews, observe their operations, and discuss their safety concerns in locations where those crews seldom see managers or regulators, so it also serves as a safety reminder and a morale booster for the train crews.

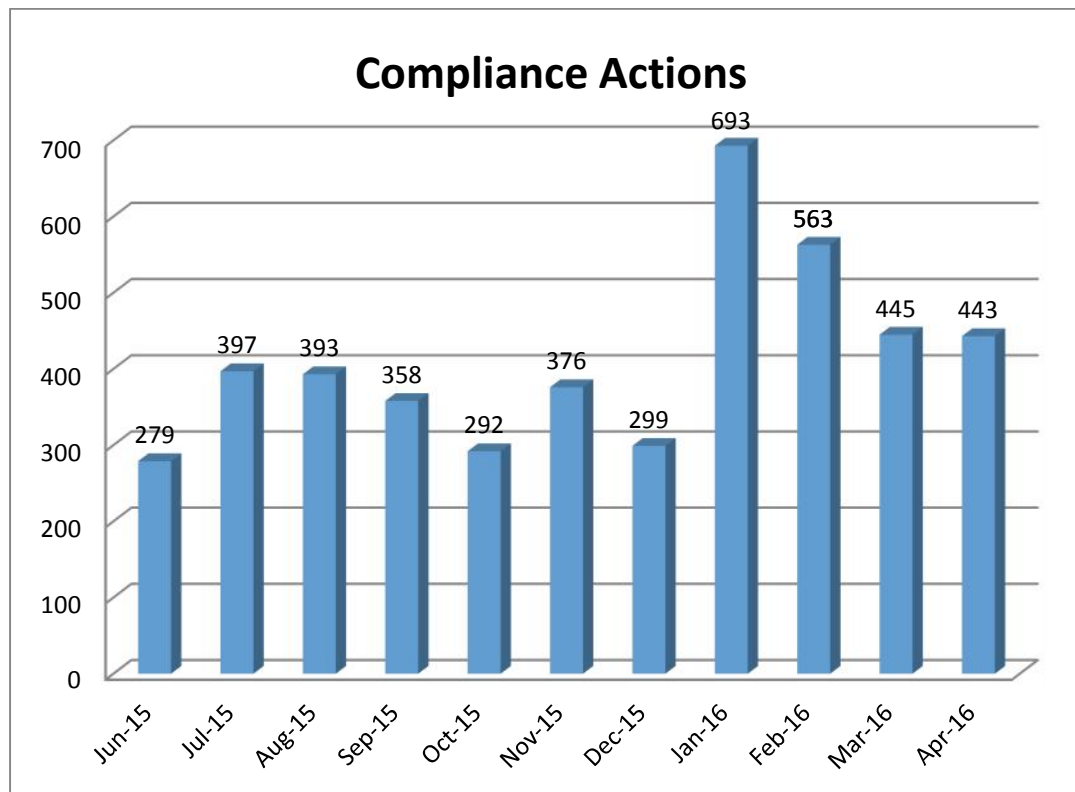
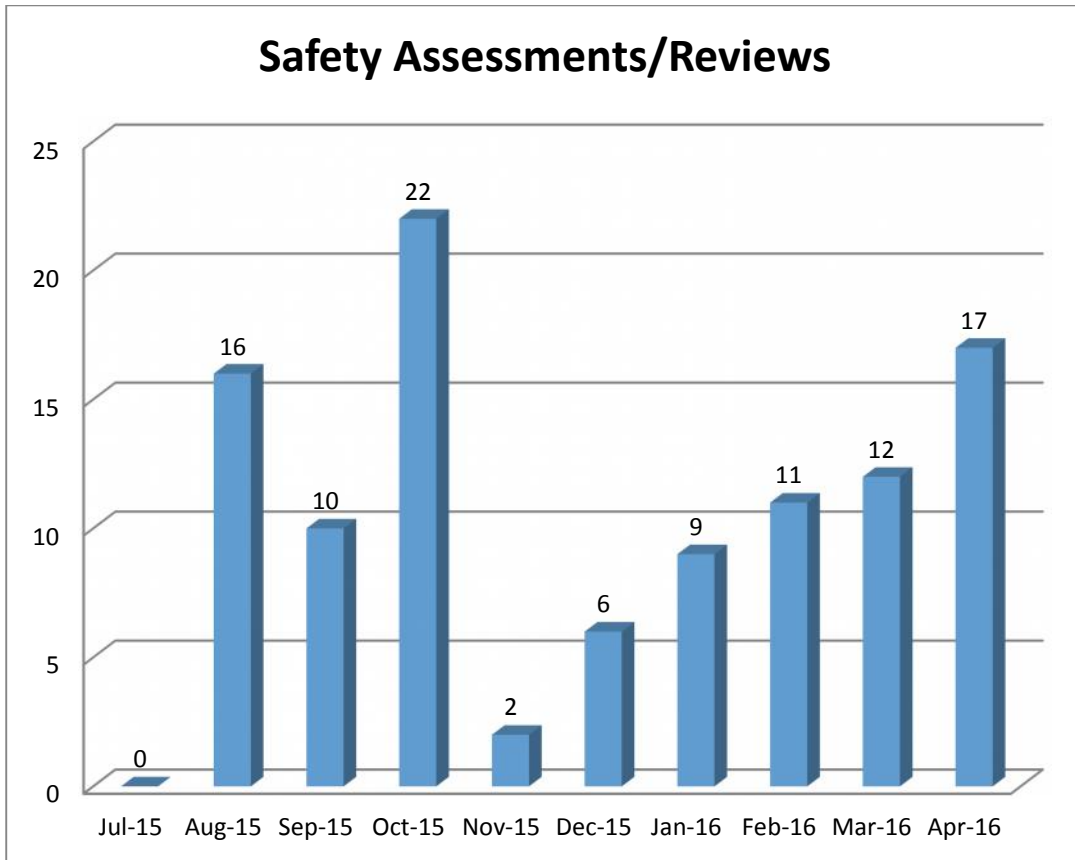
April 21, 2016: ROSB Superintendent Bob Grimes led the ROSB Rail Safety Inspectors on a tour of the GATX facility in Colton, California. Quality Manager Charles Martinez represented the facility. The tour was scheduled to assist inspectors' knowledge prior to their trip to Dallas for recurrency training. This year the training will involve a trip to a tank manufacturing facility so the ability to see a tank car disassembled will give them a better understanding of the inner workings of the valve system. This facility begins by having each car totally inspected beyond what the initial work order states as the cause for the car being sent for repair. This way they can quality assure the entire car from top to bottom possibly finding defects missed by the railroad Carmen and possibly prevent a future derailment.

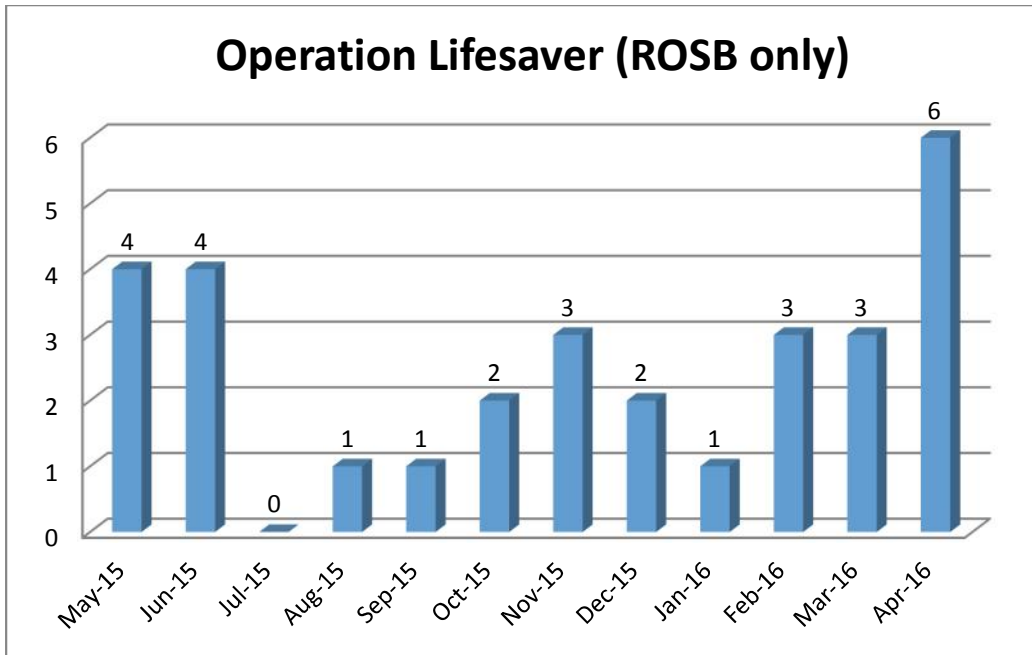
April 25, 2016: An ROSB Rail Safety Inspector traveled to Ft Worth, Texas, for annual federal recertification training and to conduct a quality assurance audit on the tank car remanufacturing facility in Saginaw, TX. The audit was conducted by 21 inspectors from around the country, with a blend of both federal and state inspectors. The audit was performed by multiple teams in different areas of the remanufacturing process, all deficient conditions were noted, and brought to the attention of the company at the end of the audit for remedial action at the agreed upon time frame, between the federal government, and the company.

April 27, 2016: Two ROSB Rail Safety Inspectors conducted a State General Order (GO) audit of Union Pacific Railroad's Roseville Subdivision Colfax Yard, located in Colfax, California. The audit is part of a project where ROSB Rail Safety Inspectors are creating an inventory of all railroad related GO conditions that exist in rail yards; many of these GO conditions have existed

since before the GO regulation was created. Typical existing conditions found are for the GO's for side clearances (26-D) and walkways (118-A).







RAIL CROSSINGS - RCEB

In the month of April 2016, the Rail Crossings and Engineering Group completed the following:

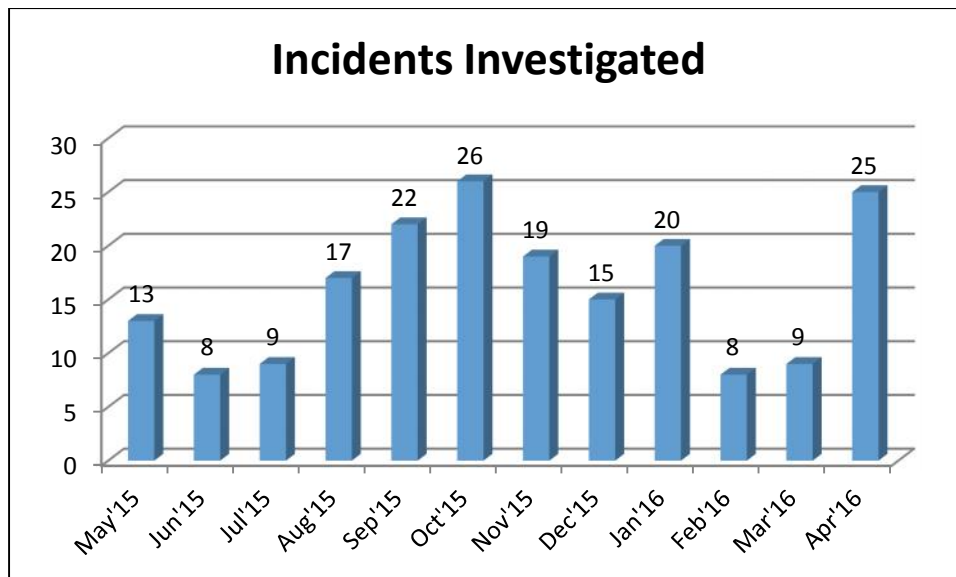
	Open at Period Start	New During Period*	Closed During Period	Open at End of Period
2015 Crossing Incident Investigations	46	0	16	30
2016 Crossing Incident Investigations	38	11	9	40
Informal Complaints Investigations	26	1	0	27
Safety Assessments/Reviews	0	31	31	0
Environmental Reviews	0	100	100	0
Proceedings, Resolutions and G.O. 88-B Reviews	32	7	19	20
Quiet Zones	0	1	1	0
Operation LifeSaver Presentations	0	3	3	0
Staff Training	0	0	0	0
*As RCEB checks FRA data with CPUC data, RCEB adjusts the number of incidents for 2015 and 2016.				

RAIL CROSSING INCIDENT INVESTIGATIONS

- In April 2016, the Rail Crossings and Safety Branch engineers received 11 new crossing incidents in relation to 2016 with three fatalities and one injury. Staff also completed 25 highway-rail crossing investigations.

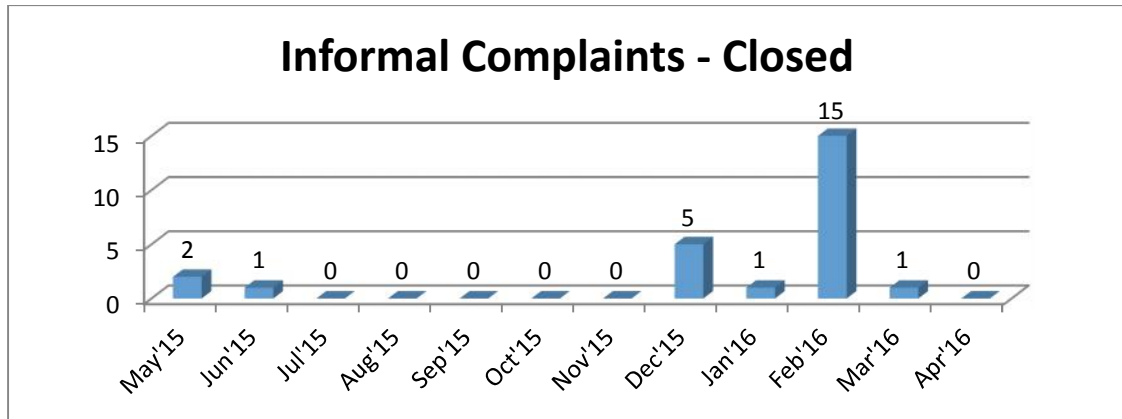
Year	No of Crossing Incidents	Fatalities	Injuries	Open – start April 2016	New April 2016	Closed April 2016	Open at End of Period
2015	154	56	57	46	0	16	30
2016	57	22	12	38	11	9	40

- **INCX2015090019** - Staff completed the investigation of the September 25, 2015, vehicle at crossing, Broadway Avenue, Burlingame, San Mateo County, incident that resulted in property damage only. The probable cause for the incident is the temporary traffic control that resulted in queuing of traffic onto the tracks. Staff recommended the installation of “KEEP CLEAR” pavement markings to warn motorists of the proximity to the highway-rail crossing.



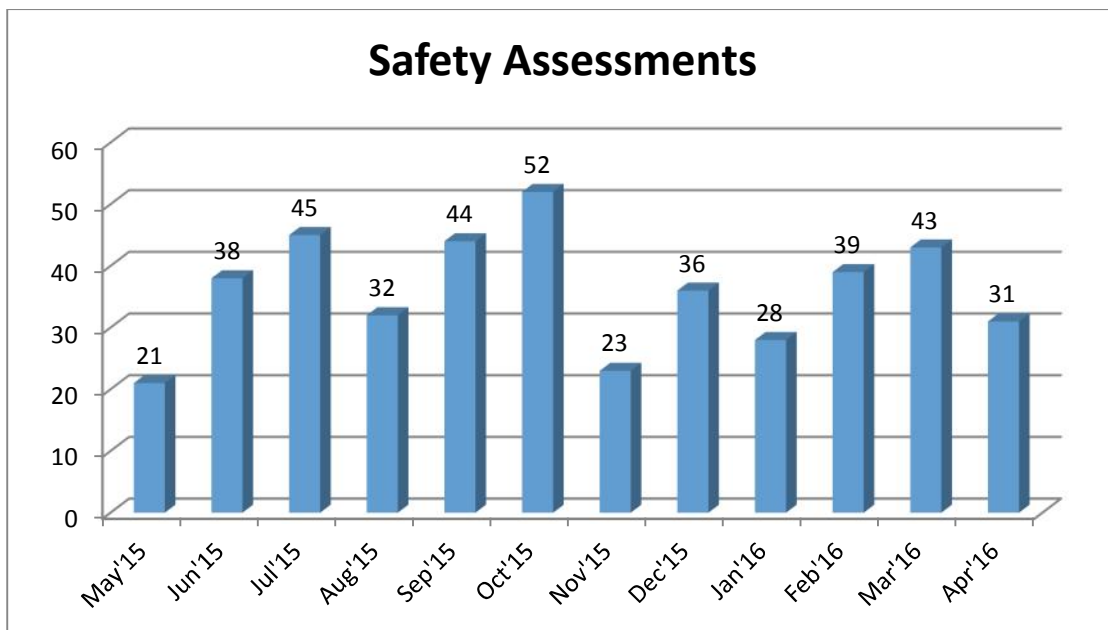
INFORMAL COMPLAINTS

- In April 2016, engineering staff did not receive any new complaints or close any of the existing complaints involving highway-rail crossings.



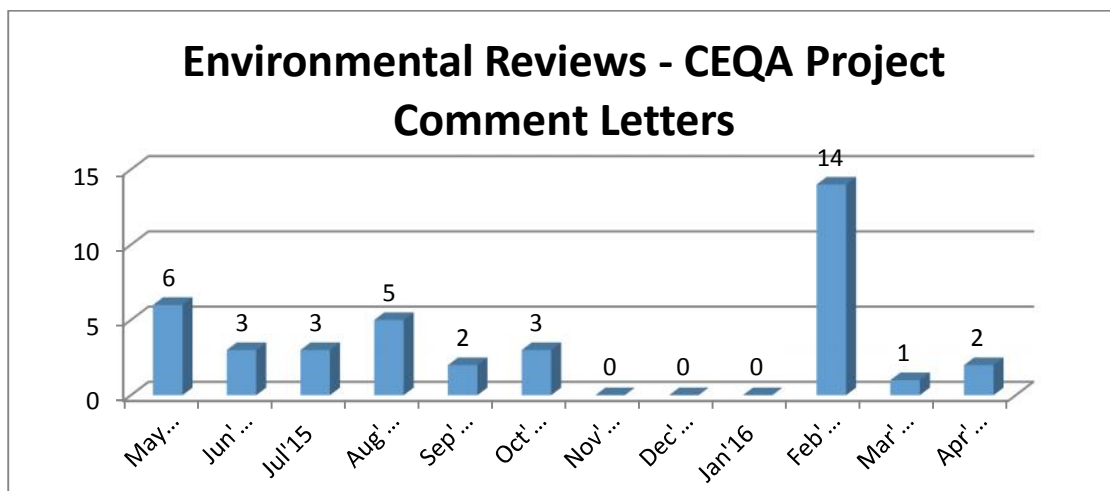
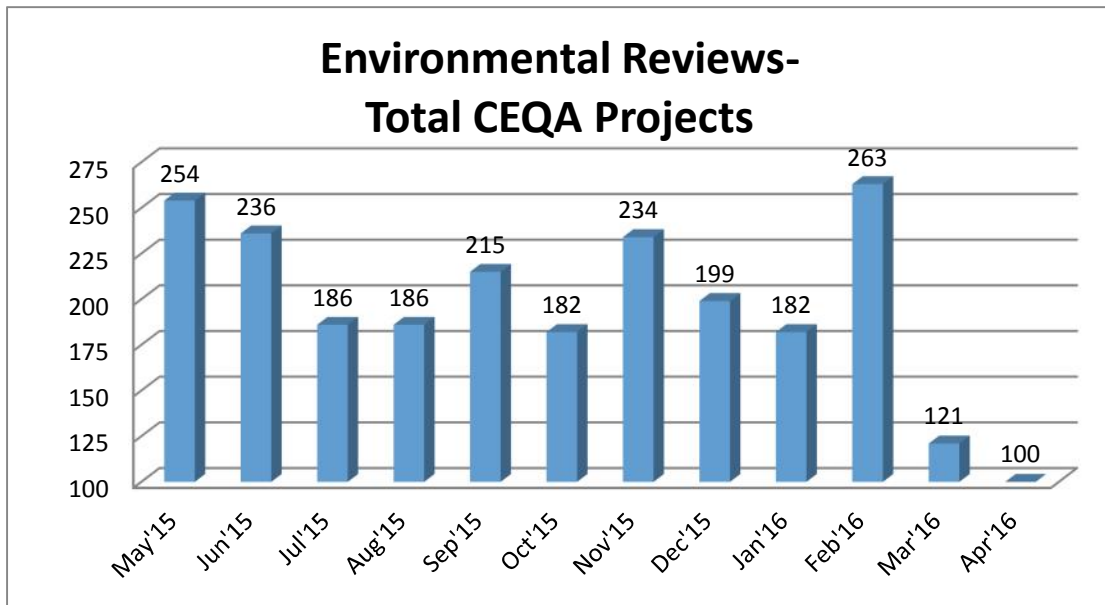
SAFETY ASSESSMENTS AND REVIEWS

- In April 2016, staff completed 31 safety assessments involving communications, field inspections, and diagnostic reviews with railroads and local agencies.



ENVIRONMENTAL REVIEWS

- In April 2016, staff reviewed 100 CEQA reports and issued two comment letters. When railroads and local agencies plan new projects or developments, staff reviews the documents submitted by the agencies for safety impacts to crossings. The review addresses safety issues in highway-rail crossing design and nearby intersections during the design phase of the projects.



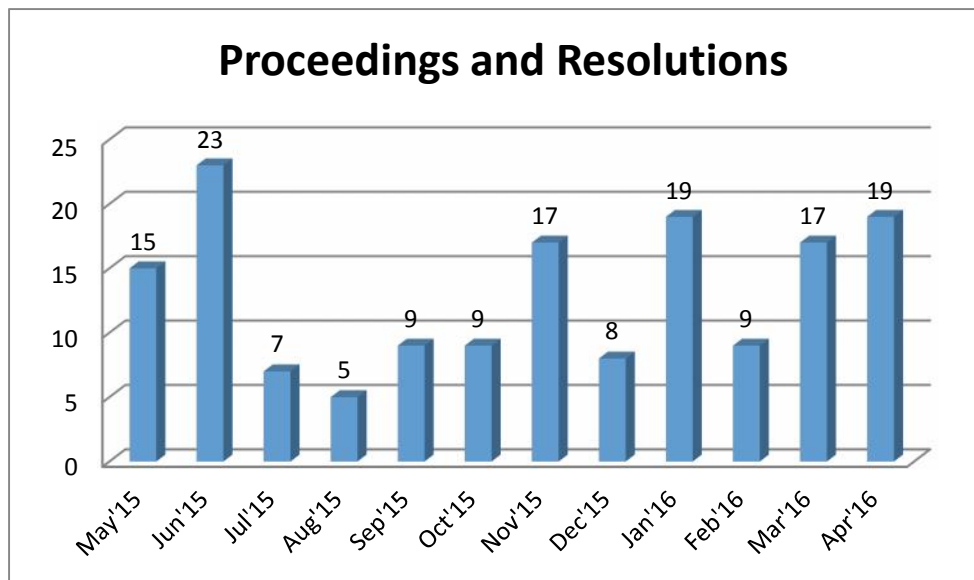
- ENVR2016030009** - The City of Menlo Park filed a Notice of Completion for the Caltrain mainline tracks that include the following crossings: Encinal Avenue (CPUC No. 105E-28.40, DOT No. 754988Y, Glenwood Avenue (CPUC No. 105E-28.60, DOT No. 754989F), Oak Grove

Avenue (CPUC No. 105E-28.80, DOT No. 754990A), and Ravenswood Avenue (CPUC No. 105E-29.00, DOT No. 754991G). Staff issued comments to include Caltrain standard pedestrian treatments, queuing review, and preemption analysis as part of the design for each crossing. RCEB closed the review on April 11, 2016.

- **ENVR2016030010** - The City of King filed amendments to the Housing Element project in King City, Monterey County. The project area includes active railroad tracks. RCEB recommends that the City add language to the Amendments to Housing Element so that any future development adjacent to or near the railroad/light rail right-of-way is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. Staff issued a letter listing the applicable Federal and State requirements for the design of new, or modification of existing, highway-rail crossings.

PROCEEDINGS, RESOLUTIONS AND G.O. 88B REVIEWS

- In April 2016, engineering staff received seven new General Order 88-B applications. RCEB closed one formal proceeding and 18 General Order 88-B applications during this period.



- **A1506003 – Campus Parkway Expressway, CPUC 002-1052.90-A and DOT 929016S** - This is an application by the County of Merced for authorization to construct two new grade separated crossings of Burlington Northern Santa Fe Railway tracks at Campus Parkway in

the County of Merced. The grade separation is comprised of two separate structures, with two vehicular traffic lanes each and approximately 50 feet apart, one for northbound traffic and the other for southbound traffic. The CPUC issued D16-04-007 on April 7, 2016, granting authorization.

- **G.O.88B – Lakeview Avenue, CPUC 002B-39.90 and DOT No. 026567E** – The Orange County Transportation Authority requests a time extension to grade-separate the Lakeview Avenue highway-rail crossing of the BNSF Railway Company mainline 2B – San Bernardino to Fullerton tracks in the Cities of Anaheim and Placentia, County of Orange. Staff authorized the extension, which shall expire on April 29, 2019.
- **G.O. 88-B - 5th Street, CPUC 005-17.05 and DOT No. 863519X** – The City of San Rafael requests authority to alter the 5th Street at-grade crossing in San Rafael, Marin County. The alterations include a queue cutter signal, advanced preemption; Americans with Disabilities Act curb ramps; turn restrictions; and Do Not Stop on Tracks signs. RCEB granted the authorization, which expires on April 11, 2019.
- **G.O. 88B – Mission Avenue, CPUC 005-17.10, and DOT No. 863518R** – The City of San Rafael requests authority to alter the Mission Avenue at-grade crossing in the City of San Rafael, County of Marin. The alterations include a queue cutter signal, advanced preemption; Americans with Disabilities Act curb ramps; turn restrictions; and Do Not Stop on Tracks signs. RCEB granted the authorization, and it expires on April 11, 2019.
- **G.O. 88B – Croydon Way, CPUC 001AH-101.90-C and DOT No. 753535D** – The City of Rancho Cordova requests authorization to alter the Croydon Way at-grade crossing in the City of Rancho Cordova, County of Sacramento. The alterations include installation of a crosswalk with Americans with Disabilities Act compliant curb ramps; crossing signage and pavement markings for northbound bike trail highway-rail crossing. RCEB granted the authorization, and it expires on April 11, 2019.
- **G.O. 88-B -Santa Clara Station Pedestrian Underpass Crossing, CPUC 105E-44.50-BD and DOT No. 922715T** – The Santa Clara Valley Transportation Authority requests authority to alter the Santa Clara Station pedestrian underpass grade separated highway-rail crossing in City and County of Santa Clara. The alterations include extending the existing underpass;

installing an Americans with Disabilities Act ramp; and installing vandal resistant fencing. RCEB granted the authorization, and it expires on April 28, 2019.

- **G.O. 88B- I-5 NB to SR-52 EB Mt Soledad Freeway- 106-257.96-A and DOT No. 026844L** – The San Diego County Association of Governments requests authorization to install an additional railroad track along the LOSSAN railroad corridor in the City and County of San Diego, at existing grade separation structures between CP Elvira (MP 257.60) and CP Morena (MP 260.70). RCEB granted the authorization on April 12, 2016, and it expires on April 12, 2019.

- **G.O. 88B- SR-52 EB Mt Soledad Freeway- Five Crossings** – The San Diego County Association of Governments requests authorization to install an additional railroad track along State Route 52 at the following crossings:

CPUC Crossing Number	DOT Crossing Number	Roadway Name	Caltrans Bridge Number
106-257.85-A	967674S	SR 52 WB TO NB	Br 57 0523F
106-257.87-A	967675Y	SR 52 WB TO SB	Br 57 0522F
106-257.92-A	967676F	SR 52 WB TO LA JOLLA PKWY	Unknown
106-257.95-A	967677M	SR 52 SB TO EB	Br 57 0519F
106-257.96-A	026844L	SR 52 NB TO EB	Br 57 0518G

RCEB granted the authorization on April 23, 2016, and it expires on April 23, 2019.

- **G.O. 88B- I-5 SB/La Jolla Parkway SB to SR-52 EB (Mt. Soledad Freeway)- CPUC 106-257.95-A and DOT No. 967677M**– The San Diego County Association of Governments requests authorization to install an additional railroad track along the railroad corridor in the City and County of San Diego. The alterations include shifting the existing main track and installing a new track to connect with sidings between Control Point Elvira (MP 257.6) and Control Point Morena (MP 260.7). RCEB granted the authorization on April 23, 2016, and it expires on April 23, 2019.
- **G.O. 88B- SR 52 WB (Mt Soledad Freeway) to La Jolla Parkway- CPUC 106-257.92-A and DOT No. 967676F** – The San Diego County Association of Governments requests

authorization to install an additional railroad track along the railroad corridor in the City and County of San Diego. The installation of the second track will connect sidings between Control Point Elvira (MP 257.6) and Control Point Morena (MP 260.7). RCEB granted the authorization on April 23, 2016, and it expires on April 23, 2019.

- **G.O. 88B –SR 52 WB (Mt Soledad Freeway) to I-5 SB, CPUC 106-257.87-A and DOT No. 967675Y** - The San Diego County Association of Governments requests authorization to install an additional railroad track along the railroad corridor in the City and County of San Diego. The installation of the second track will connect sidings between Control Point Elvira (MP 257.6) and Control Point Morena (MP 260.7). RCEB granted the authorization on April 23, 2016, and it expires on April 23, 2019.
- **G.O. 88B – Balboa Avenue, CPUC 106-260.50 and DOT No. 026845T**- The San Diego County Association of Governments requests authorization to modify the grade separated crossing at Balboa Avenue in the City and County of San Diego. The modification includes an additional mainline track on additional bridge structure as part of the project that will connect sidings between Control Point Elvira (MP 257.6) and Control Point Morena (MP 260.7). RCEB granted the authorization on April 12, 2016, and it expires on April 12, 2019.
- **G.O. 88B – State Route 98 (Birch Street), CPUC 001BN-707.80 and DOT No. 760900M** – The California Department of Transportation requests authority to modify State Route 98 (Birch Street) at-grade crossing in Calexico, San Diego County. The modifications include roadway widening, installation of a raised median, and a new traffic signal. The project involves installation of crossing warning devices, pedestrian treatments, and preemption. RCEB granted the authorization to modify the crossing and it expires on April 20, 2019.
- **G.O. 88B – West Los Angeles Drive, CPUC 106E-108.20 and DOT No. 027565U** - The San Diego County Association of Governments requests authorization to modify the West Los Angeles Drive at-grade crossing in the City of Vista and County of San Diego. The modifications are for a multi-use pathway parallel to the tracks along the rail corridor where users would cross the roadway using a crosswalk located adjacent to the tracks and controlled with a traffic signal. RCEB granted the authorization to modify the crossing, and it expires on April 7, 2019.

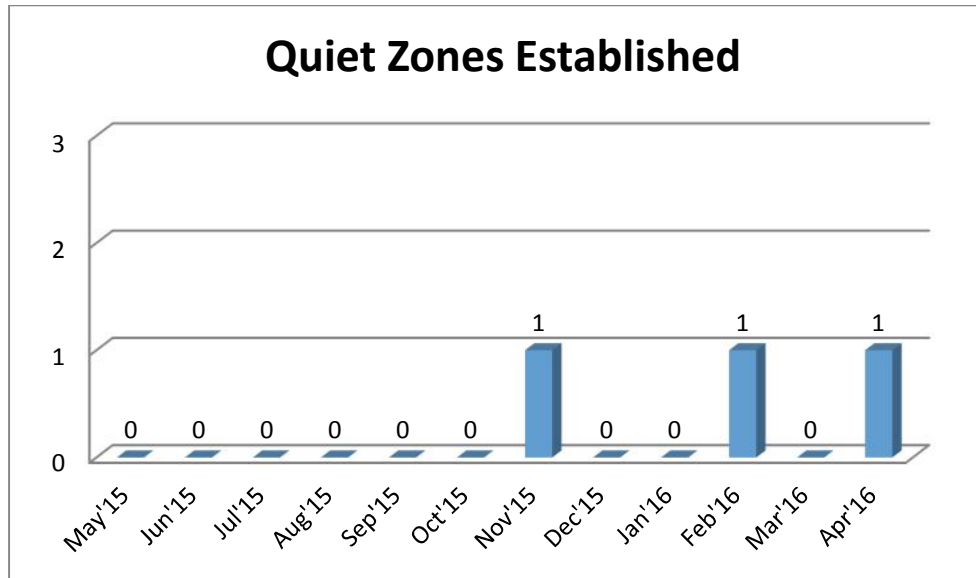
- **G.O. 88B – Mariposa Road, CPUC 028-3.50 and DOT No. 853843K** – The City of Modesto requests authority to alter the Mariposa Road at-grade crossing in the City of Modesto, Stanislaus County. The alteration includes upgrading the traffic signals, replacing pedestrian indications, installing a split phase operation with limited service and installation of traffic control signs. RCEB granted the authorization to alter the crossing, and it will expire on April 11, 2016.
- **G.O. 88B – Market Street, CPUC 125F-9.25** – The San Francisco Municipal Transportation Agency requests authority to modify the Market Street at-grade crossing in the City and County of San Francisco. The modifications include reprogram of the timing at the intersection to allow the F Market Light Rail Vehicles to turn during the protected westbound left turn phase. The change will result in 11 seconds of green time reallocated to Castro and Market Street to improve traffic flow. RCEB granted authorization to modify the crossing, and it expires on April 14, 2019.
- **G.O. 88B- Pleasanton-Sunol Road, CPUC 091-38.30 and DOT No. 749801R** - The Pacific Locomotives Association requests authority to modify the Pleasanton-Sunol Road at-grade crossing in the City of Pleasanton, Alameda County. The modification includes installation of Flashing Lights Assembly with Automatic Gate Arm on each approach, and relocation of the RXR pavement markings. RCEB granted the authorization to modify the crossing, and it expires on April 11, 2019.
- **G.O. 88B – Oak Street, CPUC 001D-7.20 and DOT No. 749591D** - The City of Oakland requests authorization to modify the Oak Street at-grade crossing in the City of Oakland, Alameda County. The modification includes installation of bicycle lanes, refreshing pavement markings, upgrading warning signs, and trimming vegetation. RCEB granted the authorization to modify the crossing, and it expires on April 12, 2019.
- **G.O. 88B – Third Street, CPUC 901-5.90-C, DOT No. 928022S** - The City of Oakland requests authorization to modify the Oak Street at-grade crossing in the City of Oakland, Alameda County. The modification includes reduced vehicular travel lanes width from 14 feet to 11 feet, and the addition of a three-foot buffer between the existing vehicular and bicycle lane. The project will also add the necessary W10-1 advance railroad crossing warning signs on

both approaches along with W48(CA) signs reading “2 TRACKS”. RCEB granted the authorization to modify the crossing, and it expires on April 12, 2019.

QUIET ZONE ESTABLISHMENT

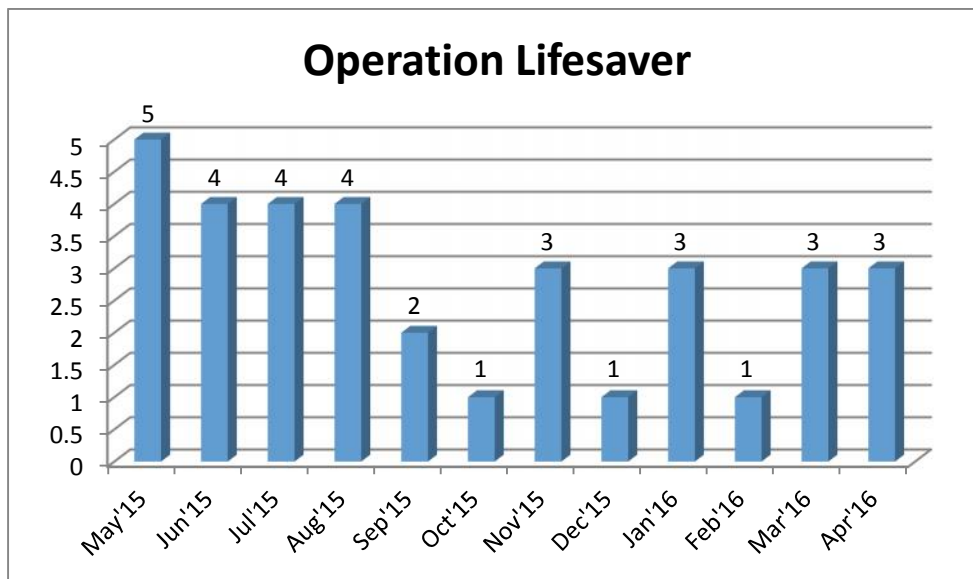
The Federal Railroad Administration requires locomotives to sound a horn while trains approach and enter public highway-rail grade crossings. A Quiet Zone (QZ) is a specified distance along railroad areas where local roadway and railroads apply supplementary safety measures to all highway-rail grade crossings as an effective substitute for the sounding of the locomotive horn. The FRA authorizes the QZ under Title 49 CFR 222.39(a)(3) requirements. Railroads are exempt from sounding horns in a QZ, thus providing the quiet of communities affected by train operations. In April 2016, staff processed one request for a new QZ. This is the second established QZ for 2016. In 2015, staff processed the establishment of one QZ in November.

- **QTZN2011080001** - The City of Colton in San Bernardino County submitted the August 16, 2011, Notice of Intent for a 24 hour QZ at four Burlington Northern Santa Fe crossings (shared with Metrolink and Union Pacific Railroad): Olive Street (026450W and 002B-2.40), E Street (026452K), H Street (026455F), and Valley Boulevard (026456M and 002B-3.10). The QZ is established and is effective May 4, 2015.
- **QTZN2013060002** - The City of Galt proposed a 24 hour QZ at five at-grade crossings along Union Pacific's Fresno Subdivision including: Elm Avenue/Orr Road (752742U), A Street (752741M), C Street (752740F), F Street (752739L), and Kost Road (752738E). Union Pacific shares the line with Burlington Northern Santa Fe and Amtrak railroads. The QZ became effective on February 22, 2016.
- **QTZN2015090003** - On September 8, 2015, the City of Colfax proposed a new 24-hour QZ at Union Pacific Railroad at the Grass Valley Street crossing (753151U) in the Roseville Subdivision between MP 141.65 and 142.15. The QZ became effective on November 30, 2015.



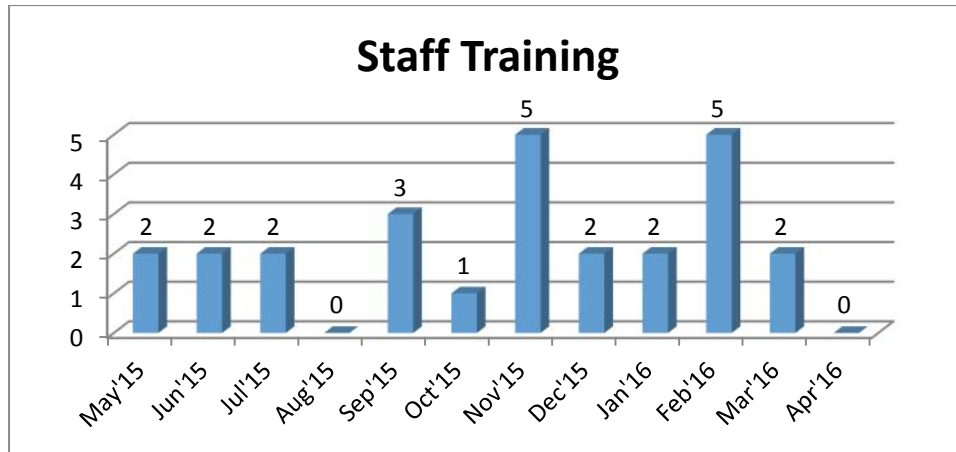
OPERATION LIFESAVER INC.

- In April 2016, staff completed three Operation LifeSaver Inc. (OLI) events. Two RCEB staff members participated in the California OLI, appreciation lunch in recognitions of volunteer work completed and sharing the OLI rail safety message. Staff also received updates on the OLI program. On April 13, 2016, staff also completed a presentation to a group of 39 Drivers Education students at the Consumes Oaks High School in Elk Grove, Sacramento County.



RCEB STAFF TRAINING

In April 2016, staff did not complete any planned training.



STATISTICS SUMMARY

Month	January	February	March	April
Incidents	13	16	19	11
Fatalities	5	8	5	3
Injuries	6	5	6	1

- In April 2016, RCEB received 10 incident reports related to highway-rail crossings, 1 incident request for assistance from RTSB, and no right-of-way incidents that were near a crossing. The total number of incidents under investigation this period is 11. The incidents resulted in three fatalities and one injury.

RAIL TRANSIT - RTSB

In April 2016, the Rail Transit Safety Branch (RTSB) completed the following:

RAIL TRANSIT INSPECTIONS

- RTSB inspectors performed 14 inspections.

CORRECTIVE ACTIONS PLANS

- RTSB opened 6 new Corrective Action Plans due to incidents, internal safety audits, and inspections.
- 2 Corrective Action Plans were closed.

INCIDENT INVESTIGATIONS

- In April 2016, 28 incidents were reported by Rail Transit Agencies (RTAs).⁶ In April 2016, 72 incident investigations were closed by RTSB.

PROCEEDINGS / RESOLUTIONS

- **Resolution ALJ-322** – Resolution adopted by the Commission on December 3, 2015, which affirmed Citation # 1503001, issued to Sacramento Regional Transit District (SRTD) pursuant to Resolution ST-163, authorizing a rail transit safety citation program. RTSB Staff had issued a citation for violations of 2 safety regulations in General Order 143-B, resulting in a \$10,000 fine to SRTD. The citation was issued in response to a February 17, 2015, incident, where a light rail vehicle traveled out of a maintenance shop without any personnel aboard and onto SRTD's mainline tracks. The vehicle came to a stop after traveling 1.5 miles, with minor property damage but no injuries resulting from this uncontrolled movement. SRTD filed an appeal of the citation and an evidentiary hearing was held. ALJ-322 denied the appeal and affirmed the citation, closing the proceeding. SRTD paid the \$10,000 citation on November 24, 2015.

⁶ Per General Order 164-D, the Commission must be notified within 2 hours by rail transit agencies of incidents if they include one of the following: a fatality at the scene, or where an individual is confirmed dead within 30 calendar days of a rail transit-related incident; an injury to two or more individuals requiring immediate medical attention away from the scene; property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities, and non-transit property that equals or exceeds \$25,000; a collision at an at-grade crossing; a mainline derailment; a collision with an individual on a rail right-of-way; a collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle; an evacuation due to life safety reasons.

On February 27, 2016, SRTD Submitted its revised System Safety Program Plan (SSPP) in accordance with ALJ-322, addressing the compliance items in the Resolution’s Ordering paragraph. The revised SSPP is currently under staff review.

R.09-01-020 Order Instituting Rulemaking (OIR) – To Consider Roadway Worker

Protections by Rail Transit Agencies in California (Commissioner Peterman/ALJ Kim):

On October 31, 2013, the Commission issued an Interim Decision (D.13-10-073) adopting GO 175 for Roadway Worker Protections on California’s Rail Transit Systems. On April 7, 2015, ALJ Kim issued a ruling seeking comments from parties on the Commission’s staff report determining the need for General Order (GO) revisions. Revised rule, GO 175-A was approved by the Commission on March 17, 2016, by Decision D.16-03-006. On April 8, 2016, the Assigned Commissioner and ALJ issued a joint ruling and amendment to the scope for this proceeding, which required within 12 months of the issuance of D.16-03-006, SED must review GO-175, as well as GO-172, and submit a recommendation for modifications of one or both GOs to eliminate any inconsistencies or conflicts, if any. The joint ruling sets the scope for the remainder of this proceeding to be: 1) the issuance of SED’s recommendation(s), and 2) a subsequent Commission decision addressing these recommendation(s) and closing the proceeding. On April 13, 2016, the Commission issued D.16-04-014, an Order Correcting Errors, to fix several non-substantive formatting and typographical errors in D.16-03-006.

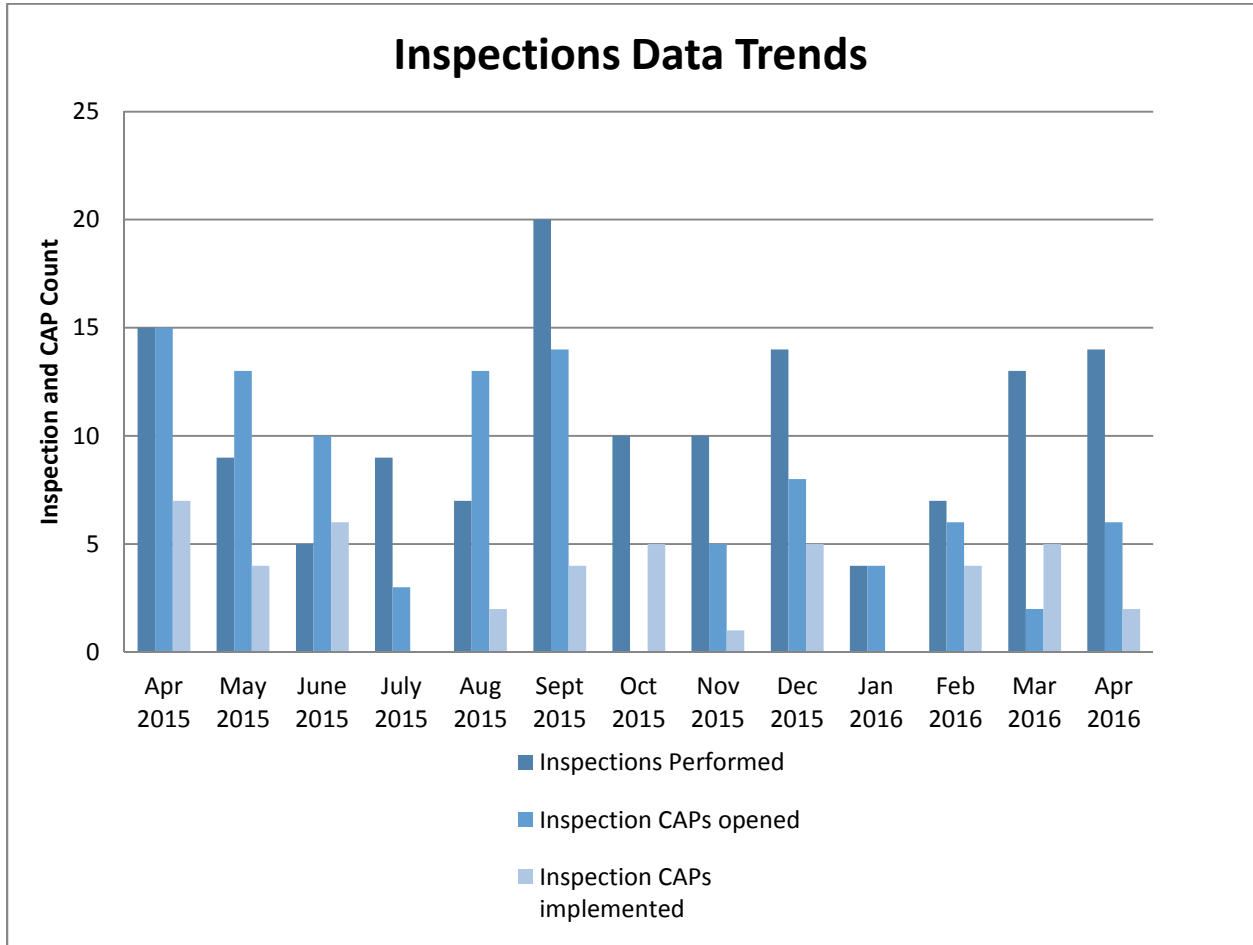
STATISTICS SUMMARY

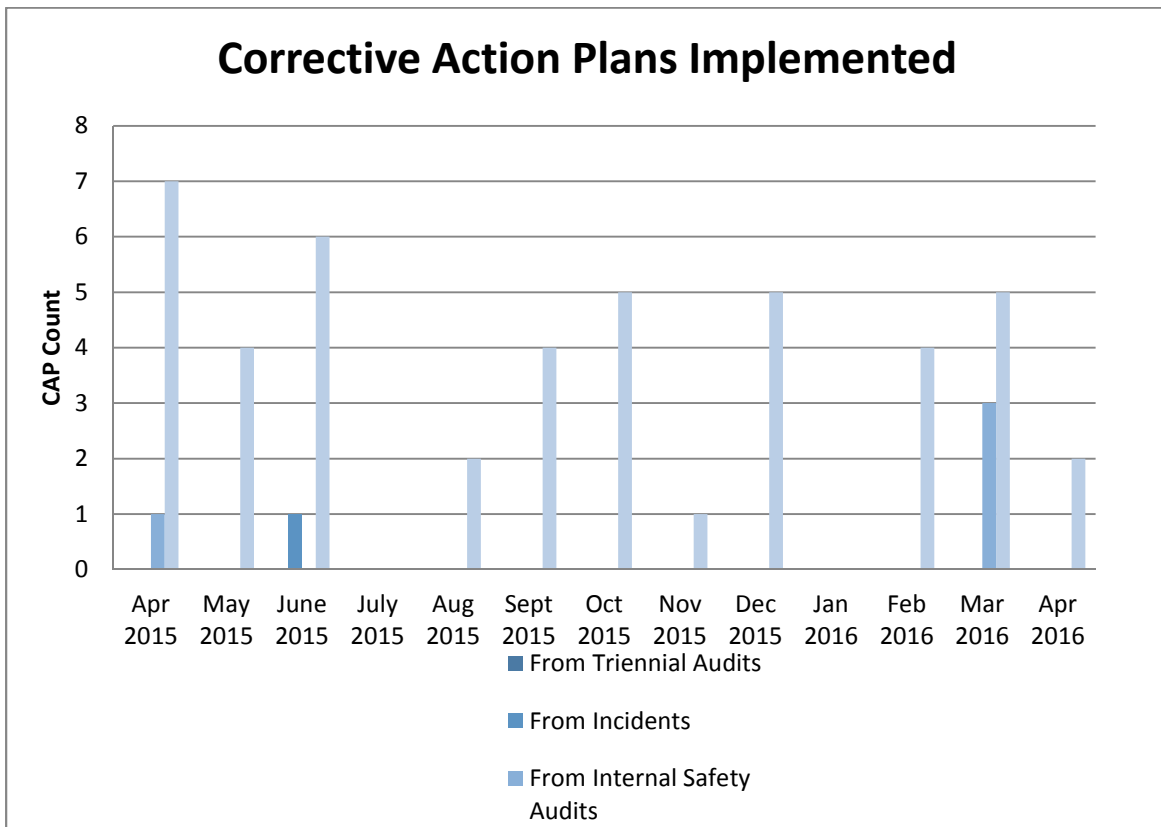
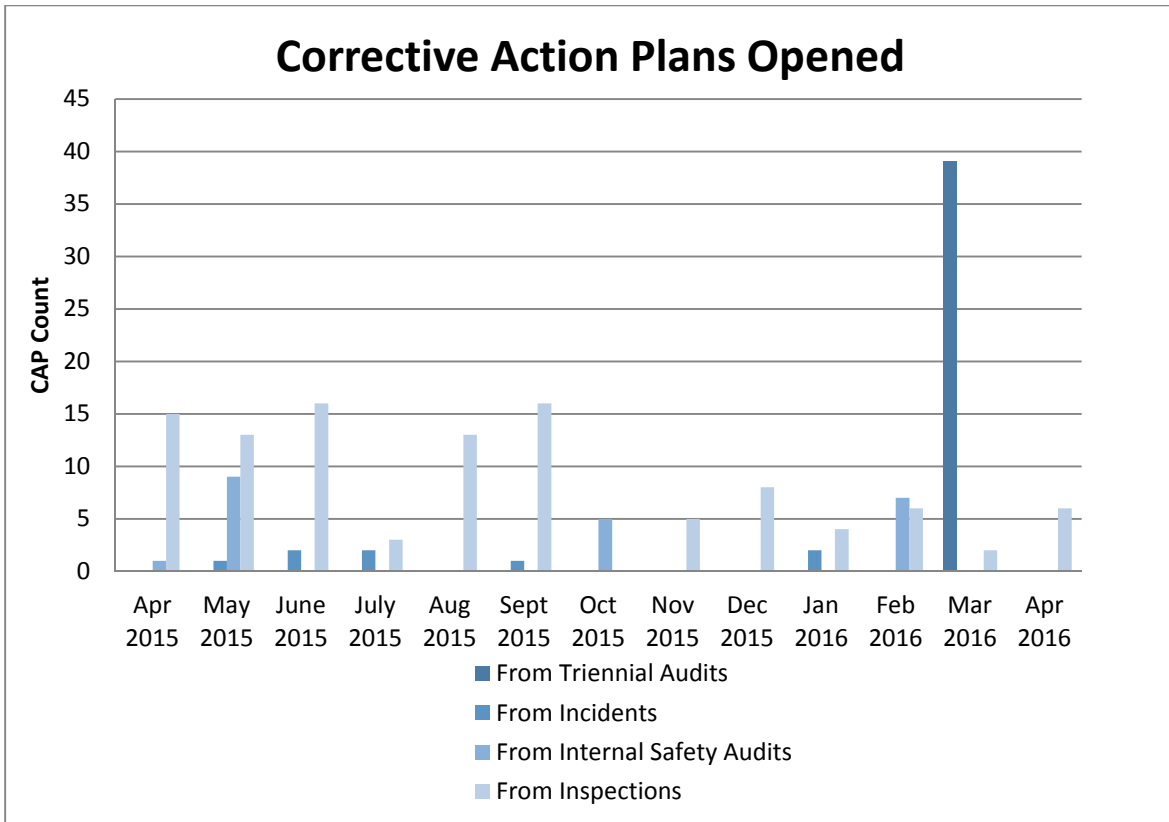
Investigations	
Incidents Reported	28
Incident Investigations Closed	72
Complaints Investigated	0
Rail Transit Inspections	14
Triennial Audits	0

Corrective Action Plans	
New Corrective Action Plans	6
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	6
Closed Corrective Action Plans	2
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	2

ONGOING DATA / TRENDS

Corrective Action Plans – Days to Complete				
CAP ID #	Relevant Code, GO, or rule	CAP Classification	Subject	Days to Complete
ME041216	GO 164-D	Inspection	Tires	30
ME041416	Cal/OSHA	Inspection	Fire Extinguishers	30
ME041516	GO 143-B, Section 14.04	Inspection	Record	30
TR041416	GO 143-B, Section 14.05	Inspection	Electrical Tripping Hazards	60
TR041216	GO 143-B, Section 14.05	Inspection	Cracked Rail and Fouled Rail flange way	30
TR042816	GO 175-A	Inspection	Roadway Worker Protection	30





UTILITY ENFORCEMENT BRANCH

(CONSUMER PROTECTION AND FRAUD INVESTIGATIONS)

KEY ENFORCEMENT ACTIVITIES

- **NobelTel (A.13-01-014)(Commissioner Sandoval/ALJ Lirag):** The Commission adopted D.16-04-018 denying NobelTel's application for a certificate of public convenience and necessity and assessing a fine of \$146,500 for operating without a license.
- **WorldVox (A.13-12-004)(Commissioner Picker/ALJ Burcham):** The Commission adopted the joint settlement between SED and WorldVox in D.16-04-024 conditionally granting a CPCN to WorldVox. As part of the settlement agreement, WorldVox shall pay \$13,000 in penalties to resolve the issues raised in SED's protest.
- **Issuance of Mass Third-Party Verification (TPV) Slamming Citations:** Pursuant to mass citations issued against TeleUno and TeleDias, both companies filed appeals under Resolution ALJ-299 (K.16-04-003 and K.16-04-004). Staff has reviewed the appeals and will move forward with hearings.
- **T C Telephone (I.16-01-012) (Commissioner Randolph/ALJ Wilgrube) (Advocacy):** SED and TC Telephone filed a joint prehearing conference statement, and have subsequently begun settlement negotiations.
- **llatanet (A.14-01-029) (Commissioner Picker/ALJ Burcham) (Advocacy):** The ALJ issued a ruling denying llatanet's motion to dismiss its application for a CPCN. llatanet had argued that they do not provide services that are regulated by the Commission, but the judge found that the services provided by llatanet are in fact prepaid calling services subject to regulation by this Commission.
- **OSP Communications LLC (I.11-05-028) (Commissioner Sandoval /ALJ Bemederfer) (Advocacy):** In D.16-03-012, the Commission approved a settlement between SED and the Billing Resource LLC, but denied SED's Order to Show Cause Motion related to the cramming violations alleged by SED against billing telephone corporations (BTCs). SED filed for a rehearing of this Decision, requesting that the Commission modify the Decision to correct alleged legal and factual errors stemming from an erroneous interpretation of Public Utility Code section 2890(a), which holds BTCs strictly liable for charges on consumers' bills. With those corrections, the Commission would have the legal and factual basis to grant a rehearing and reopen the proceeding to hold SED's requested OSC hearing against the BTCs.

OUTREACH, TRAINING AND OTHER ACTIVITIES

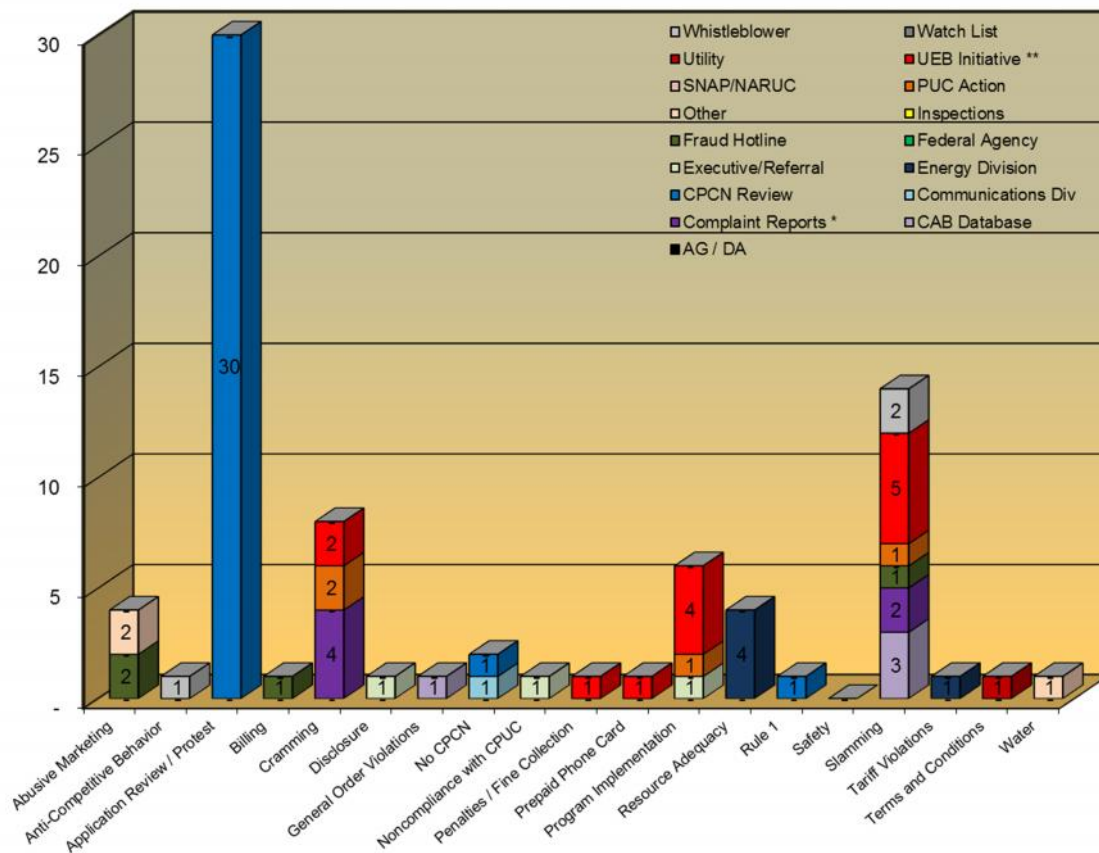
- Staff attended the April SNAP (State National Action Plan) conference call, where the discussion focused on the Lifeline Broadband Order expanding Lifeline support to broadband service and phasing out voice-only service.

- UEB Staff has prepared a Request for Offer (RFO) soliciting proposals by an outside consultant to conduct an assessment of the commission’s capabilities to ensure that the Transportation Enforcement Branch improves its performance to ensure passenger safety. This assessment was directed by the Legislature in Senate Bill 541. The RFO has been sent to prospective bidders and proposals are due back on June 10th.

ONGOING ENFORCEMENT ACTIVITIES

UEB is currently working on a total of 79 cases. Investigations center primarily on Application Protests, Cramming, and Slamming. UEB’s cases come from a variety of sources, with Application Reviews, Consumer Complaints, and UEB’s own initiation playing key roles.

Cases by Types and Sources as of April 30, 2016



* Complaint Reports consist of aggregated data from the CIMS database, Billing Aggregator Reports, and Billing Telephone Companies.

** Actions taken on Utility Enforcement Branch’s own initiative to meet Branch/Division goals and/or improve internal processes.

TRANSPORTATION ENFORCEMENT BRANCH

POLICY PROCEEDINGS

- **TNC Rulemaking (R.12-12-011) (ALJ Mason/Commissioner Randolph) (Advocacy):** On April 21, 2016 – D.16-04-041 adopting Phase II rules and reserving issues for Phase III.
- **Passenger Stage Corporation Certificate Rulemaking (R.09-12-001) (ALJ Colbert/Commissioner Florio) (Advisory):** On April 7, 2016, D.16-04-005 Denying Petition for Modification was adopted. Proceeding (re)closed.

ENFORCEMENT PROCEEDINGS

- **TNC Rulemaking (R.12-12-011)(ALJ Mason/Commissioner Randolph) (Advocacy):** Order to Show Cause regarding Rasier's (Uber) and Lyft's failure to submit data as required by the Commission. No activity since SED's February 29, 2016 response to Rasier Application for Rehearing.

CITATION APPEAL PROCEEDINGS

- **FC-682 (Long): Joe Santalla dba Shuttle It (TCP 28677):** SED Imposed a \$1,000 fine for failure to provide documents. April 26, 2016 Proposed Decision upholds citation, and suspends the fine until carrier resumes business, issued.
- **FC-718 (Mason): Joseph Elias dba Showtime Transportation (TCP 29245):** SED imposed a \$4,000 fine for operating while suspended, insurance violations, and General Order violations. In March 2016, SED filed a statement in response to carrier's appeal, but Elias did not respond to ALJ. Awaiting ALJ's Ruling.
- **FC-772 (MacDonald): Yabsra Transportation LLC (TCP 31748):** SED imposed a \$3,000 fine for Public Utilities Code and General Order (G.O.) 157-D violations. ALJ rescheduled hearing to May 12, 2016 in San Diego.
- **FC-788 (not yet assigned): Miguel Angel Duenas dba VIP Transportation Services (TCP 26782):** SED imposed a \$5,000 fine for Public Utilities Code and G.O. 157-D violations. On April 26, 2016, the ALJ granted the carrier's request for a 30-day extension to late-file an appeal.

CARRIER APPLICATION PROCEEDINGS

- **Silverado Stages, Inc./A.13-10-023/Examiner Malashenko (Advisory):** In April 2016, Silverado Stages requested to withdraw an expansion application. Granted.

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- **RidePal Inc./A.13-12-014 (Commissioner Randolph/ALJ Mason) (Advocacy):** Received notification on October 22, 2015 that company is liquidating its assets. On December 4, 2015, applicant's counsel moved to withdraw representation.
- **Adriana O'Farrell, dba Metro Express of California/A.14-03-005/Examiner Malashenko (Advisory):** Carrier appears to have abandoned application; SED preparing a proposed denial of application for failure to provide required documents.
- **Kong Da Express/A.14-10-016/Examiner Malashenko (Advisory):** Decision 16-03-019 grants application and closes proceeding.
- **Curtin Maritime/A.15-01-005 and Avalon Freight Services/A.14-10-015 (Commissioner Randolph/ALJ Farrar) (Advisory):** Seeks CPCN to operate as a vessel transport of freight between Port of Long Beach and all points on Santa Catalina Island, and between any points on Santa Catalina Island. On April 6, 2016, Curtin Maritime filed application for rehearing of D.16-02-024.
- **Kiddy Cab Shuttle, Inc./A.15-01-012/Examiner Malashenko (Advisory):** Applicant responded to amendment request to register with Trustline.
- **Blue & Gold Fleet, L.P. (A.15-08-009) (ALJ Ayode/Commissioner Randolph) (Advocacy):** Application for Authority to adjust fares on Its Vessel Common Carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco. Prehearing conference rescheduled for July 26, 2016.
- **PropSF, LLC (A.15-08-014) (ALJ Yacknin/Commissioner Randolph) (Advocacy)** Application for authority to operate as a scheduled vessel common carrier between points in Redwood City, Alameda, San Rafael, Emeryville, Oakland, San Leandro, and San Francisco and to establish a ZORF. ALJ to schedule prehearing conference to consider whether to consolidate A.15-08-014 and A.15-12-021.
- **Let's Go Now! LLC/A.15-08-020/Examiner Malashenko (Advisory)** Application for authority to provide service between Modesto, Stockton and Tracy, on the one hand, and San Francisco International Airport, on the other hand; and to establish a Zone of Rate Freedom. SED's Proposed Decision under review.
- **Swoop Shuttle Service LLC, doing business as Swoop/A.15-11-004/Examiner Malashenko (Advisory):** Application for authority to provide service on/within California Polytechnic University in San Luis Obispo. SED drafted Proposed Order of Dismissal, under review.
- **Tideline Marine Group, Inc. doing business as Tideline Water Taxi (A.15-12-021) (ALJ Yacknin/Commissioner Randolph) (Advocacy):** Application for authority to provide unscheduled, on-call water taxi service and scheduled service between points in the San Francisco Bay. Assigned to ALJ.
- **Temecula Air Shuttle LLC / A.16-02-010 / Examiner Malashenko (Advisory):** Application for authority to operate as a passenger stage corporation between points in the Counties of Riverside, San Diego, and the San Diego International Airport and grant a ZORF (zone of rate freedom) applicable to the fares authorized. Staff analyzing application.

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- **Blue & Gold Fleet, L.P. / A.16-04-012 / Examiner Malashenko (Advisory):** Application for authority to increase fares on its vessel common carrier service on San Francisco Bay between Sausalito and authorized points in San Francisco and for a Zone of Rate Freedom. In protest period.
- **Blue & Gold Fleet, L.P. / A.16-04-013 / Examiner Malashenko (Advisory):** Application for authority to increase fares on its vessel common carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco and for a Zone of Rate Freedom. In protest period.
- **Blue & Gold Fleet, L.P. / A.16-04-014 / Examiner Malashenko (Advisory):** Application for authority to increase fares on its vessel common carrier service on San Francisco Bay between Angel Island State Park and authorized points in San Francisco and for a Zone of Rate Freedom. In protest period.
- **Lorrie’s Travel and Tours, Inc. / A.16-04-019 / Examiner Malashenko (Advisory):** Application to expand its service area to include on-call, door-to-door shuttle service between points in Alameda, Contra Costa, Santa Clara and San Mateo counties, and San Francisco International Airport, and for a Zone of Rate Freedom. In protest period.

ENFORCEMENT ACTIVITY

TEB is working on a total of 160 cases. Investigations center on illegal carriers or violations of the Public Utilities Code, General Orders or Commission decisions. TEB’s cases come from a variety of sources, such as complaints from carriers or consumers, and those opened on TEB’s inspections or own initiative.

In April 2016, TEB closed 39 cases, initiated 34 cases and issued fines totaling \$19,000.

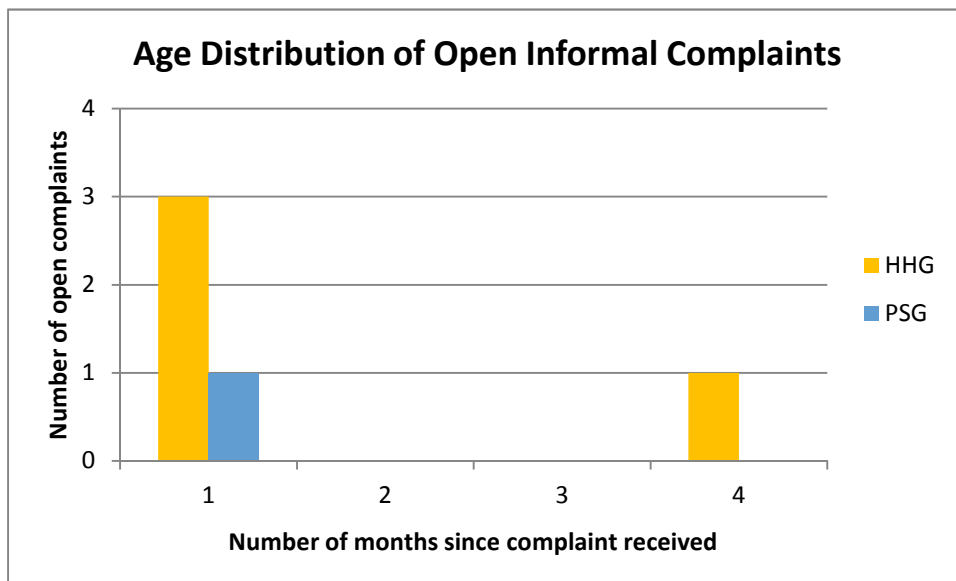
Enforcement Section	Passenger Carriers	Household Hoods
Investigations Initiated	27	7
Investigations Completed	27	12
Open Investigations as of 4/30/16	102	58
Cease and Desist Orders	15	7
Administrative Citations	6	5
Fines Assessed	\$12,000	\$7,000

LAX ONSITE CITATION PROGRAM

CPUC Citations	LAX PD Citations	Vehicles Impounded	Cease & Desist Notices	Fines Collected
1	2	2	0	\$1,000

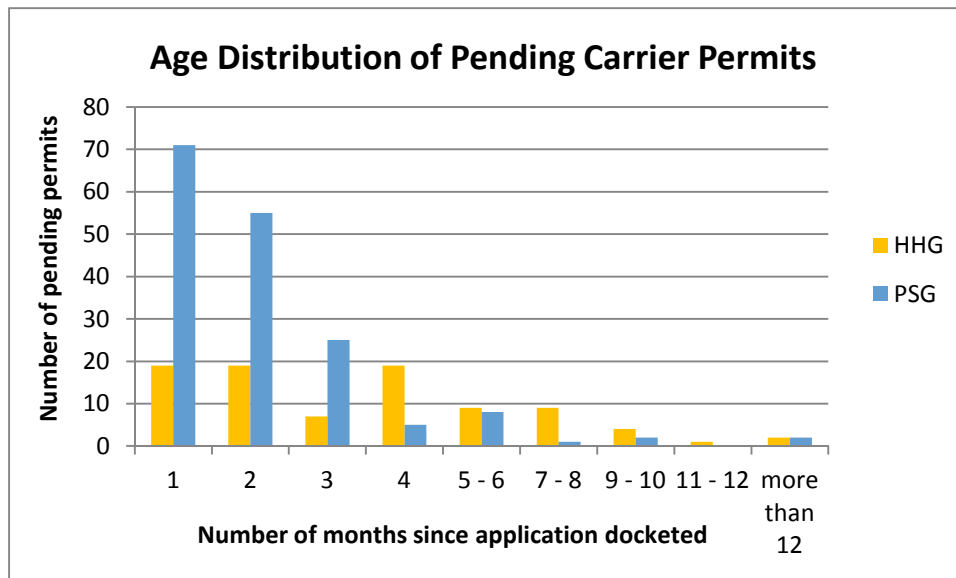
CONSUMER INTAKE COMPLAINT SETTLEMENTS

- **CIU 20150454 - Starving Students Inc. Los Angeles (T-116476).** Mover paid \$400 to customer for loss and damage and overcharges.
- **CIU 20160006 - Golden Gate Moving Co LLC South San Francisco (T-190001).** Mover paid \$2,000 to customer for loss and damage and overcharges.
- **CIU 20160052 - Usama Al Bostani, dba Airport Express Shuttle, Redondo Beach (TCP 6595).** Carrier refunded \$90 for failure to provide contracted service.
- **CIU 20160154 - Lyft, Inc, dba Lyft, San Francisco (TCP 32513).** Carrier provided \$45 in Lyft credits for damaged clothing.
- **CIU 20160156 - Hansen Jack D dba Hansens Moving and Storage (T-160524).** Mover refunded \$1,000 deposit to customer.
- **CIU 20160167 - Raiser-CA, LLC dba Raiser-CA. LLC (TCP 32512).** Carrier provided \$5 refund for failure to provide contracted service.



APPLICATION AND PERMIT ACTIVITY

Type of Activity	Passenger Carrier	Household Goods
New Applications Received	68	14
Renewal Applications Received	184	0
Refile Applications Received	11	3
Transfer Applications Received	8	1
Permits Issued	314	14
Permits Suspended	995	67
Permits Revoked	102	7
Permits Reinstated (from suspension/revocation)	552	53
Applications awaiting action by DMV and/or CHP	281	72
Carrier-initiated suspensions	38	0
Carrier-initiated revocations	22	0
Vehicles Added/Deleted	672	0
Address and Business Name Changes	189	0
Terminal Inspection Notices Sent to CHP	246	0
Total Active/Suspended Authorities as of 4/30/16	8885	1045



TRANSPORTATION NETWORK COMPANY APPLICATIONS

Date received	DBA	Carrier#	Application Status
3/8/2016	Tagsi Inc.	PSG0036284	April 15, 2016 – Issued authority.
3/10/2016	Supershuttle Los Angeles Inc.	PSG0036288	No response to first deficiency letter sent March 10, 2016.
3/10/2016	Supershuttle San Francisco, Inc.	PSG0036289	No response to first deficiency letter sent March 10, 2016.
3/10/2016	Cloud 9 Shuttle Inc.	PSG0036290	No response to first deficiency letter sent March 10, 2016.
3/10/2016	Sacramento Trans Systems Inc.	PSG0036291	No response to first deficiency letter sent March 10, 2016.
3/10/2016	Mini Bus Systems Inc.	PSG0036292	No response to first deficiency letter sent March 10, 2016.
3/16/2016	Quickie Technologies	PSG0036308	No response to first deficiency letter sent March 16, 2016.
Date received	DBA	Carrier#	Application Status
3/16/2016	Wuums, Incorporated	PSG0036309	No response to first deficiency letter sent March 16, 2016.
3/16/2016	Etacar Inc.	PSG0036310	No response to first deficiency letter sent March 16, 2016.
3/16/2016	Ride Plus, LLC	PSG0036311	No response to first deficiency letter sent March 16, 2016.
3/16/2016	LLW Express Couriers, LLC	PSG0036312	No response to first deficiency letter sent March 16, 2016.
3/16/2016	City Ride Inc.	PSG0036313	No response to first deficiency letter sent March 16, 2016.

OUTREACH, TRAINING AND OTHER ACTIVITIES

- 04/06/2016 Better Business Bureau of Northeast California, Sacramento.** Northern California-based TES and News and Outreach staff participated in a joint presentation for the staff of the BBB. Topics covered were the rules and regulations for household goods carriers, how to find a Commission-licensed mover and the complaint handling process. Outreach Officer discussed the various outreach efforts to promote CPUC programs and initiatives that can help consumers reduce utility bills and how to file utility complaints.

- **04/12/2016 California Moving and Storage Association.** TEB Program Manager met with the Executive Director of the California Moving and Storage Association to discuss enforcement of illegal carriers and proposed increase in carrier fees.
- **04/13/2016 Shasta County District Attorney's Consumer Fraud Roundtable.** Northern California-based staff participated in a roundtable discussion attended by enforcement staff from several local, county and state agencies (FTB, DCA, CSLB, ABC, BAR, DRE, among others) to review matters that concern consumers. The cooperation between agencies was critical to the resolution some of the issues.
- **04/20/2016 Pop Up Session.** San Francisco staff attended the first Pop Up session: Getting to Yes.
- **04/28/2016 San Jose Airport (SJC).** San Francisco Enforcement staff along with the San Jose Ground Transportation Unit, San Jose Police Department (SJPD), California Highway Patrol (CHP) Motor Carrier unit, and Santa Clara County Weights and Measures conducted a surprise inspection of passenger transportation companies. A total of 165 vehicles were inspected by the CPUC; which included 65 TNC vehicles. Common violations included TCPs operating without workers' compensation insurance, and TNC drivers unable to produce waybills. SJPD inspected 117 TNC drivers and issued 89 warnings for lack of business license. Weights and Measures inspected 42 taxis and failed four (2 minor violations, one overcharge, one not registered). The CHP inspected two buses and found one bad tire, an unqualified driver, lack of California number, and one expired registration.

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