BART fined $1.3 million for 2013 track worker deaths

The deaths stemmed from "numerous and egregious safety violations" at the agency, California Public Utilities Commission officials said.

The California Public Utilities Commission (CPUC) late last week fined Bay Area Rapid Transit (BART) $1.3 million for the death of two track workers during an October 2013 strike.

The commission also placed BART on three-year probation for safety failures that led to the deaths.

The fine is the largest the commission has ever imposed on a public agency for safety violations, CPUC officials said in a news release.

On Oct. 19, 2013, a BART train struck and killed a BART manager and contractor who were working on tracks between the Walnut Creek and Pleasant Hill stations. A trainee operator — who was also a BART manager — was operating the train under direct supervision of another BART manager who was in control of the train.

After a lengthy investigation, the CPUC determined that BART violated several safety rules and requirements, and that some or all of the violations "likely contributed in some manner to the incident" commission officials said.

Those violations include repeated use of a cell phone by the trainer, failure of the trainer to directly supervise the trainee, failure to sound the train's horn prior to the incident, failure to comply with BART's safe clearances rule and the agency's failure to provide a timely and adequate investigative report.

"These fatalities were totally preventable," said CPUC Commissioner Liane Randolph. "Our investigation found numerous and egregious safety violations by BART. We cannot undo the harm to [the track workers] or their families. What we can do is to make sure that BART makes safety its No. 1 priority now and in the future."

During its probation, BART must report to the CPUC any violations of safety rules, practices,
policies or procedures. The transit agency also must re-evaluate its current safety training programs and culture, and implement an improvement plan.

The probationary period can be extended if needed, CPUC officials noted. However, if BART complies with safety rules during its probation, half the fine will be stayed.

BART officials are evaluating the CPUC's decision, they said in an Oct. 11 statement. "BART has worked with the CPUC and others to identify and address all potential causes of the accident," BART officials said. "BART responded swiftly to the accident by abolishing its prior wayside access procedures, working with an independent association to create and implement new wayside access procedures, and retraining all employees and contractors who might access BART's wayside."