

N E W S R E L E A S E

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Cal/OSHA Fines BART \$210,000 in 2013 Accident that Killed 2 Transit Workers

Concord—Cal/OSHA cited Bay Area Rapid Transit District (BART) today for willful serious safety violations that resulted in two workers being killed by a fast-moving train in Walnut Creek last October. The citations carry proposed penalties totaling \$210,000.

Cal/OSHA issued the [citations for three willful serious violations](#) after its investigation found the following:

- The two workers who were killed, Christopher D. Sheppard and Laurence E. Daniels, did not meet the qualifications to perform work near hazardous energized third-rails. Sheppard was a BART special projects manager, Daniels was a contractor and consulting engineer.
- A trainee was at the controls when the accident occurred—his trainer, a high-ranking transportation manager, was seated in the passenger car with other BART managers and another trainee. He could not view the track from his vantage point in the passenger car.
- BART’s “simple approval” procedures for employees working on the tracks were both inadequate and not followed.

“Employers in California must comply with safety standards to protect their employees, and diligence is vital in hazardous working conditions,” said Christine Baker, Director of the Department of Industrial Relations (DIR). Cal/OSHA is a division of DIR.

When the accident occurred on October 19, trains were being operated on a non-passenger basis. BART train 963, a four-car train operating in automatic mode traveling at more than 65 miles per hour with an inexperienced operator-in-training at the controls, was proceeding to its destination of Pleasant Hill station around 1:45 p.m. The high-ranking manager designated as the trainer was seated in the passenger area with three BART managers and another trainee instead of maintaining a position next to the trainee in the control cab. Although he could see the trainee at the controls from behind

the open control cab door, the trainer was not located in a position to closely view the trainee's actions and observe the track. The trainee saw the workers and was attempting to sound the horn and stop the train when the workers were struck.

"Employers have a responsibility to ensure worker safety," said Acting Cal/OSHA Chief Juliann Sum. "Safety standards are designed to save lives and they were not followed."

BART had its "simple approval" authorization process in place at the time of the accident, which made employees working on train tracks responsible for their own safety. On two previous occasions, in 2001 and 2008, employees were fatally injured while operating under "simple approval" authorization. Cal/OSHA issued citations after investigations of both incidents. The day after the 2013 fatality accident, BART suspended the "simple approval" process for track maintenance.

Cal/OSHA issues citations for serious workplace safety violations when there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The violation is classified as willful when an employer is aware that a hazardous condition exists and no reasonable effort is made to eliminate the hazard.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. Employers who want to learn more about California workplace health and safety standards or labor law violations can access information on DIR's [website](#) as well as on [Facebook](#) and [Twitter](#).

Cal/OSHA's [Consultation Program](#) provides free and voluntary assistance to employers and employee organizations to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from the Cal/OSHA Consultation Program.

Employees with work-related questions or complaints may call the toll-free California Workers' Information Line at (866) 924-9757 for recorded information, in English and Spanish, on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA District Offices](#).

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